

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Room 1, East Pallant House on **Monday 21 March 2022 at 10.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 9(b)

3 **Declarations of Interests** (Pages 1 - 2)

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 4 TO 6 INCLUSIVE

Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

4 **CC/21/00382/FUL - Bartholomews Holdings, Bognor Road, Chichester, West Sussex, PO19 7TT** (Pages 3 - 29)

Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.

- 5 **CC/22/00033/FUL - 10 Lavant Road, Chichester, West Sussex, PO19 5RQ**
(Pages 31 - 43)
Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works. (Variation of condition 2 of permission CC/20/03342/FUL -amendments to include roof lanterns, roof lights and mezzanine levels within the approved roof space).
- 6 **TG/21/03561/FUL & TG/21/03562/LBC - Spitfire Court, Jerrard Road, Tangmere, PO20 2GR** (Pages 45 - 55)
Repairs, maintenance and redecoration of existing windows and doors.
Replacement of all external existing uPVC doors with timber single glazed doors.
- 7 **DEFRA Consultation on Biodiversity Net Gain** (Pages 57 - 68)
The Planning Committee are asked to consider the attached report and make the followings recommendations;
- Recommendation; The Planning Committee is asked to;**
- i. note the contents of the Department for Environment, Food & Rural Affairs (DEFRA) Consultation on Biodiversity Net Gain Regulations and Implementation, and**
- ii. to comment on, and endorse, the proposed Council response set out in Appendix 1.**
- 8 **Water Resources in Northern Chichester District - REPORT TO FOLLOW**
The Planning Committee are asked to consider the attached report and make the proposed recommendations. (report to follow)
- 9 **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
- 10 **Exclusion of the Press and Public**
There are no restricted items for consideration.

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:
 - 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.
 - Where a member of the public has registered to speak they will be invited to attend the meeting and will be allocated a seat in the public gallery.
 - It is recommended that all those attending take a lateral flow test prior to the meeting.
 - All those attending the meeting are advised to wear face coverings and maintain social distancing when moving around the building and/or meeting room.
 - Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self-isolate

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

**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

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
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

NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
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

Chichester District Council

Planning Committee

Monday 21 March 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:

NONE

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:

- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Chichester	Ward: Chichester East
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CC/21/00382/FUL

Proposal	Demolition of existing office building and redevelopment for 9 dwellings, including access, parking, landscaping, amenity space and associated infrastructure.		
Site	Bartholomews Holdings Bognor Road Chichester West Sussex PO19 7TT		
Map Ref	(E) 487490 (N) 104436		
Applicant	Bellway Homes Limited (Wessex)	Agent	Mr Brett Spiller

RECOMMENDATION TO DEFER FOR SECTION 106 THEN 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 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site, the former office building of Bartholomew's Holdings, is located to the northeast side of Bognor Road within the settlement boundary of Chichester. The 0.3ha site comprises of a two-storey office building, with vehicle parking to the south and a vehicular access onto Bognor Road. The building is currently in use by Bellway Homes as their marketing suite for the Cathedral Park development.
- 2.2 The site forms part of the wider Bartholomew's Holdings, which formally comprised of this office building HGV parking and a range of large industrial building. The redevelopment of the northern half of the wider site (phase 1), with 51 dwellings (10/03510/EXT and 15/01731/REM) is nearing completion. The southern part of the site and land to the immediate east of the application site (phase 2) has permission for 24 flats and 33 houses and includes the retention of the office accommodation the subject of this application (15/02344/FUL).
- 2.3 The area is predominantly residential in character, which includes a wider variety of property styles, including flatted blocks. However, to the south of the railway line, there is a large industrial park.

3.0 The Proposal

- 3.1 The proposal seeks planning permission for the demolition of the existing office building and the construction of nine dwellings (6 x 4-beds and 3 x 3-beds) with a single garage and associated works, to include the closing of the vehicle access onto Bognor Road.

4.0 History

07/01463/OUT	WDN	Residential development.
07/04583/OUT	PER106	Residential development.
15/01731/REM	PER	Development of 51 dwellings. Submission of Reserved Matters in respect of Layout, Landscaping and Appearance following grant of Outline Planning Permission - CC/10/03510/EXT.
15/02344/FUL	PER106	Construction of 24 flats and 33 houses with associated car parking, landscaping, cycle and bin storage after demolition of storage buildings but retaining office accommodation.
17/01758/DOC	DOCDEC	Discharge of conditions 3 and 6 from planning permission CC/15/01731/REM.
17/01785/DOC	DOCDEC	Discharge of condition 8 of permission 15/01731/REM.

18/02739/FUL	WDN	Demolition of existing office building (Use Class B1a) and redevelopment for 23 dwellings (one and two bedroom), including access, parking, landscaping, and associated infrastructure
18/02787/PA3O	WDN	Conversion of existing office building to 16 no. dwellings (Use Class C3).
19/00639/PA3O	WDN	Notification for prior approval for a proposed change of use of building from office use (Class B1(a)) to 16 no. dwelling houses (Class C3).
19/02806/PA3O	PPR	Conversion of existing office building (Use Class B1a) to 16 no. dwellings (Use Class C3).

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 10.01.2022

The City Council maintains its objection. It is disappointing that the amendments do not address the City Council's main concerns relating to the loss of the attractive building and the proposed layout which effectively creates an alleyway/twitten with a dwelling at the end.

Original comments 09.04.2021

Strong Objection due to the design, appearance and layout which do not conform to secure by design principles or provide a functional and practical layout. Uniquely in the physical context of this specific site, where the topography and surrounding layout and uses do not, and cannot, form a strong residential frontage to Bognor Road around the railway bridge, the City Council considers that it would be appropriate to consider a design solution which preferably retains the iconic local building, or otherwise with the orientation of frontages turning inwards towards the estate, rather than creating a frontage along Bognor Road to which the houses, as proposed, do not properly connect in any case, or with an apartment building for better layout and use of space.

The City Council support the redevelopment of the site in principle and would request a meeting between the City Planning Adviser, the developer, and CDC planners to discuss an appropriate design solution to make the most of the development opportunity and its potential for visual and social impact in this position.

6.2 Highways England (summarised)

Highways England is satisfied that the proposals can be achieved without detrimental impacts to the safe and efficient operation of the SRN subject to recommended condition (construction management plan).

6.3 Natural England (summarised)

No objection - subject to appropriate mitigation being secured

6.4 Southern Water (summarised)

No objection. A formal application for a connection to the public foul sewer will need to be made by the applicant or developer.

6.5 WSCC Local Highway Authority (summarised)

Further comments 08.04.2021

In comments dated 8 April 2021 the LHA requested further information (show dropped kerb tactile paved crossing of Bognor Road - which will be provided by developer of phase 1/2 as part of s278 agreement) and explore possibility of central refuge island with beacon in Bognor Road.

One visitor bay has been removed with one remaining however the LHA consider there is capacity within each plot for additional parking and thus no objection is raised to the resident or visitor parking provision.

The potential for a central refuge island on Bognor Road has been explored but deemed as inappropriate by the Transport Consultant. Whilst no reason has been given this could be to do with available lane width on the carriageway. Nevertheless, the LHA consider that provision of the dropped kerb tactile paved crossing point which will be provided as part of the s278 for existing approved phases will provide an improvement for pedestrians over the existing arrangement.

The removal of the existing access to Bognor Road and footway tie in works which can be implemented under a Minor Works Approval licence attached to the existing s278 agreement for phase 2. 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 Para 111 of the National Planning Policy Framework 2021 (~~paragraph 111~~), and that there are no transport grounds to resist the proposal.

A number of conditions have also been suggested, including the stopping up of the existing access, securing parking spaces, construction management plan, cycles storage and electric vehicle charging.

Further comments 08.04.2021

In comments dated 12 March 2021, further information was requested in respect to a tactile paved dropped kerb crossing of Bognor Road with possible central refuge island and demonstration that a fire appliance can reach within 45 metres of all buildings.

The plans have been amended to show a slightly altered footway link from the site to existing footway along Bognor Road. Plans show the reversing distance to the site for a fire appliance and that it can reach within 45m of all buildings.

The dropped kerb tactile paved pedestrian crossing point is still not shown. The applicant should refer to s278/38 agreement drawings for the wider Bartholomews site which shows the agreed location. The applicant should also explore possibility of a central refuge island for pedestrians.

Stopping up of existing access, footway link, crossing (and potentially central refuge island) can be done under a minor works agreement for PSI/3511/01 (the s278/38 agreement for the wider Bartholomews site).

Original comments 12.03.2021

The current application therefore seeks full planning permission for demolition of the 998sqm of office floorspace and erection of residential development and in effect forms the final 'phase 3' of the site.

Vehicle access to phases 1 and 2 is via Chatsworth Road. There is an existing 10m wide vehicle access to Bognor Road though it is proposed that this will be stopped up and proposed development will be accessed via Chatsworth Road, through the permitted development.

Footway from within the site to link to Bognor Road will be retained. Considering this will provide a route for pedestrians to the bus stop on the opposite side of Bognor Road, provision of a dropped kerb tactile paving point should be demonstrated. It is understood that the developer of phase 1 will provide this and improve the condition of the existing footway leading to the crossing point as part of the S38/278 process in place. Therefore, the plans submitted with this application should be updated to show this agreed crossing. Furthermore, the applicant should explore whether there is room for a central refuge island with beacon in Bognor Road. Upon demonstration of agreed footway and crossing link and exploration of refuge island, the works could be carried out under minor works agreement attached to the PSI agreement for the wider site access works.

The access width off of phase 1 estate road is sufficient to allow two cars to pass. Visibility splays of 2.4m by 43m in secondary direction and 21.5m to the tangent in primary direction, on the phase 1 estate road, have been demonstrated and considered appropriate to the anticipated speeds. Part of primary splay passes through the visitor bay yet it is considered Manual for Streets 2 para. 10.7.1 applies whereby "...parking in visibility splays in built-up areas is quite common, yet it does not appear to create significant problems in practice. Ideally, defined parking bays should be provided outside the visibility splay. However, in some circumstances, where speeds are low, some encroachment may be acceptable". As the estate roads in the development are to remain

private, the applicant should confirm that the splays are within their red edge/ control in order that these can be maintained in perpetuity.

Plots 7-9 will be provided with access directly via vehicle crossovers to the estate road. The applicant should clarify whether dropped kerb/tactile is proposed either side of the main cul-de-sac entrance.

The LHA also note the footway links proposed from plot 1-5 to link with the footway on the southern edge of the site (which will in turn link to Bognor Road). The cul-de-sac itself serving the 9 plots will be shared surface which is considered appropriate for the anticipated speeds and traffic levels.

Refuse Collection is to be from the main phase 1 estate road and tracking shows that vehicles can turn within this area. A bin collection point is shown just within the site. Fire appliance tracking within the phase 1 estate road is also demonstrated, however vehicle access should be provided within 45m of the furthest point of the building and plot 1 and 6 are further and thus access for fire appliance should be further demonstrated.

TRICs has been used to estimate the existing trip generation from the permitted office use. This found that 6 x two-way movements in the AM and PM peaks respectively could have occurred. In comparison the residential use of 9 x dwellings could see creation of 4 x trips in the AM and 5 x trips in the PM peak hours. A slight reduction in trips in the peak hours could therefore result. Whilst the residential use could see a slight increase in movements over the 12-hour period, this is not considered to result in a 'severe' impact to the operational capacity of the nearby road network.

Under WSCC Guidance for Parking at New Developments, garages count as 0.5 space. The parking plan refers to a mix of garages and car barns being provided. On the basis that these were all garages of sufficient dimensions then 2.5 spaces per dwelling is shown (22.5 total). The WSCC Car Parking Demand Calculator envisions a total demand for 26.5 spaces. One visitor space is proposed and thus the parking provision is short by 3 x spaces. The guidance does allow for consideration to variation in parking provision and in light of the accessible location of the site the LHA would not raise an objection to the shortfall in parking.

The site is located a 20- minute walk from Chichester City Centre, with range of amenities, services, retail and the Train Station is 25-minute walk (8-minute cycle with cycle racks available). Closer facilities include Co-Op food shop within 200m of the site. Residents can utilise the local street-lit footway network and crossing points such as refuge island and dropped kerbs at Florence Road. The demonstration and provision of crossing from Bognor Road to the footway opposite will also improve access for pedestrians to the wider network and bus stops.

In summary, the following clarification/amendments are required:

- Show tactile dropped kerb across Bognor Road agreed under road agreement for phase 1
- Explore addition of refuge island in Bognor Road linking this crossing
- Demonstrate fire appliance can reach within 45m of buildings

6.6 CDC Economic Development

The Economic Development Service does not object to this application.

We are satisfied that the marketing has been carried out as per Appendix E of the Local Plan and as much as we don't encourage loss of commercial sites, we must acknowledge that the market for office properties has decreased rapidly since 2020 and it is quite clear from the lack of interest in this site that this has served its useful economic use. If this property had been up to current standards it would have been more attractive to the office market.

Commercial property that is currently in demand in the area is within the Warehousing and Industrial sectors of the commercial market and this site would not be appropriate for those, due to proximity of residential properties.

6.7 CDC Housing Enabling Officer

No objection to proposed housing mix. The number of units will not attract an affordable housing contribution.

6.8 CDC Environmental Strategy (summarised)

Further comments 15.10.2021

Following submission of EIA and Phase II Bat Survey, we are happy that the mitigation and enhancements proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

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.

A check will also be required for birds' nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. A condition should be used to ensure this.

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 boxes to be installed on each of the new residences.

We are satisfied that the proposed development achieves a maximum consumption of 110l of water per day per person and a 19% improvement in energy standards within the building regulations and the incorporation of renewable energy.

The proposed development creates 9 new dwellings/homes, not replacement commercial space and therefore, a net increase in population served by the wastewater system. In accordance with NE advice a nitrogen assessment for the site will be required as part of this planning application.

Original comments (26.02.2021)

The demolition of the buildings and removal of vegetation must be undertaken between September and February, to ensure that no nesting birds are disturbed. If clearance must take place during the bird nesting season, a nest check must be undertaken by an ecologist immediately prior to the works taking place.

The phase 2 bat surveys undertaken during the summer of 2018 are now out of date. Bats are very transient mammals and therefore bat surveys are typically valid only for 1-year, therefore a further suite of bat emergence/re-entry surveys will be required before this application can be determined. These surveys should be undertaken by a licenced (by Natural England) bat ecologist.

Within the sustainability strategy, the applicant has detailed how the development will adhere to the latest building regulations standards. I do not consider that this meets the requirements of achieving the highest levels of energy efficiency and the incorporation of renewable energy. We are looking for development to achieve a 19% improvement in the energy standards within the building regulations and the incorporation of renewable energy.

6.9 CDC Conservation and Design

No objection - The site lies outside of the Chichester Conservation Area and is not adjacent to any listed buildings or other heritage assets. The office building itself has acquired a level of local popularity due to its characterful brick arched 'Bartholomews' sign, which is visible from the railway and is a pleasing visual landmark. The building itself is relatively nondescript and has been heavily altered and extended. There are a great deal of buildings of this type and date throughout Chichester and it does not in my view warrant recognition as a non-designated heritage asset. Having said that, the retention of the arch would be welcomed as it is of some local interest and is not without character.

The layout and design of the new properties has undergone several phases of reworking following officer comments. They are contemporary in appearance with well-articulated fenestration and eaves detailing and have avoided large plain flank walls, protruding into the streetscene. The elevational design avoids the reliance on tired traditional detailing and pastiche. The active frontage to Bognor Road is positive. The layout is compact and there is a regrettable lack of street level planting.

6.10 CDC Environmental protection

A phase I and II geo-environmental site assessment has been submitted dated Jan 2021 produced by Ensafe Consultants. The report summarises the site history and previous site investigation work undertaken both on this site and on the adjacent phases of development of the wider Bartholomews site. The report concludes that further site investigation is necessary in the development area and we agree with this conclusion.

Conditions should be applied to require additional site investigation and if necessary, remediation and verification. Conditions PC21, PC22 and PO14 should be applied.

Ground gases were monitored at the site and assessed in accordance with the methodology in BS8485:2015. On the basis of the measurements taken, the site has been designated as Characteristic Situation 1 and no gas protection measures have been recommended. Given the details in the borehole logs, the percentage of putrescible material appears to be very low, and we agree with the findings of the gas risk assessment. Subject to the additional ground investigation works not identifying any soils likely to generate ground gases, we would not require ground gas protection measures to be incorporated into the development.

The proposed development would not trigger the requirements of an air quality assessment for the operational phase of the development (using the criteria proposed in the IAQM guidance Land Use Planning & Development Control: Planning for Air Quality 2017). Nevertheless, the development is part of a wider development which will introduce a significant number of new dwellings to the area. Measures to minimise air quality impacts should be put in place and the following should be considered:

- The parking standards produced by WSCC should be followed with respect to cycle parking and electric vehicle charging point provision.
- Links to nearby cycle routes should be considered in order to encourage the use of sustainable transport by future residents.

An assessment in accordance with IAQM document Guidance on the Assessment of Dust from Demolition and Construction 2014 should be undertaken and submitted to the LPA. Mitigation measures are likely to be required to reduce the impact of the construction works on air quality. Mitigation measures could be incorporated into a Construction Environmental Management Plan for the site.

A construction environmental management plan should be drawn up and implemented to control environmental impacts (such as noise, dust, waste, transport and light during the construction phase. The CEMP should be secured by way of a condition.

An environmental noise impact assessment has been submitted produced by Sound Advice Acoustics Ltd, reference SA 3765 rev5 dated Dec 2020. The report is based on a noise survey carried out in 2015 however relevant recent guidance has been used in the assessment to assess the noise impacts. The report concludes the development should be designed with a 4mm glass /14mm air gap / 6mm glass double glazed windows and a Greenwood MA 3051 wall ventilator or similarly approved to all rooms to ensure the internal noise levels are acceptable in terms of the assessment to British Standard 8233: 2014.

A condition should be applied to require that the specification in the Sound Advice Acoustics Ltd report ref SA 3765 rev5 section 1.7 for the glazing and ventilation is installed in all rooms within the development. Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. Reason: to protect the appearance of the area, the environment and local residents from light pollution.

6.11 CDC Costal and Drainage

Flood Risk: The site is wholly within tidal/fluvial flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. There is a small area of the northern extent of the site shown to be at risk of surface water flood risk. However, these maps do not take account of positive drainage that is proposed to exist on the site. They are also proposing FFLs a minimum 150mm above ground levels, which will further reduce any risk to property. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The drainage strategy is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas. They have supplied calculations to demonstrate the capacity for the 1 in 100yr event + 40% using conservative (compared to local findings) infiltration rates (1×10^{-5} m/s). The approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, to ensure the development is satisfactorily drained we recommend the following condition:

Development shall not commence until the 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 scheme

6.12 Third party objection comments

One third party representation of objection has been received concerning the following matters:

- Loss of the heritage property
- The permitted scheme sees its conversion into flats, which retains its contribution towards the streetscene and to passing rail passengers.

6.13 Third party support comments

One third party representation of support has been received concerning the following matters:

- The building layout build quality
- A preference for the letters and the brick arch to be kept and incorporated into the scheme

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 Neighbourhood Plan for Chichester.

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 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 10 Chichester City Development Principles
- Policy 26 Existing Employment Sites
- 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 47: Heritage
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

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 progressing. 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 July 2022. 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 limited weight can be attached to the policies contained within the Local Plan Review.

7.4 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 Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design
- S23 Transport and Accessibility
- S27 Flood Risk Management
- S31 Wastewater Management and Water Quality

Part 2 - Development Management Policies

- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- 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

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), published in July 2021. Some key criteria are as follows:-

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.

7.6 In addition, consideration should also be given to Sections 1 (Introduction) 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment). In addition,

the relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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:

- 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
- 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 for consideration are:

- i. Principle of development
- ii. Housing Mix
- iii. Design and impact upon character of the surrounding area
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Environmental Protection
- vii. Sustainability
- viii. Ecological considerations
- ix. Drainage
- x. Nutrient Neutrality
- xi. Recreational Disturbance
- xii. Other matters

Assessment

i. Principle of development

8.2 The application site is located within the Chichester settlement boundary, which is identified as the sub-regional Centre within the Chichester Local Plan (CLP) and is a location where the provision of a range of homes, workplaces and social and community facilities is supported by Policy 2 of the CLP, subject to compliance with other policies of the Development Plan. The provision of new dwellings within Chichester is therefore acceptable in principle.

8.3 The proposal if permitted would result in the loss of the employment space, which is protected under Policy 26 of the CLP. However, Policy 26 also advises that planning

permission will be granted for alternative uses on land or floorspace currently or previously in employment generating uses where "it has been demonstrated (in terms of the evidence requirements accompanying this policy) that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses". Accordingly, the site has been marketed for more than two years, with details of the marketing contained within a viability study provided with this application. It advises that following a marketing exercise that there has been limited interest in the re-use of the office building for commercial purposes; with the evidence provided to complying with Policy 26 and the Appendix E of the CLP. In view of the information submitted and the positive response from the Council's Economic Development Officer it is considered that the proposal would accord with the requirements of Policy 26 in respect of the loss of employment.

ii. Housing Mix

8.4 The proposal seeks to provide 6 x 4-beds and 3 x 3-beds which would not comply with the required housing mix identified by the HEDNA and as supported by policy 34 of the Local Plan. However, following a discussion with the Council's Housing Enabling Officer, it was considered appropriate to view the proposed housing mix in combination with the wider Bartholomew's redevelopments to the north and south. In doing so, the proposed housing mix across the three phases (this application being the third phase), the redevelopment would accord with the HEDNA housing mix by providing 11.25% 1-bed, 33.7% 2-bed, 37.5% 3-bed and 17.5% 4-bed, thus can be considered acceptable and in accordance with Policy 34 of the Local Plan.

8.5 As the proposal is for nine houses, it does not meet the major application threshold for requiring an affordable housing contribution in this case.

iii. Design and impact upon character of the surrounding area

8.6 Policy 33 of the Chichester Local Plan states that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

8.7 The proposal of 9 dwellings would result in a density of 30 dwellings per hectare (approximately), which broadly meets the density criteria in the supporting text of Policy 33 and would not be out of keeping with the dense urban form of the existing development on the wider site. Therefore, it is considered that the level of development proposed would be appropriate for the size of the site. The proposed layout comprises four semi-detached properties facing onto Bognor Road, a detached property to the southern corner, and a further three properties facing east onto Wood Road (the new internal access road within phase two) forming a continuation of the existing property line. A single detached property would be set to the north corner of the site, which despite being read as a 'backland plot' would make appropriate use of this part of the site. An appropriate amount of private outdoor amenity space is provided for each plot which complies with the council's guidance.

- 8.8 The formation of active frontages onto Bognor Road, whilst not considered essential given the varied character of the surrounding area and the proximity of the railway bridge, would impact positively on the streetscene by providing a welcoming pedestrian route into the development. There is a footpath serving the wider development to the southern corner of the site, with the provision of active frontages onto this footpath considered to be beneficial, particular in respects natural surveillance of this footpath. The scheme would incorporate an acceptable frontage to the highway, respecting the building lines with the neighbouring three storey flat development, whilst providing a modest lawn front garden and landscaped border.
- 8.9 An alternative option was explored during the application, which inverted the four properties, so their rear gardens faced Bognor Road, however this would have reduced the outward facing active frontages and would have necessitated a roughly 3m high walled boundary to achieve the required acoustic privacy within the rear amenity space, thus was an unsuitable option which would have been harmful to the visual amenity of the locality.
- 8.10 The existing vehicular access onto Bognor Road would be replaced with an access within the eastern boundary, which would incorporate the proposal into the wider development. The wider vehicular access would be from Chatsworth Road to the north, with the vehicle access within the current proposal serving the internal parking areas for plots 1-6. Plots 7-9 have their own driveway access onto Woods Road, with parking to the side and front of the property. The internal parking arrangement is considered appropriate; proving sufficient parking space to meet the require requirements. The boundary treatments facing into the shares parking area, would mostly comprise of brick walling to ensure a higher built quality.
- 8.11 The proposed four dwellings fronting Bognor Road would two and a half storeys in height, with accommodation within the attic space, which is appropriate given the height of the neighbouring flatted development. The remaining properties are proposed to be two storeys with the larger detached properties set to the north and south corners of the site, acting as focal points within the site, and the three properties to the east of the site, similar in form to the adjacent ones within phase two. The detailed design of the dwellings reflects the character and appearance of the adjoining developments. However, the properties are of a slightly more contemporary appearance, which would complement the mixed character of the area. In addition, care has been taken to ensure elevations would be well articulated. There are four house types proposed, ensuring an appropriate mix of designs, with a complementary palette of materials utilised across the dwellings. The elevations incorporate appropriate level of detail, particularly to plots 1 and 5 which would be the most prominent properties within the development. The elevations would be predominantly brick, with aspects of white render (mostly to plots 5 and 6) all set beneath grey tiled roofs.
- 8.12 During the course of the application comments have been received expressing concern about the loss of the existing building, however the building is not protected nor is it considered a non-designated heritage asset. As such there is no justification to require the retention of the existing building on site. Taking the above considerations into account, whilst the proposal would provide a compact development without a significant amount of low-level planting, it would be of an appropriate layout and density, and result in a high-quality design that would integrate well into the surrounding area and concludes the final part of the comprehensive redevelopment of the Bartholomew's site. On this basis, the development would accord with Policy 33, 47 and 48 of the Chichester Local Plan and Section 12 of the NPPF.

iv. Impact upon amenity of neighbouring properties

- 8.13 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy or available light.
- 8.14 The proposed dwellings would be sited to ensure that they would be sufficiently distanced and positioned so as not to have an unacceptable effect on the amenities of the neighbouring properties. The proposal would result in an acceptable relationship between one another, and with the properties of the adjacent phase 2 development, which is currently under construction. An appropriate level of separation has been retained with the flat development to the west, with the layout designed to ensure there is no west facing windows within plots 1 and 6, preventing overlooking or loss of privacy for occupiers of these properties. The detached garages serving plots 7-9 would be set back and would likely result in some shadowing to the amenity space during the later evening but this is not considered to be of detriment to the amenity or quality of the outside space provided within these plots.
- 8.15 Taking the above considerations into account, the development would result in an acceptable living environment for the future occupiers of the proposed dwellings and those of the neighbouring phase 2 development. In addition, it would retain an acceptable level of amenity for the occupiers of the adjacent flat development. Therefore, the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

v. Impact upon highway safety and parking

- 8.16 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.
- 8.17 The proposal would result in the closure of the existing vehicle access onto Bognor Road, and the formation of new access onto Woods Road (the internal road within the phase 1 and 2). The wider vehicular access will be from Chatsworth Road to the far north, with vehicles travelling through the wider Bartholomew's development to reach the application site. This is considered acceptable, with the internal estate road capable of accommodating the anticipated level of vehicle movements. The proposal would incorporate the footpath to the south of the site, allowing pedestrian access onto Bognor Road, with the required tactile paving in accordance with the agreed S278 highways agreement, secured during the previous phases of the development.
- 8.18 The proposal has been reviewed in consultation with Highways England and WSCC Highways, neither of which consider the proposal to have a 'severe' impact upon the highways network. The internal layout of the site would be acceptable, with the shared surface appropriate for the type of development. There is a shortfall of three vehicle parking spaces, with each plot allocated 2.5 spaces (garage accounting for 0.5 spaces); however, it is appreciated plots 7-9 have additional space to provide further vehicle parking, and given the highly sustainable location of the site, the shortfall in spaces is not considered to be unacceptable in this instance. The provision of cycle storage and electric

vehicle charging points would be secured via condition to further encourage sustainable modes of transport.

8.19 The proposal is considered to result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/ turning and provides measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan.

vi. Environmental Protection

8.20 The proposal has been reviewed in consultation with the Council's Environmental Protection Officer, who has considered the potential impacts in respects of contaminated land, noise, lighting, and impacts arising during construction. They have raised no objections to the findings of the contaminated land report, which has identified the need for further surveys, which can be adequately secured via condition. Similarly, the findings and mitigation proposed within the noise survey would be appropriate and can again be secured via condition. In respects of lighting and impacts during construction, it is recommended that a lighting condition and construction management plan be secured via condition, with the latter also being required by both Highways England and WSCC Highways.

8.21 In terms of air quality, conditions are recommended to secure the EV charging and cycle storage, as detailed within the previous section, which would contribute towards sustainable modes of transport. The pedestrian link to the south of the site, would allow connectivity of the development on foot or by cycle, allowing sustainable transport to be maximised.

8.22 In view of the above, the proposal is considered to result in an acceptable environmental impact, subject to future compliance with the recommended conditions.

vii. Sustainability

8.23 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development and Bellway Homes commitment to achieving the 19% reduction in emissions, though the blended approach of fabric first improvements and the use of renewable energy sources. The applicant has advised of their intention to utilise both the fabric first and renewable energy sources, with a condition recommended to secure full details, implementation, and retention of such measures.

8.24 The development would also comply with the water consumption targets, as set out within the building regulations. The provision of electric vehicle charging points would also be secured via planning condition, further contributing to the sustainability of the development.

8.25 Therefore, subject to compliance with these measures, and safeguarding by planning conditions, the proposal is considered to result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

viii. Ecological considerations

- 8.26 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.
- 8.27 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations, and suggested mitigation/enhancements, which can be adequately secured through the suggested conditions. In addition to this, the council's ecology officer has also suggested further modest enhancements, such as bat/bird boxes, all of which can be adequately controlled via condition.
- 8.28 In addition, the applicant has submitted an arboricultural report/impact assessment, which proposes one tree to be removed, and protection measures for the cluster of three trees located adjoining the southern edge of the site, which shall be secured via condition.
- 8.29 In view of the above, and subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Drainage

- 8.30 The site is within flood zone 1 (low risk). Therefore, subject to satisfactory surface water drainage (SuDS), there are no concerns regarding the proposed use, scale, or location of the development on flood risk grounds.
- 8.31 The proposed drainage strategy is to drain all surface water to ground via the permeable sub-base beneath the parking/access areas, which is an acceptable approach in principle. The council's drainage officer has suggested full details of the proposed surface water drainage scheme be secured via condition. Therefore, subject to compliance with this drainage strategy, secured via condition the proposal is acceptable in respects of surface water drainage/flooding.

x. Nutrient Neutrality

- 8.32 The proposal comprises new residential development, which would be connected to the main sewer network, where it is accepted that 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.
- 8.33 In such instances, the implications from 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 Local Planning Authority (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).

- 8.34 To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Statement, which details the additional nitrogen resulting from the proposed development (6.3 kg of Nitrogen per year) and a Nitrate Mitigation Proposal which details the proposed offsite mitigation.
- 8.35 The mitigation proposes the removal of 0.26ha of agricultural land, which forms a small proportion of a larger parcel of land at Chilgrove Farm, Chilgrove, Chichester, West Sussex. This land shall be subject to 'woodland creation, flower rich rides, new hedgerows and wildflower margins'. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who have raised no objection to the application, subject to securing the proposed mitigation.
- 8.36 It is considered that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites because 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 would be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity. The recommendation to planning committee shall therefore be defer for S106 and then permit.

xi. Recreational Disturbance

- 8.37 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance as a result of the proposal.
- 8.38 The following contribution shall be obtained via the S106 agreement:
- 6 x 4-bedroom property £864; plus
 - 3 x 3-bedroom property £735.
- 8.39 Subject to the completion of the S106 agreement, securing the recreational disturbance fee of £7389.00 the proposal would comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

Conclusion

- 8.40 On balance of the issues above, the proposal would result in a high-quality design that would integrate well into the surrounding area. It would conclude the comprehensive redevelopment of the Bartholomew's site. The proposal is within a sustainable location and would not cause harm to the environment, the character of the area, highway safety or biodiversity.
- 8.41 The proposal therefore accords with the relevant national and local planning policy and associated supplementary planning guidance. Having regard to all other material

considerations, it is recommended that, subject to the conditions set out below and S106 agreement that permission is granted.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 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) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) 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 anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) 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,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter, prohibiting burning of materials/waste, and recycling of waste.

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.

4) **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.

5) As the submitted report identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

6) If the Phase 2 report submitted in accordance with condition 5 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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.

7) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

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

8) Notwithstanding any details submitted **no development/works above slab level shall commence** until a full schedule of all materials and finishes to be used for external walls (including boundary walls), windows and doors and roofs of the building(s) 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.

9) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

10) **No part of the development hereby permitted shall be first occupied** until at least one Electric Vehicle (EV) charging point per dwellings and ducting to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future, has been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

11) 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 dwellinghouses 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 integration of a bird box to the dwellinghouses hereby approved or within a tree sited within the grounds of the property.

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

Reason: In the interests of securing a biodiversity enhancement.

12) **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) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

14) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; parking layouts; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided; the works shall be retained in perpetuity.

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

15) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

16) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

17) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Impact assessment & Method Statement produced by ACD Environmental, and tree protection plan BELL22606-03 REV B, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

18) The development hereby permitted shall be carried out in strict accordance with the approved boundary treatments plan (P1525.07). The boundary treatments shall be implemented in full prior to the first occupation of the dwellinghouses and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting the amenity of neighbours

19) The development hereby permitted shall be carried out in strict accordance with the submitted Ecological Impact Assessment with Phase 2 Bat Survey Work Statement produced by abbasecology, and the recommendations and mitigation it details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting biodiversity and wildlife.

20) The following ecological mitigation measures shall be adhered to at all time 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.

21) The development hereby permitted shall be carried out in strict accordance with the submitted Sound Advice Acoustics Ltd report ref SA 3765 rev5 (December 2020) and the recommendations it makes with Section 1.7 of the report, with regard to glazing and ventilation.

Reason: to ensure that the internal noise levels in the proposed dwellings are acceptable with reference to the guidance given in British Standard 8233:2014.

22) The proposed hard surface/s hereby permitted 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 and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

23) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

24) 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.

25) 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 Class A - 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 neighbours and the surrounding area.

26) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual 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 -	P1525.06	A2	02.12.2021	Approved
PLAN -	P1525.S.01	A	02.12.2021	Approved
PLAN -	P1525.S.01		02.12.2021	Approved
PLAN -	P1525.07	A2	02.12.2021	Approved
PLAN -	P1525.05	A3	02.12.2021	Approved
PLAN -	P1525.03	A2	02.12.2021	Approved
PLAN -	P1525.02	A2	02.12.2021	Approved
PLAN -	P1525.01	A3	02.12.2021	Approved
PLANS - Plans PLAN -	P1525.WB+	02	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.WB+	03	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.WB+	04	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.WB+	05	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.MA 02	B	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.MA 01	A	08.12.2021	Approved
PLANS - Plans PLAN -	P1525.08	A	01.10.2021	Approved
PLANS - Plans PLAN -	BELL22606-03C		23.03.2021	Approved
PLANS - Plans PLAN -	P1525.WB+.02	A	24.02.2021	Approved
PLANS - Plans PLAN -	P1525.WB+.01	A	24.02.2021	Approved
PLANS - Plans PLAN -	P1525.MA.02	A	24.02.2021	Approved
PLANS - Plans PLAN -	P1525.S1.02		08.02.2021	Approved
PLANS - Plans PLAN -	P1525.S.01-2		08.02.2021	Approved
PLANS - Plans PLAN -	P1524.MA.02		08.02.2021	Approved
PLANS - Plans PLAN -	P1525.MA.01		08.02.2021	Approved
PLANS - Plans PLAN -	P1525.GAR.01		08.02.2021	Approved
PLANS - Plans PLAN -	P1525.GAR.02		08.02.2021	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.

2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

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=QO7YO1ERLTT00>


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Parish: Chichester	Ward: Chichester North
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CC/22/00033/FUL

Proposal	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works. (Variation of condition 2 of permission CC/20/03342/FUL -amendments to include roof lanterns, roof lights and mezzanine levels within the approved roof space).		
Site	10 Lavant Road Chichester West Sussex PO19 5RQ		
Map Ref	(E) 485884 (N) 106757		
Applicant	Elberry Properties Ltd	Agent	Mrs Kerry Simmons

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 is within the settlement boundary of Chichester and is located to the east side of Lavant Road, the main thoroughfare between Lavant and Chichester City Centre to the south. The site lies within the Summerdale area of Chichester, which is residential in character with large, detached properties with traditional vernacular and verdant frontages.
- 2.2 The site is currently under construction, with works to the walls and roof of the new flatted block well underway. In addition, there is permission for the construction of a detached property to the rear of the site, however, works to this are yet to commence.

3.0 The Proposal

- 3.1 The proposal seeks permission to vary the approved plans (approved under grant of permission ref 20/03342/FUL). The amendments including:
- Introduction of two roof lanterns within the set down crown roof of the eastern roof section of the building, in lieu of four rooflights previously approved (19/00181/FUL) but subsequently omitted (20/03342/FUL).
 - The relocation of the automatic opening roof vent to the crown roof section.
 - The repositioning of four roof lights (two per north and south elevation) higher within the roof slope (cill height of 2.1m) and introduce a further rooflight to each elevation.
 - Introduction of a mezzanine floor, measuring 3.5m by 3.3m including the area with restricted ceiling height, serving the 2-bedroom flats within the roof space (flats 5 and 6).

4.0 History

19/00181/FUL	PER106	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works.
19/02831/FUL	REF	Demolition of 3 no. flats and associated garages and replacement with erection of 8 no. flats and 2 no. dwellings and associated works.
20/01414/FUL	REF	Demolition of 3 no. flats and associated garages and replacement with 6 no. flats and 2 no. dwellings and associated works.
20/03342/FUL	PER106	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works (Variation of condition 2 or permission CC/19/00181/FUL - alterations to fenestration and roof including lowering the eaves, increase to the rear footprint, omission of basement level storage and revised external cycle storage.

21/00344/DOC	PER	Discharge of condition 4 of permission 19/00181/FUL.
21/00823/DOC	PER	Discharge of conditions 3 and 5 of permission CC/19/00181/FUL.
21/01354/FUL	PER106	Construction of 1 no. dwelling, detached garage and associated works (alternative to part of planning permission CC/19/00181/FUL).
21/01767/DOC	PER	Discharge of Conditions 3, 4, 5, 7, 12 & 13 of planning permission CC/20/03342/FUL
21/03449/NMA	REF	Non-material amendments to planning permission CC/20/03342/FUL - Alterations to add roof lanterns, roof lights and mezzanine level within approved roof space.
21/03684/NMA	PER	Non material amendment for permission CC/21/01354/FUL - alterations to 1 no. dwelling: revised dormer roof design, additional velux window on south elevation, change position of kitchen window on west elevation, casement doors to replace bi-fold doors on north elevation and iron railing for balustrade to replace glaze version.
22/00454/DOC	PCO	Discharge of Condition 3 (Construction and Environmental Management Plan) of planning permission CC/21/01354/FUL.

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 22.02.2022

The City Council's planning objection still stands as the amended plans do not sufficiently address the City's concerns. Although not formally a bedroom, the mezzanines still offer additional living space which the site cannot accommodate without harm to residential amenity and the character of the area

Original comments

Objection as the additional living space, the consequent levels of activity and intensity of use of the site and the ratio of living space to outdoor amenity space would harm the existing special character of this low density, sylvan, edge of settlement area.

6.2 WSCC Highways

The proposal above is for a variation if condition 2, this is not a change to any highway aspect of the development, no objection.

6.3 Third party objection comments

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

- a) The work has already been constructed
- b) The lanterns shall be prominent
- c) Light spill
- d) Increased occupancy of the dwellings
- e) Overlooking
- f) Overdevelopment of the plot
- g) Roof lanterns out of character
- h) The proposal is being built not in accordance with the approved plans
- i) The original scheme didn't have roof lanterns
- j) The roof level has been raised
- k) A fourth floor will result
- l) Extensive glazing to east elevation
- m) Loss of amenity, noise and pollution
- n) The developers lack of regard to the planning process
- o) Intensify the use of the site

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 key 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 10: Chichester City Development Principles
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 47: Heritage
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

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 progressing. 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 July 2022. 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 limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), published on the 21 July 2021. Paragraph 11 of the NPPF states

- 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 In addition, consideration should also be given to Sections 1, 2, 5, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been considered.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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:

- Support communities to meet their own housing needs
- 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 e.g light spillage overlooking
- iv. Recreational disturbance
- v. Other matters

Assessment

i. Principle of development

8.2 The application site lies within the settlement of Chichester and is identified under Policy 2 of the CLP as a sub-regional centre, a location where new development is supported due to its range of services and amenities. The revised application seeks to vary condition 2 (approved plans) of the recently approved application (20/03342/FUL) dated 21 May 2021, which itself was a variation of the original consent (19/00181/FUL) which established the principle of the redevelopment of the site.

8.3 The minor alterations proposed fall within what can be considered acceptable under a S.73 (variation of condition) application. There has been no significant amendment to planning policies or the circumstances on site since permission was granted and therefore the principle of the development and proposed amendments are considered acceptable.

ii. Design and impact upon character of the surrounding area

8.4 Paragraph 130 of the NPPF requires development to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. 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 to the surrounding area and its setting in the landscape. In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.5 The revised proposal, by reason of its size, scale and detailed design is acceptable when regarding the previously approved schemes, the site constraints and the character and appearance of the surrounding area. The proposal retains a high standard of design and appearance, and although a number design changes are proposed, they are generally minor. Given the concentration of design amendments to the rear and side roof slopes of the building, their visual impact would be minimal and not adversely impact upon the character of the area.
- 8.6 The roof lanterns, unlike the previously approved roof lights will protrude above the height of the crown roof. However, they would not exceed the height of the front ridge and would not be overtly visible from within the site or its surroundings. Therefore the proposal would be detrimental to the visual amenity or character of the property, or its surroundings. The addition of two roof lanterns would not cause unacceptable levels of light spillage, relative to the skylights and would not adversely impact upon the character of this residential area. The repositioned and additional skylights to the north and south side elevation and the relocation of the automatic roof vent represent minimal changes to the external appearance, which would not materially impact the overall quality of the scheme.
- 8.7 The introduction of a mezzanine floor within the existing roof space of the flatted block has been achieved without altering the external appearance of the building reducing the visual changes to the development.
- 8.8 There has been concern raised by the Parish Council and neighbouring residents in respect of the provision of this additional floorspace, on what would effectively be a 'four' floor and the additional intensification of the use of the site. However, as the mezzanine would be formed within the existing roof space, the external appearance of the building would continue to read as two storeys, with accommodation within the roof slope. Additionally, as the mezzanine is not proposed as a bedroom, flats 5 and 6 will remain two-bedroom units, albeit with approximately 12sqm of additional floorspace provided by the mezzanine which is sought to enhance the layout of the flats and provide a further modest area of living space. This additional floorspace is not substantial and would not constitute a material intensification of use and would therefore not have a detrimental impact upon the character of the area.
- 8.9 Taking the above considerations into account, the development would retain a high standard of design and appearance, that would be compatible with its surroundings. On this basis, the development would accord with the contents of Policy 33 and 47 of the Chichester Local Plan and Section 12 of the NPPF.

iii. Impact upon amenity of neighbouring properties

- 8.10 The proposed revisions would not materially alter the proposal with regards to neighbour impacts, with the roof lanterns or roof lights set high within the roof slope of the building, minimising overlooking. The roof lights are set with an internal cil height of 2.1m reducing opportunities for overlooking.
- 8.11 A section drawing forms part of the application which demonstrates that the introduction of a mezzanine would not afford any additional opportunities for overlooking, as a result of the restricted internal line of sight. Finally, it is considered that the additional floorspace provided by the mezzanine would not result in a significant intensification of the use of

flats 5 and 6 or the site overall. Therefore, the proposal retains an acceptable level of amenity for the future occupants of the development and the surrounding properties within this city centre location.

iv. Recreational disturbance

8.12 An updated Unilateral Undertaking has been completed by the applicants, which secures the previously paid recreational disturbance contribution, to this application ensuring it is legally binding on either the Original Permission or the subsequent Permission, depending on which one is implemented

v. Other matters

8.13 The proposal would not materially impact other aspects of the approved scheme. It is proposed that the previously imposed conditions be amended where necessary and re-imposed.

Conclusion

8.14 In considering the above, the proposal would result in a high-quality design that would integrate into the surrounding area, without detriment to the character of the area or neighbour amenity.

8.15 The proposal therefore accords with the relevant national and local planning policy and associated supplementary planning guidance. Having regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is 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) **No part of the development hereby permitted shall be first occupied** until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone and take into consideration the presence of bats in the local area. The lighting shall thereafter be retained as approved.

Reason: In the interest of residential amenity and ecology.

3) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

4) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the rooflight windows (serving the kitchen/dining area of flats 5 and 6) hereby permitted in the north and south roof plane, shall be constructed, with a cill height of not less than 1.7 metres above internal floor height; or if constructed with a cill height of less than 1.7 metres above internal floor height, shall be glazed with obscure glass and fixed shut. Thereafter, they shall be subsequently retained in that condition in perpetuity.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

5) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with the approved plans. The gate on the pedestrian access should have a sufficient width to allow for the bins to pass through (The handles on an 1100 litre bin are on the ends therefore will be pulled out by two operatives at either end of the bin. Bin dimensions are as follows: Height (cm) 137 Depth (cm) 100 Width (cm) 128.). 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.

6) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

7) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

8) The development shall be undertaken with strict accordance with the Ecological Enhancements agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: To ensure that the protection of the species is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

9) The development shall be undertaken with strict accordance with the information provided detailing how the proposed services shall be laid into the site, which were agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: To ensure that trees are adequately protected from damage to health and stability.

10) The development shall be undertaken with strict accordance with the Materials Schedule Rev P01 - 1/6/21, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

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.

11) The development shall be undertaken with strict accordance with the boundary treatments, as per drawing DD499L01 REV A, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: In the interests of protecting the amenity of neighbours.

12) The development shall be undertaken with strict accordance with the landscaping scheme, as per drawing DD499L01 REV A, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

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.

13) The development shall be undertaken with strict accordance with the balcony screens, as per Materials Schedule Rev P01 - 1/6/21 agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC and elevations drawings 126 REV P12 and 18-029 127 REV P15.

Reason: To safeguard the privacy of neighbouring occupiers.

14) The development hereby permitted shall be carried out with strict accordance to the Construction and Environmental Management Plan (revision B dated 22.02.2021) approved under Discharge of Condition (DOC) application reference 21/00823/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

15) The development hereby permitted shall be carried out with strict accordance to the Sustainable Construction Supplementary Planning Statement (dated March 2021) approved under Discharge of Condition (DOC) application reference 21/00823/DOC, unless otherwise agreed in writing by the Local Planning Authority.

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

16) The development hereby permitted shall be carried out with strict accordance to the Hedgerow Protection, as detailed within drawing no. 1869-02-B and the Tree Protection Details (submitted and held on file 04.02.2021) approved under Discharge of Condition (DOC) application reference 21/00344/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area.

17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

18) The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in the approved Arboricultural Impact Assessment & Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' Project Ref 1859 Rev-05 dated 04 September 19 produced by Owen Allpress. The necessary protective ground (lifting of current surfaces and temporary and permanent cellular confinement systems) and fencing measures shall be put in prior to the demolition of the existing buildings on site and thereafter retained through-out the construction period. Notwithstanding the details contained within paragraph 3.3 of the submitted Arboricultural Method Statement, there shall be no works to T21, the pedunculated oak (identified as T2 in

the submitted Ecological Impact Assessment), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value and to protect bats.

19) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed other than those approved under discharge of condition reference 21/01767/DOC.

Reason: In the interest of visual amenity and the character of the area.

20) Notwithstanding any indication shown on the approved plans and 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 roof area above the bay windows on the front elevation of the flats hereby permitted, shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interest of visual and residential amenities.

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 - FLATS 1-6 BASEMENT, GROUND AND FIRST FLOOR PLANS AND ELEVATIONS	126	P12	07.01.2022	Approved
PLAN - Proposed Block Plan - non material amendment - S73	18-029 104	P19	18.02.2022	Approved
PLAN - Proposed Site Plan - non material amendment	18-029 105	P19	18.02.2022	Approved
PLAN - Flats 1 - 6 Second Floor and Mezzanine plans and elevations - non material amendment - S73	18-029 127	P15	18.02.2022	Approved
PLAN - Flats 1-6 Roof Plan - Non Material amendment - S73	18-029 128	P03	18.02.2022	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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=R5CL9ZERJUB00>

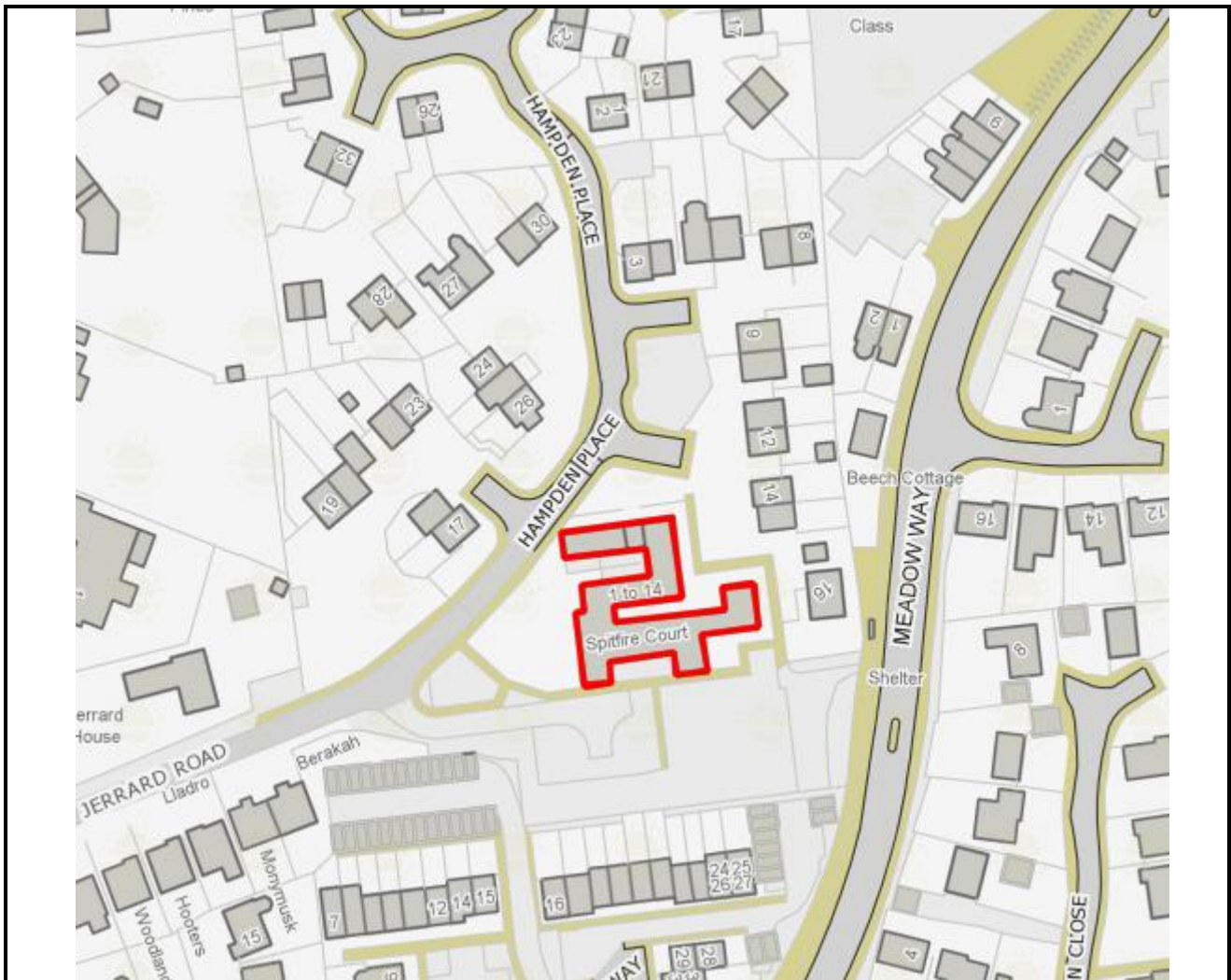
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Parish: Tangmere	Ward: North Mundham And Tangmere
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TG/21/03561/FUL & TG/21/03562/LBC

Proposal	Repairs, maintenance and redecoration of existing windows and doors. Replacement of all external existing uPVC doors with timber single glazed doors.		
Site	Spitfire Court Jerrard Road Tangmere PO20 2GR		
Map Ref	(E) 490629 (N) 106608		
Applicant	Mr John Johnston	Agent	Mr James Dutton

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 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site comprises a large two storey building situated to the south-east of Jerrard Road - a primarily residential street within the Tangmere settlement boundary. The property is Grade II listed and a former RAF airmen's institute as part of the former RAF Tangmere. The building was constructed around 1920 but was converted into residential apartments in the late C20. It features a multi-aspect hipped roof and is constructed with slate roof tiles and brickwork elevations with timber window and door units.

2.2 The property is enclosed by a border of soft landscaping and is served by two parking areas immediately to the west and south. Beyond these areas, the site is surrounded by a mix of terraced and semi-detached two storey dwellings. In addition to being listed, the building is also situated within the Tangmere Conservation Area.

2.3 The Historic England listing description for the site reads as follows:

Early example of the neo-Georgian style favoured by the Ministry of Defence for RAF buildings during the inter-war expansion period of the Royal Air Force; the exterior of the building survives well and is little altered.

It is one of the few remaining airfield buildings at RAF Tangmere, a base that rose to prominence in the Second World War and as a fighter airfield and home to 11 Group, is synonymous with the Battle of Britain.

Red brick in English bond, under a slate-tiled roof.

The building faces south and is laid out on a Palladian villa plan with centrepiece and projecting pavilion wings, the example to the right extending further east. Behind the centrepiece there are two rectangular ranges orientated east to west, which are connected at their eastern ends by a north-south range.

The centrepiece is of two storeys. The pavilions and east-west ranges to the rear are single-storey. The north-south range is predominantly two-storey. Fenestration across the building consists of multi-paned, cross casements or sash windows. The roofs have overhanging eaves and are hipped. The centrepiece and western pavilion have vented gables.

The principal elevation is largely symmetrical and is comprised of twelve bays (1:5:1:5). The outer bays project forward and are formed by the pavilions which have a single window, except to the right hand (east) side where the pavilion extends for a further five, set-back bays of regular fenestration. The ground floor of the centerpiece is characterised by round-headed openings under brick arches, across five bays. There are multi-paned entrance doors to either end (uPVC to the east) and a single window to the three central bays. At first-floor level, each bay has a regular, flat-headed window, the outliers being narrower. Brick pilasters frame the centerpiece and the side elevations have high-set,

round windows. The rear elevation is mostly hidden and has regular, cross casement windows to the first floor.

The west elevation of the left-hand (western) pavilion and the adjacent rear range has a tripartite window with narrow outliers and regular fenestration to their north and south elevations. The northern most range has a single, three-over-three, sash window to its west elevation and regular sash windows interspersed with late-C20 entrance doors to the north elevation. This elevation also has a late-C20 timber gate towards the centre. The eastern end is formed by the northern end of the north-south range. It is symmetrical and has two, six-over-six, sash windows with stone cills, on each storey.

The principal elevation of the north-south range is to the east and is more domestic in character, having two chimney stacks which rise through the hipped roof. All window openings have stone cills: to the ground floor they are narrow, four-over-four sash windows and to the first floor, larger, six-over-six sash windows. The late C20 entrance door is centrally located under a lean-to porch. The southern end is single storey where it joins the rear of the centerpiece. The rear elevation of the north-south range has regular six-over-six, sash windows to the ground floor and a single, larger, six-over-six sash windows to the first floor, where there is also a central, circular window of nine panes. The rear of the eastern pavilion has regular cross casements and a projecting porch with scalloped parapet.

3.0 The Proposal

3.1 Planning permission and listed building consent is sought to carry out repairs to the window and door units of the existing building. Specifically, the undertaking of repair and re-decoration works to the existing windows and doors within the Grade II listed former RAF airmen's institute building. The proposed works consist of the easing, adjustment, repair, refitting and re-decoration of 51 crittal window and 29 timber windows, the replacement of up to 5 cracked or missing glazing panels to crittal windows and the replacement of two timber framed doors and five UPVC doors with new timber framed units.

3.2 The proposed timber repair works specifically include:

- 1) Ease and Adjustment of Existing Windows
- 2) Ease and Adjustment of Secondary Glazing (repairs only)
- 3) Installation of draught seals
- 4) Replacement of sub-frames to windows deemed beyond repair (Flat 7 - 2no windows)
- 5) Preparation of all timber and metal window surfaces and redecoration

4.0 History

04/00577/LBC	APPRET	Replace existing door to quadrangle serving no's 6 and 14 Spitfire Court with a wrought iron gate. Move door entry from flat entrance to wall outside gate.
04/04395/LBC	PER	Replace existing door to quadrangle serving nos. 6 and 14 Spitfire Court with wrought iron gate and move current door entry system unit from main flat entrance to wall outside proposed gate.
87/00010/TG	PER	Conversion of existing Spitfire Club building to residential units (17 no. flats) and improvements of access road.
87/00012/TG	PER	Conversion of existing Spitfire Club building to residential units (17 no. flats) and improvements of access road.
77/00002/TG	PER	Change of use to community use.
77/00021/TG	PER	Change of use to air history museum.
85/00030/TG	REF	Portal framed sports and leisure centre on site of original timber framed play school and youth club.
86/00014/TG	PER	Portal framed and brick sports and leisure centre.
05/00118/COU	PER	Change of use of disused store to part-time drop-in base for wardens.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Tangmere Parish Council objects to this application on the grounds that the proposed works do not provide the improvement required to bring the doors and windows up to the standards of thermal efficiency that the parish council would expect in residential accommodation in the 21st century. The parish council would welcome clarity about the current energy performance certificate (EPC) rating of the building and what the EPC rating would be after the proposed work

6.2 Historic Buildings Advisor

The nature of the works are such that a great deal of minor but relatively detailed works are proposed as taking place. Many of these works comprise repairs and minor alterations which whilst I have made a full assessment of, may not for the sake of brevity, merit a specific mention. The assessment of the major works is detailed below:

1. The building has a mix of Crittal windows within timber frames as well as timber sash windows. Windows, cills, mullions, frames to be repaired, eased and adjusted, filled with resin where necessary. Ironmongery refurbished or replaced if broken beyond repair or missing. Installation of modern seals and draught excluders to the sash windows. All Windows to be redecorated. Some broken single glazed panes to be replaced. All of these will not require Listed Building Consent because they are part of repairs and maintenance. The method statement for carrying out these works is suitable and acceptable for a listed building.
2. Operation and configuration of the secondary glazing will also be carried out. These repairs and maintenance of the existing will not require Listed Building Consent. See also Note in Summary.
3. The building has a number of existing external entrance doors within timber frames. Doors, transoms, frames to be repaired, eased and adjusted, filled with resin where necessary. Ironmongery refurbished or replaced if broken beyond repair or missing. Installation of modern seals and draught excluders. All doors and frames to be redecorated. All of these will not require Listed Building Consent because they are part of repairs and maintenance. The method statement for carrying out these works is suitable and acceptable for a listed building.
4. Proposals for Flat 7 where there are two windows which need the timber framework replacing. This is suitable and acceptable in Listed Building Terms for the particular windows WB06 and WB07 as having inspected them the timber work is beyond repair. The proposal will include repairs and maintenance works to the Crittal windows that sit within the timber framework as per item 1 above.
5. There are proposals to replace existing door sets with new timber single glazed ones; one single and one pair of entrance doors as well as three patio type sliding doors, all decorated. The majority of these are to replace uPVC doors which are unsuitable for listed buildings. The single door is to replace an unsuitable and modern door set. All of these works described and detailed are acceptable in Listed Building terms.

The works described are suitable for this Listed Building and should ensure that the building will be restored from the poor state of the windows and doors to a better situation. In future planned maintenance should be carried out regularly including monitoring of the causes of damp which have contributed to some of the issues here and would then require less intervention.

It is noted that there is a Provisional Sum within the schedule of works for replacement of secondary glazing. Before this is proposed to be spent, a schedule of any new replacements will need to be submitted for a new listed building application together with any justifications for the works. This applies to any other replacement/new works that arise.

6.3 Third Party Representation

No third-party representations have been received.

7.0 Planning Policy

7.1 The Development Plan

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. The Tangmere Neighbourhood Plan was made on July 2016 and forms part of the Development Plan against which applications must be considered.

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

7.2 Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in favour of sustainable development

Policy 2: Development strategy and settlement hierarchy

Policy 6: Neighbourhood development plans

Policy 33: New residential development

Policy 47: Heritage and design

7.3 Tangmere Neighbourhood Plan

Policy 1: A Spatial Plan for the Parish

Policy 10: Design

7.4 National Policy and Guidance

Government planning policy comprises the revised National Planning Policy Framework (NPPF 2021) and the Listed Buildings and Conservation Areas Act (1990). Paragraph 11 of the revised NPPF states that plans, and decisions should apply a presumption in favour of sustainable development, and for decision-taking inter alia 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.

Consideration should also be given to the following paragraph and sections:

Sections 2 (Achieving sustainable development), 4 (Decision-making), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), and 16 (Conserving and enhancing the historic environment).

The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.5 Other Local Policy and Guidance

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

- CDC Advice Note on external alterations to Listed Building in Chichester District
- CDC Advice Note on windows in Listed Buildings

7.6 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:

- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs

8.0 Planning Comments

8.1 The main issue arising from this proposal are:

- i.* Principle of development,
- ii.* Impact of the proposal on the character and setting of the listed building and Tangmere Conservation Area.

Assessment

i. Principle of development

8.2 The proposed works involve improvements to the thermal efficiency of the host building, with no physical additions or major alterations proposed other than the replacement of existing window and door units with like for like matching units. As such the principle of the

proposal is acceptable and in accordance with Policies 2, 33 and 47 of the Chichester Local Plan.

- ii. Impact of the proposal on the character and setting of the listed building and Tangmere Conservation Area.
- 8.3 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." In addition, Section 72 of the Act states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
 - 8.4 Policy 47 of the Chichester Local Plan states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.
 - 8.5 Policy 33 of the Chichester Local Plan and Policy 10 of the Tangmere Neighbourhood Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting.
 - 8.6 The existing windows installed in Spitfire Court reflect the originally designed character of the building. The majority are showing signs of disrepair and require urgent maintenance in order to make the building draft proof and watertight, and to improve its thermal efficiency and internal living environment. The current single glazed timber and crittal windows are in particularly poor condition and offer little thermal insulation and in some cases are unopenable. The proposed works include the installation of replacement window units. All the repairs and replacements would ensure that the resultant windows would be of an identical profile and appearance to the existing windows and would be constructed with matching timber frames.
 - 8.7 The proposed repair works seek to extend the life expectancy of the existing window units whilst improving the sustainability of the building as well as its appearance. By retaining the existing units, and only repairing and replacing parts where necessary, the scheme would ensure that the building would not lose a significant proportion of its historic built fabric and would be improved in a manner that is consistent with its originally planned character.
 - 8.8 The proposal seeks to replace seven doors within the building, which would represent the loss of a significant amount of historic material, although four of these doors are in UPVC. The newer doors would be replaced by more traditional timber units that would be more in keeping with the general character of the building. The remaining three doors are in an irreparable condition but would also be replaced with like for like timber units.
 - 8.9 The Council's Historic Buildings Advisor has reviewed the application and has confirmed that the works described are suitable for this Listed Building and should ensure that the building will be restored from the poor state of the windows and doors to a better situation.

8.10 Overall, it is therefore considered that the proposed works would have a positive impact on the character and appearance, setting, and status of the listed building, and in doing so would make a positive contribution to the general character of the surrounding Conservation Area. Accordingly, it is deemed that the proposal is acceptable in design terms and would be in accordance with Policies 33 and 47 of the Chichester Local Plan as well as Policy 10 of the Tangmere Neighbourhood Plan.

iii. Other Matters

8.11 Tangmere Parish Council has objected to the proposed development on the grounds that the proposed repair works would not provide the level of thermal efficiency improvements that are required for the host property to bring it up to an acceptable energy saving standard.

8.12 Following a request from the Parish Council, the applicant has submitted Energy Performance Certificates for all 14 addresses at the property, which show that energy performance of the building can be improved through methods such as improving the specification of the building's insulation. The proposed works would improve the thermal performance and insulation of the building by sealing all of the building's openings properly. This considered with the window frame and glazing improvements would improve the energy performance of the building and is in line with national energy saving objectives would also be safeguarded by current building regulations legislation.

Conclusion

8.13 Based on the above, it is considered the proposal would not result in a harmful impact to the character and appearance of grade II building or the character of the Tangmere Conservation Area. The proposed works are considered to represent a sound approach by retaining the important features of the listed building, whilst improving the energy saving specification of the existing residential conversion. Therefore, the proposal is considered to comply with the abovementioned national and local plan policy and the applications for planning permission and listed building consent are recommended for approval subject to several conditions.

Human Rights

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

TG/21/03561/FUL

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) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

4) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

TG/21/03562/LBC

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The works for which Listed Building Consent is hereby granted must be begun no later than the expiration of three years beginning with the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To ensure the works comply with the listed building consent.

3) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

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 ELEVATIONS	T3-0983-04		20.01.2022	Approved
PLAN - PROPOSED WINDOW & DOOR SCHEDULE	T3-0983-05		20.01.2022	Approved
PLAN - EXISTING TYPE E TRADITIONAL REBATED DOUBLE DOORS	A16		13.12.2021	Approved
PLAN - EXISTING TYPE H TIMBER SINGLE DOOR DETAILS	A19		13.12.2021	Approved
PLAN - EXISTING BLOCK AND LOCATION PLAN	T3-0983-01		13.12.2021	Approved
PLAN - EXISTING ELEVATIONS	T3-0983-02	A	13.12.2021	Approved
PLAN - EXISTING WINDOW AND DOOR SCHEDULE	T3-0983-03		13.12.2021	Approved
PLAN - TYPICAL WINDOW SECTIONS	Typical Window Sections		13.12.2021	Approved
PLAN - WINDOW WEDGE SEAL	WS 1580		13.12.2021	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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=R423MGERIV400>

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Chichester District Council

Planning Committee

Monday 21 March 2022

DEFRA Consultation on Biodiversity Net Gain Regulations and Implementation

1. Contact

Fjola Stevens, Divisional Manager, Development Management
Tel: 01243 534734; Email: fstevens@chichester.gov.uk

2. Recommendation

2.1 The Planning Committee is asked to;

i. note the contents of the Department for Environment, Food & Rural Affairs (DEFRA) Consultation on Biodiversity Net Gain Regulations and Implementation, and

ii. to comment on, and endorse, the proposed Council response set out in Appendix 1.

3. Background

3.1 Under the Environmental Act 2021, all Planning Authorities in England will be required to implement Biodiversity Net Gain (BNG) from November 2023. BNG is described as ‘an approach to development which means that habitats for wildlife must be left in a measurably better state than they were in before the development.’ It would mean that developments would be required to provide not only mitigation and compensatory measures in response to impact on habitats and protected species but to also provide ecological enhancements. BNG would also recognise other important habitats which may not have statutory protection (such as native woodland and scrubland).

3.2 The rationale for mandating BNG through the Environment Act is establish a consistent set of requirements and necessary exemptions which give developers clarity as to how they can meet their net gain obligations. DEFRA has now published a consultation document titled ‘Consultation on Biodiversity Net Gain Regulations and Implementation’ to seek views on their proposals for the detailed regulations and implementation measures. It

is intended that the responses received will shape legislation, processes and guidance ahead of the proposed date at which achieving BNG will become a mandatory requirement (currently November 2023).

- 3.3 The consultation period runs from 11 January 2022 until 5 April 2022. A copy of the DEFRA consultation document can be viewed online (see weblink below under 'Background Documents').

4.0 Consultation responses

4.1 Environmental Strategy Unit

The Sussex Nature Partnership (of which CDC are a member) is preparing a joint response to the BNG consultation on behalf of all member authorities across East and West Sussex. This draft response is not yet ready, but if it is circulated before the Committee meeting date, then it will be made available to members.

5.0 Biodiversity Net Gain Requirements

- 5.1 The national mandatory requirement will be to achieve at least a 10% BNG increase from the pre-development biodiversity value. The BNG would be secured via a pre-commencement condition, meaning that the biodiversity gain condition must be discharged before development can begin. A BNG metric has been made available by DEFRA, acting as an accounting tool that can be used for the purposes of calculating BNG. To discharge a BNG condition, the developer will need to produce a Biodiversity Gain Plan, to be approved by the Local Planning Authority (LPA).

- 5.2 Whilst the proposals centre around approval of this information via planning condition, DEFRA also propose to require applicants for planning permission to include biodiversity gain information with their application. This core information will include:

- the pre-development biodiversity value,
- the proposed approach to enhancing biodiversity on-site, and
- any proposed off-site biodiversity enhancements (including the use of statutory credits) that have been planned or arranged for the development

- 5.3 The existing statutory and policy protections for our statutory protected sites and protected species will not be replaced by the Environment Act's biodiversity net gain measures. A proposal to deliver BNG will not affect the weight that

should be given to other planning considerations, matters of planning policy, or legal obligations. Instead, the requirement for BNG will be an additional requirement.

- 5.4 The requirement for BNG will be triggered for all development that would be granted (or deemed to be granted) planning permission under the Town and Country Planning Act 1990 (as amended) (TCPA), which includes permitted development. However, there may be exemptions, and this issue is explored in the consultation. In addition, BNG will be required for Nationally Significant Infrastructure Projects (NSIPs) consented under the Planning Act 2008.

6.0 Consultation question responses

- 6.1 The Consultation questions are split into three parts, each of which covers several themes:

- 1) Defining the scope of the biodiversity net gain requirement for Town and Country Planning Act 1990 development
 - exemptions
 - development within statutory designated sites for nature conservation
 - irreplaceable habitat
- 2) Applying the biodiversity gain objective to different types of development
 - phased development and development subject to subsequent applications
 - small sites
 - Nationally Significant Infrastructure Projects (NSIPs)
- 3) How the mandatory biodiversity net gain requirement will work for Town and Country Planning Act 1990 development
 - biodiversity gain plan
 - off-site biodiversity gains
 - the market for biodiversity units
 - habitat banking
 - the biodiversity gain site register
 - additionality
 - statutory biodiversity credits
 - reporting, evaluation, and monitoring

- 6.2 Many of the questions are multiple choice and not all of the questions are relevant to the function of the planning authority in implementing BNG. Responses are therefore only proposed in respect of the questions directly

relevant to the planning process. As stated above the Sussex Nature Partnership is also providing a response, and that will deal with the technical matters. Below is an explanation of the key matters and the Council's proposed responses.

Part 1: defining the scope of the biodiversity net gain requirement for Town and Country Planning Act 1990 development

- 6.3 Questions 1-9 of the consultation relate to proposed exemptions to providing BNG on development granted planning permission under the Town and Country Planning Act 1990, as amended. It should be noted that any development that DEFRA decide to exempt from mandatory BNG would not prevent the LPA seeking BNG on these developments, only that the LPA is not obliged to do so.
- 6.4 DEFRA's proposed exemptions to 'de minimus', householder and change of use applications are considered reasonable. However, it is recommended that self and custom build builds should not be exempt; despite such builds often being small in size and ambitious in terms of other sustainability measures, it may create loopholes where there is a mix of self/custom builds and standard housing on a particular site, as is DEFRA's concern. It is also considered that Brownfield development should not be exempt from BNG requirements. These sites present opportunities for on and off site enhancement, and given the requirement would be 10% of a low pre-development baseline it is considered that requiring BNG would not be unreasonable.
- 6.5 Officers agree with DEFRA proposals to ensure that the requirements for BNG are consistent irrespective of where it is permitted development or not. Any exempts should reflect the nature of the proposal, and not whether the proposal benefits from permission via the Town and Country Planning (General Permitted Development) Order 2015, as amended or via an express grant of planning permission.
- 6.6 The proposal to not exempt developments with temporary planning permission is not considered reasonable. DEFRA's rationale is that the BNG metric will allow for the temporary nature of developments and how quickly they can be restored into account. However, temporary permissions are often needed to fulfil an immediate need, and as such requiring work to be undertaken to calculate BNG when the metric may likely not require it in any event, would be disproportionate and could cause delays to the provision of temporary uses and developments.
- 6.7 Question 10 of the consultation relates to developments on statutory designated sites for nature conservation. Officers agree with DEFRA's proposal not to exempt development in such areas from mandatory BNG. The

purpose of BNG is to go above and beyond the existing statutory biodiversity requirements and policies and should therefore be considered separately. As DEFRA highlight, an otherwise unacceptable scheme cannot be justifiable by BNG on statutory designated sites.

Part 2: Applying the biodiversity gain objective to different types of development

- 6.8 Question 12 relates to development consented by outline permission with reserved matters, some of which will be delivered in phases. Officers agree with DEFRA's proposal that outline applications should be submitted with a BNG strategy outlining the proposals for the entire development and how it will be delivered phase by phase. The outline application should also agree the pre-development value of the whole site. If any degradation of the site value has occurred since 30/01/2020 then this must be reported and the 10% gain calculated on the site value for that date – this is to avoid pre-emptive site clearance to reduce the baseline value. Should outline permission be granted, it should be subject to a condition requiring the approval of a detailed BNG Plan prior to the commencement of each phase of development.
- 6.9 The consultation documents sets out the proposed approach for applications for non-material amendments and variation of conditions which is helpful. It is proposed that the requirements of BNG shall apply to amendments and it will not be possible to disapply or vary the net gain condition on an existing permission. If no changes are proposed that would affect the post-development biodiversity value the existing agreed biodiversity gain plan will remain in place, and only if the proposal would affect the post-development biodiversity value would a new biodiversity gain plan be required. If a new net gain plan is required the baseline would be taken from that of the original permission rather than the new s73 permission to ensure that a 10% uplift from pre-development levels. It is considered that this is a pragmatic approach which will assist with the consideration of amendments to proposals that already benefit from a planning permission.
- 6.10 Questions 14-16 relate to the process of assessing BNG on small sites can be streamlined, to ease the process for both developers and LPAs. Officers agree with DEFRA's proposal to introduce a simplified 'small sites' metric to help to reduce any time and cost burdens introduced by a BNG condition. It is also considered that a transition period of 6 months from the date BNG is mandatory would be reasonable.

Part 3: How the mandatory biodiversity net gain requirement will work for Town and Country Planning Act 1990 development

- 6.11 Questions 28-29 ask for views on the proposed use of a consistent format for developers to fill in and LPAs to check if BNG requirement is met. DEFRA

also proposed that outline permissions would have a different template and a more concise one for small scale development. DEFRA proposes that a finalised BNG should not be required prior to determination of a planning application but can be secured via a pre-commencement condition, recognising that not all elements may be fixed at determination stage (such as full landscaping details for example). However, DEFRA also recognises that some schemes may be able to provide a compliant BNG plan during the application stage, in which case it can be submitted and approved by the application, negating the need for a BNG pre-commencement condition (a compliance condition may be required). Officers agree with this approach.

- 6.13 Questions 30-31 seek views on the proposals to allow for off-site BNG to be provided in cases where on-site BNG cannot be achieved. The off-site BNG should be local to the development site, and works should commence as soon as is feasible, and no more than 12 months after the discharge of the mandatory pre-commencement biodiversity net gain condition. The date for completion of the work should be included in the BNG plan with an increase in the number of credits required where a longer timescale for completion is agreed. The BNG site should then be maintained for a minimum of 30 years. This places an additional planning enforcement obligation on the authority for a 30 year timescale. Officers agree with DEFRA's assertion that further guidance is needed to support decision-making about what constitutes appropriate off-site biodiversity gains for a given development. Officers also agree with DEFRA's suggestion that developers should be encouraged and enabled to retain the BNG for longer than 30 years where appropriate.
- 6.14 Questions 32-33 relate to the creation of a market for biodiversity units or credits. This could also include 'habitat' banking' where developers or the LPA can create BNG land not directly attributed to a development, which could then be purchased towards the BNG of a future development. LPA's would be allowed to participate in this market, for example through selling BNG credits or units from their land. If developers go beyond their BNG requirement when building out their required BNG for a particular development, DEFRA are minded to allow them to sell the excess as 'credits' or 'units' to be used to facilitate other developments requiring BNG. DEFRA would develop a registry of off-site BNG and BNG units available for purchase, supported by both the public and private sectors which would be publicly available.
- 6.15 Officers are generally supportive of these measures, however there is a risk that developers delivering developments in areas where land values are high would prefer to buy credits for cheaper land elsewhere. It is therefore considered that a local gain should be required in the first instance, and only where it is not possible should credits be bought from elsewhere in England. Up-front investment in Habitat Banking would require a partnership approach with conservation bodies experienced in land acquisition and management.

The level of need for such banks is uncertain given the ability of many development to meet a 10% requirement on site and given that transfer of credits across a development portfolio is also likely. These factors, together with uncertainty about the future price of credits mean that LPA's participation in such markets is likely to be delayed until such time as the market has matured and the risk can be more fully evaluated.

- 6.16 Questions 52-55 relate to the reporting, evaluation, and monitoring of BNG. DEFRA proposed that LPAs will be responsible for monitoring BNG across their districts and report the information direct to DEFRA, for example through a local register or BNG reports. Officers recognise that monitoring and reporting of BNG will be crucial to the success of BNG at a strategic level. However, any mandatory requirements must take into account the often limited resources available to LPAs in undertaking such work.
- 6.17 The five yearly Biodiversity Reports mandated by the Environment Act will be the main reporting mechanism. These do add a new burden on local government and Annex C of the BNG consultation sets out the monitoring requirements. These will involve collecting multiple data points from each application covered by BNG so will require alteration to case management software ahead of the introduction of BNG in order to capture this data and produce the cumulative statistics at the end of the five year reporting period. More details relating to the new burdens funding of BNG in future years would help in the understanding of how the LPA could facilitate this.

6.0 Proposed Council response

- 6.1 Members are asked to;
- i. note the contents of the consultation proposals, and
 - ii. comment on, and endorse, the proposed Council response set out in Appendix 1.
- 6.2 Any further comments will be considered and where appropriate incorporated prior to the response being forwarded to DEFRA.

7.0 Background documents

- 7.1 DEFRA consultation document, response form and appendices are available at: [Consultation on Biodiversity Net Gain Regulations and Implementation - Defra - Citizen Space](#)

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DEFRA Consultation on Biodiversity Net Gain Regulations and Implementation

Appendix 1: Consultation responses to questions

Part 1: Defining the scope of the biodiversity net gain requirement for Town and Country Planning Act 1990 development

1. Do you agree with our proposal to exempt development which falls below a de minimis threshold from the biodiversity net gain requirement?

a) for area-based habitat:

Yes - 10m²

b) for linear habitat (hedgerows, lines of trees, and watercourses):

Yes - 5m

2. Do you agree with our proposal to exempt householder applications from the biodiversity net gain requirement?

Yes

3. Do you agree with our proposal to exempt change of use applications from the biodiversity net gain requirement?

Yes

4. Do you think developments which are undertaken exclusively for mandatory biodiversity gains should be exempt from the mandatory net gain requirement?

Yes – only for biodiversity net gain

5. Do you think self-builds and custom housebuilding developments should be exempt from the mandatory net gain requirement?

No

6. Do you agree with our proposal not to exempt brownfield sites, based on the rationale set out above?

Yes

7. Do you agree with our proposal not to exempt temporary applications from the biodiversity net gain requirement?

No - As temporary schemes are likely to be screened out of BNG through the metric, it is considered that, without an exemption, the requirement to provide BNG information could delay the preparation and consideration of an application unnecessarily. Temporary schemes can often be time sensitive to begin with,

relating to the need for a quick, short term solution to an immediate issue (for example, temporary hospital treatment facilities or classrooms for schools).

8. Do you agree with our proposal not to exempt developments which would be permitted development but are not on account of their location in conservation areas, such as in areas of outstanding natural beauty or national parks?

Yes

9. Are there any further development types which have not been considered above or in the previous net gain consultation, but which should be exempt from the biodiversity net gain requirement or be subject to a modified requirement?

No

10. Do you agree with our proposal not to exempt development within statutory designated sites for nature conservation from the biodiversity gain requirement?

Yes

Part 2: Applying the biodiversity gain objective to different types of development

12. Do you agree with our proposed approach that applications for outline planning permission or permissions which have the effect of permitting development in phases should be subject to a condition which requires approval of a biodiversity gain plan prior to commencement of each phase?

Yes

13. Do you agree with the proposals for how phased development, variation applications and minerals permissions would be treated?

Yes

14. Do you agree that a small sites metric might help to reduce any time and cost burdens introduced by the biodiversity gain condition?

Yes, however, the level of gain should still be at least 10% for small sites with just the paperwork, not the level of gain, reduced.

15. Do you think a slightly extended transition period for small sites beyond the general 2- year period would be appropriate and helpful?

Yes, a 6 month extension would be reasonable and help the Council manage the introduction of BNG.

16. Are there any additional process simplifications (beyond a small sites metric and a slightly extended transition period) that you feel would be helpful in reducing the burden for developers of small sites?

No

Part 3: How the mandatory biodiversity net gain requirement will work for Town and Country Planning Act 1990 development

28. a) Do you agree with the proposed content of the biodiversity gain information and biodiversity gain plan?

Yes

b) Do you agree with the proposed procedure for the submission and approval of biodiversity gain information and the biodiversity gain plan?

Yes

29. We will continue to work with external stakeholders and industry on the form and content of the template. Do you agree with the proposed information to be included in a biodiversity gain plan as shown in the draft template?

Yes

30. Do you agree that further guidance is needed to support decision-making about what constitutes appropriate off-site biodiversity gains for a given development?

Yes

32. Do you agree with our proposals for who can supply biodiversity units and the circumstances in which they may do so?

Yes

33. Do you agree that developers which are able to exceed the biodiversity gain objective for a given development should be allowed to use or sell the excess biodiversity units as off-site gains for another development, provided there is genuine additionality?

Yes

34. Do you agree with the proposed scope of the UK Government's role in facilitating the market, as set out above?

Yes, however local net gain should be required in the first instance and only where it has been demonstrated that it is not possible should credits be bought from elsewhere in England.

35. Are the proposals outlined here sufficient to enable and encourage habitat banking?

Yes, however parameters will be required to ensure local net gain is a priority.

52. Do the above project-level management, monitoring, enforcement, and reporting proposals seem sufficient, achievable, and not overly burdensome on practitioners, developers, or planning authorities?

Yes, with the caveat that the funding to LPA's needs to be considered and resolved, it will only be possible if sufficient funding is made available to local planning authorities.

54. Do the above proposals for policy-level reporting, evaluation and enforcement seem sufficient and achievable?

Yes, but not achievable, unless suitable software is available to capture the data and funding is made available to resource the work. More details relating to the new burdens funding of BNG in future years would help in the understanding of how the LPA could facilitate this.