

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 4 January 2023 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Mr B Brisbane (Vice-Chairman), Rev J H Bowden, Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

AGENDA

1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 8)

The minutes relate to the meeting of the Planning Committee on 7 December 2022.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 10(b).

4 **Declarations of Interests** (Pages 9 - 10)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 7 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **CC/22/02355/DOM - Rye Cottage West Broyle Drive Chichester West Sussex PO19 3PP** (Pages 11 - 19)
Double garage with storage/home office above.
- 6 **CC/19/02241/FUL - Glenmar House, Brandy Hole Lane, Chichester, West Sussex, PO19 5RJ** (Pages 21 - 41)
Demolition of the existing building and the construction of 6 no. flats with associated car parking and external works.
- 7 **NM/21/03547/FUL - South Mundham Farm, South Mundham Road, South Mundham PO20 1LU** (Pages 43 - 57)
Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units. Variation of condition 1 (the plans condition, in respect of the internal layout only), and removal of condition 26 (to allow for first floor accommodation within barns 4, 5 and 6), in relation to planning permission 19/00677/FUL
- 8 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 59 - 74)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 9 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 75 - 77)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 11 **Exclusion of the Press and Public**
The committee is asked to consider in respect of the following item(s) whether the public interest including the press should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members of the Cabinet and senior officers only (salmon paper)**
- 12 **Planning Appeal Decision** (Pages 79 - 88)
The Planning Committee is requested to consider the exempt report and make the proposed recommendations as stated in section 2.1 of the report.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website

at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.

3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. Subject to Covid-19 Risk Assessments members of the public are advised of the following;
 - a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages
 - b. Where a member of the public has registered a question they will be invited to attend the meeting and allocated a seat in the public gallery
 - c. You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.
6. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order

CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order

Public Document Pack Agenda Item 2



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 7 December 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr B Brisbane (Vice-Chairman), Mr G Barrett, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers and Mrs S Sharp

Members not present: Rev J H Bowden, Mr R Briscoe, Mrs J Fowler and Mr P Wilding

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr D Price (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Divisional Manger for Planning), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr C Thomas (Senior Planning Officer), Mr T Day (Environmental Coordinator) Mr D Henly (Senior Engineer (Coast and Water Management)), Mr T Townsend (WSCC Highways) and Mrs F Baker (Democratic Services Officer)

31 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

Apologies were received from Cllr Bowden, Cllr Briscoe, Cllr Fowler and Cllr Wilding.

32 **Approval of Minutes**

Following a vote, the minutes of the meeting held on 9 November 2022 were agreed as a true and accurate record.

33 **Urgent Items**

There were no urgent items.

34 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda Item 5 – SB/21/01910/OUT- Member of West Sussex County Council
- Agenda Item 6 – CH/21/02303/OUT – Member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 5 – SB/21/01910/OUT- Member of West Sussex County Council
- Agenda Item 6 – CH/21/02303/OUT – Member of West Sussex County Council

Mr Potter declared a personal interest in;

- Agenda Item 7 – SDNP/22/04375/FUL – CDC External Appointment to South Downs National Park
- Agenda Item 8 – SDNP/22/03304/HOUS – CDC External Appointment to South Downs National Park

Mrs Sarah Sharp declared a personal interest in;

- Agenda Item 5 – SB/21/01910/OUT- Member of West Sussex County Council
- Agenda Item 6 – CH/21/02303/OUT – Member of West Sussex County Council

35 **SB/21/01910/OUT - Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham PO18 8UJ**

The Chairman invited Ms Stevens to address the Committee. Ms Stevens read out the following statement;

‘... As some present today may already be aware the Government very recently announced changes to the way in which housing supply will be calculated. In particular, in a ministerial statement published last night the government announced that local authorities who are at an advanced stage in their Local Plan making will be subject to new transitional arrangements that make these places less at risk from speculative developments, by reducing the amount of land which they need to show is available for housing from five years supply to four years.

The Council recently published our 5-year supply position, which shows we have a supply of 4.74 years.

In addition to the change in housing supply requirements it is also understood that amendments to the NPPF will be consulted upon before Christmas.

At this time, there are no specific details of the proposed changes, or the transitional arrangements. It is not clear, for example, what the government define as an advanced stage of plan making, therefore officers can't advise members whether or not they need to apply the tilted balance to the application at this time.

It is therefore the officer's recommendation that the application is deferred from this meeting to allow officers time to seek clarification on this matter. It will come back to planning committee once details of how the transitional arrangements will affect the consideration of this application are known.'

To clarify Ms Stevens confirmed the recommendation was amended to defer.

Following Ms Stevens statement, the Chairman proposed the Committee moved straight to the vote to defer the item, in line with the officer recommendation.

Following a vote, the Committee voted in favour of the amended officer recommendation to **defer for further clarification**.

Resolved; **defer for further clarification**

**Cllr Oakley joined the meeting at 9.38am*

**Members took a five minute break.*

36 **CH/21/02303/OUT - Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP**

The Chairman invited Ms Stevens to address the Committee ahead of the report presentation.

Ms Stevens explained the report being considered was a windfall development site and was covered by a policy within the Chidham & Hambrook Neighbourhood Plan which states; '*...that development of 10 or fewer units on windfall sites will be acceptable*', therefore any decision made would not need to take into account the tilted or non-tilted balance (which officers were currently unable to advise on following the publication of a recent Ministerial Statement on planning).

Mr Thomas presented the report. He drew attention to the Agenda Update Sheet which included an amendment to the recommendation – Defer for S106 then permit; and an amended description.

Mr Thomas outlined the application site and explained that it was located within the Parish of Chidham & Hambrook; between the settlements of Nutbourne and Broadbridge. He drew attention to the site access which would be via Drift Lane on the western side of the site.

Mr Thomas showed that the site was well enclosed, particularly to the south of the site where there was existing tree planting and neighbouring residential developments. He highlighted the proximity of the proposed development to the Chaswood Nursery site, which would adjoin on the eastern boundary edge. The Chaswood Nursery site had recently had an appeal allowed for the outline permission of 26 dwellings.

Mr Thomas showed the Committee the proposed access arrangements and internal road layout, along with an indicative layout of the proposed nine bungalows and the tree planting that would be provided to screen the site.

Mr Thomas explained the measures proposed to achieve nitrate neutrality and confirmed they had been reviewed by Natural England who raised no objections.

Mr Thomas explained the site would be enclosed by residential development.

The following representations were made;

- Cllr Jane Towers – Chidham & Hambrook Parish Council
- Mr Stephen Johnson – Objector
- Cllr Adrian Moss – CDC Member

Officers responded to comments and questions as follows;

In response to concerns regarding the proposed wildlife corridor; Mr Thomas confirmed the development site was located within the proposed wildlife corridor. In addition, Ms Stevens reminded the Committee that the Strategic Wildlife Corridor was a proposed policy within the emerging Local Plan and as such carried limited weight at this time. However, the proposed policy did not prevent development from taking place within the corridors, applications were carefully considered on an individual basis, taking into account any potential impact on the species known to be using the corridors. She assured the Committee no precedent would be set if they permitted development within the corridor.

On the matter of local services; Mr Thomas informed the Committee the nearest services were located in Nutbourne and Broadbridge. Ms Stevens acknowledged that not all services were within walking distance of the site, however, she advised the Committee if they chose to refuse the application on the grounds of insufficient access to services, they would have to demonstrate what made the development being considered different from the adjoining Chaswood Nursery site. The Planning Inspector had considered access to services as part of the Chaswood Nursery appeal and allowed the appeal, as it did conform with Policy 8 of the Local Plan.

On the matter of marketing the site; Mr Thomas drew the Committee's attention to the report (para 8.38 P.126). He confirmed a B8 use would normally be required to undertake a marketing campaign, however, as there was no third-party employment at the site officers did not believe it was necessary for the purpose of Policy 26.

Ms Stevens explained in further detail the use of the land and what was permitted on site. If the application was refused it would not mean the use and storage currently offered would remain.

On the matter of flood risk; Ms Stevens confirmed the current information available had been used to assess the flood risk at the site.

With regards to any current traffic limit on site; Mr Thomas explained there was a condition which limited the number of caravans stored on site to 90, but there was

no condition to limit vehicle movements. In addition, West Sussex County Council Highways had raised no objection to the application.

In response to concerns regarding sewage capacity; Ms Stevens confirmed the Planning Policy team were working closely with Havant Borough Council and therefore the figures provided included development coming forward from Havant. Southern Water had confirmed there was capacity for this development.

On the proposed nitrate neutrality measures; Mr Thomas explained the scheme proposed mitigation measures. The calculations had been assessed by an independent assessor and reviewed by Natural England who raised no objections. Trees would be planted at a density of 100 trees/ha.

With regards to the proposed floorspace; Mr Thomas explained this matter would be determined as part of the Reserved Matters application, along with any relevant developer contributions such as affordable housing.

Mr Thomas agreed that if the application were permitted an additional condition to ensure the road could accommodate a refuse vehicle would be included.

On the matter of the proposed housing mix; Mr Thomas confirmed the Council's housing officer had reviewed the application and was content that the proposal was in line with the required housing mix and did satisfy local need.

For clarification Ms Stevens and Mr Thomas confirmed the area of land which was included within the application site and outlined areas of land which would be used for the nitrate neutrality mitigation, also in the applicant's ownership, which would be secured through condition.

Following debate, the Committee remained concerned about the detrimental impact the development would have the proposed wildlife Corridor; the capacity of sewage network and the loss of an employment site.

Noting officer advice, Cllr McAra proposed the application be refused, against officer recommendation, due to the loss of the commercial enterprise on site, without any evidence to demonstrate it was no longer viable enterprise contrary to Local Plan policy 26.

Cllr Potter seconded the proposal.

Following a vote, the Committee voted in favour of Cllr McAra's proposal to **refuse** the application.

Resolved; **Refuse**, due to the loss of the commercial enterprise on site, without any evidence to demonstrate it was no longer a viable enterprise, contrary to Local Plan policy 26.

**Members took a ten minute break.*

37 **SDNP/22/04375/FUL - Greenacres Farm Trotton Road Elsted West Sussex GU29 0JT**

Mr Price presented the report. He outlined the site location and highlighted its proximity to the neighbouring settlement of Elsted Marsh. The site was visible from a nearby public right of way (footpath 879) which passed to the north of the proposed development.

Mr Price highlighted the proposed development site in red, access to the site would be from an existing entrance.

Mr Price explained the existing bungalow had been removed and work had commenced on the development which received permission in 2017. He outlined the plans of the original bungalow and drew members attention to its footprint, which was 140sqm. The scale of the existing footprint was a critical part of the consideration when applying SD Policy 30.

Mr Price outlined the proposed ecological and planting enhancements which would be included as part of the development.

The Committee were shown proposed elevations and how they differed from the 2017 application. In officer opinion the design and materials proposed were of a high standard.

The following representations were made;

- Cllr Andrew Shaxson – Elsted & Treyford Parish Council

Officers responded to comments and questions as follows;

Mr Price explained the technical guidance note which accompanied SD Policy 30 was very clear in how the policy should be applied in terms of dwelling size. Dwellings of up to 120sqm and/or 1, 2 or 3 bedrooms should be classed as small to medium sized dwellings. The starting point for the application being considered was the size of the original bungalow which exceeded the aforementioned parameters. Mr Price explained the intention of the applicant must also be considered and it was officer opinion the applicant did not intend to abandon development on the site as the bungalow had been removed and work started on the 2017 application. He drew the Committee's attention to paragraph 8.3 on page 148 which gave further detail on the Technical Guidance Note and its application (which had been tested and supported at appeal).

With regards to how many bedrooms the bungalow had; Mr Price informed the Committee there had been 3 bedrooms and a small utility area of a size which could have been classed as a fourth bedroom. In addition, Mr Saunders clarified why a utility room could be classed as fourth bedroom.

On the matter of water neutrality; Mr Saunders explained there was no net increase in the number of bedrooms, therefore there was no requirement for any mitigation measures.

Following a vote, the Committee voted in favour of the report recommendation to **permit**.

Resolved; **permit**; subject to the conditions and informatives set out in the report.

**Members took a 5-minute break.*

**Cllr Rodgers left the meeting at 11.40am*

38 **SDNP/22/03304/HOUS - Hurstfield House B2146 Ditcham Lane To Hurst Mill Lane Hurst South Harting West Sussex GU31 5RF**

Mr Price presented the report. He outlined the site location which was located approximately 2.5 kilometres to the west of South Harting. It was a predominately rural location.

The original annexe was relatively small comprising of one bedroom. The proposed replacement was slightly further south of the principle dwelling but would be developed over part of the footprint of the existing annexe. Mr Price explained the proposal was for a single storey structure comprising of two bedrooms, a living and dining area, a kitchen, two bathrooms and basement for plant/machinery and storage.

Mr Price showed the Committee the proposed elevations and outlined the increase in size and scale. He explained the applicant proposed to remove an existing summer house and greenhouse, floorspace from both being added to the original floorspace GIA and footprint.

The following representations were made;

- Mr Stephen Liddle – Owner
- Cllr O’Kelly – CDC Ward Member (statement read by Mrs Fiona Baker)

Officers responded to comments and questions as follows;

With regards to limiting occupancy of the building; Mr Price explained there were occasions where conditions regarding use could be added to an application. However, he advised the Committee they must first consider whether the development proposed was truly ancillary to the principal building, and what it was replacing in terms of size and scale.

On the matter of water neutrality; Mr Saunders clarified there was a proposed increase in bedrooms, and therefore assumed occupancy. There had been no supporting evidence to demonstrate how water neutrality would be achieved as result of the uplift. Members could defer the application to allow the applicant to provide the necessary information, however, it would not change the principle of whether the application was acceptable or not.

With regards to the basement; Mr Price highlighted the proposed entrance to the basement and explained it would be for plant, utilities and storage.

With regards to the definition of an annexe; Mr Price confirmed they could be detached but they maintained a very close relationship with the main house.

On the matter of the existing annexe; Mr Price explained it had been subject to an lawful development certificate in 2011 and read out the terms under which the certificate had been issued, which defined the extent of its use at that time.

Following a vote, the Committee voted in favour of the report recommendation to **refuse**.

Resolved; **refuse**, for the reasons set out in paragraph 10 of the report.

39 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Cllr Oakley drew the Committee attention to p.177; Littlemead Business Centre and encourage members to read the report in full.

The Committee agreed to note the item.

40 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

The Committee agreed to note the item.

41 **Consideration of any late items as follows:**

There were no late items.

42 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.15 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 7 December 2022

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr G A F Barrett – Manhood Peninsula Partnership
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- Mr H Potter – South Downs National Park Authority

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs D Johnson – Chichester Harbour Conservancy

Personal Interests – Other Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a member of the outside organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:


- Mr B Brisbane – Chichester Conservation Area Advisory Committee (Member)
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)


Parish: Chichester	Ward: Chichester West
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CC/22/02355/DOM

Proposal	Double garage with storage/home office above.		
Site	Rye Cottage West Broyle Drive Chichester West Sussex PO19 3PP		
Map Ref	(E) 484066 (N) 106516		
Applicant	Mr & Mrs R. Bennett	Agent	Mr Richard Stefanski

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

- 1.1 Red Card: Cllr Apel: Important information/opinion to raise in debate (design, impact on neighbour amenity, trees, potential for use as separate dwelling)

2.0 The Site and Surroundings

- 2.1 The application property is a substantial two-storey detached dwellinghouse, located west of West Broyle Road cul-de-sac, outside of the Settlement Boundary within Chichester Parish. The dwellinghouse is of brick construction, with pitched tiled roof and white fenestration. It occupies a large plot, with the main dwelling being set back from the access road. The site features lawned amenity space, a detached single-storey outbuilding, gravel driveway and parking area, and mature trees. Boundary treatments include mature hedgerows.
- 2.2 The dwellinghouse is surrounded to the north, east and west by detached residential properties of mixed scale and style. To the south of the property is farmland and woodland.

3.0 The Proposal

- 3.1 Construction of double garage with storage/home office above
- 3.2 Dimensions:
- 8.00 metres width
 - 7.30 metres depth
 - 5.60 metres height

4.0 History

03/02512/DOM	PER	Two storey extension to rear and side of existing dwelling with single storey extension to dining room and new porch.
06/05388/OUT	REF	Erection of new dwelling.
07/00025/REF	DISMIS	Erection of new dwelling.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

None received

6.2 Third party objection comments

9 no. third party representations of objection have been received concerning the following matters:

- a) Potential for use as a separate dwelling or commercial office space
- b) Design and impact on visual amenity and rural character on grounds of excessive scale and height, and inappropriate siting.
- c) Impact on neighbouring amenity on grounds of loss of privacy through overlooking, loss of light, siting, light pollution and excessive noise
- d) Impact on trees and hedgerow
- e) Errors within submitted plans
- f) Sets precedent for future development for conversion into a separate dwelling
- g) Sets precedent for future development of similar scale, design and size along West Broyle

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester Parish at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 33: New Residential Development
- Policy 45: Development in the Countryside
- Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in early 2023. Following consultation, the Submission Local Plan will

be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 The revised National Planning Policy Framework (NPPF) was published in July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.5 Consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- CDC Planning Guidance Note 3: Design Guidelines for Alterations to Dwellings and Extensions (revised 2009)
 - West Sussex County Council Guidance on Parking at New Developments (September 2020)
- 7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Trees

Assessment

i. Principle of development

8.2 As stated within paragraph 47 of the National Planning Policy Framework (NPPF), planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.3 Policy 1 of the Chichester Local Plan (CLP) applies a presumption in favour of sustainable development providing applications accord with the policies in the plan. Policy 2 of the CLP states that development in the Rest of Plan Area (outside of any settlement boundary) is restricted to that which requires a countryside location in accordance with Policy 45. Policy 45 of the CLP further states that planning permission will be granted for sustainable development in the countryside where the proposal is well related to an existing building, does not prejudice agricultural operations, and requires a countryside setting, ensuring scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.

8.4 While the application site is within the 'Rest of Plan Area' as defined by Policy 2 of the CLP, the proposed development directly relates an existing dwellinghouse, which is located within an established residential area. The principle of development within the curtilage of the dwellinghouse is therefore acceptable, subject to compliance with other Development Plan policies, and other material considerations.

ii. Design and impact upon character of the surrounding area

8.5 Paragraph 130 of the NPPF requires planning decisions to ensure that developments are visually attractive and sympathetic to local character, including the surrounding built environment and landscape setting. Policy 33 of the CLP states that planning permission will be granted for new residential development where it can be demonstrated that the proposal respects and where possible enhances the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting layout, density, height, size, scale and detailed design. As above, Policy 45 of the CLP further requires proposals to ensure their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.

8.6 With reference to the planning history, a planning application for the erection of a new dwelling (06/05388/OUT) was refused in 2007 on the basis of not complying with the requirements of 'infill' development within the countryside, as defined within the adopted Local Plan of the time (1999). It was considered that the proposed development would involve the unacceptable sub-division of a curtilage resulting in a contrived back-land development damaging to the character of the area. A subsequent appeal was dismissed

by the Inspectorate in the grounds of the proposal not satisfying criteria for development in the countryside, and being harmful to the character of the area as a result of limited amenity space in the context, and proximity to the boundary with neighbouring property Greenways (07/00025/REF refers).

- 8.7 The proposed development under consideration is not for a new dwellinghouse, and therefore previous issues of curtilage sub-division and separation of amenity space are not relevant. The proposed design is consistent with use ancillary to the main dwelling, demonstrating reliance in terms of kitchen, bathroom and bedroom facilities. It is recommended that a condition is imposed to secure ancillary use of the building in perpetuity.
- 8.8 As originally submitted, the proposed scale and siting of the garage were comparable to the previously refused development. However, the following third party objection comments and in response to Officer concerns raised with regards to the scale of the proposal, amended plans submitted show a 1.8 metre reduction to the ridge height, and a 2 metre reduction to the width of the building. West Sussex County Council guidance advises that for garages to be of sufficient size, they should be at least 6 metres by 3 metres internally. It further comments that garages meeting these dimension requirements will be regarded as an allocated parking space of 0.5. Given that the proposed development is for a double garage, it is assessed that the proposed internal dimensions of approximately 6.9 metres by 6.3 metres are aligned with this guidance and therefore not excessive.
- 8.9 In addition to providing garaging facilities, the proposed development is for home office/storage space, to be provided a first-floor level, with associated WC at the ground floor. To maximise the loft space, two no. east-facing dormer windows are proposed. Amended plans show a reduction in the scale of the windows in response to third party concerns. While CDC design guidance generally discourages dormer windows on front elevations, it is considered that their visual impact is acceptable on account of their symmetrical positioning and being subordinate to the main garage roof. In addition, the building's setback position from the highway and the street scene significantly reduces any harmful impact. When considering the overall scale of the development, its context in terms of the substantial size of the main dwellinghouse as well as the application plot is an important factor. The scale is not assessed to be excessive on this basis.
- 8.10 When considering potential impact on the character of the surrounding area it is recognised that similar approved developments exist within the vicinity, including a triple garage with games room above at adjacent neighbouring property Argeles (14/0421/DOM refers) and a triple garage with storage and home office above at Dale House, West Broyle Drive (19/02527/DOM refers). Indeed, the proposed development is arguably less impactful with regards to visual amenity than the referenced approved developments, being positioned further from the highway, and lesser in terms of height and footprint. The proposed form and materials are considered to be in-keeping with the general style of the residential area, and the broader rural context.
- 8.11 In summary, the proposal, by reason of its scale, design and appearance, is assessed to be appropriate with regards to the existing property, its immediate residential surroundings and the wider countryside. It is therefore considered to comply with the NPPF and policies 2, 33 and 45 of the Local Plan.

iii. Impact upon amenity of neighbouring properties

- 8.12 Paragraph 130 of the NPPF reflects that planning decisions should create places that offer a high standard of amenity for existing and future users. Policy 33 of the CLP recognises that planning permission will be granted where it can be demonstrated that a proposal respects and where possible enhances the character of the surrounding area and site, including in terms of its neighbouring amenity.
- 8.13 The amended siting of the garage building is 2.5 metres from the northern boundary, and 3.7 metres from the western boundary at its closest points. Adjacent dwellinghouses Argeles, Croxwood, Greenways, and Applegarth are at least approximately 30 metres from the proposed development, which is likely to benefit from significant screening as a result of the substantial existing hedgerow boundaries. It is therefore suggested that the proposed development is unlikely to impact neighbouring amenity as a result of loss of light or through being overbearing in terms of its mass or scale.
- 8.14 With regards to loss of privacy associated with the potential for overlooking, it is assessed that, in view of the set-back and distanced position of the garage, and the amended orientation of the building away from the northern boundary, the likelihood of overlooking from the proposed dormer windows is minimal. Indeed, existing front-facing first floor windows within the main dwellinghouse offer more direct lines of sight to neighbouring property Greenways and its private amenity space.
- 8.15 In response to objections raised in relation to noise, it is recognised that the proposed use of the garage and home office is for domestic use of the existing occupants, and an increase in traffic or visitors to the application is not anticipated as a result of development. Again, it is recommended that the domestic and incidental use of the building is secured by condition to avoid future harmful impacts on neighbouring amenity. Overall, the proposed development is considered to comply with national and local policies in relation to neighbouring amenity, subject to conditions.

iv. Trees

- 8.16 Paragraph 131 of the NPPF recognises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change, recommending that opportunities are taken to incorporate trees in development. Furthermore, it recommends appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. In addition, policy 49 of the CLP states that planning permission will be granted where it can be demonstrated that demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated.
- 8.17 Following the Officer's site visit and subsequent concerns raised regarding the accuracy of submitted plans in relation to trees and the potential for development to impact observed existing trees of high amenity and likely high biodiversity value, an Arboricultural Impact Assessment was conducted and submitted (South Downs Ecology report, dated 20 November 22 refers). It is recommended that the proposed arboricultural methods and mitigations are secured by a pre-commencement condition to ensure implementation prior to construction. In particular the detailed design of the foundations of the garage building shall be determined and approved by an arboriculturalist to ensure root protection areas are not disturbed.

Conclusion

8.18 Based on the above it is considered the principle of the proposed development, as well as its design and assessed impacts on visual amenity, neighbouring amenity and trees are considered acceptable. The proposal complies with development plan policies 1, 2, 33, 45, and 49 and therefore the application is recommended for approval.

Human Rights

8.19 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) No development shall commence on site, before the necessary protective measures are in place in accordance with the submitted Tree Retention and Protection Plan (GSO86.RyeCottage.TRPP, dated 18 November 2022) and Arboricultural Impact Assessment (produced by South Downs Ecology, dated 20 November 2022) and British Standard BS 5837 (2012). In particular, the detailed design of the foundations of the garage building shall be determined and approved by an arboriculturist to ensure root protection areas are not disturbed. Thereafter once major construction works (installation of foundation, construction of walls and roof) have been completed, the remaining works will be undertaken by individual contractors in standard vehicles. At this point it would be acceptable for the protective barriers to be removed, with contractors informed that all parking and materials storage must occur on existing gravel or within the new garage itself. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability, and to ensure that demonstrable harm to habitats of importance to biodiversity is avoided or mitigated.

4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the building hereby permitted shall be used only for purposes ancillary to the enjoyment of the dwelling house and for no other purpose whatsoever.

Reason: To maintain planning control in the interests of amenity of the site.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	PL-100		15.09.2022	Approved
PLAN - EXISTING SITE BLOCK PLAN	PL-101		15.09.2022	Approved
PLAN - SUBSTITUTE PLAN 25.11.2022 PROPOSED SITE AND PHOTOGRAPH LOCATION PLAN	PL-102	REV B	02.12.2022	Approved
PLAN - SUBSTITUTE PLAN 16.11.22 PROPOSED FLOOR PLAN AND ELEVATIONS	PL-103	REV C	22.11.2022	Approved
PLANS - Plans PLAN -	GSO86.RYEC OTTAGE.TCP	3	22.11.2022	Approved
PLANS - Plans PLAN -	GSO86.RYEC OTTAGE.TRP	3	22.11.2022	Approved

For further information on this application please contact Eleanor Midlane-Ward on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R19AEDERLE400>

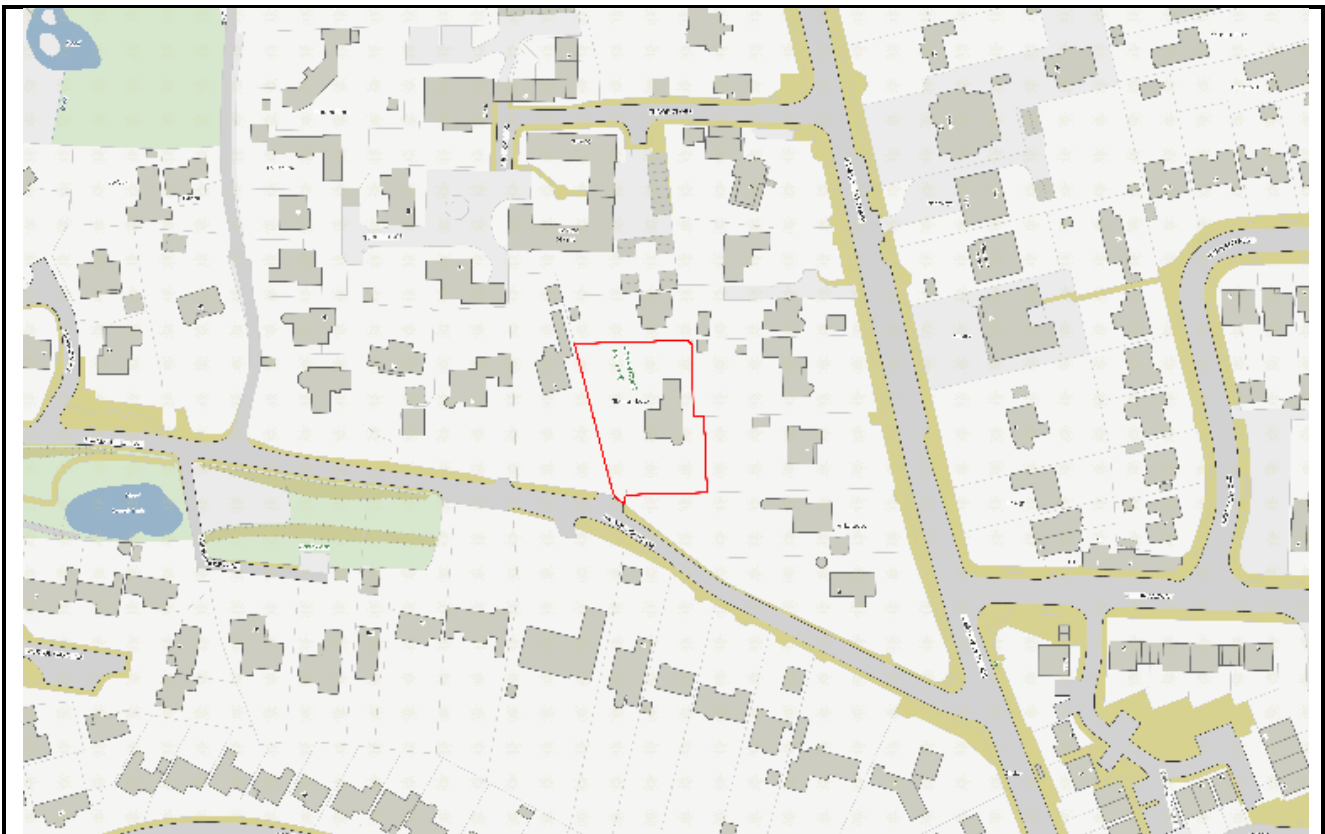
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Parish: Chichester	Ward: Chichester North
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CC/19/02241/FUL

Proposal	Demolition of the existing building and the construction of 6 no. flats with associated car parking and external works.		
Site	Glenmar House Brandy Hole Lane Chichester West Sussex PO19 5RJ		
Map Ref	(E) 485793 (N) 106662		
Applicant	Phillips Build Limited	Agent	Mr Chris Purdy

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

- 1.1 Red Card: Cllr Bowden - Exceptional level of public interest
- 1.2 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of Chichester, to the north of Brandy Hole Lane and is a detached two-storey dwelling. The surrounding character is mainly residential, most dwellings in this area are large detached two and three-storey dwellings which front the highway with landscaping between.
- 2.2 The existing dwelling is a two-storey detached building, constructed from brick, with a tile roof and of little architectural merit. There is an existing access to the site off Brandy Hole Lane, with mature hedges and trees to the front of the site. The strip of land between the site and the road is not within the ownership of the applicant. The remaining boundaries of the site have mature trees and hedges.

3.0 The Proposal

- 3.1 This application seeks planning permission for the demolition of an existing dwelling and the construction of a two-storey building comprising 6 no. flats, (4x two-bed and 2x three-bed). The building would be two stories, with accommodation in the roof space, which comprises of elements of hip and catslide roofs, with dormer windows. There is a single gable to the front and two gables, with balconies, to the rear.
- 3.2 The rear garden would provide an amenity area for the proposed flats, with a small area of private garden proposed for flats 1 and 2. The area to the west of the rear garden would be parking for the proposed flats with 14 spaces, two allocated for flat 2 and the remaining unallocated. To the front of the building, there would be landscaping with an entrance path for the building. Also to the front of the site, would be a small area for refuse and recycling storage.

4.0 History

19/00851/PRELS ADVGIV Demolition of building. Erection of 9 no flats.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further Comments 30.11.2022

Thank you for advising of the revised plans, however the original comments still stand

Further comments 17.01.2020

Strong objection on the basis of harm to the character of the area through the sub-division of the plot, appearance, scale and bulk of the building and extent of the hard surfaced parking areas.

Original comments 17.10.2019

Objection due to the impact on the character and amenity of the area as a result of the appearance and excessive scale, mass and bulk of the building and of the associated car parking and insufficient sustainability measures given the climate change situation.

6.2 Natural England

No objection subject to appropriate mitigation being secured.

6.3 WSCC Local Highway Authority

Further comments 16.06.2020

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for 6 x flats and associated car parking. In comments dated 27th September 2019 the LHA raised no highways objection to the proposals, subject to advised conditions.

Amended plans have been received which show a reduction in car parking provision from 12 spaces to 9 spaces. It would appear that 2 x spaces will be allocated to flat 2 and the remaining spaces will be of an unallocated basis. The new WSCC Car Parking Demand Calculator envisions a total demand for 9 x spaces for the development, on this basis therefore it is considered that parking demand is met. Furthermore, the parking layout has been amended and appears to be a more workable solution in amenity terms.

There is a 6m reversing space to the rear of each space to allow cars to turn within the site and exit to Brandy Hole Lane in a forward gear.

As per previous comments, the access route into the parking area is not wide enough to allow two cars to pass in opposing directions, however the anticipated low speeds and vehicle trips would not give rise to a highway safety concern.

Please refer to comments for conditions advised therein.

Original comments 27.09.2019:

Access to the site is via an existing opening to Brandy Hole Lane, 'C' classified and subject to 20mph speed restriction. The junction with Lavant Road (A286) is approximately 120 metre to the east. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been recorded injury accidents to the north of Brandy Hole Lane junction with Lavant Road. However, from an inspection of accident data it is clear that this was not related to the junction or the site access with Brandy Hole Lane.

The existing access is not wide enough to allow two cars to pass, whilst this would be beneficial, the LHA acknowledge the restraints of the site and anticipated low speeds and consider that vehicle trips would be low and chance of cars travelling in opposing directions, low.

Splays of 2.4m by 40m have been demonstrated from the existing site access to the road, as per pre-application advice. The left-hand splay has been drawn to the centre line. There is a width restriction along Brandy Hole Lane and it is considered that if a vehicle were to overtake that part of this could be seen and the full envelope of visibility not obscured. Whilst the splays are entirely within the publicly maintained verge and highway, it is advised they are secured via condition to allow cutting back of hedges currently on verge.

Each flat will be provided with 2 x allocated car parking spaces. These are proposed in a tandem layout. An unallocated visitor space is also proposed. Space within the site appears restrictive and would not allow for two cars to pass at certain points. Considering the low-level traffic and speeds within the site the LHA does not anticipate this will result in a detrimental impact to the public highway, nevertheless the Local Planning Authority (LPA) may wish to consider this from an amenity aspect.

The WSCC Car Parking Demand Calculator, on the basis of 2 x spaces provided per flat, envisions a total demand for 14 spaces. Considering the visitor bay, this is a shortfall in 1 x space and would not pose transport grounds to resist the application. The LPA may wish to consider this shortfall from an amenity point of view.

Refuse storage will be just within the site and the LHA are satisfied that servicing for refuse collection and fire appliance can take place from the roadside as distances set out in Manual for Streets are met.

A street-lit footway on the opposite side of the carriageway provides a pedestrian link to Lavant Road and onwards to Chichester Centre. There is a dropped tactile crossing at the junction of Brandy Hole Lane with Lavant Road to facilitate pedestrian movement and Chichester City centre is approximately 1.2 mile distant. The mean average distance for a walking journey for commuters is approximately 1km with a maximum walking distance of 2km; this proposal therefore meets the maximum walking distance set out in section 3.30 of The Chartered Institute of Highways and Transport - Providing for Pedestrian Journeys on Foot (1999). Chichester City Centre provides a range of retail, leisure, services and amenities with train and bus station. There are also bus services closer to the site, which run from Lavant Road. It is considered that the site therefore provides opportunity to utilise sustainable transport modes and that a reliance on the private car for all daily trips may not be necessary. The applicant should also consider providing electric vehicle charging

points and secure and covered bicycle storage, details of which can be secured via condition.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.4 CDC Coastal and Drainage Engineer (*summarised*)

Flood risk- the application is within flood zone 1 (low risk), we therefore have no objection to the proposed development on flood risk grounds.

Surface water drainage- some drainage details have been submitted. However, no results of winter groundwater monitoring or winter infiltration testing have been supplied. There is also a lack of detail on plan and a lack of construction detail drawings.

If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively, if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

We request that the following condition is applied to ensure that the development is adequately drained and does not increase flood risk elsewhere: "Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

6.5 CDC Housing

No quota of affordable homes is required under planning policy.

In terms of the market housing, the scheme appears one which would be attractive to downsizers and those preferring flat living to houses.

Unit sizes exceed the DCLG technical standards minima and the elevation treatment, whereby the units are not obviously in a block of flats, seem sympathetic to the mature surroundings.

I have no objections to the proposals as the scheme will provide desirable market housing on an already-developed site.

6.6 CDC Archaeology

It is unlikely that this proposal would affect deposits associated with the nearby line of the Roman road to the extent that measures to mitigate impact would be justified.

6.8 CDC Environmental Strategy

Further comments 30.11.2022

Following submission of the Sustainability Strategy Statement (Sept 2022) we are satisfied that the installation of PV panels and air source heat pumps will meet the requirements of Policy 40. Further information regarding the location and installation of these technologies will be required and submitted via condition.

Original comments 12.09.2022

Following submission of the Nutrient Mitigation Proposal, the proposal will cause an increase in nitrogen of 3.98 kg/N/yr. Due to this increase we require that mitigation is undertaken. As detailed within the Nutrient Neutrality Report, it has proposed that mitigation will be in the form of 0.16ha of farmland to woodland. As detailed within the mitigation report, we require that the precise area within the shaded blue area is provided we can ensure no overlap between multiple mitigation sites. Once this has been confirmed, this mitigation should be secured within the S106 agreement in perpetuity for 85 years

For this application we are satisfied that the HRA issue of recreational disturbance can be Resolved, as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive, the piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time, an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the building / and or tree within the garden of the property.

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will Protect and enhance the environment

- Achieve a maximum consumption of 110l of water per day per person
- Complies with building for life standards or equivalent replacement
- Sustainable design including the use of re-used or recycled materials
- Minimise energy consumption through renewable resources
- Adapt to climate change
- Historic and built environment protected and enhanced
- Improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provision of electric vehicle charging points

6.9 Third party objection comments

13 third party representations of objection have been received concerning the following matters:

- a) Overdevelopment of the site;
- b) The scale, form and design of the proposal would be harmful to the character of the area;
- c) There would be an increase in the level of traffic which would be harmful to the local highways network;
- d) The proposal would lead to further parking on the lane;
- e) The construction of flats would be out of keeping with the area, as there are no flats within the area;
- f) The proposal would result in the loss of hedging and trees, further harmful to the character of the area;
- g) It would reduce the housing stock further;
- h) The proposal would harm neighbouring amenity; and
- i) The proposal would harm local heritage.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 9: Development and Infrastructure Provision

- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 47: Heritage
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should also be given to the following Sections: Sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport), 12 (Achieving well-designed places), 14 (meeting the challenge of climate change, flooding and coastal change) and 16 (Conserving and enhancing the historic environment) relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

- 7.5 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in early 2023, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.

7.6 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Strategy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements 2016-2035
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design• S21 Health and Wellbeing
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S28 Pollution
- S29 Green Infrastructure
- S31 Wastewater Management and Water Quality
- AL10 Chidham and Hambrook Parish

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM9 Existing Employment Sites
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- DM22 Development in the Countryside
- DM23 Lighting
- DM24 Air Quality
- DM25 Noise
- DM26 Contaminated Land
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure

Other Local Policy and Guidance

7.7 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD

- CDC Waste Storage and Collection Guidance

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon the character of the surrounding area
- iii. Housing mix
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Sustainability
- vii. Ecology
- viii. Drainage
- ix. Nitrates
- x. Impact on the Chichester and Langstone Harbours SPA

Assessment

i. Principle of development

8.2 The application is located within the settlement boundary of Chichester, which Policy 2 of the Chichester Local Plan identifies as a sub-regional centre where sustainable development, infrastructure and facilities will be accommodated, which in terms of scale, function and character, support the role of the settlements.

8.3 The application proposes to increase the number of residential units on the site by five, which would significantly increase the efficiency of the use of the land, within this sustainable location, as encouraged by Paragraph 124 of the NPPF. The application has sought to make a comparison with the recently approved replacement dwelling at 4 Brandy Hole Lane, which has a footprint 8sqm smaller than the proposal, to highlight the efficient use of land by the proposal. The proposed windfall development will provide a small, but important, contribution to the Council's housing supply, which is a significant benefit.

8.4 In light of the above, the proposal can be considered an acceptable and sustainable form of development and is therefore acceptable in principle.

ii. Design and impact upon the character of the surrounding area

- 8.5 Policy 33 of the Local Plan refers to new residential development and sets out that proposals must meet the highest standards of design and a high-quality living environment, in keeping with the character of the surrounding area and its setting in the landscape; in addition, that its scale, form, massing, siting, height and design respects and enhances the character of the surrounding area and site.
- 8.6 The application has been amended during the consideration of the application, reducing the width, ridge and eaves height of the proposed building. In addition, several alterations have been made to the detailing, including the scale of the dormer windows set within the front catslide roof to achieve a balanced appearance overall. The amount of proposed hardstanding has also been reduced and proposed parking that was to the front of the proposed building moved to the rear.
- 8.7 The proposed building would be located broadly in the same position as the existing dwelling, albeit further forward and on a larger footprint. Its siting would be in keeping with the loose pattern of development along Brandy Hole Lane. The proposed dwelling would be located set back from the road, with an area of soft landscaping between the application site and the highway, which is not within the ownership of the applicant. As a result of this, there are limited views of the application site from along the public highway. The building would read as a large dwelling, with a single entrance door to the front of the building, with a footpath to the front door and not dissimilar in scale and appearance to the replacement dwelling to the west (4 Brandy Hole Lane). The proposed parking is to the rear of the site, which again, would not be easily visible from the public highway and would retain the character of the locality.
- 8.8 The main part of the building would be two storeys, with hipped roofs and a gable to the front and rear. The dwellings along Brandy Hole Lane are mainly two-storey detached dwellings with a mixture of designs. The proposed building would have a ridge height of 10 metres, with eaves at 5.5 metres, a width of 18.4 metres and a depth at its deepest of 16.3 metres and at its least of 10 metres. This is reflective and in keeping with the varying scales of building along Brandy Hole Lane.
- 8.9 The design of the building incorporates art and crafts elements which reflects the existing two properties to the north. The design also incorporates appropriate levels of detailing and visual interest, which create an attractive and unique building. The proposal would include clay tile hanging to the front gable and a dormer with brick to the ground floor and first floor, with a tile roof. A condition has been suggested to secure details and samples of the proposed materials, in order to ensure a complementary palette is achieved.
- 8.10 As outlined above, the scale, form and design of the building is such that it would appear similar in its form and scale to that of a detached large dwelling. There would be a single door to the front of the building which would allow access to the 6 flats. It is considered that although the number of units on the site would increase, the proposal represents a sensitive re-development of the plot, resulting in a more efficient use of the land, without harm to the verdant and characterful nature of the site and its surroundings. It is also considered that the increase in units on the site would not result in harm to the character of the area in terms of the increased activity associated with the dwellings given the site lies within a well populated area, within the settlement boundary, and close to a main road leading into the city centre. The scale of the building is comparable to other single

dwellinghouses within Brandy Hole Lane and the increased parking provision has been sensitively positioned towards the rear of the site, to reduce the perceived increase in vehicles parking within the site.

8.11 It is therefore considered the proposal would be in keeping with the character of the area, in terms of its design, scale and form, and as such is considered acceptable. The proposal therefore accords with policy 33 of the Chichester Local Plan.

iii. Housing mix

8.12 The Housing and Economic Development Needs Assessment (HEDNA) sets out the recommended housing mix for market housing within the district. The current application proposes a mixture of 4 no. 2 bedroom flats and 2 no. 3 bedroom flats. The Councils Housing Officer has considered the mix and considered it to be acceptable commenting that three-bedroom flats could be attractive to older downsizers who want a spare room and a study. The housing mix is therefore considered to be acceptable.

iv. Impact upon amenity of neighbouring properties

8.13 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.14 The properties most impacted by the proposal would be to the west, north and east of the proposal. The proposed building would be 20 metres from the dwelling to the west, 25 metres from the dwelling to the north and 28 metres to the east. Given this distance and window positions it is considered the proposal would not have a harmful impact on the amenities of these neighbouring properties in terms of loss of light or privacy. In addition, the proposal by reason of its siting and scale would not result in any overbearing impacts upon the surrounding properties. The amenity of neighbouring properties would also be safeguarded by conditions proposed to manage external lighting. The proposal therefore complies with policy 33.

v. Impact upon highway safety and parking

8.15 Policy 8 of the Chichester Local Plan states that the Council will work with West Sussex County Council, other transport and service providers and developers to improve accessibility to key services and facilities and to provide an improved and better integrated transport network. Policy 39 seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

8.16 WSCC Highway Authority has been consulted and no objection has been raised. Conditions have been suggested and these are included in this recommendation. The application site is accessed via an existing opening to Brandy Hole Lane, which is a 'C' classified road and subject to a 20mph speed restriction, the junction with Lavant Road (A286) is approximately 120 metres to the east. WSCC have reviewed data supplied to them by Sussex Police over a period of the last five years and there have been no recorded injury accidents to the north of Brandy Hole Lane junction with Lavant Road. However, WSCC advise that from an inspection of accident data, it is clear that this was not related to the junction or the site access with Brandy Hole Lane.

- 8.17 With regard to visibility at the access point, WSCC Highways have advised that the existing access is not wide enough to allow two cars to pass. Whilst this would be beneficial, WSCC Highways acknowledge the restraints of the site and the anticipated low speeds and consider that vehicle trips would be low and chance of cars travelling in opposing directions low. Furthermore, WSCC Highways has advised that visibility splays of 2.4m by 40m have been demonstrated from the existing site access to the road, it is suggested that these splays should be secured by conditions.
- 8.18 With regard to parking spaces, the amended scheme proposes 9 spaces, 2 of which would be allocated. WSCC have advised that having regard to the Car Parking Demand Calculator, there would be a total demand for 9 x spaces for the development, and on this basis, it is considered that parking demand is met. Furthermore, there is a 6m reversing space to the rear of each space, to allow cars to turn within the site and exit to Brandy Hole Lane in a forward gear.
- 8.19 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seek to ensure that new development has acceptable parking levels, and access and egress to the highway.

vi. Sustainability

- 8.20 The proposal has been accompanied by a sustainability statement, which details a 50% saving in Co2 above Part L building regulations (2021). This is achieved through a highly efficient building fabric, the use of LED lighting, and ground source heat pumps. The provision of EV charging points is now a building control requirement and will need to be provided within the development. Therefore, subject to the implementation of these measures, secured via the suggested condition, the proposal would result in a sustainable form of development and would therefore comply with Policy 40 of the Local Plan.

vii. Ecology

- 8.21 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced, whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to, and enhance, the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.
- 8.22 The proposal has been reviewed in consultation with the Council's ecology officer, who has reviewed the submitted ecology reports, agrees with their contents and findings. Several ecology enhancements and mitigation measures have been suggested, which can be adequately secured via the suggested conditions. As such, subject to future compliance with the conditions, the proposal is considered to comply with Policy 49 of the Local Plan and Paragraph 174 of the NPPF.

viii. Drainage

- 8.23 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding, and it would not result in a net increase of surface water run-off. The application site is located within Flood Zone 1 and proposes to connect to the mains foul sewage and a soakaway for surface water. The Council's drainage officer has considered the application and suggested a securing full details of the surface water drainage scheme

via condition. As such, subject to future compliance with the condition, the proposal is considered acceptable in this regard, and accords with policy 42 of the Chichester Local Plan.

xi. Nitrates

8.24 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram Wastewater Treatment Works, and therefore the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

8.25 In such instances, the implications of the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA, via an 'Appropriate Assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.

8.26 The application has been accompanied by a nitrogen mitigation proposal, which detailed the level of nitrogen to be offset, together with the proposed mitigation. The mitigation requires the removal of 0.16ha of agricultural land from arable crop production, together with the planting of woodland comprised of mix of native oak, beech and hazel species over the whole area to a density of 100 trees per ha. The mitigation site lies at Chilgrove Farm, within the South Downs National Park. The mitigation has been tested via the Appropriate Assessment, with Natural England raising no objection to the scheme, subject to securing the mitigation via S106 agreement.

8.27 It is considered that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites as a result of nitrates, and therefore the proposal would comply with Policy 49 of the CLP and Section 15 of the NPPF. The exact location of the proposed mitigation land, within the wider parcel shall be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity. At the time of writing, an instruction has been sent to the Council's Solicitor to begin drafting the S106 agreement, which is to be agreed by all parties prior to the granting any permission. The recommendation to planning committee shall therefore be defer for S106 and then permit.

x. Impact on the Chichester and Langstone Harbours SPA

8.28 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), wherein new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by

Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.

8.29 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2020. For residential development within the Chichester and Langstone Harbours Special Protection Area (SPA) Zone of Influence buffer zones, fees are based the number of bedrooms per unit. The applicant has agreed to pay the fee, which will be secured within the S106, together with the Nitrogen Mitigation. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance.

Conclusion

8.30 Based on the above, it is considered that the principle of additional residential units on the site is acceptable. The dwellings would contribute to the Council's supply of housing and make efficient use of the land which lies within a settlement boundary. Furthermore, the scale and form of the proposal is acceptable in terms of the character of the area and impact on the amenities of neighbouring properties, and the proposal is considered to be acceptable in all other respects. The proposal complies with development plan policies and the NPPF therefore the application is recommended for approval.

Human Rights

8.31 In reaching this conclusion, the Human Rights of the applicants and nearby occupiers have been taken into account and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION DEFER FOR S106 THEN PERMIT

subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

4) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans for that Phase, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and management of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

5) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

6) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) The development hereby permitted shall not be first brought into use until a fully details hard surfacing plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan showing the extent of the the proposed hard surfacing, together with details and samples of the proposed surfacing materials. The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site. The approved scheme shall be carried out prior to the first occupation of the dwellings hereby approved and thereafter shall be maintained as approved in perpetuity.

Reason: In the interests of the visual amenities of the locality and to ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

8) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) No part of the development shall be first occupied until visibility splays of 2.4 metres by 40 metres have been provided at the proposed site vehicular access onto Brandy Hole Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

10) Prior to first occupation of the building hereby permitted, details of the existing (those to be retained) and proposed boundary treatments and walled garden shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- b) details of the materials and finishes, and
- c) provision of gaps within boundary treatments to allow small mammals to move freely

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance

11) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. Thereafter they shall be maintained as approved in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

12) Notwithstanding the information provided, no part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

14) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

- a. The integration of a bat box into the dwellinghouse hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
- b. The provision of a bird box within a tree sited within the grounds of the property.
- c. The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

15) The development hereby permitted shall be carried out in strict accordance with the Energy Statement (NGR Consulting) November 2022, submitted with this application. The sustainability measures it details shall be fully implemented prior to occupation of the dwellinghouse hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the Authority.

Reason: To minimise the impact of the development upon climate change.

16) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal (EPOCH ECOLOGY) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

17) The following ecological mitigation measures shall be adhered to at all times during construction:

- a) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - SUBSTITUTE PROPOSED PLANS AND ELEVATIONS FILE 1 OF 2	18-007_0008	REV P5	30.11.2022	Approved
PLAN - SUBSTITUTE PROPOSED PLANS AND ELEVATIONS FILE 2 OF 2	18-007_0009	REV P5	30.11.2022	Approved
PLAN - SUBSTITUTE PLAN - PROPOSED SITE & BLOCK PLANS (A1)	0007	REV P6	21.05.2020	Approved
PLAN - Location Plan (A4)	0004.P1		02.09.2019	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PX7LUTERHEL00>

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Parish: North Mundham	Ward: North Mundham And Tangmere
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NM/21/03547/FUL

Proposal	Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units. Variation of condition 1 (the plans condition, in respect of the internal layout only), and removal of condition 26 (to allow for first floor accommodation within barns 4, 5 and 6), in relation to planning permission 19/00677/FUL		
Site	South Mundham Farm South Mundham Road South Mundham PO20 1LU		
Map Ref	(E) 487847 (N) 100741		
Applicant	J W A Developments Ltd	Agent	Mrs Claire Coles

RECOMMENDATION TO PERMIT WITH S106



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises a cluster of former agricultural barns, which occupy a parcel of land on the corner of Runcton Lane and Manor Lane. The site lies outside of the defined settlement boundary, within the rural parish of North Mundham.
- 2.2 The site has been subject to various applications in recent years, including several prior approval applications which established the principle of converting the agricultural barns into dwellinghouse. The original flint barns have now been converted, with works also underway with the construction of a new dwelling which replaced a brick and corrugated sheet metal agricultural barn.
- 2.3 The character of the site has since evolved into a pleasant, well-designed cluster of modestly sized dwellings, which are read in conjunction with the wider cluster of residential development which runs southwards along Manor Lane.

3.0 The Proposal

- 3.1 This application seeks to vary an approved planning consent reference 19/00677/FUL. The variations include changes to the internal layout of the buildings (varying condition 1) and the addition of first floor accommodation within barns 4, 5 and 6. The addition of first floor accommodation within barns 4, 5 and 6 seeks the removal of condition 26, which seeks to restrict these barns to single-storey only.

4.0 History

16/01144/PA3Q	NOPA	Part 3, Class PA3Q: Change of use of agricultural building to 2 no. dwellings (C3 Use Class).
18/02629/PA3Q	YESPAR	Prior Approval for a Proposed Change of Use of Agricultural Building to Dwelling House (Class C3) with external alterations.
18/02732/PA3Q	YESPAP	Prior Approval for a Proposed Change of Use of Agricultural Building to Dwelling House (Class C3) with external alterations.
19/00677/FUL	PER106	Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units.
19/01714/PA3Q	YESPAP	Notification for Prior Approval for a Proposed Change of Use Agricultural Building to 3 no. Dwelling houses (Class C3) and for Associated Operational Development.

19/01715/PA3Q	YESPAP	Notification for Prior Approval for a Proposed Change of Use Agricultural Building to 3 no. Dwelling houses (Class C3) and for Associated Operational Development.
20/02239/PA3R	YESPAP	Prior Approval - Change of use of existing agricultural barns to storage use.
20/02818/DOC	PER	Discharge of condition 3 from planning permission NM/20/02239/PA3R.
21/02293/FUL	PER	Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units - (variation of condition 1 of Planning Permission NM/19/00677/FUL - alterations to plans to reflect the amendments made to the development as built).
21/03544/FUL	PER	Change of use of flint barns to 3 no. residential units and replacement of existing agricultural buildings with 3 no. residential units. (Variation of condition 1 from planning permission NM/19/00677/FUL - Addition of carports to Units 1, 2, 3 and 4).

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments 17.03.2022

I have consulted with the members of the planning committee and they have confirmed that they wish to uphold their objection to this application, as it is clear, from the minutes of the CDC Planning Committee meeting held on 5 February 2020, that committee members were concerned that the development of new-build floor space should be commensurate with that which would be permitted if the 'fall-back' option of developing one of the then-existing agricultural buildings on the site were to be pursued under permitted development rights. Therefore committee members wished to see a measure which would restrict the

creation of further floor space by creating an upper floor. Our objection reflects the concerns expressed at the meeting and the clear intent to restrict any development to increase floor space at first floor level. It is unfortunate that the Decision Notice implies that this restriction is merely a matter of parking provision, but that was not the underlying reason for imposing a condition restricting first floor development.

Original comments 07.02.2022

North Mundham Parish Council has considered this application and resolved to object.

The applicant has argued, in their agent's letter dated 7 December 2021, that this additional development could be accommodated subject only to the provision of additional parking space, and they allege that parking space was the only reason that floor space was restricted at first floor level. Reference to item 25 in the minutes of the District Planning Committee's meeting held on 5 February 2020 will reveal that it was entirely different considerations that led to the restriction of floor space.

It is clear from the minutes that committee members were concerned that the development of new-build floor space should be commensurate with that which would be permitted if the 'fall-back' option of developing one of the then-existing agricultural buildings on the site were to be pursued under permitted development rights. Such a development would provide no more than 465 square metres. The proposed development as it was presented provided approximately 530 square metres, which represents a slight increase over development of the then-existing Atcost shed of approximately 510 square metres. In accepting this increase, consideration was given to the better layout, form and sustainability measures that would come with a new build.

It is clear from the minutes that committee members wished to see a measure which would restrict the creation of further floor space by creating an upper floor. If this latest application were allowed, it would lead to over-development of the site, and it would set a precedent which would open the flood gates to further similar incremental growth exceeding the baseline of permitted development rights. We therefore ask that this application is refused.

6.2 Natural England

Standing advice provided.

6.3 WSCC Highways

There would be no changes to access or parking in relation to these proposed changes; therefore, the LHA have no further comments to make.

6.5 CDC Drainage Engineer

We can confirm we have no objection to the proposal, as we are satisfied that it will not have a significant impact on either flood risk or surface water drainage.

6.6 Third Party Representations

None received

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for North Mundham at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

7.3 Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- Policy 51 Development and Disturbance of Birds in Pagham Harbour Special Protection Area

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.6 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in July 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.

7.7 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Strategy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements 2016-2035
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design
- S21 Health and Wellbeing
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S28 Pollution
- S29 Green Infrastructure
- S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM9 Existing Employment Sites

- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- DM22 Development in the Countryside
- DM23 Lighting
- DM24 Air Quality
- DM25 Noise
- DM26 Contaminated Land
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure

Other Local Policy and Guidance

7.8 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- Surface Water and Foul Drainage SPD (September 2016)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)

7.9 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Recreational Disturbance

Assessment

i. Principle of development

8.2 The application site lies within the 'Rest of the Plan Area'. As per Policies 2 and 45, developments within the 'Rest of the Plan Area', outside of defined settlement boundaries

must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

- 8.3 Policy 45 states that planning permission will be granted for development within the countryside provided that the proposal is well-related to an existing farmstead or group of buildings, and the scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.
- 8.4 The proposed development is a variation to approved application 19/00677/FUL. The approval of 19/00677/FUL was based on comparison with a fall-back position determined by Prior Approval applications previously permitted under Class Q of the General Permitted Development Order 2015 (as amended) for the conversion of the existing agricultural buildings to dwellinghouses. Whilst the application site is within the Rest of Plan Area, where new dwellings would otherwise be contrary to the Local Plan, the existence of the permitted development fall-back and the subsequent approval of 19/00677/FUL means that the principle of development is acceptable, subject to consideration of other material matters, including design and impact upon the character of the surrounding countryside.
- 8.5 This application seeks internal alterations only to allow first floor accommodation within barns 4, 5 and 6 of the permitted schemes, which comprise new buildings located to the west and south of the site. The converted and now occupied barns 1, 2 and 3 to the north and east are not subject of this application.

ii. Design and Impact upon Visual Amenity/Character of Area

- 8.6 Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users.
- 8.7 Policy 33 of the CLP states that planning permission will be granted for new residential development where it can be demonstrated that proposals provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. Furthermore, proposals must respect and where possible enhance the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting, layout, density, height, size, scale and detailed design. In addition, Policy 45 of the CLP requires proposals within a countryside setting to ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.
- 8.8 The proposal seeks no external alterations to barns 4, 5 and 6, but seeks a revised internal layout, including the addition of two bedrooms, bathroom, and storage at first floor level to each of the dwellings, increasing the total number of bedrooms, per dwelling from two to four. The introduction of first floor accommodation would increase the Gross Internal Area (GIA) of each dwelling by approximately 30%, increasing the total GIA for the 3 dwellings from 530 square metres to 695 square metres. This increase in floor area is contained within the existing building envelope, and the additional increase in habitable rooms would not result in any physical changes to the dwellings. The proposal would therefore not result in any visual impact upon the countryside, through the physical enlargement of the buildings.

- 8.9 The proposed first floor bedrooms within the dwellings would meet the nationally described space standards; however, they would have restricted headroom between 2.3m and 1.5m over approximately 70 percent of the floor space. The restricted headroom, whilst capable of providing adequate habitable accommodation, serves to highlight the more modest nature of the first-floor accommodation provided within the existing attic space of the dwellings.
- 8.10 The decision to restrict barns 4, 5 and 6 to single-storey only was borne out of concerns raised by Planning Committee in February 2020 in respects of the proposal enlargement beyond the permitted development fallback and the avoidance of overdevelopment within the countryside setting. The reasoning behind this is appreciated, with the resultant GIA approximately 36 percent greater than the GIA of the former agricultural building (the 'Atcost' Shed). However, it is the view of officers that whilst, the GIA would increase, the footprint and size of the approved dwellings would not increase, with the resultant increase above the permitted development fallback being difficult to perceive in reality. This is particularly true, when you consider the evolution of the site, which now reads as a small, traditional residential development.
- 8.11 The increase in the number of bedrooms within the barns 4, 5 and 6 results in larger units, with a likely consequent increase in vehicle movements and domestic activity which would intensify activities within the site. However, the modest increase in vehicle movements, coupled with increased domestic activities would not be at a level which would be detrimental to the countryside, and would not result in a perceived overdevelopment of the site.
- 8.12 In considering the above, the proposal represents an acceptable alteration to the approved scheme, which does not fundamentally alter its layout, character, or appearance, to such an extent to justify or necessitate refusing planning permission.
- iii. Impact upon amenity of neighbouring properties
- 8.13 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places) and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.
- 8.14 The proposal is not considered to give rise to an unacceptable intensification of the use of the site, or result in a level of additional activity which would be detrimental to the amenities of the occupiers of the existing barns on the site, nor the neighbouring properties on Manor Road. The addition of first floor accommodation is not considered to give rise to an unacceptable level of overlooking or loss of privacy, given the existing separation distance between the dwellings. Therefore, the proposal is considered to result in an acceptable level of amenity for existing and future occupiers of the development and therefore accords with Paragraph 130 of the NPPF and Policy 33 of the local Plan.
- v. Impact upon highway safety and parking
- 8.15 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the

residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Local Plan asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.

8.16 The proposal would not result in changes to the proposed access or parking arrangements, the latter of which were approved under discharge of condition application reference 22/00765/DOC. The approved parking comprised the provision of four allocated spaces for each of plots 4, 5 and 6. This has been subsequently amended through the later permission for the construction of carports (permitted by 21/03544/FUL), but the resultant level of parking remains adequate for 3 no. four-bedroom dwellings. The proposal has been reviewed in consultation with WSCC Highways who have raised no objection to the proposal. The proposal therefore accords with Paragraph 111 of the NPPF and Policy 39 of the Local Plan.

vi. Recreational Disturbance

8.17 It has been identified that any development within 5.6km of Chichester and Langstone Harbour and within 3.5km of the Paghham Harbour SPA, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A financial contribution can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. An updated Unilateral Undertaking has been secured with the applicants, to obtain the uplift in the recreational disturbance payment and therefore the proposal accords with the aims and objectives of the NPPF, Policy 50 and 51 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

Conclusion

8.18 In considering the above, the proposal is not considered to be acceptable as it would retain acceptable levels of amenity for current and further occupiers and neighbouring dwellings, would not impact upon the external visual appearance of the units, and would not result in an impact upon the highways network. Therefore, the recommendation is to grant planning permission, subject to the suggested conditions, informative and an updated Unilateral Undertaking agreement to secure the recreational disturbance mitigation.

Human Rights

8.19 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

2) Details as per the 'SuDS and Drainage Maintenance and Management Plan revision P' dated 30.06.2020 permitted under ref 19/00677/FUL and 20/01919/DOC shall be fully complied with.

Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure adequate provision for drainage

3) Development shall be carried out only in full accordance with the Surface water drainage details agreed for condition 4 under reference 19/00677/FUL and 20/01919/DOC.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To ensure adequate provision for drainage

4) The development shall only be implemented in accordance with the details of the package treatment plant and a scheme for the maintenance and management of the system agreed under condition 5 of reference; 19/00677/FUL and 20/01919/DOC.

Upon completed construction of the package treatment plant the scheme shall be strictly adhered to in perpetuity.

Reason: The details are required to ensure the foul drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure long-term effectiveness.

5) The development shall only be implemented in accordance with the details of the sustainable Design and Construction Strategy (Genesis Town Planning, dated as March 2022) agreed under condition 6 of reference 22/00765/DOC.

Reason: To minimise the impact of the development upon climate change.

6) Details as per the Construction Management Plan dated 15th July 2020 (including confirmation of noisy working hours submitted and held on file on 28.09.2020) and drawing no DRG/01 as agreed under reference 19/00677/FUL and 20/01919/DOC shall be fully complied with and implemented

The measures approved within the Construction Method Statement shall thereafter be fully adhered to during the demolition and construction process.

Reason: in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

7) Details as per drawings no. 100RevP1 and 101RevP agreed under condition 10 of reference 19/00677/FUL and 20/01919/DOC are hereby carried forward to this consent. These shall be fully implemented in accordance with the previous and agreed requirements.

No construction is permitted which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure adequate provision for drainage

8) Details as per the 'Materials Schedule' dated 15.07.2020 agreed under condition 11 of 19/00677/FUL and 20/01919/DOC. The development being carried out in accordance with the approved details.

Reason: In the interest of visual amenities.

9) The agreed scheme for ecological enhancements agreed under condition 12 of 9/00677/FUL and 20/01919/DOC. The approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

10) The development shall only be implemented in accordance with the details of the details as per plans LS01 (updated 17 August 2022 to show small section of existing laurel hedging to north west site boundary to be retained) and FG01 (dated 10 February 2022), agreed under condition 14 of reference 22/00765/DOC.

Reason: In the interests of protecting the amenity of neighbouring properties and protecting biodiversity.

11) The development shall only be implemented in accordance with the details as per plans CARS 01 (as represented 2 September 2022), agreed under condition 15 of reference 22/00765/DOC.

Reason: In the interests of encouraging the use of sustainable modes of transport.

12) The development shall only be implemented in accordance with the details as per plans LS01 (updated 17 August 2022), PL01 (dated 21 March 2022) FG01 (dated 10 February 2022) and CARS 01 (as represented 2 September 2022), agreed under condition 16 of reference 22/00765/DOC.

Reason: In the interests of amenity and of the environment of the development.

13) The development shall only be implemented in accordance with the details as per plan SB1 (dated December 2021) and CARS 01 (as represented 2 September 2022), agreed under condition 17 of reference 22/00765/DOC.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

14) The development shall only be implemented in accordance with the details as per plan CARS 01 (as represented 2 September 2022), agreed under condition 18 of reference 22/00765/DOC.

Reason: To provide adequate on-site car parking and turning space for the development.

15) The development shall only be implemented in accordance with the details as per plan SB1 (dated December 2021) and CARS 01 (as represented 2 September 2022), agreed under condition 18 of reference 22/00765/DOC.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

16) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure adequate provision for drainage

17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until:

- i. an investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii. where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii. a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

18) Prior to the occupation of the dwellings hereby permitted the proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

19) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no gates, fences, walls permitted by Classes A; of Part 2 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A and E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed Barn 4 elevations	10079_DPA_0 17	REV C	28.09.2022	Approved
PLAN - Proposed Barn 5 elevations	10079_DPA_0 19	REV A	28.09.2022	Approved
PLAN - Proposed Barn 6 elevations	10079_DPA_0 21	REV A	28.09.2022	Approved
PLAN - Proposed Car Ports between Barns 5 and 6	10079_DPA_0 25		28.09.2022	Approved

Details	Reference	Version	Date Received	Status
PLAN - Proposed Barn 4 floor plans	401		28.09.2022	Approved
PLAN - Proposed Barn 5 floor plans	501		28.09.2022	Approved
PLAN - Proposed Barn 6 floor plans	601		28.09.2022	Approved
PLAN - Proposed Site Plan	CP2		28.09.2022	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R3W976ERIR100>

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Chichester District Council Planning Committee

Wednesday 04 January 2023

Report of the Director Of Planning and Environment Services Schedule of Planning

Appeals, Court and Policy Matters

between 16-11-2022 - 14-12-2022

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site

To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>21/03659/FUL</u>	
Bosham Parish Case Officer: Rebecca Perris Written Representation	Bosham Reach Shore Road Bosham PO18 8QL - Change of use of land to residential curtilage and construction of hard surfaced tennis court.
<u>22/01038/PA3Q</u>	
Sidlesham Parish Case Officer: Sascha Haigh Written Representation	Butskiln Street End Road Sidlesham Chichester West Sussex PO20 7QD - Change of use of agricultural building to form 1 no. dwelling (Use Class C3) and associated operational development.
<u>21/00051/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas	The Stables Cemetery Lane Woodmancote Westbourne PO10 8QB - Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.

Reference/Procedure	Proposal
<u>19/00103/CONCOU</u>	
Southbourne Parish Case Officer: Mr Michael Coates-Evans Written Representation	Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD - Appeal against SB/124

2. DECISIONS MADE

Reference/Procedure	Proposal
<u>21/03407/PA3Q</u>	
Boxgrove Parish Case Officer: Sascha Haigh Written Representation	Eartham Quarry Eartham West Sussex PO18 0FN - Change of use of agricultural building to 2 no. dwellinghouses (Class C3).
Appeal Decision: APPEAL DISMISSED	
<p>"The appeal is dismissed. The Council has refused the application in relation to the suitability of the appeal building for conversion, the amount of work required to convert said building, the inability to convert the proposed building, the size of the proposed curtilage and the level of detail relating to potential noise impact. Criteria Q.1(i) requires that any building operations including the installation or replacement of exterior walls, amongst other things, should be to the extent reasonably necessary for the building to function as a dwellinghouse. However as set out within the Planning Policy Guidance 'when is permission required?' it clearly states that Class Q should be read with the assumption that the agricultural building is capable of functioning as a dwelling. In effect it is only when the existing building is already suitable for conversion to residential that the building would be considered to have this permitted development right. With this in mind, and from visiting the site I do not find that the existing building is suitable for conversion in its current form and would require substantial replacement of exterior walls, windows, doors and potentially the roof, beyond that which could be considered reasonable. As the proposal would fail to constitute permitted development, there is no need to consider the issue pertaining to noise impact. ..."</p>	

Reference/Procedure	Proposal
<u>21/03163/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Hanneys West Bracklesham Drive Bracklesham PO20 8PH - Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)
Appeal Decision: APPEAL ALLOWED	
<p>"... The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area.The appeal development would be of a comparable scale to the previously approved scheme, but the proportions of the current proposal would give it a more overtly three-storey scale, especially by reason of the shape of the top floor element and level of glazing. However, and whilst the proposed dwelling would be taller than the properties either side, so would the scheme previously approved by the Council.there is great variety along the southern side of West Bracklesham Drive in particular, including a number of properties of a similar scale to the appeal proposal, which are defined by their bespoke, contemporary design approach. ... the top floor element of the replacement dwelling would be recessed significantly and, together with the use of curved vertical timber fins, this would reduce and soften the overall bulk of the development. It is my view that the proposal would not, therefore, detract from the established pattern of development within the street scene or appear excessively prominent in public views. Having regard to the great variety which characterises West Bracklesham Drive, and the scheme previously approved by the Council on the appeal site, the appeal scheme would respect the character of the surrounding area and have no adverse effect upon the street scene. ..."</p>	
<u>21/03282/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Written Representation	Land South Of Tranjoeen Ashcroft Place Bracklesham Lane Bracklesham Bay West Sussex - Proposed vehicle crossover (means of access to a highway Class B).
Appeal Decision: APPEAL DISMISSED	
<p>"... The Appeal is dismissed.This would give the access an unduly formal appearance, resulting in the creation of an urbanising form of development which would detract from its pleasant rural surroundings. Given the above, the appeal development would cause unacceptable harm to the character and appearance of the surrounding area. It therefore conflicts with Policy 45 of the Chichester Local Plan: Key Policies 2014-2029, which notably seeks to ensure that the scale, siting, design and materials of development proposals to have minimal impact on the landscape and rural character of the area and Section 15 of the National Planning Policy Framework."</p>	

Reference/Procedure	Proposal
<u>21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX - Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
Appeal Decision: APPEAL ALLOWED	
<p>"... Main Issue - Whether the proposed development would preserve or enhance the character or appearance of the Fishbourne Conservation Area (CA). A defining characteristic of this less uniform part of the CA is the low boundary walls to the rear of the pavements, and the mature and often verdant landscaping of the front areas of each property ... This area is not in the best state and the existing soft landscaping is poor quality and not extensive. ... The creation of residential parking to the front of a property would be a use replicated throughout the CA. The considerable increase in landscaping proposed would introduce a softened and distinctly more verdant finish to the frontage area, with the front boundary planting retained behind a low level wall.. ... The Council state the width of the access would be detrimental to the street scene, however it would be bounded by defined boundary hedging which would predominantly screen the parked cars. and appropriate maintenance of the hedging would ensure the parking area was kept clear. ... I am satisfied appropriate landscaping could be achieved and its detailing conditioned. ... the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, allowed. "COST DECISION" The application for an award of costs is refused. ... The applicant considers that the Council has failed to substantiate the stated reason for refusal and lacked proper judgement in assessing the proposal at committee failing to take into account the planning officer recommendation and relevant public benefits. ... Elected Members of the Council are not duty bound to follow the advice of the professional officers, and if a different decision is reached, the Council must clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. ... the planning committee undertook a thorough assessment of the scheme and tested the officer recommendation through relevant questioning pertaining to the potential effects of that before them. The decision notice cited relevant policies of the development plan and its decision to refuse was further expanded within its appeal statement. The Council's position in respect of the scheme is therefore a matter of planning judgement and fairly substantiated. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated."</p>	

Reference/Procedure	Proposal
22/01547/PIP	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL - Residential development of 9 residential dwellings comprising parking, landscaping and associated works.
Appeal Decision: APPEAL - NO FURTHER ACTION	
See DMS for Letter dated 23.11.22	

Reference/Procedure	Proposal
21/02159/FUL	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex - Erection of 7 no. dwellings, access, landscaping and associated works.
Appeal Decision: APPEAL DISMISSED	
<p>" The appeal is dismissed and planning permission for the erection of 7 no. dwellings, access , landscaping and associated works is refused. ... The Shire development is also outside of the settlement boundary but formed part of the Westbourne Neighbourhood Plan 2017-2029 (NP) allocations, and as it has now been completed can be considered as part of the settlement. In light of the Council’s fluctuating housing land supply .., it implemented an Interim Housing Policy Statement (IHPS) in November 2020. ... the IHPS is a material consideration. ... the proposal would not comply with Nos 3, 9 and 12 which deal with character and appearance matters and the SAC. As such I find that the proposed scheme would not accord with 3 of the 13 IHPS criteria. I therefore find the proposal would not be appropriate to a countryside location. It would conflict with the development plan, specifically Local Plan Policies 1, 2, 5 and 45, NP Polices OA1 and SS2, and paragraph 78 and 79 of the Framework insofar as they seek to ensure the location of housing developments are appropriate and reflect local needs. ... The scheme before me...is entirely insular, I have reviewed my colleague’s comments relating to the approved appeal ... and their references to the previously dismissed appeal ... Their assessment of the area and impact of development still hold merit, and the character and appearance of this edge of Westbourne, has not significantly changed since those decisions were issued. The scheme before me has not moved the design of the proposal on so far as to reduce the significant harm building right up to School Lane and Long Copse Lane would have on the rural and open character of this approach into Westbourne. ... Consequently, I find the proposal would significantly harm the character and appearance of the area. ... From the information before me I am satisfied there is a reasonable likelihood that the proposal would affect bats, specifically the Bechstein Bat. However, I am not convinced that the suggested mitigation measures are appropriate or detailed enough. I find therefore, that the proposal could have a harmful effect on a protected species. The appeal site falls within the catchment area of the SAC, an area which, as designated by Natural England, needs action to be taken concerning nutrient neutrality. The adverse impacts of granting a planning permission would, therefore, significantly, and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore benefit from the presumption in favour of sustainable development. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed and planning permission refused."</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearings	Land And Buildings On The South Side Of Church Lane Birdham West Sussex - Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>21/03037/FUL</u>	
Birdham Parish Case Officer: Calum Thomas Written Representation	Houseboat Karibuni Chichester Marina Birdham Chichester West Sussex PO20 7EJ - Replacement of Berth 30 Houseboat Karibuni with a Bluefield Houseboat and installation of H column cored and grouted anchoring system.
<u>21/03343/FUL</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF - Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>21/03344/LBC</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF - Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex - Appeal against CC/154
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023 Emsworth Baptist Church North Street Emsworth PO10 7BY	Land East Of Broad Road Broad Road Nutbourne West Sussex - Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.

Reference/Procedure	Proposal
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023 Emsworth Baptist Church North Street Emsworth PO10 7BY	Land North Of A259 Flat Farm Main Road Chidham West Sussex - Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings	Land At Flat Farm Hambrook West Sussex PO18 8FT - Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>22/00137/FUL</u>	
Earnley Parish Case Officer: Calum Thomas Written Representation	Russ Autos 132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU - Demolition of B2 workshop and erection of 1 no. live/work unit.
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Old Allotment Site Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.

Reference/Procedure	Proposal
<u>20/00234/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land West Of Newells Lane West Ashling PO18 8DD - Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.</p>
<u>20/00534/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings</p>	<p>Land South Of The Stables Scant Road East Hambrook Funtington West Sussex - Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.</p>
<u>20/00950/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.</p>
<u>20/00956/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.</p>
<u>20/03306/FUL</u>	
<p>Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land To The West Of Newells Farm Newells Lane West Ashling West Sussex - The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.</p>

Reference/Procedure	Proposal
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/77
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/89
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/80
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Farm Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/87

Reference/Procedure	Proposal
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ - 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxen croft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ - Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>21/03123/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Little Wephurst Walthurst Lane Loxwood RH14 0AE - Replacement dwelling following demolition of an existing dwelling.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ - Appeal against Enforcement Notice PS/71.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ - Appeal against PS/70
<u>20/02785/ELD</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Use of building 3 for B1 and B8 purposes.

Reference/Procedure	Proposal
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Martin Mew Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN - Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<u>22/00144/PNO</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Chalk Lane Nursery 17A Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Erection of agricultural building.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ - Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY - Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Construction of 9 no. dwellings.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	Meadow View Stables Monks Hill Westbourne PO10 8SX - Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding

Reference/Procedure	Proposal
<u>* 20/01569/FUL</u>	
Westbourne Parish Case Officer: Jeremy Bushell Informal Hearings	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG - Erection of 1 no. dwelling and associated landscaping.
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Monk Hill Monks Hill Westbourne West Sussex - Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/58
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54

Reference/Procedure	Proposal
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP - Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42
<u>21/03135/FUL</u>	
Wisborough Green Parish Case Officer: Calum Thomas Written Representation	Land Adjacent To 1 Newfields Newpound Wisborough Green RH14 0AX - Change use of land to private gypsy and traveller caravan site consisting of 1 no. pitch.
<u>21/03424/FUL</u>	
Wisborough Green Parish Case Officer: Sascha Haigh Written Representation	Howfold Barn, Howfold Farm, Newpound Lane Wisborough Green RH14 0EG - Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.
<u>21/03603/FUL</u>	
Wisborough Green Parish Case Officer: Emma Kierans Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 0DG - Change of use of outbuilding to Use Class E(g) with additional 2 no. parking bays and associated works.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm, Birdham	Of 3 Enforcement Notices	Injunction granted by the High Court in 2019 and amended in 2020. All of the residents have left apart from 3 plots which remain occupied. Documents are being prepared for Contempt of Court proceedings for breach of the Injunction. Matter has been referred to barrister for advice and advance the application of these proceedings.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South-East of the Stables	Of Enforcement Notice	First hearing at court adjourned on 6 December further to the Defendant's request on the basis of suffering from Covid. Matter adjourned to 10 January for a plea to be entered. Medical evidence to be provided by the defendant,

Prosecutions		
Site	Breach	Stage
Crouchlands, Loxwood	Of Enforcement Notice	Final advice received from barrister. Advice being studied and file assessed for prosecution.

7. POLICY MATTERS

South Downs National Park

Planning Committee Wednesday 4 January 2023

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 16.11.22 and 14.12.22

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS (Lodged)

None

2. DECISIONS MADE

None

3. CURRENT APPEALS

Reference/Procedure	Proposal
SDNP/21/04858/FUL Kirdford Parish Council Case Officer: Beverley Stubbington Written Representation	Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.
SDNP/21/03816/FUL Funtington Parish Council Case Officer: Lauren Cripps Written Representation	Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.

Reference/Procedure	Proposal
<p>SDNP/21/04109/FUL Lurgashall Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p>SDNP/20/02935/CND Harting Parish Council Parish Case Officer: Derek Price</p> <p>Informal Hearing 28/02/2023 Chichester District Council</p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent,non personal to increase the number of mobile homes by one to change the layout.)</p>
<p>SDNP/21/03527/FUL Tillington Parish Council Parish Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p>SDNP/21/02690/HOUS West Lavington Parish Council Parish Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>St Andrews Selham Road West Lavington GU29 0EG - Proposed erection of a single storey orangery to the rear of the property.</p>
<p>SDNP/21/04454/HOUS Lurgashall Parish Council Parish Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>
<p>SDNP/22/01045/HOUS Petworth Town Council Parish Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>16 Old School Close Petworth GU28 9BF - Proposed side extension to create a single garage.</p>

Reference/Procedure	Proposal
<u>SDNP/19/00375/BRECO</u> Stedham With Iping Parish Council Parish Case Officer: Michael Coates-Evans Written Representation	Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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