

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 27 March 2024 at 9.30 am**

MEMBERS: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter, Ms S Quail and Mrs S Sharp

AGENDA

1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes**

The minutes from the meetings 7 February 2024 and 6 March 2024 to be agreed at meeting 17 April 2024.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 16(b).

4 **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 5 TO 12 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **23/01855/FULEIA - Rolls Royce Motor Cars, The Drive, Westhampnett - REPORT TO FOLLOW**
Hybrid Planning Application, Phase 1 (Full application) - erection of new 5 no. buildings for manufacturing and ancillary uses, extension and reconfiguration of existing facility including demolition works and removal of temporary structures, creation of new vehicular access from Roman Road, car and HGV parking and other associated works and infrastructure, including earthworks, drainage, utilities, landscaping and diversion of footpath. Phase 2 (Outline Planning application) - extension to new main building to deliver decked car parking, and new building(s) on existing Stane Street Car Park, for assembly and ancillary uses and other associated works, demolition/site clearance and infrastructure, including earthworks, drainage, utilities and landscaping. (All Matters Reserved except access). **REPORT TO FOLLOW**
- 6 **HN/23/01377/FUL - Kipson Bank Farm, Selsey Road, Hunston, Chichester, West Sussex, PO20 1AU** (Pages 3 - 19)
Demolition of existing grain store and replacement with 2 no. dwellings with package treatment plant
- 7 **NM/23/02240/DOM - 3 Vinnetrow Cottages, Vinnetrow Road, Runcton, Chichester, West Sussex, PO20 1QH** (Pages 21 - 30)
Double storey side extension. Single storey rear extension with skylight.
- 8 **SI/23/02901/FUL - Land South Of 63 Street End Lane, Sidlesham, Chichester, West Sussex, PO20 7RG** (Pages 31 - 49)
Demolition of existing glass house and construction of 2 no. units of 2 bedroom tourist accommodation and associated works.
- 9 **SB/22/00593/FUL - Land South Of West View Cottages, South Lane, Southbourne** (Pages 51 - 91)
Construction of 7 no. dwellings with access from South Lane together with associated parking and landscaping.
- 10 **SB/23/01952/FUL - The Sussex Brewery - REPORT TO FOLLOW**
Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping. **REPORT TO FOLLOW**
- 11 **WW/23/01781/FUL - Briar Cottage, Meadow Lane, West Wittering, Chichester, West Sussex, PO20 8LR** (Pages 93 - 113)
Demolition of existing 1 no. dwelling including associated outbuildings and construction of 1 no. dwelling and swimming pool.
- 12 **SDNP/22/05843/ADV - One Stop, 6 Midhurst Road, Fernhurst.** (Pages 115 - 123)
1 no. non illuminated fascia, 1 no. Window Vinyl's and 1 no. poster case.
- 13 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 125 - 139)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

- 14 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 141 - 147)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 15 **Response to Government Changes to Various Permitted Development Rights Consultation** (Pages 149 - 172)
The Planning Committee are asked to consider the attached report and support the proposed recommendation set out at 2.1;
- That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government 'Changes to various permitted development rights: consultation'**
- 16 **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
- 17 **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;

- a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages
 - b. Where a member of the public has registered a question they will be invited to attend the meeting and allocated a seat in the public gallery
 - c. You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.
6. How applications are referenced:
- a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

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

**Committee report changes appear in bold text.
Application Status**

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

Wednesday 27 March 2024

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 R Bates – Fishbourne Parish Council
- Mr R Briscoe – Westbourne Parish Council
- Mrs B Burkhart – Lurgashall Parish Council
- Mrs H Burton – Stedham with Iping Parish Council
- Mr J Cross – Sutton Parish Council
- Mrs D Johnson – Selsey Town Council
- Mr S Johnson – Chidham & Hambrook Parish Council
- Mr H C Potter – Boxgrove Parish Council
- Mrs S Quail – Chichester City Council
- Mr C Todhunter – Loxwood Parish Council

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
- 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 R Bates – Chichester Harbour Conservancy (reserve); the Standing Conference on Problems Associated with the Coastline (SCOPAC) and the West Sussex Health and Adult Social Care Committee
- Mr R Briscoe – Portsmouth Water Forum
- Mr J Brookes-Harmer – Goodwood Airfield Consultative Committee
- Mrs H Burton – Action in Rural Sussex and LGA Sparsity Partnership for Delivering Rural Services
- Mr J Cross – South Downs National Park Authority
- Mrs D Johnson – Manhood Peninsula Partnership and the Western Sussex Hospital NHS Trust Council of Governors
- Mr S Johnson – Chichester Harbour Conservancy
- Mr H Potter – Goodwood Motor Circuit Consultative Committee
- Mrs S Quail – Chichester Conservation Advisory Committee
- Mr C Todhunter – West Sussex Rural Partnership

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

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

NONE

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

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

- Mrs D Johnson – Chichester Harbour Conservancy

Personal Interests – Other Membership of Public Bodies

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

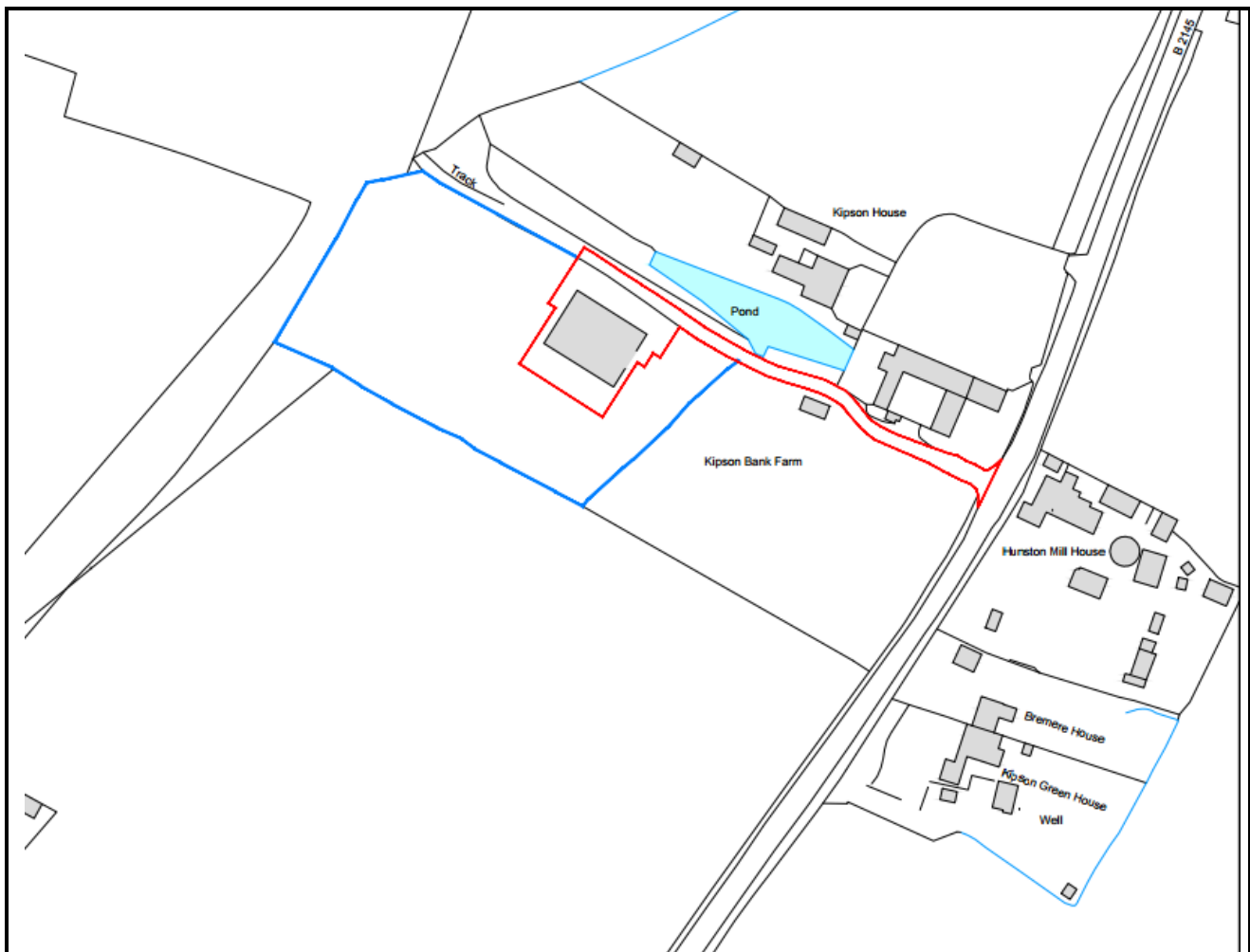
- Mr R Briscoe – Woodmancote Resident Association
- Mr S Johnson – Maybush Copse Friends
- Mrs S Quail – Westgate Residents Association

Parish: Hunston	Ward: North Mundham And Tangmere
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HN/23/01377/FUL

Proposal	Demolition of existing grain store and replacement with 2 no. dwellings with package treatment plant.		
Site	Kipson Bank Farm Selsey Road Hunston Chichester West Sussex PO20 1A		
Map Ref	(E) 485746 (N) 100915		
Applicant	Ms Jacintha Carty	Agent	Mrs Lisa Jackson

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 consist of an existing agricultural building, which is located outside of any designated settlement boundary, within the rural area. The application site is located to the northwest of Selsey Road. The agricultural building is constructed of metal cladding and has an overall height of approximately 7.6m. There is an existing access road to the east of the agricultural dwelling that provides access to the application site. The agricultural barn has been subject to a prior approval application to change the use of the building to 2 no. dwellinghouses under prior approval permission HN/22/02350/PA3Q.

2.2 There is a Grade II listed building, Kipson House, to the northeast which is approximately 41m from the agricultural building. There are existing barns to the east of the application site, which has been subject to a separate application under permissions HN/22/02770/FUL and HN/22/02771/LBC to change the use to 1 no. dwellinghouse and garage and workshop.

3.0 The Proposal

3.1 The application seeks planning permission for the demolition of the existing grain store and the construction of 2 no. dwellings with a package treatment plant.

3.2 The proposed 2 no. detached dwellings would be located at the north west section of the application site and would be served by the existing access. The proposed two storey dwellinghouses would each have a floorspace of approximately 197.1 square metres. The proposed dwellings would have an overall ridge height of approximately 7.65m. The proposed dwellinghouses would consist of gable roof design with a single storey rear outshot. The boundary treatments for the front and rear gardens would consist of planting/hedging. The parking areas for each dwelling would be located to the front of the development.

4.0 History

22/02350/PA3Q	PER106	Change of use of agricultural building to 2 no. three-bedroom dwellings (C3 Use Class).
22/02770/FUL	PER106	Change use of barns to 1 no. dwelling with open garage and workshop, alongside installation of package treatment plant.
22/02771/LBC	PER	Change use of barns to 1 no. dwelling with open garage and workshop.
22/03211/FUL	WDN	Demolition of existing grain store and replacement with 2 no. dwellings with car ports and a package treatment plant.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Hunston Parish Council objects to this application for the following reasons.

The proposed dwellings are significantly higher than the existing grain store and by virtue of the increased mass of the development would adversely impact on the street scene. The proposed dwellings are not in keeping with the character of the surrounding area and its setting in the landscape. This is because of their proximity to neighbouring listed buildings.

The windows of the proposed dwellings, because of their size will cause considerable light pollution which is deemed harmful to local wildlife, particularly the bats which are evident towards the back of the site.

Whilst the Parish Council is not directly opposed to the change to residential development, it feels strongly that any dwellings should be more in keeping with the local landscape in order to protect the neighbouring listed buildings.

6.2 WSCC Highways

Further Comments (received 26.01.2023)

WSCC in its role as Local Highway Authority (LHA) has been reconsulted for the above application, following the applicant's submission of revised plans. The LHA previously provided comment on this application, dated 13/07/2023, raising no highway safety concerns.

From inspection of the revised plans, the proposed changes appear minor from a highway safety point of view, and do not warrant any additional comments. The LPA are advised to refer to the LHAs previous consultation response, dated 13/07/2023, for relevant comments. I include a revised conclusion paragraph below, to reflect the recent changes in the NPPF.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

Original Comments (received 13.07.2023)

Summary and Context

This application is for the demolition of an existing grain store and replacement with two residential dwellings. The site is located on Selsey Road, a B-classified road subject to a speed restriction of 40 mph in this location.

This application is supported by a Transport Technical Note prepared by Abley Letchford Partnership. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for similar application HN/22/03211/FUL, raising no highway safety concerns. The applicant withdrew the application.

Access and Visibility

The applicant proposes to utilise the existing access point on Selsey Road, with no alterations proposed to this arrangement. From inspection of the application documents and WSCC mapping, there are no apparent visibility concerns with the existing vehicular access. In addition, the proposed development is not anticipated to give rise to a material intensification of use of the existing access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Parking and Turning

The plans demonstrate three car parking spaces per dwelling, totalling six for the site. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require six parking spaces - as such, the proposed parking provision is

considered sufficient. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Regarding cycles, each plot will be provided with a cycle store as per WSCC Parking Standards, which will encourage sustainable transport methods.

Sustainability

The site is situated south of Hunston, which provides some local services and amenities. However, Selsey Road lacks a footway and street lighting in this location, which may deter pedestrians - As such, the LHA anticipates that residents may have a reliance on the private car. Cycling is a viable option for confident cyclists.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Car parking space (details approved)

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

Reason: To provide car-parking space for the use

Cycle parking

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

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

6.3 CDC Archaeology Officer

It is unlikely that works associated with the proposal would affect archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.4 CDC Environmental Strategy Officer

Original Comments (received 07.07.2023)

Reptiles

Following submission of the Reptile Survey Report (Nov 2022) we are happy that the precautionary mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts

Following submission of the Preliminary Ecological Appraisal (Aug 2022) we are happy that the precautionary mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Bats

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

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

Hedgehogs

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

Nesting Birds

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

We would like a bird box to be installed on the building / and or tree within the site

Recreational Disturbance

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

Policy 40

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

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

6.5 Third Party Representations

1 no. letters of objection have been received concerning;

- o They do not object to principle of dwellings on the site.
- o The houses are suburban in appearance and would not be in keeping with the context of the application site.
- o The ridge height is almost a metre higher than the existing agricultural ban and should be reduced.
- o Concerns regarding the impact of the proposal on the Grade II listed building.
- o Concerns regarding overlooking of Kipson House's rear garden from the front elevation of the new properties. There are a significant number of windows that would face the rear garden.
- o The preservation of the existing planting between the application site and Kipson House should be retained.
- o There is a large area of windows proposed as part of the development. This may impact existing wildlife in terms of increase in light spill.
- o The prospect of the 'fall-back' of the prior approval application should not be given any weight.

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.
- 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 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for

examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

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

7.5 Consideration should also be given to the following sections: Sections 1, 2, 3, 5, 6, 12, 15, 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Surface Water and Foul Drainage
- 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
- iv Highway Safety
- v. Ecological considerations
- vi. Recreational Disturbance

Assessment

i. Principle of development

- 8.1 The application site is located outside of any defined settlement boundary where new dwellings are generally resisted. However, the Council's Interim Statement for the Delivery of Housing recognises that the Local Plan policies to deliver new housing are out of date. Therefore the policies that seek to deliver housing in built up areas rather than countryside locations carry less weight than the NPPF which seeks to boost the supply of housing. The NPPF is clear in paragraph 11(d) that when relevant policies are out of date applications should only be refused where significant and demonstrable harm, having regard to the policies within the framework, would outweigh the benefits.
- 8.2 In addition to the above, the principle of 2 no. dwellings on this application site was established by a prior approval application HN/22/02350/PA3Q. The prior approval is considered a realistic fallback position for the applicant and therefore it has established the principle of 2 dwellings on this site.
- 8.3 The established position for the provision of residential development on the site is a material consideration that carries significant weight in the balancing of the key issues. As set out within the report below the development would not result in any significant harm, and taking into account the fall-back position on the site and the benefits of providing new dwellings, albeit only 2, it is considered that the principle of the development is acceptable.

ii. Design and impact upon character of the surrounding area

- 8.4 Policy 33 of the Chichester Local 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 in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Section 12 of the NPPF reiterates the requirement for good design. Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site. Section 15 of the NPPF sets out that proposal should contribute to and enhance the natural and local environment.
- 8.5 The existing building consists of a rectangular building, the lower walls are constructed of concrete, while the upper walls and roof comprise of corrugated cladding. The agricultural

barn is located to the south west side of the existing access track. Previous permission was granted for a change of use of the agricultural building under prior approval permission HN/22/02350/PA3Q.

- 8.6 This proposal seeks permission for the demolition of the existing agricultural building and the erection of 2 no. detached two storey dwellings. The dwellinghouses would be sited in a similar location to the existing agricultural building and would have a similar sized domestic curtilage to the prior approval scheme.
- 8.7 A revised scheme has been provided for the application, the revised scheme included a reduced overall ridge height, revised fenestration and materials and reduction in scale of the rear outshot of the dwellings from two storey to single storey. The proposed ridge height of the revised dwellings are approximately 7.65m, which would be of a similar height to the existing agricultural building (approximately 7.6m). In addition, the revised scheme would have a similar floorspace to the prior approval scheme. It is considered that the revised scheme would be acceptable and would not have a significant impact on the character of the rural area. While it is noted that the proposal includes an overall increase in fenestration compared to the prior approval application, on balance it is not considered to cause harm to the surrounding area.
- 8.7 The boundary treatments for the development consist of planting/hedging, which would be considered to be acceptable. If the application is permitted, a condition will be added to require the submission and agreement of landscaping and boundary treatments for the development to allow control over the details of the boundary treatment and to ensure that they are in keeping with the rural area. It is suggested that native hedging with stock proof fencing is utilised for the boundary treatments for the development.
- 8.8 The proposed materials for the dwellinghouses consist of proposed timber cladding and metal profile roofing. It is considered that the proposed materials would be acceptable and would not detract from the character of the surrounding area. If the application is permitted, a condition will be added to require the submission of materials details for the proposed development.
- 8.9 There is a Grade II listed building, Kipson House, to the north west which is approximately 41m from the agricultural building. The proposed development was discussed with the Council's Conservation and Design Officer and it is considered that the development would of a sufficient distance so not to impact the setting of the listed building.
- 8.10 The proposals by reason of their size, design and appearance would be appropriate and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF sections 12 and 15 and policies 2, 33, 45, 47 and 48 of the Chichester Local Plan.

iii. Impact upon amenity of neighbouring properties

- 8.11 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties.

8.12 The proposed development would be approximately 41m from the neighbouring property to the north. While the proposed development would be approximately 70m from the barns located to the east, which have been subject to planning permission for a change of use to a dwellinghouse.

8.13 On balance, it is considered that the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore it is considered that the development complies with policy 33 of the current Chichester Local Plan and paragraph 135 of the NPPF.

iv. Highway Safety

8.14 Policy 39 requires development to have safe and adequate access to the public highway and on-site parking needs which meet the current West Sussex County Council guidance.

8.15 The proposal has been reviewed in consultation with WSCC Highways, who have raised no objection to the proposed development. They have advised that the proposal would not be anticipated to give rise to a material intensification of use of the existing access. There are a total of 6 no. parking spaces proposed for the dwellings, with 3 no. parking spaces allocated to each dwelling. The WSCC Car Parking Demand Calculator states that a minimum of 6 no. parking spaces would be expected for the dwellings. Therefore, the car parking would be in accordance with this and is considered to be sufficient. The application site is located south of Hunston, which provides local services and amenities. It is noted that there are no footways and street lighting in the immediate vicinity of the application site. Therefore, this may increase reliance on travelling by motor car. However WSCC Highways have advised that cycling may be a viable option for the area. A cycle store would be provided for each development and if the application is permitted a condition will be added to require the submission of the details of the cycle store to the Local Planning Authority.

8.16 As such, subject to future compliance with the suggested conditions, the proposal will comply with Policy 39 of the Chichester Local Plan and result in an acceptable highways impact.

v. Ecological Considerations

8.17 Policy 49 of the Chichester Local Plan refers to the protection and enhancement of biodiversity of the proposed site. The application site is located adjacent to a bat home and movement network. Therefore, the application needs to be carefully assessed in terms of potential impact on bats and other protected species.

8.18 An Ecological Appraisal and Reptile Survey Report was submitted in support of the application. The Ecology Officer stated that they were satisfied with the proposed mitigation set out within the report for reptiles and great crested newts and it should be ensured that this mitigation takes place. In addition, the Ecology Officer requested that further mitigation and enhancements for bats, birds and hedgehogs for the site. Therefore, conditions securing this mitigation and enhancements have been recommended below and subject to compliance, the proposals would be in accordance with Local Plan Policy 49.

vi. Recreational Disturbance

8.19 The application site lies within the 5.6km zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.5km of Pagham Harbour SPA. Policies 50 and 51 of the Chichester Local Plan require new development to mitigate the impact of the increase in recreational disturbance, either by way of a package of bespoke avoidance/mitigation measures or by way of a financial contribution towards mitigation strategies for the SPA. A unilateral undertaking has been secured for the required mitigation payment and as such the development now accords with Policies 50 and 51.

Conclusion

8.20 Based on the above, it is considered that the principal is acceptable given the established fallback position and the proposal is acceptable in respect of the siting, size, design and appearance of the buildings. The proposal therefore complies with Local Plan policies 8, 33, 39, 40, 48 and 49 and national planning policies contained within the NPPF, and is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT WITH S106 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) Prior to any development, a refurbishment and demolition survey shall be undertaken to confirm the presence or absence of asbestos containing materials (ACM), at the development site. If ACM are present a method statement of works shall be submitted to and approved by the Local Planning Authority giving due consideration to The Control of Asbestos Regulations 2012.

Reason: To protect the health of the contractors and future occupiers of the site from any possible effects of asbestos in accordance with local and national planning policy

4) Notwithstanding any details submitted **no development/works above slab level shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

5) No development above slab level shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

Reason: To provide car-parking space for the use

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) No part of the development shall be first occupied until the refuse and recycling facilities have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide adequate refuse and recycling facilities.

9) **The development hereby permitted shall not be first brought into use** until a scheme detailing hard and soft landscape works has 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; car parking layouts; other vehicles and pedestrian access and circulation areas; 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. The boundary treatments for the site shall comprise native hedging with stock proof fencing. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

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

- a. The installation of a bat box onsite facing south/south westerly positioned 3-5m above ground on the building or tree.
- b. The installation of one bird box on the building/ and or tree within the site
- c. The installation of a hedgehog nesting box within the site.

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

Reason: In the interests of securing a biodiversity enhancement.

11) The development hereby permitted shall be carried out in strict accordance with the Bat Scoping Survey and Preliminary Ecological Appraisal, prepared by The Ecology Co-op (August 2022) and the Reptile Survey Report, prepared by The Ecology Co-op (November 2022), and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

12) The following ecological mitigation measures shall be adhered to at all time during construction;

- a. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- b. 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.
- c. The lighting scheme for the site must 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.

Reason: In the interests of protecting biodiversity and wildlife.

13) Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation.

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

14) 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, AA, B, C, D, E and F of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: in the interest of visual amenities.

15) 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 on the application site without the grant of planning permission via a section 70 application.

Reason: in the interest of visual amenities.

16) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 no external lighting 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 the location, design and level of illumination for the lights, including details of how light spillage shall be avoided. Thereafter the external lighting shall be maintained as approved in perpetuity.

Reason: in the interest of visual 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 - LOCATION AND BLOCK PLAN	01	B	12.06.2023	Approved
PLAN - Proposed Site Plan	03	D	24.01.2024	Approved
PLAN - Proposed Floor Plans	06	E	24.01.2024	Approved
PLAN - Proposed North and South Elevations	08	F	24.01.2024	Approved
PLAN - Proposed Elevations	09	E	24.01.2024	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) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595,

sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RW5GVOERL0M00>

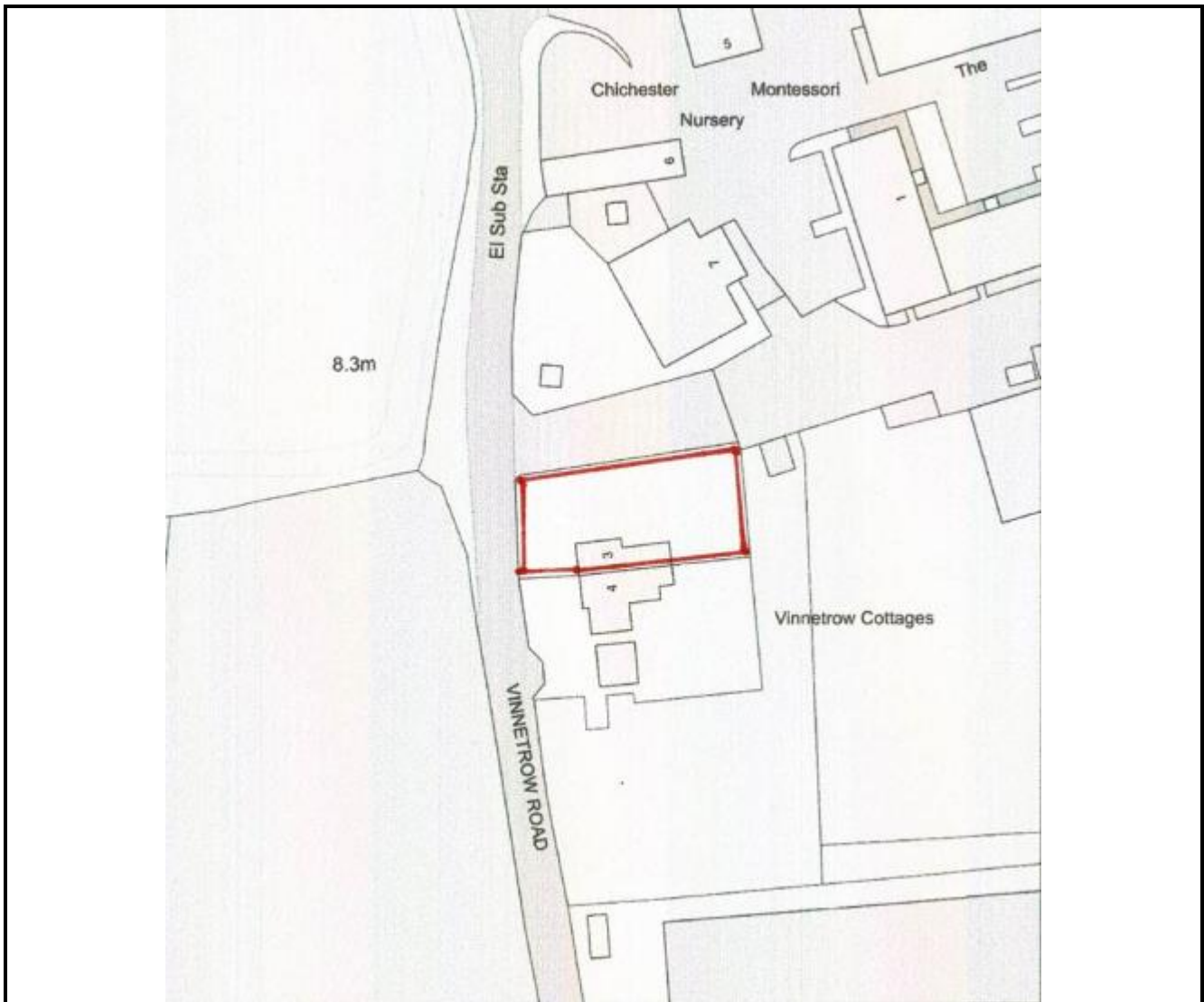
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Parish: North Mundham	Ward: North Mundham And Tangmere
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NM/23/02240/DOM

Proposal	Double storey side extension. Single storey rear extension with skylight.		
Site	3 Vinnetrow Cottages Vinnetrow Road Runcton Chichester West Sussex PO20 1QH		
Map Ref	(E) 488084 (N) 103317		
Applicant	Mr. & Mrs Sam Henshaw	Agent	Mr Robert Braithwaite

RECOMMENDATION TO PERMIT



	<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 The applicant is a member of staff at Chichester District Council.

2.0 The Site and Surroundings

- 2.1 The application site is a semi-detached two storey dwelling located outside of any designated settlement boundary. The application site is located to the east of Vinnetrow Road. The dwelling is two storey dwelling with a tiles to the roof, the walls consist of brick, flint and render with UPVC windows and doors. There is an existing single storey outshot to the rear of the property. There are two existing outbuildings within the rear garden of the property. The existing boundary treatments for the property consist of wooden picket fencing and hedging to the front (west) boundary, brick walls and timber fencing to the side (north) boundary, planting to the rear (east) boundary and side (south) boundary.
- 2.2 The attached neighbouring property is south of the application site, constructed of brick, render and flint. There is an existing industrial estate to the north and east of the application site.

3.0 The Proposal

- 3.1 The application seeks planning permission for a two storey side extension and a single storey extension.
- 3.2 The proposed two storey extension would be sited to the north side of the dwelling. It would be partly in line with the principal elevation of the dwellinghouse with the remaining part stepped back by approximately 0.5m from the principal elevation. The proposed two storey extension would consist of a pitched roof gable design, with part of roofline of the extension following the ridgeline of the existing property, while the ridgeline of the remaining section would be set below the ridgeline of the main dwellinghouse.
- 3.3 The proposed single storey extension would replace part of the existing single storey outshot. The proposed single storey extension would extend further to the north into the garden space by approximately 2.3m. The proposed single storey extension consists of a flat roof design with roof lantern.

4.0 History

None relevant

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO

EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

None received.

6.2 CDC Environmental Strategy

Further Comments (received 29.01.2024)

Bats

Following submission of the Preliminary Roost Assessment (Nov 2023), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Original Comments (received 14.12.2023)

Bats

As detailed within the Preliminary Roost Assessment (Nov 2023) there is low potential for bats to be utilising the site, however it has recommended that a precautionary approach may be suitable rather than undertaking further emergence surveys. However no precautionary approach has been included within the report for use to assess. If a precautionary mitigation strategy cannot be provided we will require that further bat emergence surveys are undertaken as detailed within the report.

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

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

Nesting Birds

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

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

Hedgehogs

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

6.3 Third party objection comments

None received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made Neighbourhood Plans.

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 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

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

7.5 Consideration should also be given to the following sections: 1, 2, 12, 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- CDC Planning Guidance Note 3: Design Guidelines for Alterations to Dwellings & Extensions (revised 2009)

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Assessment

i. Principle of development

8.2 Section 2 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. Policies 2 and 45 of the Local Plan allow development within the countryside where a countryside location is required, where it supports rural diversification or where it meets a need which cannot be met within existing settlements.

Policy 1 of the Local Plan requires development to accord with these policies. Development in the countryside is limited to that which is sustainable, essential for agriculture, requires a countryside location, demonstrate need/demand and is small scale, structurally sound, of traditional or architectural merit and connected to existing buildings and whilst supporting the local rural economy.

8.3 The application site is located outside of a settlement boundary area, however, in principle, a two storey extension and single storey extension to an existing property could be acceptable, subject to compliance with the other development plan policies and other material considerations.

ii. Design and impact upon character of the surrounding area

8.4 Section 12 of the NPPF establishes the requirement for good design for new development. Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site. Section 15 of the NPPF sets out that proposal should contribute to and enhance the natural and local environment.

8.5 The Chichester Design Guidance advises, extensions should be visually integrated, subservient in mass, bulk and form to the existing property and be sympathetic to the surroundings as well as to any adjacent properties.

8.6 The application proposes the replacement of the existing single storey pitched outshot with a single storey flat roof extension. The proposed extension includes a roof lantern and fenestration on the north and east elevation. The proposal would be sited up to the south boundary of the site, in line with the existing outshot. The proposed extension would extend further to the north than the existing, by approximately 2.3m. It is considered that the enlargement of the extension would not result in significant overdevelopment of the site, with sufficient amenity space being retained. The exterior of the proposed extension would be finished in render to match the existing dwelling and would ensure that the development is visually integrated into the main dwelling and surrounding area. Consequently, the extension would be a subservient addition to the property.

8.7 The application also proposes the construction of a two storey side extension to the north side of the existing property. The extension would extend further to the north by approximately 4m. The section of the proposed extension adjacent to the dwellinghouse would be in line with the principal elevation and would follow the ridgeline of the existing property. The northern section of the extension would be stepped back by approximately 0.5m from the principal elevation and would have a ridgeline below the main dwellinghouse. The exterior of the proposed extension would be finished in flint and render with tiles to match the existing dwelling. Overall, it is considered that the two storey extension would be a subservient addition to the property.

8.8 The proposals by reason of their size, design and appearance would be appropriate having regard to the existing property and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF sections 12 and 15 and policies 2, 45 and 48 of the Chichester Local Plan.

iii. Impact upon amenity of neighbouring properties

8.9 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places).

8.10 The proposed single storey extension would be of a similar height to the existing outshot. It is considered that the design and siting of the proposed extension would not result in a significant impact on neighbouring amenity. The proposed roof lantern would have a minimal impact upon neighbouring amenity, due to its position within the flat roof of the extension and the existing layout of the outshots of the application property and the neighbouring properties. Thus, it is considered that this would not result in significant neighbouring amenity concerns.

8.11 The proposed two storey extension would be sited to the north side of the dwellinghouse and would be located away from neighbouring properties. Consequently, the proposed two storey extension would not impact on neighbouring amenity.

8.12 Overall it is considered that the proposed extensions would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook and privacy. Therefore, it is considered that the development complies with paragraph 135 of the NPPF.

iv. Ecological Considerations

8.13 Policy 49 of the Chichester Local Plan refers to the protection and enhancement of biodiversity of the proposed site. The site is within the Chichester & Langstone Harbour Special Protected Area Buffer and the Singleton & Cocking Tunnels 12km buffer. Due to the location of the site within a Bat Buffer Zone and the scale of the proposed works, it was deemed necessary to consult the Council's Ecology Team. A Preliminary Bat Roost Assessment was submitted in support of the application, which stated that a precautionary working method will be used for the development. The Ecology Officer stated that they were satisfied with the proposed mitigation and precautionary working method and it should be ensured that this takes place. In addition, they requested that further mitigation and enhancements for bats, birds and hedgehogs for the site. Therefore, a condition securing these has been recommended below and subject to compliance, the proposals would be in accordance with Local Plan Policy 49.

Conclusion

8.14 Based on the above, it is considered that the proposal is acceptable and complies with Local Plan policies 2, 45 and 48 and national guidance contained within the NPPF and is therefore recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

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

- a. The installation of a bat box on the building onsite facing south/south westerly positioned 3-5m above ground.
- b. The installation of one bird box on the extension / and or tree within the garden of the property.
- c. The installation of a hedgehog nesting box within the site.

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

Reason: In the interests of securing a biodiversity enhancement.

4) The development hereby permitted shall be carried out in strict accordance with the Preliminary Roost Assessment, prepared by Arbtech (November 2023) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

5) The following ecological mitigation measures shall be adhered to at all times during construction;

- a. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- b. 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.

c. The lighting scheme for the site must 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.

Reason: In the interests of protecting biodiversity and wildlife.

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

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

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 - EXISTING GROUND AND FIRST FLOOR PLANS	EX.FP.01		27.09.2023	Approved
PLAN - PROPOSED ELEVATIONS	PR.EL.01		27.09.2023	Approved
PLAN - PROPOSED GROUND AND FIRST FLOOR PLANS	PR.FP.01		27.09.2023	Approved
PLAN - PROPOSED REAR EXTENSION ROOF PLAN	PR.RE.RP.01		27.09.2023	Approved
PLAN - LOCATION PLAN	TQRQM23261 173231130		27.09.2023	Approved
PLAN - BLOCK PLAN OF THE SITE	TQRQM23261 173354892		27.09.2023	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) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Rebecca Perris on 01243 534734

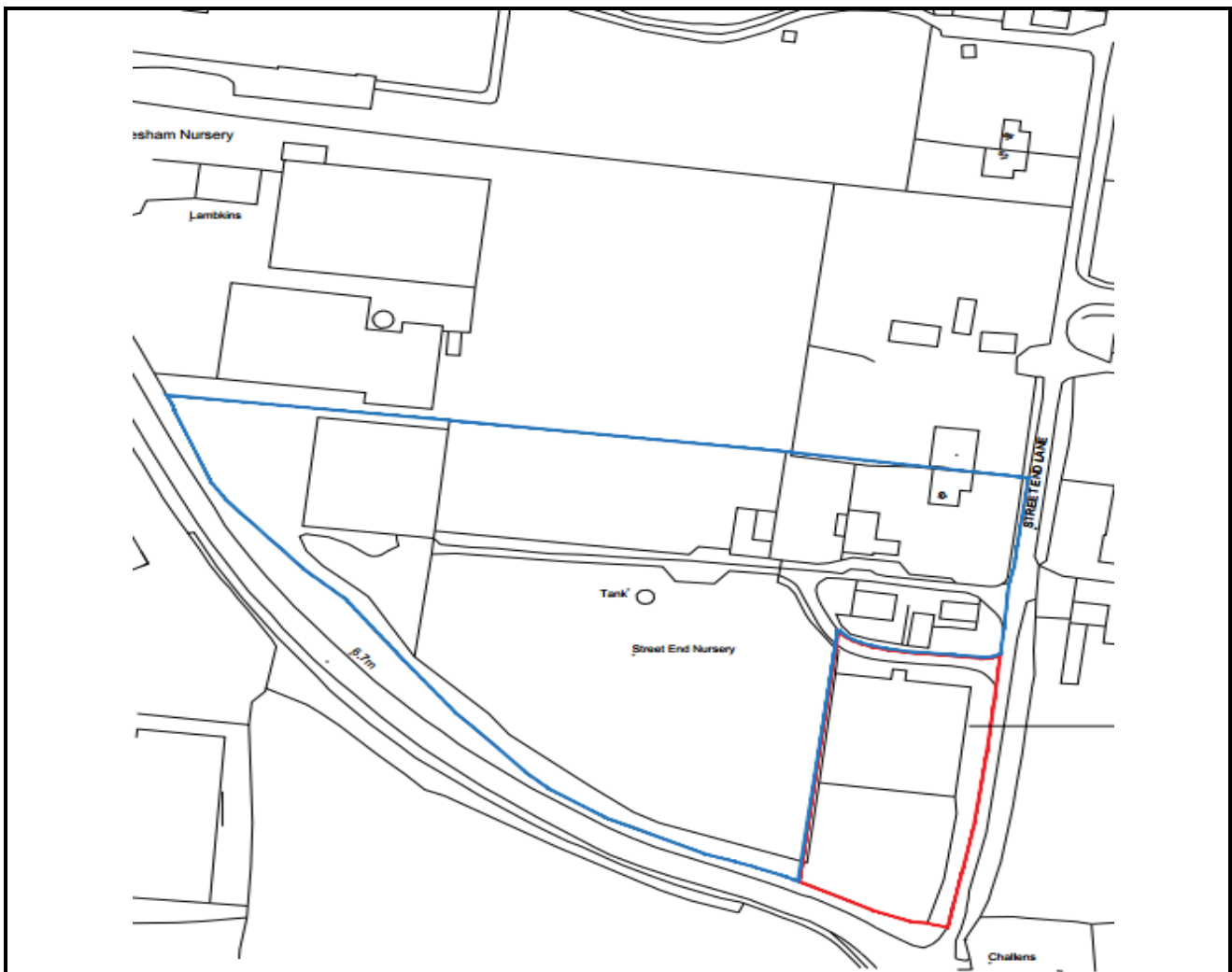
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S1N5E5ERMT900>

Parish: Sidlesham	Ward: Sidlesham With Selsey North
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SI/23/02901/FUL

Proposal	Demolition of existing glass house and construction of 2 no. units of 2 bedroom tourist accommodation and associated works.		
Site	Land South Of 63 Street End Lane Sidlesham Chichester West Sussex PO2 7RG		
Map Ref	(E) 485373 (N) 99296		
Applicant	Mrs Pamela Stevens	Agent	Mr Edward Rees

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site comprises existing redundant glasshouses and disused grassland to the south of the associated dwelling, located on the western side of Street End Lane on the corner of Street End Lane and Street End Road. Sidlesham is characterised by spacious, in some cases, former Land Share Association plots which now include a variety of uses having evolved over time from their original horticultural purpose. Fields adjoin the site to the west and south.
- 2.2 Development in this area is sporadic, fronting the highway in linear form, with a number of glass houses to the north of the application site along with a mix of commercial premises and residential properties of varying types and styles. Less than 250 metres to the south of the site is a well-established touring caravan site fronting Selsey Road. The area is characterised by its semi-rural feel and verdant appearance with the site itself bounded by significant mature tree and hedge planting.
- 2.3 The site is located within a designated countryside location, between the settlements of Hunston and Selsey on the B2145. The application site is well related to the village of Sidlesham with its range of services including petrol station, shop and public house. The B2145 is the main road which connects Chichester to Selsey and its wide range of services and facilities being a major destination in the area with its holiday parks, tourist offering and beaches.

3.0 The Proposal

3.1 Planning permission is sought for the demolition of existing glass house and construction of 2 no. units of 2 bedroom tourist accommodation and associated works.

4.0 History

08/01191/ELD	PER	Use of land as residential garden/curtilage.
14/04222/COUPM B	YESPAR	Part 3, Class MB: Proposed change of use from agricultural building to single dwelling (C3 Use class).
15/00281/COUPM B	YESPAP	Part 3, Class MB Proposed change of use from agricultural building to 1no. dwelling. (C3 Use Class).
15/02094/PA3R	YESPAP	Part 3, Class PA3R: Change of use of agricultural building to flexible commercial use (B1 Officers - Photographic Studio).

16/00472/PA3Q	YESPAP	Change of use of agricultural building to 1 no. dwelling (C3 Use Class).
17/01059/FUL	WDN	Erection of 2 no. dwellings.
18/00632/PA3Q	YESPAR	Class Q application for Prior Approval - Change of use from Agriculture to Dwelling (C3 Use Class). Renewal of Class MB approval SI/15/00281/COUPMB.
18/03322/FUL	PER	Change of use of land from agricultural to equestrian (for the keeping of horses) and erection of associated stable building.
18/03379/PA3Q	YESPAP	Class Q application for Prior Approval - Change of use from Agriculture to Dwelling (C3 Use Class).
19/01704/FUL	PER106	Erection of 1no. custom/self build dwellings - Alternative to dwelling permitted by virtue of Class Q Prior Approval for Change of Use from Agriculture to Class C3 (Dwellinghouse) under SI/18/03379/PA3Q.
20/01666/PNO3R	NOBJ	Use of building [aggregate floor area not exceeding 150 sq m] for a flexible commercial use, namely for Classes B1 and B8 purposes.
23/01421/OUT	REF	Outline Application with all matters reserved for demolition of existing glasshouse and construction of 4 no. tourist accommodation units and associated works.
23/02480/PRESS	PRE	Demolition of existing glass house and construction of 2 no. units of tourist accommodation and associated works.
23/02901/FUL	PDE	Demolition of existing glass house and construction of 2 no. units of 2 bedroom tourist accommodation and associated works.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Sidlesham Parish Council STRONGLY OBJECT to this application on the basis that it would involve demolishing an existing glasshouse that would be against a supported policy by CDC planners together with the policy of no new build. We would also mention that this is an LSA unit and can only obtain 3 PA3Q units for which this site already has this number. We would also ask the Planners to take into consideration that they refused an application made by the nearby Bucket & Spade site for a proposal to build holiday lets.

6.2 WSCC Local Highway Authority

This application seeks the demolition of an existing glass house and erection of two units of two-bedroom tourist accommodation with associated works. The site is located on Street End Lane, an unadopted road - as such, these comments should be considered as advice only.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for application SI/23/01421/OUT, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Access to the maintained highway is achieved at the junction with Street End Road, a B-classified road subject to a speed restriction of 30 mph in this location. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on to Street End Road, and the proposals are not anticipated to give rise to a significant material intensification of use of this access point.

Five car parking spaces are proposed to serve the development. Given the scale of what is proposed, the proposed quantum of car parking provision is considered suitable for this application. From inspection of the plans, the parking bays appear suitably sized and on-site turning for cars appears achievable. Secure cycle parking provision for both units has also been demonstrated.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the

highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

6.3 CDC Economic Development

The Economic Development Service supports this application. The glasshouses at this location have been disused for many years and are in a state of disrepair. The glass is unstable and panes are breaking up due to dilapidation. They are not in a suitable condition to be used for commercial purposes and there has been no demand from growers wanting to use the space.

There are 2 holiday lets already on the site which have improved the appearance of the plot. Removal of the glasshouses will improve onsite safety and appearance. There is a continued need for high quality holiday accommodation within the area. The Economic Development Service supports new, high quality, tourism facilities, especially on existing sites. Tourism plays a key role in Chichester District's economy.

According to Visit England data, tourism produces the following in Chichester District:

- 5.2 million day trips each year generating a spend of £144million
- 405,000 'staying' trips each year, equating to 1.3 million 'bed nights', and generating a spend of £75million
- c. 7,500 jobs in tourism and leisure, plus numerous 'support' jobs

In every area of the UK, staying visitors spend significantly more within a local economy than day visitors and help underpin the viability of associated businesses such as transport, entertainment, catering and retailing.

6.4 CDC Environmental Strategy

Recreational Disturbance

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

Dormice

The hedgerows, woodland and treelines on site may be used by dormice for commuting, nesting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

If any works are required in these areas further survey work for dormice will be required.

Reptiles

As detailed within the PEA (May 2023) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptiles are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Bats

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

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

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Nesting Birds

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).

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.

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

Hedgehogs

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

Policy 40

Following submission of the Sustainability Statement we are satisfied that the proposals will meet the requirements of policy 40 and a condition should be used to ensure this takes place.

Further comments 26.02.2024

Reptiles

Following submission of the Reptile Mitigation Strategy (Feb 2024), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

6.5 CDC Drainage

Surface Water Drainage:

The documents submitted in support of this application suggest that the proposed means of surface water drainage is through on-site infiltration via soak-away structures and the use of permeable surfaces. This approach is acceptable in principle as it follows the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

However, I note the landscape proposals include a 'wetland' area to the south of the plot, which is something we would be fully supportive of, as we really like to see space made for water. In my opinion as a drainage engineer; this presents an excellent opportunity to create a surface level, fully functional SuDS system, where the wetland not only provides ecological enhancement to the site but is also used to drain the development (which would be preferable to the use of subterranean plastic crates).

We always suggest that, at the earliest stage, developers should give due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity, water quality (via the SuDS management/treatment train), as well as ease of on-going maintenance. We also recommend that surface water drainage features should be designed in a manner that positively affects the amenity of the site. Open features, such as wetlands, swales, basins, and ponds, when designed correctly, can satisfy all the above aspirations in addition to; being easier to maintain, having longer lifespans and offering ecological advantages over subterranean features such as 'plastic crate systems'. This development appears to be an excellent candidate for a high-quality surface level SuDS solution.

Well-designed SuDS components include features that are no more hazardous than those found in the existing landscape, for example ponds in parks or footpaths alongside canals, therefore if the SuDS features are designed in an appropriate and safe manner, there should be no need for unsightly fencing and areas of restricted access.

Regardless of the ultimate form the infiltration structure takes, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures (whether they be subterranean soakaways, or open surface level infiltration features).

Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

'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 details.'

Flood Risk:

The site is wholly within flood zone 1 (low risk) and we have no additional knowledge, or records of the site being at significant flood risk. Therefore, subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

Surface Water Drainage Proposal Checklist

The council has created a 'Surface Water Drainage Proposal Checklist' document that can be found in the 'downloadable documents' box on the following webpage:

<http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the council's expectations and requirements for Surface Water Drainage Proposals. If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively, if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent 'Discharge of Conditions Applications'.

6.6 CDC Archaeology Officer

It is unlikely that works associated with the proposal would affect archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.7 Third party objection comments

No third party representations have been received during the course of the application.

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 Sidlesham at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 8: Transport and Accessibility
Policy 26: Existing Employment Sites
Policy 30: Built Tourist and Leisure Development
Policy 32: Horticultural Development
Policy 33: New Residential Development
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

- 7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

National Policy and Guidance

- 7.4 Government planning policy comprises the National Planning Policy Framework (NPPF - 20 December 2023) and related policy guidance in the NPPG.
- 7.5 Paragraph 11 of the current Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means: c) approving development proposals that accord with an up-to-date development plan

without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 The following key sections of the revised NPPF are relevant to this application: 2 (Achieving Sustainable Development), 4 (Decision Making), 6 (Building a Strong, Competitive Economy), 9 (Promoting Sustainable Transport), 12 (Achieving Well Designed and Beautiful Places) and 15 (Conserving and Enhancing the Natural Environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

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

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

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

Assessment

- i. Principle of development

8.2 The application site is located in the rural area outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area'. Policy 45 of the Local Plan states that planning permission will be granted for sustainable development in the countryside where it can be demonstrated that all the following criteria have been met:

1. The proposal is well related to an existing farmstead or group of buildings, or located close to an established settlement;

2. The proposal is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;

3. Proposals requiring a countryside setting, for example agricultural buildings, ensure that their scale, siting, design and materials would have minimal impact on the landscape and rural character of the area.

8.3 There is no essential need for the development to be located in this countryside location, however Policy 30 of the Local Plan sets out the Policy criteria for new tourist development in the District. It is noted that the site is not within a horticultural development area.

8.4 Policy 30 of the Local Plan states that proposals for tourism and leisure development, including tourist accommodation, will be granted where it can be demonstrated all the following criteria have been considered:

1. It is sensitively designed to maintain the tranquillity and character of the area;

2. Is located so as to minimise impact on the natural and historic environment, including that of visitors or users of the facility, particularly avoiding increasing recreational pressures on Chichester Harbour AONB and Pagham Harbour and other designated sites;

3. It provides a high quality attraction or accommodation; and 4. Encourages an extended tourist season.

In the countryside planning permission will be granted for new tourism buildings including bed and breakfast, self catering and hotel facilities where the above and following criteria have been met:

1. Be of a scale appropriate to the location and demonstrate they require a rural location and cannot be accommodated elsewhere, or the proposal is associated with the expansion of an existing facility; and

2. Support the objectives of rural regeneration/diversification.

8.5 Paragraph 88 of the NPPF (Dec 2023) states that planning decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

8.6 The proposed development would accord with Policy 30 of the Local Plan and paragraph 88 of the NPPF (Dec 2023) as the scale of the development would be largely in line with the surrounding pattern of development. Street End Lane contains a number of horticultural and agricultural buildings, many of which have been subject to conversion and change of use to residential uses. The scale and layout of the units reflects the surrounding density of development, and the units reflect the rural character of the area. Furthermore, the proposal utilises landscaping and natural features to screen the development from Street End Lane which further minimises the visual impact upon the surrounding area.

8.7 The applicant has provided a Statement of Justification which provides a rationale for why the development is proposed in a rural setting. The nature of the development is rural tourism which cannot be delivered in Settlement Boundaries and the connectivity to surrounding areas providing an attractive tourism use which balances the tranquil setting with the access to tourist and leisure attractions in the district.

ii. Design and impact upon character of the surrounding area

8.8 Policy 30 of the Chichester Local Plan sets out that any proposed development must ensure that is sensitively designed to maintain the tranquillity and character of the area and minimise impact on the natural environment. Policy 45 of the CLP requires development in the countryside to be of a scale, siting, design and incorporate materials that would have a minimal impact upon landscape and rural character of the area. Policy 48 of the CLP requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.9 A recent planning application on the site was refused due to the scale of development proposed and the likely impact on the character of the area arising from this. Outline planning permission was sought for 4 no. tourist units which gave rise to significant concerns about the visual impact of the proposed units.

8.10 The proposed development is amended from the previous submission and 2 no. units are now proposed with less hardstanding and an enhanced landscaping scheme. The proposal would be in keeping with the character and density of the surrounding area and would have a lesser visual impact than the existing glasshouses. The units have been designed to take a traditional barn typology with modern detailing, with brick plinth, black timber weatherboarding and profiled sheet roofing, which reflect typical agricultural styles.

8.11 Overall, whilst the proposal would introduce tourist development to a rural site, the design has been incorporated sensitively into the surroundings and would reflect the surrounding vernacular and there would be no adverse impact on the character of the surrounding area. The proposal would therefore accord with Policies 30 and 45 of the Local Plan and Section 15 of the NPPF.

iii. Impact upon amenity of neighbouring properties

8.12 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 30 of the CLP includes requirements to protect the tranquillity of the area.

8.13 The nature of the development would give rise to some residential activity on the site and it is considered that this tourism use could be acceptable in this location without detriment to the amenity of neighbouring properties. Planning conditions could be used to limit any potential disturbance.

8.14 In summary, the development would not give rise to any undue impacts on neighbouring amenity and the development would accord with paragraph 135 of the NPPF and policy 30 of the Local Plan.

iv. Impact upon highway safety and parking

8.15 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

8.16 The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

8.17 Therefore, the proposal would accord with policies 8 and 39 of the CLP and paragraph 115 of the NPPF (Dec 2023), which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Ecological considerations

8.18 Local Plan Policy 49 states that planning permission will be granted for development where it can be demonstrated that the biodiversity value of the site is safeguarded and demonstrable harm to habitat or species which are protected, or which are of importance to biodiversity is avoided or mitigated.

8.19 Surveys have been submitted to support the application and the conclusions of these surveys are that there would be no significant impacts upon protected species and mitigations and enhancements are secured by suitably worded conditions.

8.20 Overall, the application would accord with Policy 49 of the Local Plan and Section 15 of the NPPF and would result in enhancements to the biodiversity of the application site.

vi. Recreational Disturbance

8.21 The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance.

8.22 In such instances, the combined implications from the proposed development (that is the nutrient content of the discharge and the increase in recreational disturbance), together with the application of measures to avoid or reduce the likely harmful effects from the discharge and the contribution towards the recreational disturbance mitigation, are required to be tested by the council via an AA to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

8.23 The applicant has confirmed that they are willing to enter into a legal agreement to secure the financial contribution and therefore once this is completed, this issue would be adequately addressed.

vii. Other Matters

8.24 Officers acknowledge the Parish Council comments in relation to other applications in the Parish, this application has been assessed on its own merits and the application which the

Parish Council is not a material consideration in the assessment of this application. Furthermore, the Parish make reference to Prior approvals under Class Q of the GPDO, this application is not for a prior approval and is not for a change of use to C3 residential use. The application has been assessed on the proposal put forward and is considered to be acceptable by officers.

Conclusion

8.25 Based on the above, it is considered that the development would not give rise to any significant detrimental impacts to the character of the surrounding area and would accord with the aims of Local Plan Policies and guidance within the NPPF. The proposal is therefore recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) 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 details.

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.

4) The development hereby permitted shall not be first brought into use until a site management and good practices plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved site management and good practices plan shall be implemented and adhered to throughout the operation of the tourist units, unless any variation is agreed in writing by the Local Planning Authority. The site management and good practices plan shall provide details of the following:

- a. The controls for the use of fire pits and BBQs, including relevant safety measures including but not limited to safety measures and type of provision
- b. The appropriate disposal of waste and recycling
- c. The control of the playing of music and the use of sound amplifying equipment
- d. Measures to minimise noise and disturbance upon neighbouring properties, including, but not limited to the implementation of designated 'quiet hours'.

Reason: To ensure that the proposal would safeguard the amenities of neighbouring properties and the wider area.

5) The development hereby permitted shall not be first brought into use until a scheme detailing boundary treatments and hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed means of enclosure to the, southern boundary of the site, a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities of hedge row which shall follow the line of the proposed means of enclosure, and a details of the proposed infrastructure and regime for watering the landscaping. The approved means of enclosure shall be provided prior to first occupation of the cabins, and the approved landscaping shall be provided within the first planting season following first occupation of the cabins. Thereafter the approved boundary treatment and landscaping schemes shall be retained in perpetuity.

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

6) The development hereby approved shall not be first brought into use until the car parking has been constructed and laid out in accordance with the approved site plan.

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 the approved details. 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) Prior to occupation of the works hereby permitted, the following ecological enhancements shall be provided:

- a) A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs
- b) a bird box shall be installed on the building and or tree within the garden of the property
- c) a bat box shall be installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Thereafter the ecological enhancements shall be retained in perpetuity.

Reason: To ensure that the protection of ecology and/or biodiversity 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 hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

10) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Due to the potential for bats within the existing hedgerows to be retained a buffer around the hedgerows and trees shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for hedgehogs hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive, and shall undergo a soft demolition.
- c) 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.

11) The implementation of this planning permission shall be carried out strictly in accordance with the Reptile Mitigation Strategy (Feb 2024).

Reason: To ensure that the protection of ecology and/or biodiversity 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.

12) The implementation of this planning permission shall be carried out strictly in accordance with the Sustainability Statement.

Reason: In the interests of achieving a sustainable development.

13) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the development hereby permitted shall be used as a tourist accommodation including the siting of 2 buildings. The buildings shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over intensive use of the site.

14) 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.

15) 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 additional means of boundary treatment shall be provided anywhere on the site without a grant of planning permission.

Reason: In the interests of protecting the rural character of the locality.

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 - SITE LOCATION PLAN	1561/DP100	01	22.01.2024	Approved
PLAN - PROPOSED SITE PLAN	1561/DP102	01	22.01.2024	Approved
PLAN - PLOT 3A - PROPOSED FLOOR PLAN AND ELEVATIONS	1561/DP103	01	22.01.2024	Approved
PLAN - PLOT 3B - PROPOSED FLOOR PLAN AND ELEVATIONS	1561/DP104	01	22.01.2024	Approved
PLAN - LANDSCAPE MASTERPLAN	GS240.STREE TENDLANE.L MP	VERSION 7	22.01.2024	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.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-

nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Sascha Haigh on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S60XZUERGGR00>

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Chichester District Council

Planning Committee

27 March 2024

Land South of West View Cottages South Lane Southbourne West Sussex PO10 8QE (LPA ref. SB/22/00593/FUL)

Proposal: Construction of 7 no. dwellings with access from South Lane together with associated parking and landscaping

1. Contacts

Report Author:

Calum Thomas Senior Planning Officer (CDC Majors and Business)

Tel: 01243 534734 E-mail: cthomas@chichester.gov.uk

2. Recommendation

- 2.1 **The Committee is asked to note the contents of this report and endorse the resolution of the 4 October 2023 Planning Committee to defer the application for S106 and then permit subject to:**
- i. conditions as set out in Appendix 1

3. Background

- 3.1 On 4 October 2023 the Planning Committee resolved to permit the above proposed development subject to conditions, as set out in the Committee report at Appendix 1 and the completion of a S.106 agreement to secure the necessary financial contributions to make the application acceptable in planning terms. The S.106 agreement was completed on the 26 January 2024, but the decision notice has not yet been issued.
- 3.2 Prior to completing the S106 agreement, the Government has published the revised National Planning Policy Framework (NPPF) (on 20 December 2023). The revised NPPF is relevant to this application in that it introduces a change to the way in which the 5-year housing land supply (5YHLS) is calculated. The Committee will recall that the Council's 5YHLS position was an important consideration in the recommendation made within the report considered by the Committee in October. The Government's changed policy stance on the 5YHLS issue is material to the decision-making process on planning applications for new housing development.
- 3.3 Whilst this application has a Committee resolution to permit, given that the application is not yet determined, Officers consider that it is necessary to revisit the Committee resolution made five months ago following the change in national policy through the NPPF on housing land requirements.
- 3.4 In addition, since the October resolution, the Southbourne Modified Neighbourhood Plan (referendum modified plan) 2014-2029 now forms part of the Development

Plan, after the 27 February Full Council meeting resolved to 'make' the Neighbourhood Plan. Policy SB14 'Biodiversity' of the Southbourne Modified Neighbourhood Plan will carry full weight in consideration of the application at the 27 March committee.

4.0 Main Report

- 4.1 The following text shall be read in conjunction with the Officer's report to the October Committee which is attached at Appendix 1.

Housing Land Supply

- 4.2 At the time the Committee made its resolution in October 2023, the Council could not demonstrate that it had a 5YHLS as required by the NPPF. The absence of a 5YHLS triggered the 'tilted balance' in paragraph 11 d) of the NPPF. In this circumstance, this mechanism essentially provides for a presumption in favour of approving sustainable development proposals where the policies which are most important for determining the application are found to be out of date and the Local Authority cannot demonstrate a 5-year housing supply. In the case of West View Cottages both circumstances applied. In combination, the Committee report acknowledged the scheme was contiguous with the settlement and scored highly when considered against the remaining relevant criteria of the Council's Interim Position Statement (IPS). Accordingly, when carrying out the final planning balance, it was considered to fall firmly in favour of approving the development, particularly given the shortfall in the housing supply and the acknowledgement of the weight which government policy attaches to significantly boosting the supply of homes and the.
- 4.3 With the issue of a revised NPPF, Councils like Chichester that have an emerging Local Plan which has completed its 'Regulation 19' formal consultation stage and is ready to submit for examination, need only identify a four-year supply of housing sites for the 5-year period. Through national planning guidance in the NPPG (Paragraph 055) the government has removed some initial ambiguity in interpretation of the NPPF advice by confirming that the five-year housing land supply and the four-year housing land supply that authorities should demonstrate for decision making purposes should consist of deliverable housing sites measured against the authority's five year housing land supply requirement (not a 4 years supply measured against a 4 year requirement, as some have argued).
- 4.4 The Council has recently re-issued its Updated Position Statement on its 5YHLS housing supply (as of 1 April 2023). The current assessment for the Chichester Local Plan area identifies a potential housing supply of 2,661 net dwellings over the period 2023-2028. This compares with an identified housing requirement, over 4 years of 2,542 net dwellings. This results in a surplus of 121 net dwellings, equivalent to 4.19 years of housing supply.
- 4.5 The Council therefore clearly accepts that it cannot demonstrate a 5YHLS and indeed that position has changed further since December 2023 when the agreed supply was 4.65 years. What paragraph 226 of the NPPF now permits is for LPA's like Chichester which have a demonstrable housing supply of between 4 and 4.99 years, to deliver only a minimum of 4 years' worth of housing instead of a 5YHLS.

- 4.6 However, the important caveat to the new policy in NPPF paragraph 226 is that the new arrangement on housing supply is only a temporary arrangement which will apply for just a 2-year period from the date of publication of the NPPF. As of the 27 March the Council will already be three months into that temporary two-year period, which ends on 20 December 2025.
- 4.7 In addition to the government clarifying through the NPPG that the period over which a 4-year supply needs to be demonstrated is 5 years, there is a further implication in paragraph 11d) in terms of the weight to be attached in decision-making to the most important policies for determining the application. Under the new NPPF, the relevant housing policies in the Local Plan (2, 5 and 45) which were previously considered out-of-date when measured against a requirement to demonstrate a 5YHLS, are no longer out-of-date when measured against the requirement for a 4YHLS which the Council is able to demonstrate. By virtue of housing policies which are temporarily not out-of-date and a 4YHLS, officers maintain that the tilted balance is not engaged, and the Council is able to determine the application on the basis of a flat balance.
- 4.8 At the recent Land off Main Road, Birdham appeal for 150 homes (21/01830/OUT, APP/L3815/W/23/3319434), the Inspector, in reaching her decision on 9 February 2024, was required to assess the proposals in light of the revised NPPF and the changed position regarding the 5YHLS. The Inspector took the view that as a result of the transitional arrangements, the new position on housing supply did not apply because the application was submitted before 19 December 2023 and therefore the original 5YHLS requirements applied (as opposed to the revised 4-year supply). The Council could not demonstrate a housing supply against a 5-year requirement, the most important Local Plan policies 2, 5 and 45 were out of date and in her judgment therefore the tilted balance still applied. However, in her concluding remarks, the Inspector opined that irrespective of whether the transitional arrangement applied, i.e. whether the application should be assessed on the basis of a tilted balance or whether it should be against an 'untitled' flat balance under S.38(6) of the Planning and Compulsory Purchase Act 2004, the conflicts identified with the development plan as a whole, were significantly and demonstrably outweighed by the identified benefits, principally the delivery of new housing.
- 4.9 The context at Birdham whilst not the same as West View Cottages, being a small-scale housing scheme, there are some direct parallels. Notably, both cases are very close to the edge of settlement boundaries, and both were submitted prior to the publication of the revised NPPF. Adopting a similar stance to the final remarks of the Main Road Inspector, Officers are of the opinion that whether West View Cottages is assessed under the flat balance, which officers consider to be the correct approach (notwithstanding the timing point of the transitional arrangements) or under the tilted balance, this should not alter the Committee's resolution on the application. The Council's housing land supply is greater than 4 years, but not by a significant margin and is likely to be challenged at Appeal. Officers consider that the Government's revised position in NPPF para 226 and at 11 d) footnote 8, offers but a temporary hiatus for the Council and that to simply pull up the drawbridge at this point and stop permitting new housing applications during this 2-year period is not a tenable approach, particularly in respect of schemes that benefited from a resolution to grant planning permission.

- 4.10 Accordingly, for the reasons set out in the October Committee report, West View Cottages is considered an acceptable site for housing development, scoring highly against the IPS, which remains a helpful tool in considering the merits of a proposal, and with no technical objections such as cannot be addressed by the recommended conditions. To take a contrary view and refuse the application at this very late stage when the legal agreement is at an advanced stage of preparation would result in an Appeal. In addition, with a 4.19-year housing supply and a recent history of speculative major housing appeals being upheld by Inspectors primarily on the basis that they will provide more housing in sustainable locations, it is recommended that the Committee re-affirms its previous position and permits the development.

Biodiversity Net Gain

- 4.11 Whilst the West View Cottages application was submitted ahead of the national legislative requirement for 10% Biodiversity Net Gain (BNG), which is set to become mandatory for minor planning applications received from the 2 April 2024, Policy SB14 in the Southbourne Neighbourhood Plan requires 'at least a 10% net gain in biodiversity'.
- 4.12 As detailed within the October Committee report, due to previous clearance of vegetation of the site, Officers required the applicant to demonstrate compensation for this, through the BNG metric and a detailed ecology report. The development seeks to deliver a variety of on-site improvements, including an on-site orchard, 200m of hedgerows and the enhanced ecology buffer, which has resulted in a 10.58% BNG. On this basis, and as previously concluded, the application is acceptable in accordance with Policy SB14 of the Southbourne Modified Neighbourhood Plan.

Conclusion

- 4.13 In considering the above, and the original recommendation of the Officer's Committee report, the proposal would result in a high-quality residential development, which would be acceptable in all aspects, including its sustainable location, impact upon the character of the area and relationship with neighboring properties. It would have an acceptable ecological impact, in that it achieved Nitrogen Neutrality, delivered BNG and contributes towards the Green Ring, in accordance with Policy SB14 of the Southbourne Modified Neighbourhood Plan. It would also help to deliver seven dwellings, making a further contribution towards the Council's housing supply. Accordingly, it is recommended that the Committee re-affirms its previous position and resolves to permit the development.

Background information

The application, and all submitted appeal documents, can be viewed online at: [22/00593/FUL | Construction of 7 no. dwellings with access from South Lane together with associated parking and landscaping. | Land South Of West View Cottages South Lane Southbourne West Sussex PO10 8QE](#)

Appendices:

Appendix 1: Committee Report for Land South of West View Cottages South Lane
– 04 October 2023 Planning Committee

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Parish: Southbourne	Ward: Southbourne
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SB/22/00593/FUL

Proposal	Construction of 7 no. dwellings with access from South Lane together with associated parking and landscaping.		
Site	Land South of West View Cottages South Lane Southbourne West Sussex PO10 8QE		
Map Ref	(E) 477180 (N) 106856		
Applicant	A Southcott	Agent	

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 0.33-hectare greenfield site is located south of the A27, north of Dunkirk Rise and east of South Lane, within the Parish of Southbourne. The site lies on the outside northern edge of the boundary of Southbourne and Prinstead. Whilst the site sits outside of the settlement boundary and is in the rural area, the development site would sit between existing residential properties to the north and south. The development would sit adjacent to Dunkirk Road but would maintain a separation distance to the group of properties to the north.

2.2 Properties within this area are largely modern in appearance. These properties maintain a semi-rural character through being at the edge of a compact village surrounded by fields and woodland. The dwellings are predominantly detached or semi-detached with relatively small curtilages. Most of the houses are situated within cul-de-sacs which branch off Cheshire Way and South Lane.

2.3 The site is an irregular section of land visible and accessible from South Lane. South Lane can be access via Stein Road which adjoins the A259 to the south and Old Farm Lane to the north. The area surrounding Southbourne is mainly used for agricultural purposes and the landscape is generally flat and open in nature.

3.0 The Proposal

3.1 This application seeks permission for the construction of 7 dwellings with associated parking, access and landscaping. The single point of vehicular access for the proposed development would be from the west site boundary off South Lane and would comprise approximately 8.7 metre bell-mouth access, narrowing to a road 4.8m wide within the development.

3.2 The applicant is proposing a mix of 2 and 3 bedroom two storey dwellinghouses. The requirement for affordable housing has not been triggered due to the number of dwellings proposed, therefore all dwellings will be open market housing. The proposed housing mix is as follows:

- 2 bed x 2
- 3 bed x 5
- Total 7

3.3 The proposed layout of the dwellings consists of a line of four three beds to the eastern edge of the site, the north eastern plots being semi-detached, and the south eastern plots being detached. The plots closest to South Lane at the western edge of the site comprise of two semi-detached 2 beds to the north west of the site and one detached 3 bed to the south west section of the site. The proposed dwellings would be two stories in height, and utilise traditional materials including brick elevations, render, tile hanging, clay roof tiles

and timber fencing. The development would be surrounded by an ecology buffer zone, with a large section of the north east being a dedicated green space for a new Orchard. The central section of the site would accommodate the main access road and parking and turning head for larger vehicles.

- 3.4 The dwellings would be served by 16 car parking spaces consisting of 14 allocated and 2 visitor bays. Each dwelling would be provided with an electric car charging point and served by cycle storage within domestic gardens or garages.

4.0 History

09/00990/OUT	REF	Outline application for erection of 4 no. 1 bed flats; 4 no. 2 bed houses; 5 no. 3 bed houses; and 4 no. 4 bed houses.
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5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further comments

Members of the Southbourne Parish Council Planning committee considered this application and unanimously agreed to OBJECT to the application. Members agreed that their original objection to the application still stands, however, given that there have been some changes to SPNP3, and the CDC LP is in progress Members agreed to add the following comments:

- This application remains contrary to SPNP3 which is currently awaiting examination, this is not an allocated site for development within SPNP3.
- This site is outside the made settlement boundary and CDCs settlement plan for the area in the emerging LP
- This site may jeopardise the length and width of SPNP1/2/3 Green Ring
- It should be noted that a neighbouring site at Dunkirk Rise had its Ecological Survey done before this site was cleared and found slowworms, a protected species under the Wildlife and Country act 1981. This site was cleared without survey, potentially

- causing harm to a protected species and making its Ecological survey and Nitrate neutrality and Biodiversity net gain figures inaccurate and invalid
- A full nitrate survey has not been completed on this site
- There is no sewage capacity at Thornham to accommodate this site

Original Comments

Councillors unanimously agreed to OBJECT to this planning application, the following reasons were given:

- CDC has a five-year housing supply
- The site is outside the made settlement boundary and CDC's settlement plan for the area.
- SPNP2 has been withdrawn and cannot be used as justification for more development.
- Southbourne Parish has met and now exceeded CDC's local plan allocation of 350 homes.
- Further development must not prejudice CDC's future allocation or means for growth.
- The site may jeopardise the length and width of SPNP1 Green Ring
- It should be noted that a neighbouring site at Dunkirk Rise had its Ecological Survey done before this site was cleared and found slowworms, a protected species under the Wildlife and Country act 1981. This site was cleared without survey, potentially causing harm to a protected species and making its Ecological survey and Nitrate neutrality and Biodiversity net gain figures inaccurate and invalid.

6.2 Natural England

Further comments

No objection - subject to appropriate mitigation being secured.

Original comments

Further information required to determine impacts on designated sites. As submitted, the application could have a likely significant effect on:

Chichester and Langstone Harbours Special Protection Area and Ramsar site
Natural England requires further information to determine the significance of these impacts and the scope for mitigation.

6.3 Southern Water

Southern water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.4 WSCC Local Highway Authority

Further comments

This proposal is for the construction of seven dwellings with associated access and parking. WSCC in its role as Local Highway Authority (LHA) previously provided comment

on this application, dated 04.05.2023, raising no objections. The applicant has submitted additional application documents and as such, the LHA has been reconsulted. The additional application documents submitted do not impact upon the LHAs previous comments, which remain valid. The LPA are advised to refer to the LHAs previous consultation response, dated 04.05.2023, for relevant comments and recommended conditions.

Further comments

This proposal is for the construction of seven dwellings with associated access and parking. The site is located on South Lane, an unclassified road subject to a speed restriction of 30 mph in this location. This application is supported by a Transport Statement prepared by Nick Culhane. WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 31/05/2022, raising no objections. The applicant has submitted amended plans, including a revised scheme reducing the number of proposed dwellings from nine to seven. Following an inspection of the amended documents, WSCC raise no objections to the proposed development.

The applicant proposes a new crossover access off South Lane to serve the development. The proposed works will be subject to a licence obtained through the local Highway Area Office and would be constructed to a specification agreed with the local Highway Area Engineer. Vehicular visibility splays of 2.4m x 43m have been demonstrated either side of the proposed access, in accordance with Manual for Streets (MfS) guidelines for a 30mph speed restriction. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the nearby highway network is operating unsafely or that the proposal would exacerbate an existing safety concern.

The Transport Statement provides trip generation data from the TRICS Database. The data suggests that the proposed development would generate 30 daily two-way movements. The LHA is satisfied that this number of trips can be accommodated into the local highway network and is not anticipated to give rise to any adverse impacts on highway safety.

The applicant has demonstrated 16 car parking spaces, comprising of 14 parking bays and 2 visitor parking bays. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require at least 15 car parking spaces. Therefore, the LHA is satisfied with the proposed levels of parking provision.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Regarding on-site turning, the Transport Statement includes swept path tracking of a refuse vehicle, demonstrating that it can access and egress the site safely, to the satisfaction of the LHA. The applicant has demonstrated secure cycle parking provision in accordance with WSCC Parking Standards, with cycle sheds for each plot.

The site is situated within Southbourne Village, which provides some local services and amenities within walking/cycle distance. Cycling is a viable option in the area. There are options for sustainable travel, with Southbourne Train Station being situated approximately 1.1km south of the site. Regular bus services can be found on the A259, approximately 1.6km south of the site. Conclusion The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. If the LPA are minded to approve the application, the following conditions and informative should be applied:

Original Comments (N.B provided in relation to the original scheme which sought 9 dwelling with an alternative layout).

This proposal is for the construction of nine dwellings with associated access and parking. The site is located on South Lane, an unclassified road subject to a speed restriction of 30mph in this location.

This application is supported by a Transport Statement prepared by Nick Culhane. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no objection to the proposed development.

The applicant proposes a new crossover access off South Lane to serve the development. The proposed works will be subject to a licence obtained through the local Highway Area Office and would be constructed to a specification agreed with the local highway area engineer.

Vehicular visibility splays of 2.4m x 43m have been demonstrated either side of the proposed access, in accordance with Manual for Streets (MfS) guidelines for a 30mph speed restriction.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the nearby highway network is operating unsafely or that the proposal would exacerbate an existing safety concern.

The transport statement provides trip generation data from the TRICS database. The data suggests that the proposed development would generate 38 daily two-way movements. The LHA is satisfied that this number of trips can be accommodated into the local highway network and is not anticipated to give rise to any adverse impacts on highway safety.

The applicant has demonstrated 22.5 car parking spaces, comprising of 19 parking bays, 3 single-bay garages and 2 visitor parking bays. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require at least 20 car parking spaces. Therefore, the LHA is satisfied with the proposed levels of parking provision.

In the interests of sustainability and as a result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emissions by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan Policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below. Regarding on-site turning, the Transport statement includes swept path tracking of a refuse vehicle, demonstrating that it can access and egress the site safely, to the satisfaction of the LHA.

The applicant has demonstrated secure cycle parking provision in accordance with WSCC parking Standards. Cycle racks are included within the garages of Plots 1, 2 and 3. For the remaining plots, cycle stores will be provided within their gardens.

The site is situated within Southbourne Village, which provides some local services and amenities within walking/cycle distance. Cycling is a viable option in the area. There are options for sustainable travel, with Southbourne Train Station being situated approximately 1.1km south of the site. Regular bus services can be found on the A259 approximately 1.6km south of the site.

6.5 CDC Planning Policy

Further comments

The Chichester Local Plan 2012-2039: Proposed Submission has now completed 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination later this year, Autumn 2023.. Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it. If development subject of this application is found acceptable in all other respects, it is essential that it makes the requisite contribution toward A27 improvements envisaged within draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network. The Council has now received legal advice on the basis for collecting contributions in accordance with the emerging

policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF.

If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission the previous 'holding objection' on this basis would no longer apply. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'plan-led' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'

Southbourne Parish Neighbourhood Plan

Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held on 14 January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12 April 2022, Southbourne Parish Council agreed to withdraw the plan. Following the Parish Council's withdrawal of the Southbourne Parish Neighbourhood Plan Review, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16 December 2022 and the draft Submission Modified Neighbourhood Plan was published formally under regulation 16 for consultation by Chichester District Council between 2 March and 14 April at which point the plan began to gain weight. An independent examiner has been appointed and the examination is underway and remains on-going. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 to 2029 remains in place.

Further comments

Southbourne Parish Neighbourhood Plan:

Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held on 14 January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12 April 2022, Southbourne Parish Council agreed to withdraw the plan. Following the Parish Council's withdrawal of the Southbourne Parish Neighbourhood Plan Review, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16 December 2022 and the draft Submission Modified Neighbourhood Plan was published formally under regulation 16 for consultation by Chichester District Council between 2 March and 14 April at which point the plan began to gain weight. An independent examiner is currently being appointed with the examination anticipated to start in July; at this stage it may be considered to have moderate weight, depending upon the policies to be applied. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 to 2029 remains in place.

A27 Considerations:

The Chichester Local Plan 2012-2039: Proposed Submission has now completed 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination later this year (the Council's published Local Development Scheme anticipates Summer 2023). Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it.

If development the subject of this application is found acceptable in all other respects, it is essential that it makes the requisite contribution toward A27 improvements envisaged within 2 draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network.

The Council has now received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF. If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021- 2039:Proposed Submission then no objection on this basis would be raised. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'planned' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the 'tilted balance'.

Original comments

The adopted Local Plan and the existing 'made' Southbourne Parish Neighbourhood Plan represent the development plan and the starting point for the consideration of any planning application. Consequently, the application falls to be considered against Local Plan Policy 45 as indicated above and an objection, in principle, would currently be raised to any forthcoming application as it is contrary to adopted policy.

The Preferred Approach version of the emerging Local Plan Review (LPR), as part of its overall development strategy identified through Policy AL13 that land will be allocated for development in the revised Southbourne Neighbourhood Plan for a mixed form of development to include a minimum of 1,250 dwellings along with land to be allocated for employment and community uses. Following the withdrawal of the Southbourne Parish Neighbourhood Plan Review, further consideration is being given as to bring forward development how best in this location. However, the LPR is still at an early stage of preparation and final housing figures have yet to be confirmed. Therefore, little weight can be attributed to the LPR at this stage in the determination of this application.

As indicated above, taking account of the current position in relation to housing, consideration is also recommended of appropriate criteria in the Interim Position Statement. On that basis attention is drawn to the following criteria:

Criterion 1 of the IPS which requires a site boundary in whole or in part to be contiguous with an identified settlement boundary and even if separated by road, must show it is sustainable and integrated with the settlement it adjoins. Here, the site is adjacent to the settlement boundary, by way of the new development in Dunkirk Rise.

Criterion 4 of the IPS requires that development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. Arbitrarily low density or piecemeal development such as the artificial sub-division of land parcels will not be encouraged. It is noted that the proposed site forms the southern part of a larger site identified in the Council's Housing and Economic Land Availability Assessment (HELAA) (2021) - site HSB0027 Land south of West View Cottages. The applicants, however, do not appear to address the issue of sub-division in their application documents, albeit they consider the issue of proposed density on the site. Further consideration should therefore be given to this aspect in determining the application proposal.

Consideration is currently being given to wastewater capacity and water quality issues to inform the Local Plan Review. This work has highlighted potential treatment capacity issues in the catchment within which this site is located within the next few years. A Position Statement in relation to waste water in the catchment of Thornham Waste Water Treatment works was agreed with Southern Water and the Environment Agency in November 2021. This Statement is supported by regular monitoring of permissions in the catchment, until the capacity reaches zero at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul Drainage SPD at : Supplementary planning documents and policy guidance: Chichester District Council It is also recommended that specific advice on wastewater treatment is sought from Southern Water.

With regard to criterion 12 and the proposed development demonstrating nutrient neutrality, Natural England updated their advice and guidance for calculating the nutrient budget on 16th March 2022) and this should be considered and applied to any forthcoming planning application. The updated guidance and a calculator for the Solent are available on the CDC website: Nutrient neutrality: Chichester District Council.

Conclusion

The adopted Local Plan and the 'made' Southbourne Parish Neighbourhood Plan represent the development plan and the starting point for the consideration of any planning application. Consequently, the application is contrary to adopted policy, however proposals for additional housing have the potential benefits set out in the section "current position" above. In that respect it is recommended that consideration is also given to the potential overall merits of the scheme, and where appropriate the proposal is considered against the criteria in the Interim Position Statement for Housing

6.6 CDC Environmental Strategy

Further comments

As detailed within the Nitrogen neutrality report REV A the proposal will cause an increase in nitrogen of 10.38 kg/N/yr. Due to this increase we require that mitigation takes place. Please can the applicant provide full details of their proposed mitigation strategy to deal with this.

Following guidance for the BNG when determining the baseline of a site you need to assess the site based on the condition of the site on the 1st February 2020. Due to this can we have confirmation when the site was initially cleared, before the most recent clearance. If the site clearance took place post 30th January 2020 the sites condition pre-clearance would need to be considered, however if the clearance took place pre-30th January 2020, then the submitted BNG matrix would be suitable.

The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

If any works need to take place within this area further dormice surveys will be required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we will require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and submitted with the planning application prior to determination.

Following submission of Ecological Assessment (April 2023), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Original comments

We are very disappointed to read within the Ecological Assessment (Feb 2022) that the site was cleared prior to any survey work taking place and all vegetation except for a boundary strip of trees and bramble scrub to the north, east and south has been removed, and all that remains in the centre is woodchip. The site was previously grassland with patches of scrub growing in it, as was viewed from aerial and streetview images. The loss

of the habitat in the centre of the site will need to be compensated for and this will need to be done through the Biodiversity Net Gain Metric. We require that prior to determination the metric is followed, and a report submitted to use detailing how biodiversity net gain will be achieved across the site.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Any 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.

The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

If any works need to take place within this area further dormice surveys will be required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we will require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

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).

As detailed within the Nitrogen neutrality report the proposal will cause an increase in nitrogen of 7.3 kg/N/yr. Due to this increase we require that mitigation takes place. Please can the applicant provide full details of their proposed mitigation strategy to deal with this.

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

Following submission of the sustainability statement we are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 20%. This will be achieved with a fabric first approach and through installing PV. We are also pleased to see the inclusion of electric charging points on each property onsite. A condition should be used to ensure this takes place.

6.7 CDC Drainage

Further comments

We have reviewed the updated documents/layout and can confirm we have no further comments to make in addition to those which we made on the 17th June 2022.

Original Comments (summarised)

Flood risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. So subject to satisfactory surface water drainage we have no objection to the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposal is to drain all surface water to ground via two ring soakaways, with storage and treatment being accommodated in permeable sub-base beneath the road for the 1 in 100-year event +CC. This approach is acceptable in principle.

The design is based on indicative infiltration rates, with full winter groundwater monitoring and winter percolation tests at the depth and location of all proposed infiltration features required for detailed design.

The current proposal includes a "tanked" permeable sub-base, we would prefer that a permeable membrane is used to maximise infiltration across the site, but this can be considered at detailed design stage.

If you are minded to approve the application, then we recommend a condition is applied to secure full drainage details.

6.8 Third party objection comments

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

- a) land left in unsatisfactory manner impacting the character and appearance of the area
- b) Parking congestion on South Lane
- c) Landscaping concerns on boundary of site
- d) Radon risk
- e) Building traffic concerns
- f) Increase in traffic on road
- g) Piecemeal development

- h) Dangerous road
- i) Removes wildlife gap
- j) Noise and light pollution
- k) Local infrastructure not considered

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. The Southbourne Neighbourhood Plan was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.
- 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 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Southbourne Neighbourhood Plan

- Policy 1 - Spatial Strategy
- Policy 3 - The Green Ring
- Policy 4 - Housing Design
- Policy 5 - Employment
- Policy 7 - Environment
- Policy 8 – Education

CDC Site Allocation Development Plan Document

Southbourne Parish Neighbourhood Plan Review 2019-2037 (Regulation 16)

- 7.4 Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish neighbourhood Plan Review 2019-2037 was undertaken including a hearing held on 14 January 2022. The examiner's report was

published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12 April 2022, Southbourne Parish Council agreed to withdraw the plan as indicated above. However, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-submission modified plan 2014-2029; this plan completed the regulation 14 (Parish Council) consultation on 16 December 2022.

7.5 The Southbourne Modified Neighbourhood Plan (SPNP3) was accepted by Chichester District Council for publication and regulation 16 consultation which ended Friday 14th April. John Slater has been appointed as the examiner for the SPNP3 and provided initial comments on 28 July 2023. The response to these comments remains under the consideration of the examiner. At this stage, the neighbourhood Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021). However, it is considered that moderate weight could be attributed to the SPNP3.

7.6 Relevant Policies from the published Southbourne parish neighbourhood plan pre-submission modified plan 2014-2029 are:

- Policy SB1: Development Within and Outside the Settlement Boundaries
- Policy SB3: Local Housing Needs
- Policy SB4: Design in Southbourne Parish
- Policy SB13: Green and Blue Infrastructure Network
- Policy SB14: Biodiversity
- Policy SB15: Trees, Woodland, and Hedgerows
- Policy SB17: Achieving Dark Skies
- Policy SB18: International Nature Sites
- Policy SB20: Water Infrastructure and Flood Risk
- Policy SB21: Sustainable Travel

National Policy and Guidance

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.8 Consideration should also be given to the following paragraph and sections: Section 1 (introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 5 (Delivering a sufficient Supply of Homes), Section 9 (Promoting sustainable transport), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

7.9 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

7.10 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE3 Landscape Gaps between settlements
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE20 Pollution
- Policy NE21 Lighting
- Policy NE22 Air Quality
- Policy NE 23 Noise
- Policy H1 Meeting Housing Needs
- Policy H3 Non-strategic Parish Housing Requirements 2021-2039
- Policy H5 Housing Mix
- Policy H10 Accessible and Adaptable Homes
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density

- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P7 Materials and Detailing
- Policy T1: Transport Infrastructure
- Policy T2 Transport and Development
- Policy T3 Active Travel - Walking and Cycling Provision
- Policy T4 Parking Provision
- Policy I1 Infrastructure Provision

Interim Position Statement for Housing Development

- 7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report, the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. However, through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.72 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.
- 7.12 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. In the absence of a 5YHLS new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries. The IPS is not formally adopted 'policy' and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

Other Local Policy and Guidance

7.13 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)

- Chichester Landscape Capacity Study (March 2019)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).

7.14 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 are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Housing mix
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Drainage
- vii. Ecology
- viii. Sustainability
- ix. Nitrogen Neutrality
- x. Recreational Disturbance

Assessment

i. Principle of development

8.2 The primacy of the Development Plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) which states that applications 'should be determined in accordance with the development plan unless material considerations indicate otherwise'.

8.3 The site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area, wherein Local Plan Policy 45 resists development of the nature and scale proposed. A plan-led approach to decision-making on planning applications relies on a development plan which is up-to-date, particularly regarding its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan, in terms of its policies for the supply of

new housing, are out-of-date, because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF Paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date, insofar as, they relate to the provision of housing. Policy 45 as a countryside policy is out of date insofar as it is linked to Policy 2 and is therefore reliant on there being up-to-date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the LPR.

- 8.4 The Southbourne Neighbourhood Plan (SNP) (2014-2029) is the made neighbourhood plan within Policy 1 aligns with the NPPF's presumption in favour of sustainable development, advising new housing development within the settlement boundary will be supported. Policy 2 advises the Parish will deliver 350 new dwellings, on allocated sites; however, does not consider possible windfall development. As the site lies outside of the defined settlement boundary and is not an allocated site, it would be contrary to the SNP. The emerging Modified Southbourne Neighbourhood Plan (known as SNP3) which is currently at examination has only moderate weight at this time. Concerns have been raised in respect of other applications that applications for new residential development in the parish of Southbourne is premature to the SNP3. However, the emerging SNP3 does not make any decisions about the scale, location or phasing of new development such that determining an application would 'predetermine' any aspect of plan. Therefore the planning application cannot be premature to the making of the neighbourhood plan.
- 8.5 Notwithstanding the conflict with the made Neighbourhood Plan there are other factors to consider. The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. As part of that review process, the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021. The purpose of the HELAA is to identify a future supply of land which is suitable, available, and achievable for housing and economic development. The HELAA forms a key component of the evidence base that will inform the Chichester Local Plan Review.
- 8.6 The application site is identified as green (developable) in the HELAA. The HELAA has identified that the site, plus a wider section of land totalling 0.79ha is capable of an indicative capacity of a maximum of 31 dwellings. In terms of suitability, the HELAA states *'There are no known constraints that would make development unachievable in principle. No developer involvement was identified in the submissions therefore mid phase development more likely'* and *'There is a reasonable prospect that the site would be developable during the Plan period'*.
- 8.7 Whilst the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Its significance is that the application site has been identified as suitable, available, and deliverable to provide new housing during the Plan period. It is notable that the HELAA identified a larger rectangle of land, rather than the triangular parcel brought forward by this application; however, this is acceptable as it is the remainder of the land lies outside of the applicant's ownership and the northern boundary of the site follows the 'Green Ring' identified by Policy 3 of the SNP and incorporates a part of the green ring into the development.

8.8 The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and identifies 4.74 years of housing supply. Although during the course of recent appeals the Council has accepted it can demonstrate a supply of 4.72 years. As such, the Council's housing policies are deemed out of date and the provisions in Paragraph 11(d) of the NPPF (known as the 'tilted balance'; i.e., where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies) are engaged. It does not necessarily follow that the absence of a five-year housing supply means the application should be allowed on that basis alone; however, for the application to be refused, the Council would need to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits.

8.9 In the absence of a five-year housing land supply, the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan area. The proposal scores well against the 13 criteria of the IPS and is considered to represent a good quality development in the Local Plan area, without any adverse impacts having been identified. It is relevant to consider the application against each of the IPS criteria in turn:

8.10 **1) The site boundary in whole or in part is contiguous with an identified Settlement Boundary (i.e., at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).**

The south boundary of the application site is joined to the existing settlement boundary of Southbourne. This criterion is therefore satisfied. Compliant

8.11 **2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.**

Southbourne is identified as a Settlement Hub within Policy 2 of the Local Plan. Settlement Hubs are the focus for new development to meet identified local needs will reinforce the role of the Settlement Hubs as centres providing a range of homes, workplaces, social and community facilities. The proposal for seven dwellings is appropriate for this location.

8.12 **3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.**

The application site lies between the northern edge of the settlement boundary, and West View cottages to the north. It would extend the ribbon of development along South Lane, retaining a gap to West View Cottages. There is no actual or perceived coalescence of settlements arise from permitting this development. The criterion is satisfied. Compliant.

8.13 **4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or**

piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

The proposal would result in a density of approximately 21 dwellings per hectare, with this number having been reduced following revisions to the proposed layout, which; omitted two dwellings and incorporated a larger landscape buffer; added an orchard area; and allowed space for the Green Ring. In the context of the rural edge of settlement location and the pattern of existing housing, this level of development is considered acceptable. The criterion is satisfied. Compliant

- 8.14 ***5) Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings.***

It is considered that the development complies with this criterion, with the size, scale and detailed design of the dwellings considered appropriate in the context of the site and its wide surroundings, which include a modern housing development. The application site is suitably distanced from the South Downs National Park and the Chichester Harbour AONB. The criterion is satisfied. Compliant

- 8.15 ***6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor.***

The application site is outside of any proposed Strategic Wildlife Corridor, or any identified within the Southbourne Neighbourhood Plan Review. Therefore, this criterion is not applicable. Not applicable

- 8.16 ***7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.***

It is considered the proposal would meet the above criterion, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required, but it would be CIL liable. The criterion is satisfied. Compliant.

- 8.17 ***8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.***

The development would meet this criterion, with this matter discussed further within the sustainability section of this report. The criterion is satisfied. Compliant.

- 8.18 ***9) Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.***

The development is appropriate in terms of its size, scale, siting and detailed design and would not be of detriment to the edge of settlement location and would serve as an extension to the existing ribbon development along South Lane. This criterion is satisfied. Compliant

8.19 10) Development should be sustainably located in accessibility terms and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The development is sustainably located on the edge of the existing settlement boundary and within an existing housing development. The site benefits from an existing access road, with pedestrian access onto nearby footpaths possible. This criterion is satisfied. Compliant.

8.20 11) (abridged) Development must be safe from flooding.

The application site is wholly located within Flood Zone 1, an area with the lowest level of flood risk. The drainage system is to be designed through SuDS and soakaways to satisfactorily manage the discharge of surface water from the development. Therefore, this criterion is satisfied. Compliant.

8.21 12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

The proposal has been accompanied by a nitrogen mitigation scheme, which involves the purchasing of credits for an established mitigation scheme at Droke Farm, East Dean. The credits have been established as part of an overarching legal agreement, between the relevant parties. The purchasing of these credits, together with the provision of the 'Notice of Purchase' confirming which credits are assigned to this development, ensures the proposal achieved nitrogen neutrality. This criterion is satisfied. Compliant

8.22 13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery.

This application seeks full planning permission, and there are no abnormal occurrences within the development site that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions, in the event that planning permission is granted. As such, it is considered criterion 13 of the IPS would be satisfied. Compliant.

8.23 The proposed development is considered to meet all the relevant criteria in the IPS. Consideration has been given to the Development Plan, including the Neighbourhood Plan, and the Council's 5-year housing land supply position which results in the tilted balance being engaged. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above the 'principle' of housing development on this site is considered acceptable. Consideration has also been given to the emerging

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

- 8.24 The NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Policy 33 of the Chichester Local 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 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. Finally, Policy 4 of the SNP mirrors that of Policy 33 and requires development to reflect and enhance the architectural and historic character and scale of the buildings and landscape of Southbourne Parish.
- 8.25 The density of the development is 21 dwellings per hectare, which is below with the 35 dwellings per hectare set out within the supporting text of the local plan; however, the developed area within the site is restricted, due to the requirement to achieve a layout which is respectful of the edge of settlement location, and allows for the incorporation of the Green Ring, orchard planting and ecology buffers into the site. It would also accord with Policy 4 of the SNP which seeks to achieve development which reflects the character and scale of the landscape.
- 8.26 The vehicle access lies to the western boundary, onto South Lane, just north of the access onto Dunkirk Rise. The layout consists of three dwellings fronting onto South Lane, including a semi-detached pair and a single detach property. In addition, a further semi-detached pair and two detached properties will be set further back within the plot, to the east of the internal access road, which run north to south. A five-meter wide 'Ecology Zone' runs along the north, east south boundaries of the site, and incorporates the existing hedgerow boundaries. This would be demarked by a post and rail fence. The northeast corner, includes the provision of an orchard, resulting in a wider buffer which contributes towards the Green Ring.
- 8.27 The layout of the proposal has been revised during the application, as Officers felt it was important for properties to the west of the site to front onto South Lane, contributing towards an active frontage along the road. This is to ensure the development reads as part of the ribbon development. The proposal would be fronted by three dwellings, including a semi-detached pair and a detached property. The detached property would also serve as the focal dwelling, adjacent to the entrance of the site, and like the other dwellings, would incorporate a fitting level of interest and design detail to appropriate to its focal location. Similarly, plot 1 (southeast) also includes a detailed front gable, with this property becoming the focal dwelling, upon entering the site.
- 8.28 The layout is reflective of the post war and more recent housing developments, which lie to the south, with regards to its to the form/shape of the access road and the scale and siting of the dwellings. The proposal would project development northwards from the established settlement boundary, but this would be contained close to the existing dwellings and the existing boundary hedgerows which are to form the Ecology Buffer Zone. As such, whilst the dwellings would be visible in views across the adjacent fields,

any views would be softened by the intervening vegetation and they would be read in conjunction with the existing dwellings, including those on Dunkirk Rise. The dwellings would also establish an active frontage onto South Lane, which would contribute to establishing a sense of place. The proposal also retains a level of separation between west view cottages, limiting the wider visual impact.

- 8.29 The proposed site plan indicates areas of landscaping within the development, which are concentrated in several key areas, to establish a green frontage onto South Lane and the internal road, together, with parking to the rear to the western three dwellings, and driveway parking for the rear four. The indicative landscaping plans include lawned front and rear gardens, the orchard to the northeast corner and planting areas to the east of the boundary wall for plots 5/6 and to the south and east of plot 7. Much of the wider site landscaping comprises of the existing hedgerows which are to be retained and enhanced as part of the landscape buffer.
- 8.30 The detailed design of the dwellings has been amended during the application to address Officers' previous concerns with their height and scale. The development comprises solely of two storey dwellings, comparable in height and scale to the neighbouring properties within Dunkirk Rise. The material palette includes a mixture of red brick and half rendered elevations, contrasting brick detail to window surrounds, tiled porches, and roofs. A condition is recommended to secure full details of the materials, prior to the construction of the dwellings. The revised design and indicative material palette would result in an attractive, high quality rural housing scheme that would be appropriate to its rural context and surrounding. The proposal would therefore meet the design objection of both Policy 33 of the LP and Policy 4 of the SNP.
- 8.31 All new development is likely to result in a change to the character and appearance of that land, but that change by itself is not sufficient on its own to warrant refusal, particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply. As such, it is considered that the proposal is appropriate for the site context and characteristics, the proposal would result in a high-quality rural housing scheme that would be appropriate to its rural context and surroundings. Therefore, the design is acceptable.
- 8.32 In considering the above, the development would be of an appropriate layout and density, and result in a high-quality design that would be sympathetically incorporate into the surrounding area, without resulting in an unacceptable visual impact upon the wider countryside, notably in views across the adjoining fields. On this basis, the development would accord with the contents of Section 12 of the NPPF, Policies 33, 47 and 48 of the Chichester Local Plan and Policies 3 and 4 of the Southbourne Neighbourhood Plan.

iii. Housing mix

- 8.33 The proposed mix of housing (2 x 2 bed, 5 x 3 bed) is appropriate and aligns with the Housing and Economic Development Needs Assessment (HEDNA); however, the site proposal would overprovide on three-bedroom dwellings, in place of providing one four-bedroom dwelling. This is however seen as a positive, with the greater provision of three-bedroom dwellings, aligning with identified need for smaller, affordable housing within Southbourne. As the proposal is for seven dwellings, there is no requirement to provide affordable housing in line with Policy 34 of the local plan. It is therefore considered the proposal is acceptable in this respect.

iv. Impact upon amenity of neighbouring properties

8.34 The NPPF, in Paragraph 130, states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.35 The layout of the site retains an acceptable level of amenity for the neighbouring properties, with adequate levels of separation between neighbouring properties. In addition, the internal layout of the site is considered to reflect an acceptable amenity for future occupiers of the seven new dwellings. The proposal is therefore considered to result in an acceptable level of amenity for both the existing neighbouring properties and the future occupiers of the dwellings subject to this application. The proposal would comply with national and local planning policies in this respect.

v. Impact upon highway safety and parking

8.36 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways, who have raised no objection on highways safety.

8.37 The proposal includes a new crossover access off South Lane to serve the development, which would be constructed to a specification agreed with the Local Highways Engineer at WSCC. It has been demonstrated a suitable level of visibility can be achieved along South Lane.

8.38 The proposal includes 14 allocated and 2 unallocated visitor parking spaces, which is compliant with the relevant guidance. The site is in a sustainable location, on the edge of an existing settlement, within 1.1km of Southbourne Train Station and 1.6km from a regular bus service on the A259. The proposals include covered and secure cycle parking and building regulations require the provision of electric vehicle charging points. Therefore, the proposal is acceptable on highways grounds and would accord with Paragraph 111 of the NPPF and Policy 39 of the Local Plan.

vi. Drainage

8.39 The site is wholly within Flood Zone 1 (low risk) and the Local Planning Authority have no additional knowledge of the site being at increased flood risk. The proposal is to drain all surface water to ground via two ring soakaways, with storage and treatment being accommodated in permeable sub-base beneath the road to mitigate for the possible 1 in 100-year event plus climate change. This approach has been based upon indicative infiltration rates, with full winter groundwater monitoring and winter percolation tests at the depth and location of all proposed infiltration features required for detailed design. Therefore, the Council's Drainage Engineer is satisfied this approach is acceptable, in principle subject to securing the full details via condition.

8.40 It is acknowledged there is concern regarding capacity at Thornham Waste Water Treatment Works; however, the Council's headroom monitoring estimates capacity for 477 dwellings as of the 1 September 2023. The issue of foul drainage has been extensively examined during a recent appeal at Land East of Broad Road/Land West of Drift Lane (22/3295000 and 22/3295004). In this appeal, the Inspector found there to be satisfactory provision for the treatment of sewerage for up to 200 dwellings and concluded that whilst not ideal, if necessary, a temporary solution would be viable until such time Southern Water implemented any necessary infrastructure improvements. Consequently, in the absence of an objection from Southern Water and considering the recent findings of the Inspector, the proposal is considered capable of satisfactory provision of the treatment of sewerage.

vii. Ecology

8.41 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.

8.42 The site was previously grass and scrubland but was cleared in January 2020, prior to the submission of this planning application in March 2022. The clearance of the site and the resultant loss of habitat needs to be compensated as part of this application. To consider the proposed enhancements, the Biodiversity Net Gain (BNG) Metric has been used as a tool to demonstrate the proposed enhancements, will result in a biodiversity improvement to the site. The base date for the BNG metric is appropriate and confirms the mitigation and importantly the enhancements proposed within Ecology Assessment are suitable. The mitigations include the Ecology Buffer, the planting of groups of fruit trees within the orchard and the planting of 200m of new native hedgerow. In addition, features for roosting bats and nesting birds will be installed within each property. The creation of log piles within the Ecology Buffer will provide new habitats for various species, as will wildflower planting. The fencing within the site will omit barge boards, to leave gaps to at least 100mm by 100mm to allow for small mammals to move across the site.

8.43 A condition is imposed to ensure the development is undertaken in accordance with these biodiversity mitigation and enhancements measures. In addition, conditions are proposed to ensure the 5m ecology buffer is undisturbed during construction, and for details of any external lighting to be agreed by the LPA before installed within the site.

8.44 Finally, the Council's Environmental Strategy Officer, has reviewed the submitted ecology report and BNG metric and has confirmed, subject to the above detailed mitigation and condition, they have no objection to the proposed development. Therefore, the subject to future compliance with condition, the proposal would comply with Policy 49 of the Local Plan and Policy 3 of the SNP.

viii. Sustainability

8.45 The application has been accompanied by a Sustainable Statement which details the proposed sustainability measures to be incorporated into the development. These include interventions to the fabric of the buildings including insulation which will achieve a 10% improvement upon CO2 emissions when compared with current building control standards. The provision of PV panels on south facing roof slopes, and air source heat

pumps, will deliver a further 10% improvement upon CO2 emissions. Therefore, subject to compliance with this report, which is secured via condition the proposal would achieve a sustainable development, greater than what is currently required by building regulations and thus would comply with Policy 40 of the Local Plan.

ix. Nutrient Neutrality

8.46 The site is served by a WwTW that discharges into a Solent European Protected Sites. 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 by the LPA via an 'Appropriate Assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.

8.47 The scheme proposes to off-set the increase nutrients arising from the development by means of an agricultural reversions scheme in which land is left as nil-input land following the cessation of arable farming. Natural England have confirmed agreement to this approach and an overarching S106 agreement has been produced to secure the proposed mitigation. The overarching agreement has enabled a third-party credit system to be developed, whereby developers can purchase credits, which equate to an identifiable parcel of land within the off-site mitigation scheme at Droke Farm. The purchasing of the relevant number of credits, is secured via planning condition, and developers are required to submit evidence of credits having been purchased, prior to the commencing of works. However, in this instance the applicant has already purchased the necessary credits and provided evidence of this to the LPA. Consequently, the LPA are satisfied the development can achieve nutrient neutrality and they would not have an adverse impact upon European designated sites. The proposal would therefore comply with Policy 182 of the NPPF 2021 and regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

x. Recreational Disturbance

8.48 The site falls within the 'Zone of Influence' for the Chichester and Langstone Harbour Special Protection Area whereby Policy 50 of the Local Plan advises development resulting in an increase in residential development is likely to have significant environmental impacts on this internationally important designation, in respects of Recreational Disturbance.

8.49 An Appropriate Assessment relating to the impacts of the development have been carried out and it is agreed that the entering of a legal agreement to secure a financial contribution to offset the impact would provide adequate mitigation. The contribution would be made towards the Bird Aware Scheme, which is a strategic mitigation package derived to mitigate the impacts. The necessary contribution would be secured via a legal agreement and would be payable prior to commencement of development. Consequently, subject to completion and future compliance with the planning obligation, the proposal complies with Policy 50 of the Local Plan.

xi. Infrastructure

8.50 The Chichester Local Plan Review (LPR) will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the strategic road network (A27). The LPR sets out a strategy to provide long term mitigation of these impacts, up to 2039, which requires all new housing development (net increase) to contribute towards identified improvements. In the absence of any such contribution the proposals would lead to an unsustainable increase in impacts upon these networks and would undermine the ability of the emerging LPR to deliver an appropriate mitigation strategy to see further growth of up to 3,600 dwellings beyond existing commitments.

8.52 The applicants have confirmed they are agreeable to the requisite A27 financial contribution towards the A27, which would be secured via a legal agreement. Consequently, subject to completion and future compliance with the planning obligation, the proposal complies with Policy 9 of the Chichester Local Plan 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission and Paragraphs 8, 104, 105 and 110 of the National Planning Policy Framework.

Conclusion

8.53 The proposal would result in a high-quality residential development, which would be acceptable in terms of its impact upon the character of the area and relationship with neighbouring properties. It is located within a sustainable location, on the edge of an existing settlement boundary, and incorporates satisfactory parking facilities, plus safe vehicular and pedestrian access and egress. It also makes provision for landscaping and opportunities for improved biodiversity, in terms of the Biodiversity Zone. The development also includes a contribution towards the Green Ring, corridor set out within the Southbourne Neighbourhood Plan. The proposal also achieves nitrogen neutrality, though the purchasing of nitrogen credits, through an established scheme which has passed an Appropriate Assessment and found to be acceptable by Natural England.

8.54 The NPPF requires local planning authorities to demonstrate that they have a rolling five-year supply and when there is less than a five-year supply the NPPF engages the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The Council is unable to demonstrate that it has a five-year supply of housing land and therefore the housing policies in the Local Plan are now considered to be out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on housing applications as it ordinarily would. In accordance with Paragraph 11 of the NPPF, permission should be granted, only except where the 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. As set out above, this is not considered to be the case, and consequently, the application is recommended to be granted, subject to a S106 to secure the proposed nitrogen neutrality measures and transport contributions, and the conditions set out below.

Human Rights

8.55 In reaching this conclusion the Human Rights of the applicants and those within the settled community have been taken into account under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

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** unless the council has received the Notice of Purchase in accordance with the requirements of the legal agreement between CDC, SDNPA and John Holt dated 21.12.2022 in respect of the Credits Linked Land identified in the Nutrient Neutrality Management Plan (04.04.2022) submitted with the application.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on protected sites

4) **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 management and recycling of litter and construction waste, including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby

residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

5) The development hereby permitted shall be carried out with strict accordance with the methodology and protection measures, as outlined within Arboricultural Impact Assessment and Method Statement, prepared by Ecurban Arboricultural (April 2023) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the health and protection of the trees within the site.

6) **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.

7) Notwithstanding any details submitted no development/works shall commence above slab level until a full schedule of all materials and finishes to be used for external walls 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.

8) The development hereby permitted shall be carried out in full accordance with the Requirements and Recommendations of the Ecological Assessment prepared by Peach ecology (5 April 2023). No part of the development hereby permitted shall be first occupied until the following biodiversity enhancements have been implemented:

- a) The erection of the post and rail fencing along the boundary of the Ecology Zone
- b) The provision of 200 metres of native hedgerow within the gardens and ecology buffer at a density of 10-20 per metre squared.
- c) The management, maintenance, and enhancement of the Ecology Buffer as scrub with shrubs and rough grassland.

- d) The planting of new native fruit trees within the Orchard.
- e) The provision of gaps within the proposed boundary fencing (minimum of 100mm by 100mm) to allow for small reptiles and mammals to move within the site.
- f) The provision of a stag beetle habitat within the Ecology Buffer.
- g) The provision of log piles within the Ecology Buffer.
- h) The provision of a Bird and Bat Box on each new dwelling.

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

Reason: In the interests of securing a biodiversity enhancement.

9) The solar panels and air source heat pumps hereby permitted shall not be first installed until full details, to include manufactures details and the proposed location(s) of the solar panels and ground source heat pumps within the property and site has been submitted to and approved in writing by the Local Planning Authority. Once approved, these sustainability measures shall be fully implemented prior to the first occupation of the dwellinghouse and thereafter retrained in perpetuity for their designated use.

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

10) The development hereby permitted shall be carried out in strict accordance with the Sustainable Statement submitted with this application. The sustainability measures it details shall be fully implemented prior to occupation of the dwellings hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

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

11) No part of the development hereby permitted shall be first occupied until the brickwork walls, timber close board fences and timber post and rail fences have been erected in accordance with the details shown on Drawing 09 Rev B. Thereafter, the boundary treatments shall be hall be maintained and retained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours and character of the area.

12) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

13) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

14) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. 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

15) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with the approved site plan. 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

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

Reason: To provide car-parking space for the use

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

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

18) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) The Ecology Buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Reptile fencing shall be erected at the site boundary as per Paragraph 5.15 of the
- c) Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs and therefore shall be removed outside of the hibernation period (mid-October to mid-March inclusive).
- d) If any works need to take place to the trees or for vegetation clearance within the site, works 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)
- e) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within any brush pile, compost and debris piles on site. . If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Reason: In the interests of protecting biodiversity and wildlife.

19) 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.

20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C, E or F 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.

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
PLANS - Plans PLAN -	04	REV B	25.04.2023	Approved
PLANS - Plans PLAN -	05	REV B	25.04.2023	Approved
PLANS - Plans PLAN -	06	REV B	25.04.2023	Approved
PLANS - Plans PLAN -	07	REV B	25.04.2023	Approved
PLANS - Plans PLAN -	08	REV C	11.08.2023	Approved
PLANS - Plans PLAN -	01		08.03.2022	Approved
PLANS - Plans PLAN -	02	REV A	25.04.2023	Approved
PLANS - Plans PLAN -	03	REV A	25.04.2023	Approved
PLANS - Plans PLAN -	09	REV B	25.04.2023	Approved
PLANS - Plans PLAN -	10	REV B	11.09.2023	Approved
PLANS - Plans PLAN -	11	REV A	25.04.2023	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.

3) Works within the Highway - Area Office Team The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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=R8FNEZERLZP00>

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Parish: West Wittering	Ward: The Witterings
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WW/23/01781/FUL

Proposal	Demolition of existing 1 no. dwelling including associated outbuildings and construction of 1 no. dwelling and swimming pool.		
Site	Briar Cottage Meadow Lane West Wittering Chichester West Sussex PO20 8		
Map Ref	(E) 478542 (N) 98492		
Applicant	Bridget Carey	Agent	Mr Martin Swatton

RECOMMENDATION TO PERMIT



	<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 property is a two storey detached residential dwelling located on the east side of Meadow Lane, West Wittering and situated within the West Wittering settlement boundary. The dwelling is constructed of bricks and beige painted render with clay tiles to the roof. To the front of the site there is a gravelled parking area, trees, planting and in the north-west corner of the site is a detached garage. To the rear of the site there is a patio, a lawn and trees, in the south-east corner of the site there is a detached outbuilding. To the rear, west, boundary of the site there is a line of trees which are subject to a Preservation Order and a picket fence, there is a brick and stone wall to the front and side boundaries. To the east of the site is a cricket ground, dwellings surround the rest of the site. The south side boundary of the site forms part of the north boundary of the West Wittering Conservation Area with the site being to the north-eastern most corner of the Conservation Area.

3.0 The Proposal

- 3.1 The application proposes demolition of the existing 1 no. dwelling including associated outbuildings and construction of 1 no. dwelling and a swimming pool.
- 3.2 The proposed dwelling would be sited approximately within the centre of the site. It would be a two storey detached dwelling with a basement. The main walls of the dwelling would be clad in thermo pine timber cladding treated with sioo wood protection to weather naturally. A single storey extension to the south side elevation would be clad in thermo pine timber cladding painted matt black barn paint. To the south side of the front door at ground and first floor on the front elevation there would be dark grey render and greencoat zinc standing seam metal finished in anthracite grey with aluminium fenestration. The roofs of the dwelling would be mostly gabled with a couple of flat roof projections to the rear elevation.
- 3.3 To the north side of the dwelling at the front of the site, a single storey detached garage is proposed adjacent to the north side boundary. It would have a gabled roof and be constructed of materials to match the proposed dwelling. To the south-east corner of the site, adjacent to the rear, east, boundary and the south side boundary, a detached pool house is proposed. It would be single storey with a flat roof, open on the front and north side elevations and be rendered grey.
- 3.4 A swimming pool is proposed to the south side of the dwelling, set back from the front elevation of the dwelling and adjacent to the south side boundary.

4.0 History

96/02081/DOM	PER	Proposed extension to form conservatory and bay window.
04/02839/DOM	PER	Replacement car port.
08/02449/FUL	REF	New bungalow.
09/00785/PLD	PER	Proposal to erect detached garage/workshop/music room.
22/01694/FUL	WDN	Demolition of existing 1 no. two storey dwelling including associated outbuildings and construction of 1 no. two storey dwelling and associated outbuildings and swimming pool.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **West Wittering Parish Council**

Further comments 29.11.24:

Further to the extra information provided, the arboriculturist's report partially allayed the Parish Council's concerns about damage to trees from the new building, especially during construction. The several recommendations in the report need to be included in the planning conditions, if a permit were granted. Can the Planning Officer assure the Parish Council that all these conditions will be enforced, especially the construction exclusion zone? All the other reasons the Parish Council gave for objecting still stand.

Further comments 20.11.24:

Thank you for the opportunity to look again at the information regarding Briar Cottage. The Planning Committee have considered the points raised and have requested that their original objection stands.

Original comments 07.09.23:

Objection

The Parish Council's objects to this application for the following reasons:

1. This replacement property does not comply with the Neighbourhood Plan policy WW4(b) in that it fails to comply with the requirements of VDS Guideline 50.
2. The property is on the edge of the rural village of West Wittering. Guideline 50 of the Village Design Statement (VDS) therefore applies and states that:-
 - "Any new development should maintain the spaces between buildings, the generous plots and the walled gardens.
 - Appropriate materials include, white walls, shuttered windows, tile hung elevations or tile hanging with brickwork.
 - Steps should be taken to reduce the night time pollution."
3. The rear boundary is lined by good quality mature oak trees which have potential to block views from the proposed new terrace and may as a result, in due course, come under pressure for reduction or removal. This is not acceptable. Further the development and swimming pool are close to these trees and may be damaged or have their roots compacted or destroyed by the proposed development .
4. The large swimming pool positioned close to the neighbour's boundary is unneighbourly.
5. This application is out of keeping with Meadow Lane and the character and density of the surrounding area, its rural edge and WW4(b) and VDS(revised 2022) Guideline 50

6.2 Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

This application is for the demolition of existing dwelling and erection of a replacement dwelling. The site is located on Meadow Lane, a privately maintained road - as such, these comments should be considered as advice only.

WSSC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application 22/01694/FUL, raising no highway safety concerns. This application was withdrawn.

For the current application, a relocated access is proposed to serve the replacement dwelling. The applicant is advised to contact the proprietor of the privately maintained road to obtain formal approval for the proposed access works. The proposed development is not anticipated to give rise to a material intensification of movements to or from the site.

The WSSC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. From inspection of the plans, there is sufficient space within the proposed driveway and garage to accommodate this parking demand. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Regarding cycles, the proposed garage is suitably sized to be considered for the secure storage of cycles, in accordance with WSCC Parking Standards.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

6.3 Environmental Protection

Further comments 04.03.24:

My colleague Paul Thomson responded to the consultation for the application previously and requested more information about the proposed plant. Thanks for reconsulting us on this application following the submission of manufacturers details for:

- The Air Source Heat Pump
- Ottimo S Pool Heating system

The manufacturers specification include noise performance data that indicates quiet plant has been specified for this project. In addition the pool heating system will be enclosed within the pool house, and a solid wall lies between it and the nearest neighbouring property. It seems very unlikely that the plant will give rise to an adverse impact on amenity, I am satisfied that a full noise assessment is not required prior to granting permission, should you be minded to do so.

I would recommend a condition that requires the installed plant to be as proposed with the application.

Proper installation and maintenance of plant can be critical to achieving and maintaining noise performance. I recommend, therefore, that a noise condition be placed if permission is granted, that enables the impact to be assessed and addressed if necessary, in the event of complaint from nearby residents. The following condition is suggested:

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

Original comments 22.11.23:

Thank you for the opportunity to comment.

Consideration has been given to Appleton Town Planning's Planning/Heritage Statement (July 2023) and the accompanying plans.

It is expected that manufacturer's details of any mechanical plant, associated with the swimming pool or any air source heat pumps, are provided for review. This would indicate if a noise impact assessment would be required to assess the potential noise impact at neighbouring dwellings.

It is considered that the proposed external lighting can be adequately controlled through condition.

6.4 Environmental Strategy

Further comments 04.10.23:

Bats: Following submission of the Bat Mitigation Strategy (2022), we are happy that the mitigation 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.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Original comments 13.09.23:

Bats: Unfortunately, the Bat Mitigation Strategy 2022 which has been provided relates to a different proposal to the one within this application. Please can the report be updated to reflect the current proposal to replace the existing house (rather than an extension).

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

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

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

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

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

Policy 40: Following submission of the Sustainability Statement (June 2022) we are pleased to see the inclusion of PV panels and Air Source Heat Pumps in line with the requirements of Policy 40. Please can we have confirmation that an electric car charging point will be installed within the site.

6.5 Third Party Representations

None received

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The West Wittering Neighbourhood Plan was made on the 28 November 2023 and forms part of the Development Plan against which applications must be considered.

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 6: Neighbourhood Development Plans
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Carbon Reduction Policy
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity

West Wittering Neighbourhood Plan

Policy WW1: Design
Policy WW4: Replacement Dwellings
Policy WW11: Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change
Policy WW13: Lighting
Appendix 1: 7.5 Area 5 - Northern

Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

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

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

7.5 Consideration should also be given to the following paragraphs: 135 and 180.

Other Local Policy and Guidance

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

- Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009) Planning Guidance Note 3
- Surface Water and Foul Drainage SPD

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are:

- i. Principle of development

- ii. Design and Impact upon Visual Amenity/Character of Area/Heritage Assets
- iii. Impact upon the amenity of neighbouring properties
- iv. Highway considerations
- v. Sustainability
- vi. Biodiversity
- vii. Trees

i. Principle of Development

8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable.

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

8.3 Paragraph 135 of the NPPF states that decisions should ensure that developments are visually attractive and are sympathetic to local character including the surrounding built environment. Policy 33 of the Local Plan refers to new residential development and sets out that the scale, form, massing and siting, height and design of development must respect and enhance the character of the surrounding area and site. Policy 47 of the Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. The site lies adjacent to the West Wittering Conservation Area, and in accordance with s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

8.4 The main two storey part of the dwelling is proposed to be approximately 7.3m in height with the east to west gable section to the north end approximately 7.8m in height. The dwelling would have a greater ridge height than the neighbouring dwelling Oak Trees to the north of the site which has an approximate ridge height of 7.5m. It would also have a greater ridge height than the neighbouring dwelling Little Hayes to the south of the site which has an approximate ridge height of 7.1m.

8.5 The proposed massing of the dwelling would be broken up by its projections, different ridge heights, materials palette and the siting and design of the proposed fenestration. Whilst the dwelling would have a higher ridge height than the adjacent neighbouring dwellings, due to its proposed siting and design, it is considered that it would not be overbearing in appearance and size, and therefore would not cause harm to the visual amenity and character of the area. In order to ensure that the dwelling would continue to be of appropriate design, it is recommended that a condition be added removing permitted development rights for extensions and alterations to the dwelling.

8.6 During the consultation of the application the Parish objected to it, stating that the proposed dwelling would be out of keeping with the other dwellings in Meadow Lane, the character of the area and not in accordance with policy WW4 of the Neighbourhood Plan and Guideline 50 of Appendix 1. It is respectfully suggested that Guideline 49 is relevant to Meadow Lane, as opposed to Guideline 50.

8.7 The proposed dwelling would be sited approximately within the centre of the site and set back from all of the boundaries. Between the front boundary wall and the front elevation there would be an approximate separation distance of 8.8m, between the north side

elevation of the dwelling and the north side boundary there would be an approximate separation distance of 7.8-8.3m, due to the orientation of the north boundary wall. Between the south side elevation of the dwelling and the south side boundary there would be an approximate separation distance of 7-7.5m, due to the orientation of the south boundary wall. Due to the proposed siting of the dwelling and the separation distances between it and the boundaries, the proposed dwelling would maintain generous space between it and the boundary walls. In order to ensure that this space is maintained in the future, it is recommended that a condition be added removing permitted development rights for outbuildings to be erected.

- 8.8 It is acknowledged that the proposed materials are not within the list of appropriate materials stated in the Neighbourhood Plan. However, it should be noted that the neighbouring dwellings to the north and south of the site are constructed of materials that are not included within the list of appropriate materials. The neighbouring dwelling to the north of the site, Oak Trees, is clad in timber cladding and pale pink painted render with slate tiles to the roof. These materials were permitted as part of planning application 18/03457/FUL in 2019 for a replacement dwelling.
- 8.9 The neighbouring dwelling to the south of the site, Little Hayes, is within the West Wittering Conservation Area. In 2021 planning permission was granted under application 21/00518/DOM for two storey front and rear extensions. As part of these works, it was proposed to clad the dwelling in timber Cape Cod white cladding with slate tiles to the roof. These materials give the dwelling a New England style of appearance. The officer's report for application 21/00518/DOM stated that 'the pallet of material is reflective of the evolving character of this street.'
- 8.10 It is therefore considered that whilst the proposed materials are not listed within the list of appropriate materials within the Neighbourhood Plan, due to the range of materials at the neighbouring dwellings to the sides of the application site, the proposed materials would not be out of keeping with the neighbouring dwellings and therefore would not cause harm to the character of the area. Samples of the proposed materials were submitted as part of the application and considered appropriate by officers. It is recommended that a condition be added requiring that the proposed works be undertaken in accordance with the submitted material details.
- 8.11 The south side boundary of the site forms part of the north boundary of the West Wittering Conservation Area, with the site being to the north-eastern most corner of the Conservation Area. In the previous paragraphs it has been considered that the proposed dwelling would not be out of keeping with the surrounding dwellings and the character of the area due to the proposed size and design of the dwelling. For these reasons and due to the siting of the site in relation to the conservation area, it is considered that the proposed dwelling would preserve the character and appearance of the conservation area.
- 8.12 Concern was also raised by the Parish that the proposed works would cause light pollution. In order to ensure that the proposed rooflights would not cause light pollution, it is recommended that a condition be added requiring that internal dusk-dawn blinds be installed to all rooflights. It is also recommended that a condition be added that no external lighting be installed to any of the buildings without a grant of planning permission.
- 8.13 Due to the proposed siting, size and design of the proposed works and the design of the neighbouring dwellings, subject to conditions the proposed works would be appropriate

having regard to the site and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies.

iii Impact upon the amenity of neighbouring properties

8.14 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.15 Due to the siting, size and design of the proposed works they would not be overbearing nor cause overshadowing to the neighbouring dwellings. Windows to serve bathrooms and secondary windows to bedrooms are proposed in the first floor of the north and south side elevations. In order to ensure that these windows do not cause overlooking to the neighbouring dwellings to the north and south, it is recommended that a condition be added requiring that these windows be glazed with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.

8.16 The proposed rear northern first floor terrace would be recessed within the part of the dwelling where it is proposed to be sited. Due to this there would be no direct overlooking to the neighbouring sites. The sides of the proposed rear southern first floor terrace would be screened by the gable roofs of the parts of the dwelling to the north and south ends of the rear elevation which extend further to the rear than the southern terrace. For this reason, there would be no direct overlooking to the neighbouring sites. Due to the siting of the proposed dwelling and the neighbouring dwellings, the proposed rear windows and terraces would not increase the risk of overlooking to the neighbouring dwellings.

8.17 During the consultation of the application, concern was raised by the Parish that the proposed swimming pool would be unneighbourly to the neighbouring dwelling to the south, due to its proposed siting being adjacent to the south side boundary. The boundary treatment to the south side boundary is an approximately 1.9m high wall. There is then a separation distance of approximately 9m between the boundary wall and the north side elevation of the neighbouring dwelling with this area of the neighbouring site being used for parking. No works are proposed to the boundary wall, therefore due to the wall and the separation distance between the neighbouring dwelling and the proposed swimming pool, Officers consider that the swimming pool would not cause harm to the amenities of the neighbouring dwelling to the south.

8.18 An air source heat pump is proposed for the dwelling and a heating system for the swimming pool is proposed as part of the proposed works. The air source heat pump would be sited to the rear elevation of the proposed dwelling and the pool pump would be sited within the proposed pool house. Manufacturers' details for both of these were submitted and the Council's Environmental Protection team were consulted on them. They commented that due to the siting of them and that the boundary treatment between the proposed dwelling and the neighbouring dwellings is a solid wall, it seems very unlikely that they would give rise to an adverse impact on neighbouring amenity. In order to ensure that the air source heat pump and the pool heating system would not impact on

neighbouring amenity, it is recommended that conditions be added requiring that they be installed in accordance with the submitted details. In addition, it is also recommended that it be conditioned that when the air source heat pump and the pool heating system are assessed according to British Standard 4142:2014, and expressed as a sound rating level, they do not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

8.19 In order to ensure that the construction of the proposed works would not cause harm to the amenities of the neighbouring dwellings, it is recommended that a condition be added requiring that a Construction and Environmental Management Plan be submitted prior to any works being undertaken at the site.

8.20 Subject to conditions the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

iv. Highway Safety

8.21 Policy 39 of the Chichester Local Plan seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

8.22 The existing vehicular access is proposed to be resited further to the north on the front, west, boundary and would be wider than the existing vehicular access. An electric sliding gate would be installed to the access. It would be the same height as the existing boundary wall. Highways were consulted on the proposed works, they did not raise any concerns. They stated that the proposed parking arrangement would meet the requirement for three parking spaces at the site.

8.23 The proposed works would not have a harmful impact on highway safety nor on parking in the area. It is recommended that a condition be added requiring that the proposed parking areas be used for this purpose only.

v. Sustainability

8.24 Sustainability measures including solar panels, an electric vehicle charging point and an air source heat pump have been proposed. It is recommended that conditions be added requiring full details of the proposed solar panels and electric vehicle charging point be submitted be submitted prior to their installation.

vi. Biodiversity

8.25 A Bat Mitigation Strategy was submitted as part of the application. It found that the dwelling hosts common pipistrelle and soprano pipistrelle day roosts. The roosts though were found to be of low conservation significances. As the proposed works would result in the loss of the bat roosts, the applicants would need to apply for a bat license from Natural England for the proposed works. Mitigation measures for during construction works were provided in the Bat Mitigation Strategy including the installation of bat boxes.

8.26 The Council's Environmental Strategy team were consulted on the Bat Mitigation Strategy, they are satisfied that the mitigation measures proposed would be suitable. It is

recommended that a condition be added requiring that the proposed works are undertaken in accordance with the Bat Mitigation Strategy.

8.27 Policy WW11 - Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change of the West Wittering Neighbourhood Plan states:

'Development proposals should achieve a net-gain in biodiversity assets of at least 10% (demonstrated by reference to the Defra Biodiversity Metric). As appropriate to their scale, nature and location, development proposals should seek to enhance the natural capital of the immediate locality and increase its resilience to climate change. Development proposals should retain and support the enhancement of non-designated biodiversity and geodiversity assets except where the works proposed are essential for the viability of the site (such as access). In these circumstances, any harm to the asset concerned should be minimised and where practicable mitigated.'

8.28 Based on this policy, the application is required to achieve a net gain in biodiversity assets of at least 10%.

8.29 Biodiversity Net Gain is also required for certain types of development under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Planning Practice Guidance dated February 2024 provides clarification on the weight to be attached to local policies on biodiversity and states:

'It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. The statutory provisions are an important material consideration that in many cases will take precedence over local planning policy. The statutory framework represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning... Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.'

8.30 Self-build and custom build development are exempt from having to achieve Biodiversity Net Gain under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024 provided that they:

- consist of no more than 9 dwellings, and
- are carried out on a site which has an area no larger than 0.5 hectares, and
- consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

8.31 One dwelling, a replacement dwelling is proposed, the site area is less than 0.5 hectares and the dwelling would be a self-build dwelling. Under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024, the proposed works would therefore be exempt from having to provide Biodiversity Net Gain.

Notwithstanding the above, in order to ensure though that the proposed works would enhance biodiversity in the area, it is recommended that ecological enhancements be conditioned.

vii. Trees

- 8.32 Three trees, two roadside Hollies trees and a Cedar tree on the front, west, boundary at the north end are proposed to be removed to allow for the new access and gateway. A Fig tree and four Mimosa trees on the north side boundary are proposed to be removed for the proposed garage. These trees have neither Preservation Orders nor are they in a Conservation Area, therefore they could be removed without the need for planning permission. The submitted Tree Survey and Report states that native trees are proposed to be planted to replace these trees, therefore the removal of these trees is not considered harmful to the site nor the area. It is recommended that a condition be added for a soft landscaping scheme for the site to ensure that appropriate native trees are planted.
- 8.33 Along the rear, east, boundary of the site there is a line of Oak trees with a Preservation Order, 08/00169/TPO. No works are proposed to these trees. The Tree Survey and Report includes mitigation measures for during construction works, including protective fencing, to ensure that the works do not cause any harm to these trees.
- 8.34 The proposed pool house would be within the root protection area of one of the Oak trees, the pool house though would be within the footprint of the existing outbuilding. Subject to the construction of the pool house being undertaken in accordance with the mitigation measures detailed with the Tree Survey and Report, the proposed works would not impact on the Oak Tree. It is recommended that a condition be added requiring that the proposed works are undertaken in accordance with the Tree Survey and Report.
- 8.35 During the consultation of the application, concern was raised by the Parish that the proposed works could in the future cause the Oak trees to come under pressure for reduction or removal. Due to these trees having a Preservation Order, if any works are proposed to them in the future, permission would need to be sought from the Council.

Conclusion

- 8.36 Due to the siting, size and design of the proposed works they would be acceptable in terms of their design and impact upon the surrounding area. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework, the Chichester Local Plan Key Policies and the West Wittering Neighbourhood Plan, and there are no material considerations that indicate otherwise.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) turning on site of vehicles;
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

4) 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.

5) No part of the development shall be first occupied until electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

6) Notwithstanding the details shown on the permitted plans prior to first occupation of the dwelling hereby approved, details of secure cycle storage shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to these details. The cycle store shall take the form of a covered building or other structure available. Once approved, the storage shall be provided and shall thereafter be kept permanently available for the stated purpose.

Reason: To encourage non car modes of transport.

7) Notwithstanding the landscaping details submitted no part of the development shall be first occupied until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants and trees noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

8) Notwithstanding the landscaping details submitted no part of the development shall be first occupied until a detailed scheme of hard landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall detail materials and finishes of hard surfaces. All hard surfaces proposed must be permeable.

Reason: In the interests of amenity.

9) Before first occupation of the dwelling hereby approved, the parking spaces shall be surfaced and laid out as shown on the permitted plans and shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory off road parking provision in the locality.

10) Prior to substantial completion or occupation of the works hereby permitted, which ever if the earlier, the following ecological enhancements shall be provided:

- a) A bat box integrated into a building onsite facing south/south-westerly positioned 3-5m above ground.
- b) A bird box on a building onsite or a tree within the garden.
- c) A hedgehog nesting box installed within the site to provide future nesting areas for hedgehogs.

Thereafter the ecological enhancements shall be maintained in perpetuity.

Reason: To ensure that the protection of ecology and/or biodiversity 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.

11) No part of the development hereby permitted shall be occupied until the dwelling has been constructed in accordance with the terms of the submitted Sustainable Statement. Thereafter the sustainability measures shall be maintained and kept operational in perpetuity.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

12) The dwelling hereby permitted shall be designed to ensure the consumption of wholesome 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 hereby permitted shall not be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

13) The development hereby approved shall not be first occupied until all existing buildings/outbuildings currently on the site have been removed in their entirety.

Reason: To comply with the permission, to avoid the proliferation of structures on the site and in the interests of the visual amenity of the site.

14) 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 development hereby permitted shall not be first occupied until the windows in the first floor of the north elevation and the windows in the first floor of the south elevation have been glazed with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. They shall be retained at all times and shall not at any time be replaced by clear glazing.

Reason: To protect the privacy of the occupants of the adjoining residential property(ies).

15) Prior to the occupation of the dwelling hereby permitted, internal dusk-dawn screen blinds (to block all internal light emissions) shall be installed to the rooflights. Once installed, the blinds shall be closed every day, between dusk and dawn the following day. Thereafter, the blinds shall be retained, unless otherwise agreed by the Local Planning Authority.

Reason: In order to restrict internal light spillage from harming the surrounding the landscape.

16) 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.

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

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

18) The development hereby permitted shall be carried out in strict accordance with the mitigation measures and enhancements detailed in the Bat Mitigation Strategy produced by Dr Jonty Denton.

Reason: To ensure that the protection of ecology and/or biodiversity 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.

19) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Tree Survey and Report produced by Jonathan Rodwell.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

20) The development hereby permitted shall be carried out in strict accordance with the air source heat pump specifications produced by Ideal Heating.

Reason: In order to protect the amenities of the area.

21) The development hereby permitted shall be carried out in strict accordance with the submitted pool heating specifications produced by Polytropic Pool Heating Solutions.

Reason: In order to protect the amenities of the area.

22) 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).

Reason: To ensure that the protection of ecology and/or biodiversity 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.

23) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

24) Notwithstanding the provisions of Schedule 2, Part 1 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 - Class G of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area.

25) The hereby permitted plant, machinery and equipment shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the buildings other than in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of the proposed location, luminance and design of the lighting including measures to 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.

Reason: In the interests of protecting bats.

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 Pool Details	BC POOL 2333		30.10.2023	Approved
PLAN - PROPOSED GARAGE AND POOL HOUSE	BC 2022-GPH 01	REV A	31.07.2023	Approved
PLAN - SITE LOCATION PLAN	002		01.08.2023	Approved
PLAN - BLOCK PLAN	003		01.08.2023	Approved
PLAN - PROPOSED NORTH AND SOUTH ELEVATIONS	BC 2023-02	REV B3	01.08.2023	Approved
PLAN - PROPOSED SECTIONS AA, BB AND CC	BC 2023-03	REV B3	01.08.2023	Approved
PLAN - PROPOSED	BC 2023-04	REV B3	01.08.2023	Approved

ROOF PLAN				
PLAN - PROPOSED GROUND FLOOR PLAN	BC 2023-05	REV B3	01.08.2023	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	BC 2023-06	REV B3	01.08.2023	Approved
PLAN - PROPOSED BASEMENT AND POOL LAYOUT	BC 2023-07	REV B3	01.08.2023	Approved
PLAN - PROPOSED STREET SCENE	BC 2023-08	REV B3	01.08.2023	Approved
PLAN - PROPOSED STREET SCENE WITH RIDGE HEIGHTS	BC 2023-08	REV B3	01.08.2023	Approved
PLAN - PROPOSED PLOT LAYOUT	BC 2023-09	REV B3	01.08.2023	Approved
PLAN - EXISTING AND PROPOSED VEHICLE ACCESS	BC 2023-10	REV B3	01.08.2023	Approved
PLAN - PROPOSED POOL SECTION	BC 2022-SP-01	REV A	17.08.2023	Approved
PLAN - PROPOSED FRONT AND REAR ELEVATIONS	BC 2023-01	REV B3	17.08.2023	Approved
PLAN – SITING FOR PROPOSED AIR SOURCE HEAT PUMP AND POOL PUMP	BC 2023-12	REV B3	07.03.2024	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.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters,

water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYNTLSERLUL00>

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Report to	Planning Committee
Date	27 March 2024
By	Director of Planning and Environment
Application Number	SDNP/22/05843/ADV
Applicant	Innovate Signs One Stop LTD One stop
Application	1 no. non-illuminated fascia, 1 no. Window Vinyl and 1 no. poster case.
Address	6 Midhurst Road Fernhurst West Sussex GU27 3EE

Recommendation: That the application be Approved subject to the conditions set out in paragraph 10.1 of this report.



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Executive Summary

Reason for Committee Referral: Parish Objection – Officer Recommends Permit.

The application seeks consent to display advertisements that reflect its current proprietor's branding. The proposed display has been subject to significant revision because of officer concerns with the appearance of the initial fascia signage. The revised advertisement scheme is appropriate in terms of its proportions relative to the premises, has a muted appearance, reflecting the restrained character of other commercial operators in the vicinity of the application site. The amended scheme is concluded to be compliant with the objectives of National and local planning policy and is therefore recommended for approval.

The main issues for consideration in respect of the application are: -

- The effect on the amenity of the area which is designated as a Conservation Area
- The effect on highway safety

I. Site Description

- I.1 6 Midhurst Road is a detached, two storey building constructed of brick, clay tiles and tile hanging. The ground floor is a convenience store, with residential accommodation above. The premises occupies a slightly recessed position relative to adjoining properties, with a small layby off the A286 directly in front.
- I.2 The premises is located approximately 40 metres south of the A286 junction with Vann Road and Church Road. The application site lies outside the conservation area, the boundary of which lies on the east side of the A286 at this point. On the opposite side of the road and to the northeast is 3 Midhurst Road, a Grade II listed building (formerly an architects practice, now a private house).
- I.3 The application premises is part of the commercial core of the village, with Crossfields to the west, Blackdown Press immediately to the north and the retail premises occupying Crossways north of the A286 junction with Vann Road. Almost directly opposite is Spur Garage car sales including outdoor display of vehicles.

2. Relevant Planning History

- 2.1 SDNP/23/02297/FUL - Retrospective replacement shop front. PENDING CONSIDERATION

3. Proposal

- 3.1 The application is for the display of 1 no. non-illuminated fascia, 1 no. Window Vinyl and 1 no. poster case. The advertisements are already in situ. The application is for consent to retain them.
- 3.2 The current illumination of the proposed advertisements does not form part of this application and is being separately pursued as a breach of the Advertisement Regulations.

4. Consultations

- 4.1 Fernhurst Parish Council:

To amended submission:

The council strongly objects.

South Downs Local Plan SD52 (3) creates a presumption against any other feature which obscures window displays. The proposed window vinyl's are such a feature, visually intrusive and at odds with the rural street scene, opposite a listed building. They would be prominent in views into and out of the conservation area immediately opposite the premises.

The council would also like to see the words working with removed from the fascia.

To original submission:

The council strongly objects to these proposals. This site is more sensitive than most, even within a National Park, as it is prominent in views into and out of the Fernhurst Conservation Area. The existing signage is unsightly. The proposed signage is more unsightly, and would detract from, rather than improve, the street scene in the centre of our village.

There should be no external lighting, and a more muted colour palette should be used. With the proposed illumination and bright, garish, colours it may also constitute a distraction for road users on the approach to a busy junction.

There is a presumption against external lighting of such frontage in the SDNP Local Plan (SD52.3), and the council considers it to be unjustified here. If this objection should be overruled, any proposed lighting should at the very least, by condition, be dark skies compliant (no compliance information has been submitted) and only illuminated during permitted opening hours. The strident and discordant design of the proposed signage is not sympathetic to the rural street scene. A much softer colour scheme should be used, to respect the special qualities of the location, as outlined in the SDNP Design Guide SPD.

Also, extensive use of white text on a pillar-box red background is potentially misleading, as this "visual language" suggests that this site is, or may be, a Post Office. Fernhurst already has an excellent Post Office, being a tenant of Chichester District Council, a few metres distant at Crossfield. There is no prospect that the site in question will become a Post Office.

Representations

4.2 13 Third Party objections to original submission:

- Colours and illumination are prominent, out of character and inappropriate.
- Level of advertisement excessive
- Visual impact on setting of listed building and conservation area opposite
- Harm to Dark Night Skies
- Impact on highway safety - a distraction.

1 Third Party objection to amended submission:

- Fascia displays much improved but object to wording including "working with Fernhurst"
- Window displays unnecessary and garish.

4.3 1 Third Party support (to amended submission)

- Branding synonymous with affordable products.

5. **Planning Policy**

5.1 Relevant Sections of National Planning Policy Framework:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development

- NPPF04 - Decision-making
- NPPF12 - Achieving well-designed and beautiful places
- NPPF16 - Conserving and enhancing the historic environment

5.2 Most relevant Policies of Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1)

- SD5
- SD15
- SD53

5.3 Most Relevant Policies of the Adopted Fernhurst Neighbourhood Plan (A full list of other relevant policies can be found in Appendix 1)

- Policy EE3: Light Pollution

5.4 Relevant Policies of South Downs Management Plan (2020-2025)

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 50

5.5 Other Relevant Policy Documents (including SPDs and TANs)

- SDNPA Adopted Design Guide SPD (July 2023)

7. **Planning Assessment**

7.1 Background

7.2 6 Midhurst Road is a long-established ground floor retail unit on a busy through road. The character of its setting is a mix of commercial and residential premises, the latter also occupying the upper floors of retail premises.

7.3 The premise was recently acquired by One Stop who consequently carried out re-branding of the building. The projecting Dutch plasticised canopy was initially substituted with a flat fascia in red and white, the former 'Walls' projecting sign on the north elevation replaced with a 'One Stop' sign. The former window decals were removed. Both the fascia and projecting sign were externally illuminated.

7.4 Advertisement Consent was not sought at the time and the application has been submitted in response to an enforcement investigation.

7.5 A separate application for minor works to the shopfront itself is subject of a separate application currently under consideration.

7.6 The principle of the development

7.7 The determining factors when considering advertisements are solely amenity and highway safety grounds. This is set out in national guidance at Section 12, paragraph 141 of the National Planning Policy Framework (NPPF).

7.8 Policy SD53 of the South Downs Local Plan sets out the criteria where advertisement consent will be granted as follows:

- a) The location, size, scale, proportions, design and materials of the advert

respects the character and appearance of the host building (including any historic significance), site and area;

b) The number of adverts is kept to a minimum to ensure that there is no harmful cumulative impact on the host building and/or the amenity of the area; and

c) There is no harmful impact to public safety.

2. There will be a presumption against internally illuminated advertisements.

3. Externally lit advertisements are normally only appropriate for businesses operating in the evening. If it cannot be avoided, they should be kept to a minimum, be discreetly positioned and incorporated into the design of the building.

Amenity

- 7.9 Officers had expressed reservations about the original installation of the advertisements in relation to the relatively strident colour palette of red, white and blue and external illumination. As a result, the applicant has proposed a significantly amended scheme; the fascia colour is now a much more recessive Anthracite (dark blue/grey) with white lettering on a blue panel in the case of the 'one stop' wording. The projecting sign is omitted and there is now no illumination proposed. The previous window decals obscuring both windows are replaced with a single window display on the right-hand side of the entrance.
- 7.10 The amended advertisements are not assertive in character and the muted colour palette compares favourably with the generally restrained commercial character evident in this area of Fernhurst. The removal of the previous Dutch canopy has meant that the proportions of the building they relate to is now better expressed, with the ground floor no longer partially obscured. The premises is set back from the highway edge, meaning that its presence within the street scene is generally recessive, with the Blackdown Press and car sales premises commanding greater prominence.
- 7.11 It is important to note that this application seeks consent for a non-illuminated advertisement display. Officers are aware that the main fascia sign is currently illuminated, which is not part of this application and is being dealt with as a separate matter by the LPA's Enforcement Team.
- 7.12 The conservation area boundary is demarcated by the A286 at this point and its focus is east toward the older part of Fernhurst, centred around the green. The amended advertisement display is read very much in context with the relatively modern, commercially orientated development of Fernhurst on the west side of the A286. As a result, it is concluded that the advertisement display would have a neutral effect on views into and out of the conservation area.
- 7.13 Similarly, diagonally opposite the application site is 3 Midhurst Road, a grade II listed building. Its setting is compromised to some extent by the proximity of the A286 and associated traffic and more modern development opposite to its western side. Furthermore, the revised advertisement display on the premises is not seen directly in the context of the listed building and therefore it is concluded that the advertisements do not have an adverse effect on the setting of the listed building.
- 7.14 The issue raised about the impact on dark night skies on the initial submission has been resolved with the omission of any form of internal or external illumination.

Highway Safety

- 7.15 The premises is set back from the highway and in its amended form, the advertisement

display is restrained in appearance, less so than the signage it replaced. More prominent signage is noted attached to the Blackdown Press and drivers are likely to be focussed on keep left islands and the junction ahead. An objection on highway safety grounds cannot be sustained in this instance.

Other Issues raised in representations

- 7.16 Most comments by third parties were received in respect of the first version of the proposed advertisement display. Most have been addressed by the applicant's amended scheme, which incorporates a more muted colour scheme and the omission of any form of illumination.
- 7.17 The presence of window decals is in part informative to the visiting public. The coverage is not dissimilar to what existed previously and the black and white imagery is appropriately recessive.
- 7.18 Some third parties and the Parish are critical of the wording of the advertisement. Members are reminded that the Local Planning Authority have little or no influence over the content of an advertisement and are only concerned with matters of amenity and highway safety.

8. Conclusion

- 8.1 The applicant has responded positively to concerns over the original form of the advertisement display on the premises and has amended the scheme to illustrate a more restrained colour palette, the removal of illumination and reduction in the number of advertisements on the premises. It is concluded that the proposal accords with the objective of both national and local planning policies referred to above and the SDNPA adopted design guidance relating to signage set out at C.5.5.5.

9. Added Value

- 9.1 Design and landscape character – significant revision to extent and appearance of advertisement display.

10. Reason for Recommendation and Conditions/Reasons for refusal

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

Planning Conditions and Reasons

1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. a) Any advertisement displayed and any site used for the display of advertisements shall be retained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
c) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
d) No advertisement shall be displayed without the permission of the owner of the

site or any other person with an interest in the site entitled to grant permission.
e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To comply with Regulation 14(1) and Schedule 2 of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 and for the purposes of visual amenity and paragraph 67 of the National Planning Policy Framework.

Mike Hughes
Interim Director of Planning
South Downs National Park Authority

Contact Officer: Derek Price
Tel: 01243 534734
email: dprice@chichester.gov.uk

Appendices Appendix 1 - Information concerning consideration of applications before committee
SDNPA Consultees Parish Council

Background Documents NPPF,
SDNPLP,
SDMP,
Adopted Design Guide 2023,
Fernhurst Neighbourhood Plan
Planning (Listed Building and Conservations Areas) Act 1990

Appendix 1 – Information concerning consideration of applications before committee

Officers can confirm that the following have been taken into consideration when assessing the application:-

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

If there is a conflict between these two purposes, greater weight shall be given to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in a National Park, whereby conservation takes precedence. There is also a duty upon the National Park Authority to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and the Vision & Circular 2010

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It was first published in 2012. Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government

Vision and Circular 2010.

The Circular and NPPF confirm that National Parks have the highest status of protection in relation to landscape and scenic beauty. The NPPF states at paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and that the conservation and enhancement of wildlife and cultural heritage are important considerations which should also be given great weight in National Parks. The scale and extent of development within the Parks should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Major Development

Paragraph 183 of the NPPF confirms that when considering applications for development within the National Parks, permission should be refused for major development other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.

For the purposes of Paragraph 183 whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

For the purposes of this application, assessment as to whether the development is defined as major for the purposes of Para 183 is undertaken in the Assessment Section of the main report.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

A screening opinion has concluded that for reasons of scale, use, character and design and environmental considerations associated with the site, the proposals are not EIA development within the meaning of the relevant 2017 legislation. Therefore, an EIA is not required.

The Conservation of Habitats and Species Regulations 2017

Following a screening of the proposals, it is considered that a likely significant effect upon a European designated site, either alone or in combination with other proposals, would not occur given the scale, use, and location of what is proposed. Consequently, an Appropriate Assessment under a Habitats Regulation Assessment is not required.

Relationship of the Development Plan to the NPPF and Circular 2010

The development plan policies listed within the reports have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan 2019-2025

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. Relevant Policies are listed in each report.

South Downs Local Plan

The South Downs Local Plan (SDLP) was adopted by the Authority in July 2019. All development plan policies are taken into account in determining planning applications, along with other material considerations.

The Planning and Compulsory Purchase Act 2004 S38 (6) confirms that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations

indicate otherwise”.

All policies of the South Downs Local Plan which are of relevance to this application

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD53: Advertisements

All Relevant Policies of the Neighbourhood Plan

- EE3

Human Rights Implications

These planning applications have been considered in light of statute and case law and any interference with an individual’s human rights is considered to be proportionate to the aims sought to be realised.

Equality Act 2010

Due regard has been taken within this application of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010.

Crime and Disorder Implication

It is considered that the proposal does not raise any crime and disorder implications

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**Chichester District Council
Planning Committee**

Wednesday 27 March 2024

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

between 14-02-2024 - 05-03-2024

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

Note for public viewing via Chichester District Council web site

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

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>23/02425/FUL</u>	
Kirdford Parish Case Officer: Sascha Haigh Written Representation	2 The Workshop Village Road Kirdford Billingshurst West Sussex RH14 0NW Erection of 1 no. timber workshop building on existing light industrial /commercial land - Removal of Condition 6 (water neutrality) and Variation of Condition 2 of Planning Permission KD/21/00427/FUL for revision to site plan omitting reference to the storage tank.
<u>23/01907/DOM</u>	
Linchmere Parish Case Officer: Miruna Turland Other	Rats Castle Linchmere Road Hammer Haslemere GU27 3QG Single storey below ground level extension
<u>23/01908/LBC</u>	
Linchmere Parish Case Officer: Miruna Turland Other	Rats Castle Linchmere Road Hammer Haslemere GU27 3QG Single storey below ground level extension

Reference/Procedure	Proposal
23/00456/FUL	
<p>Sidlesham Parish Case Officer: Emma Kierans Written Representation</p>	<p>Willow & Deanhome Nursery 41-42 Keynor Lane Sidlesham Chichester West Sussex PO20 7NL</p> <p>Change of use of land to mixed storage use comprising of general storage (Use Class B8) and storage of builders materials/scaffolding (Sui Generis) within fenced compounds (part retrospective).</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
22/01164/FUL	
Birdham Parish Case Officer: Emma Kierans Written Representation	Upper Creek End Westlands Lane Birdham West Sussex PO20 7HH Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage and associated works
Appeal Decision: APPEAL DISMISSED	
<p>The Appeal is dismissed...the main issues are therefore whether the proposed location of the new dwelling within the Appeal site is appropriate with regard to flood risk, and the effect of the proposal on the character and appearance of the area...therefore, taking a precautionary approach considering the significant and irreversible harm development within areas of flood risk can cause, the ST submitted is not adequate to conclude that the proposed location of the new dwelling within the appeal site is the most appropriate regarding flood risk. Consequently, the proposal would fail to comply with LP Policy 42 and the Framework...the Appeal site is set back from the waterfront and the proposed new dwelling would be set behind where the drainage stream widens out. Here the trees and undergrowth surrounding the stream increase in density and maturity. Therefore, the proposal would not be visually intrusive when looking back from the water and would be seen as part of the existing residential development rather than as something out of character...for the reasons given above, it is found the proposal would not harm the character and appearance of the surrounding area. It would therefore comply with LP Policies 45 and 48 as far as they seek new development to respect the character of the surrounding area and landscape...whilst I have found for the Appellant in relation to the second main issue, this would be a lack of harm and thus, by definition, incapable of weighing against the harm that I have found regarding the first main issue. Consequently, the Appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, including the Framework, which would indicate a decision otherwise. The Appeal should, therefore, be dismissed.</p>	

Reference/Procedure	Proposal
<u>22/02347/DOM</u>	
Fishbourne Parish Case Officer: Rebecca Perris Fast Track Appeal	Linden Lea, 49 Salthill Road Fishbourne West Sussex PO19 3QD Demolition of existing attached garden store. Construction of a two storey side extension and lean-to, and associated works. Replacement garden store/garage (revision to permitted 20/01576/DOM - revision of roof design).
Appeal Decision: APPEAL ALLOWED	
<p>I have reviewed the planning history including a previous planning permission for a two storey side extension with a hipped roof ref: FB/20/01576/DOM. This is a material consideration that establishes the principle of a two storey side extension...The twin gable design is no more visually intrusive in terms of scale, bulk and mass than what already exists in the area, even with it being on a relatively open corner plot. Accordingly, the development's scale, bulk and mass does not result in material harm to the character and appearance of the area...I do, however, find that the materials that have been used with terracotta colour hanging tiles creates an unduly discordant relationship with the host property and how it appears in the street scene...I, therefore, conclude that the materials on the external surfaces of the extension as built should match as far as possible the original dwelling in order for a visually acceptable development to be achieved. This could be secured by condition...I have included time limits for both the submission of the details and subsequent installation following the local planning authority's approval to ensure the development can be completed as soon as possible.</p>	

Reference/Procedure	Proposal
22/02821/FUL	
Fishbourne Parish Case Officer: Sascha Haigh Written Representation	112 Fishbourne Road West Fishbourne West Sussex PO19 3JR Demolishment of existing dwelling replaced with 5 no. apartments and change of use of existing outbuilding to create 1 no. two-bedroom dwelling with alterations to fenestration, 1 no. bike/bin store, alterations to access, parking, landscaping and associated works.
Appeal Decision: APPEAL DISMISSED	
<p>The appeal is dismissed... The development would result in increased use of the strategic road network, and specifically the nearby A27, which suffers from significant issues of capacity and congestion... For the reasons outlined above I conclude that the development would have an adverse effect on the operation of the strategic road network, and specifically the A27. It would therefore conflict with Policies 8 and 9 of the Local Plan, as supported by the SPD, and as set out above... The site is located within the Conservation Area... though certain details would appear well handled, the proportions and scale of the building would compare poorly, particularly given the top-heavy composition. This would be accentuated within the streetscene by the prominence of the building, and its provision with a bulky 'crown roof', the significant massing of which would be appreciable in views from the west... The building would project at ground floor level across the frontage, supporting balconies above. The character of this projecting element would be akin to that of a flat roofed rear extension, reflecting the fact that the street facing elevation of the proposed building would indeed be the rear. Both the orientation and design detailing of the proposed building would as such be directly at odds with the prevailing pattern, within which the principal elevations of most buildings face front... I conclude that the development would fail to preserve or enhance the character or appearance of the Conservation Area. It would therefore conflict with Policy 47 of the Local Plan, which amongst other things seeks to secure development which conserves and enhances the special interest and settings of conservation areas; and Policy 33 of the Local Plan, which seeks to secure the highest standards of design, including in relation to the character of the surrounding area, and such matters as proportion, form, massing, and detailed design... I conclude that the development would not have an adverse impact on the setting of the NL... I conclude that the development would not cause unacceptable harm to the living conditions of occupants of No 110A in relation to privacy and outlook... For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan.</p>	

Reference/Procedure	Proposal
23/00431/FUL	
Sidlesham Parish Case Officer: Freya Divey Written Representation	Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Erection of L-shaped stable block.
Appeal Decision: APPEAL ALLOWED	
<p>“The Appeal is allowed...The main issues are the effect of the proposed development on the character and appearance of the area, and whether the appeal site is a suitable location for the proposed development having regard to relevant policies relating to the countryside...Parcels of land facing Fletchers Lane are mainly residential dwellings, including ‘Oakview’ of which the appeal site is behind...varying sizes used for a mix of traditionally countryside uses including nurseries and equestrian...patchwork of rural buildings...rural character...This gives the Appeal site a reasonably enclosed and semi built-up setting...historically that the Appeal site may have been glass houses on it...seeks to erect a stable block towards the boundary with Bloxham Lane...location towards the site access would limit the need for excessive ancillary development, such as vehicle access ways...The semi-enclosed character of the Appeal site would ensure the proposed building would be largely screened and the hedge along the boundary would ensure any visual impact on Boxham Lane would be minimal. The proposal would therefore be well related and in keeping with the patch work of rural buildings scattered throughout the immediate area, and the equestrian use in this location would not be out of character...building is not directly next to adjacent structures. However, in this instance, would not be harmful to the overall landscape and rural character of the area, as the site is surrounded by a mix of development forms and types which inform the rural character of the area...Consequently, I find the proposal would not harm the character and appearance of the area and would comply with Policies 45 and 48 of the Chichester Local Plan: Key Policies (LP), as far as they require new development to respect the landscape and rural character of the area...Policy 55...there is scope for the exercising of horses in the immediate area and routes to access the designated bridleways if required...local area being acceptable for horse-riding without direct access to bridleways...the proposal is not seeking to fully develop the site and would concentrate development in one area...For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The Appeal is, therefore, allowed.”</p>	

Reference/Procedure	Proposal
<u>22/02927/FUL</u>	
<p>West Itchenor Parish Case Officer: Emma Kierans Written Representation</p>	<p>Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ</p> <p>Construction of tennis court (alternative to permission 21/03159/DOM).</p>
Appeal Decision: APPEAL DISMISSED	
<p>{The Appeal is dismissed...the main issue is the effect that the proposed development would have on the character and appearance of the surrounding area, which is within the Chichester Harbour Area of Outstanding Natural Beauty...however, the uniform appearance and residential character of the hard surfaced court, its enclosure, and the domestic activity within it would be harmfully at odds with the undeveloped rural character within the added land and within the adjoining field. Irrespective of whether the retractable parts are raised or lowered, the proposal's rectilinear form would contrast starkly with the sylvan backdrop in the lengthy north westward views from the PRow...therefore, I consider that the proposed development would harm the character and appearance of the surrounding area, and that it would fail to conserve or enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty. It would be contrary to LP Policy 33 which seeks the highest standards of design, and which aims for proposals to respect and enhance the character of the surrounding area and site, LP Policy 43 which aims to conserve and enhance the natural beauty and locally distinctive features of the Area of Outstanding Natural Beauty, and LP Policy 45 which aims to permit development where it requires a countryside location. It would also be contrary to LP Policy 48 which aims to permit development where, amongst other things, there would be no adverse impact on the tranquil and rural character of the area, and proposals respect and enhance landscape character, and do not undermine the integrity of predominantly open and undeveloped land between settlements, and the National Planning Policy Framework (Framework) which seeks to achieve well-designed and beautiful places, and for development to be sympathetic to local character including the surrounding landscape setting}</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>22/01918/FUL</u>	
Birdham Parish Case Officer: Sascha Haigh Written Representation	Birdham Straight House Main Road Birdham West Sussex PO20 7HS Removal of single storey sunroom to existing house and construction of 5 no. two storey houses together with garages, parking and revised access arrangements.
<u>22/02502/FUL</u>	
Bosham Parish Case Officer: Sascha Haigh Written Representation	Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.
<u>22/03202/FUL</u>	
Chichester Parish Case Officer: Rebecca Perris Written Representation	2 The Gardens College Lane Chichester West Sussex PO19 6PF Construction of building for student accommodation.
<u>23/01914/ADV</u>	
Chichester Parish Case Officer: Eleanor Midlane-Ward Fast Track Appeal	Land South Of Halfords Unit A3 Barnfield Drive Chichester West Sussex PO19 7AG Erection of 1 no. digital advertisement display hoarding (D-Poster), internally illuminated.
<u>21/00323/CONMHC</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/59
<u>23/00209/OPEDV</u>	
Chidham & Hambrook Parish Case Officer: Andrew George Informal Hearings	Churchers Copse Barn Hambrook Hill South Hambrook Chidham Chichester West Sussex PO18 8UJ Appeal against CH/60

Reference/Procedure	Proposal
<u>23/00117/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Cheraw Nursery 134 Almodington Lane Almodington Earnley West Sussex PO20 7JR Demolition of 2 no. outbuildings and existing stables and erection of 1 no. dwelling.
<u>23/00788/FUL</u>	
Earnley Parish Case Officer: Emma Kierans Written Representation	Outbuilding South Of 101 First Avenue First Avenue Almodington Batchmere West Sussex Construction of detached workshop building along with associated hard standing, fence and landscaping.
<u>23/01373/FUL</u>	
Earnley Parish Case Officer: Eleanor Midlane-Ward Written Representation	Land Rear Of 114 Second Avenue Batchmere Chichester West Sussex PO20 7LF Retrospective application for 1 no. tennis court and associated fencing.
<u>22/02444/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	1 Field Maple South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Use of land as a single private travelling showperson's site.
<u>22/02995/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Sascha Haigh Written Representation	Northside The Parade East Wittering Chichester West Sussex PO20 8BL Redevelopment to provide 2 no. commercial units, 5 no. one bedroom flats and 2 no. two bedroom flats and 1 no. three bedroom flats above.
<u>23/01064/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Informal Hearings 23-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE Change of use of land as a travellers caravan site consisting of 3 no. pitches and associated development.

Reference/Procedure	Proposal
<u>23/01504/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Informal Hearings 25-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land South Of 1 Field Maple Bracklesham Lane Chichester Bracklesham PO20 7JE Change of use of land as proposed single travelling showperson site.
<u>23/02601/DOM</u>	
East Wittering And Bracklesham Parish Case Officer: Rebecca Perris Fast Track Appeal	Beach House Barn Walk East Wittering Chichester West Sussex PO20 8DG Proposed single-storey side extension, full property renovation, elevational and boundary wall amendments to the existing property.
<u>23/00031/CONHH</u>	
East Wittering And Bracklesham Parish Case Officer: Mr Michael Coates-Evans Written Representation	Casa Jano 6 Beech Avenue Bracklesham Bay Chichester West Sussex PO20 8HU Appeal against EW/52
<u>23/00237/CONCOU</u>	
East Wittering And Bracklesham Parish Case Officer: Andrew George Informal Hearings 23-Apr-2024 Chichester City Council North Street Chichester PO19 1LQ	Land Adjacent Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex Appeal against EW/53
<u>22/02542/FUL</u>	
Fishbourne Parish Case Officer: Calum Thomas Written Representation	Land North Of Godwin Way Fishbourne West Sussex The development of 4 no. new dwellings (3 no. 3-beds and 1 no. 2 beds) including the provision of a new vehicular access onto Blackboy Lane, a new pedestrian crossing on Blackboy Lane, parking, landscaping and all other associated works.
Page 134	

Reference/Procedure	Proposal
<u>22/00438/FUL</u>	
Hunston Parish Case Officer: Emma Kierans Written Representation	Grist Farm Pagham Road Roundabout Hunston West Sussex PO20 1JL Stationing of a mobile home as ancillary accommodation in connection with Grist Farmhouse (part retrospective).
<u>20/00005/CONMHC</u>	
Written Representation Hunston Parish Case Officer: Sue Payne	Appeal against HN/31 Grist Farm Hunston Chichester West Sussex PO20 1JL
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.
<u>22/01216/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Loxwood Hall Guildford Road Loxwood West Sussex RH14 0QP Erection of dwelling with associated parking, landscaping and ancillary structures.
<u>22/01565/ELD</u>	
Loxwood Parish Case Officer: Emma Kierans Informal Hearings	Loxwood Farm Brewhurst Lane Loxwood West Sussex RH14 0RJ Existing lawful development use of land as garden curtilage.
<u>22/02372/FUL</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Old School House Vicarage Hill Loxwood West Sussex RH14 0RG Demolition of the Old School House. Construction of 3 no. dwellings with car parking and alterations to vehicle access.

Reference/Procedure	Proposal
<u>23/00815/FUL</u>	
Loxwood Parish Case Officer: Vicki Baker Written Representation	Land At Loxwood Hall West Guildford Road Loxwood Billingshurst West Sussex RH14 0QP Erection of a detached dwelling.
<u>21/03448/OUT</u>	
North Mundham Parish Case Officer: Alicia Snook Informal Hearings 26-Mar-2024 CDC East Pallant House 1 East Pallant, Chichester, PO19 1TY	Land At Streamside Farm North West Of Tumble Cottage Lagness Road Runcton West Sussex PO20 1LD Outline application (with all matters reserved accept Access) for the development of up to 30 dwellings; provision of public open space/play area; landscaping; and modification of existing access.
<u>22/00185/CONENG</u>	
North Mundham Parish Case Officer: Sue Payne Informal Hearings	Land Adjacent To The Spinney Pagham Road Runcton West Sussex Appeal against NM/30
<u>23/00188/FUL</u>	
Oving Parish Case Officer: Jeremy Bushell Written Representation	Land Off Longacre Way Chichester West Sussex PO20 2EJ Erection of apartment building (87 units), including Class E floor space, with associated car parking, bike stores, landscaping and utilising existing access.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>22/02194/ELD</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	The Coach House Oak Lane Shillinglee Plaistow West Sussex GU8 4SQ Existing lawful development certificate for the change of use of agricultural land to mixed use of business activities and private amenity land applicable for sui generis status.

Reference/Procedure	Proposal
<u>23/02682/ELD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Existing lawful development - use of land for private amenity, storage and business use.
<u>23/02738/PLD</u>	
Plaistow And Ifold Parish Case Officer: Freya Divey Written Representation	Land To The North Of The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Replacement shed.
<u>22/02871/FUL</u>	
Selsey Parish Case Officer: Sascha Haigh Written Representation	107 East Beach Road Selsey Chichester West Sussex PO20 0EZ Demolition of existing 1 no. dwelling and replacement with 1 no. new dwelling.
<u>23/01114/FUL</u>	
Selsey Parish Case Officer: Calum Thomas Written Representation	Cranleigh 36 Park Lane Selsey Chichester West Sussex PO20 0HE Demolition of existing and erection of 1 no. replacement dwelling.
<u>23/00978/FUL</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Land North East Of The Honey House Chalder Lane Sidlesham West Sussex Erection of 1 no. additional dwelling.
<u>22/01005/FUL</u>	
Southbourne Parish Case Officer: Freya Divey Written Representation	The Sussex Brewery 36 Main Road Southbourne West Sussex PO10 8AU Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.
<u>22/00154/CONHI</u>	
West Itchenor Parish Case Officer: Sue Payne Written Representation	Russett Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DD Appeal against the Council's decision not to issue a remedial notice

Reference/Procedure	Proposal
<u>22/02390/FUL</u>	
Westbourne Parish Case Officer: Emma Kierans Written Representation	Jubilee Wood Hambrook Hill North Hambrook Westbourne West Sussex PO18 8UL Change of use of land from agricultural to Class B8 for the storage of caravans and motor homes.
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/60
<u>23/00076/CONCOU</u>	
Westbourne Parish Case Officer: Andrew George Written Representation	Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ Appeal against WE/61
<u>22/02281/COU</u>	
Westhampnett Parish Case Officer: Vicki Baker Written Representation	Pampas Cottage Claypit Lane Westhampnett West Sussex PO18 0NU Change use of garage and workshop to guest/letting house.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 14-02-2024 and 05-03-2024

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

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* - Committee level decision.

1. NEW APPEALS

SDNP/23/04113/HOUS Fernhurst Parish Council Case Officer: Louise Kent Householder Appeal	Fridays Hill Cottage Copyhold Lane Fernhurst West Sussex GU27 3DZ - Erection of a two-storey side extension.
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2. DECIDED

<p>SDNP/23/00351/HOUS Midhurst Town Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Ivy Bank Carron Lane Midhurst West Sussex GU29 9LB - Demolition works and erection of single and two storey house extensions.</p>
Appeal Decision: APPEAL ALLOWED	
Summary to follow	

3. CURRENT APPEALS

<p>SDNP/22/01619/FUL Compton Parish Council Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>Land East of Noredown Way West Marden West Sussex - Laying of permeable hardstanding to facilitate access, turning and parking associated with existing private stable building (retrospective).</p>
<p>SDNP/19/00375/BRECO Stedham With Iping Parish Council Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</p>
<p>SDNP/22/03718/CND Milland Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Wardley Farm Cottage Wardley Lane Milland West Sussex GU30 7LX - Demolition of the existing residential dwelling and replacement with two storey three bedroom residential building - Variation of Condition 2 of Planning Permission SDNP/21/05788/FUL - addition of 1 no. dormer window on east elevation.</p>
<p>SDNP/22/03527/FUL Bury Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Convert main barn into 4 no. bedroom dwelling. Convert secondary barn to offices/storage and change of use of smaller barn to storage. Alterations to vehicle access from West Burton Road and new landscaping.</p>
<p>SDNP/23/00115/FUL Lodsworth Parish Council Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land North of North Court Gills Lane Petworth Lodsworth GU28 9BY - Erection of boundary fence with 1 no. double gate.</p>
<p>SDNP/22/03964/HOUS Midhurst Town Council Parish Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>41 Elmleigh Midhurst West Sussex GU29 9EZ - Rear first floor roof dormer extension, 3 no. rooflights to front elevation.</p>

<p><u>SDNP/21/00311/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Andy George</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p><u>SDNP/21/00311/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Andy George</p> <p>Written Representation</p>	<p>Woodcraft Park Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9EU - Appeal against LG/22</p>
<p><u>SDNP/21/04270/FUL</u> Fittleworth Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Amen Wood Yard Fitzleroi Lane Fittleworth RH20 1JN - Erection of workshop, office and associated parking.</p>
<p><u>SDNP/21/00526/GENER</u> Lodsworth Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17</p>
<p><u>SDNP/22/04387/CND</u> Fernhurst Parish Council</p> <p>Case Officer: Jenna Shore</p> <p>Householder Appeal</p>	<p>Copyhold Copyhold Lane Fernhurst West Sussex GU27 3DZ - Construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light).</p>
<p><u>SDNP/23/00001/UNCM</u> Bury Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6</p>
<p><u>SDNP/21/00062/UNCM</u> Compton Parish Council</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/11</p>

<p><u>SDNP/20/00510/GENER</u> Lurgashall Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Dickhurst Lodge Petworth Road Lurgashall Haslemere West Sussex GU27 3BG - Appeal against LG/23</p>
<p><u>SDNP/20/00622/GENER</u> Stoughton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15</p>
<p><u>SDNP/21/00367/COU</u> Compton Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Land East of Noredown Way West Marden West Sussex - Appeal against CP/10</p>
<p><u>SDNP/22/03021/FUL</u> Lavant Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Land at Lavant Pumping Station Lavant Down Road Mid Lavant Chichester West Sussex - Installation of solar panels.</p>
<p><u>SDNP/23/02896/LDE</u> Bury Parish Council</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Roman Mile Farm (Plot 2) Bignor Park Road Bignor West Sussex RH20 1HQ - Existing lawful development certificate for the use of a caravan as a dwelling.</p>
<p><u>SDNP/23/00540/LDE</u> Lodsworth Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land adjacent to Hazelnut Cottage The Street Lodsworth West Sussex GU28 9BZ - Existing lawful development certificate for the use of paddock north-east of Hazelnut Cottage as garden land in connection with Hazelnut Cottage for at least the past 10 years continuously.</p>
<p><u>SDNP/22/00156/GENER</u> Duncton Parish Council</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p>

<p>SDNP/22/00340/COU Northchapel Parish Council Case Officer: Andy George</p> <p>Written Representation</p>	<p>Willow Spring Farm Hillgrove Lane Northchapel Petworth West Sussex GU28 9EN - Appeal against NC/17</p>
<p>SDNP/23/01616/FUL Lurgashall Parish Council Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Park Farm Dial Green Lane Lurgashall West Sussex GU28 9EU - Stationing of 1 no. mobile home within existing agricultural building.</p>
<p>SDNP/23/01156/HOUS Graffham Parish Council Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Replacement of existing attached garage and erection of 2 storey extensions together with veranda and balconies.</p>
<p>SDNP/23/01157/HOUS Graffham Parish Council Case Officer: Jemma Frankland</p> <p>Householder Appeal</p>	<p>The Folly Graffham Common Road Graffham West Sussex GU28 0PT - Erection of detached garage/workshop.</p>
<p>SDNP/23/04113/HOUS Fernhurst Parish Council Case Officer: Louise Kent</p> <p>Householder Appeal</p>	<p>Fridays Hill Cottage Copyhold Lane Fernhurst West Sussex GU27 3DZ - Erection of a two-storey side extension.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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Chichester District Council

Planning Committee

27 March 2024

Response to Government 'Changes to various permitted development rights: consultation'

1. Contacts

Report Author

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2. Recommendation

- 2.1 That the Planning Committee consider and agree the attached responses to the consultation questions for submission in response to the government 'Changes to various permitted development rights: consultation'**

3. Background

- 3.1 The Government is running a public consultation from 13 February 2024 to 9 April 2024 on proposed changes to the Town and Country Planning (General Permitted Development) Order 2015, as amended. The consultation seeks views on changes to permitted development rights which allow for works to take place without a planning application.
- 3.2 The consultation can be found here:
<https://www.gov.uk/government/consultations/changes-to-various-permitted-development-rights-consultation/changes-to-various-permitted-development-rights-consultation>
- 3.3 The consultation covers:
- Changes to certain permitted development rights which enable householders to improve and enlarge their homes.
 - Changes to the building upwards permitted development rights which enable the upward extension of a range of existing buildings.
 - Changes to the permitted development right which allows for the demolition of certain buildings and rebuild as homes.
 - Changes to the permitted development rights which enable the installation of electrical outlets and upstands for recharging electric vehicles.
 - Changes to the permitted development right for the installation of air source heat pumps.

4. Outcomes to be Achieved

- 4.1 To influence the Government's proposals for changes to permitted development rights.

5. Proposal

- 5.1 The purpose of this report is to provide a response to the consultation. The full text of the questions and proposed responses are detailed in Appendix 1. The following highlights the key changes proposed and summarises the responses, using the consultation chapter headings.

The enlargement, improvement or other alteration to homes

- 5.2 The consultation proposes a substantial change to household permitted development rights, significantly relaxing existing limits.
- 5.3 For extensions, it is proposed to allow single storey rear extensions on a detached house to be increased from the current 4m to 5m, and for terraced and semi-detached houses from 3m to 4m. For two-storey rear extensions it is proposed that this increases from 3m to 4m. It is also proposed that single-storey wrap-around L-shaped extensions extending to the side and rear should be allowed.
- 5.4 There is a current restriction which limits the amount of the curtilage which can be extended upon to cover no more than 50%, which helps to secure that adequate garden amenity space is retained, particularly on smaller plots, when people are utilising permitted development rights. The consultation seeks comments on the removal of this restriction.
- 5.5 The consultation proposes allowing the ridge height of the original roof to increase by up to 30cm, where currently no increase would be allowed without a planning application. The current permitted development roof extension volume limits of 40 cubic metres for a terrace house and 50 cubic metres for all other dwellings. It is proposed that the permitted development right for roof extensions also applies to flats.
- 5.6 Officers do not agree with the proposed relaxation of these permitted development rights. The response sets out that the increase in rights would likely result in a detrimental impact on neighbouring amenity as the blanket approach to increase rights would mean that amenities enjoyed by occupiers of neighbouring properties would not be considered.
- 5.7 Removing the existing limitation on the amount of the curtilage which could be built on is likely to have a detrimental impact on occupiers of the existing dwelling in terms of functional amenity space.
- 5.8 Concerns are also raised with regard to the proposed increase in the volume of roof extensions, with the response setting out that the existing allowances are generous, and frequently result in large, prominent, out of character additions to properties

which can also be used as a 'fall-back position' to justify other large roof extensions. Applying this to flats is considered to exacerbate these concerns.

- 5.9 Officers consider the proposed changes to enlargement, improvement or other alteration to homes to be detrimental to the protection of neighbouring amenity by removing the scrutiny of a planning application process, remove the ability for neighbours to comment on some proposals, and offer limited benefits to the householder. The response puts forward that development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. It considers that the changes would be at odds with the NPPF, which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Changes to the permitted development rights for building upwards

- 5.10 Permitted development rights under Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20) allow for the upward extension of buildings to create new homes and provide additional living space. The current rights do not apply if the building dates before July 1948. The consultation seeks comments on amending the date and feedback on the prior approval process which applies to rights to extend upwards.
- 5.11 The response states that the existing date should not be amended to an earlier date, to minimise the likelihood that the building wasn't a non-designated heritage asset. It is suggested that the existing prior approval process is retained to ensure the existing scrutiny is maintained.

Changes to the permitted development right for demolition and rebuild

- 5.12 Permitted development rights allow for the demolition of detached buildings that are blocks of flats, or in use as offices, research and development and industrial processes that fell within B1(c) use on 12 March 2020, and the replacement of these with a block of flats or single dwellinghouse in their place. The consultation seeks comments on altering the age of buildings that this would apply to and whether the rebuild footprint should be allowed to extend beyond the footprint of the original building. Comments are also sought on whether the existing prior approval process could be streamlined or simplified.
- 5.13 The consultation response raises concerns about extending the right due to discouraging the re-use of buildings capable of conversion in favour of demolition, and that marketing is not required to explore suitable re-use of buildings.
- 5.14 Concerns are raised that the proposed right to allow the rebuild footprint to also benefit from extensions to the original footprint are contrary to the NPPF in terms of development being sympathetic to character and landscape setting, and that this should be assessed on a case-by-case basis through a planning application.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

- 5.15 Existing permitted development rights (under Class D and E of Part 2) allow for the installation of electric vehicle (EV) charging infrastructure in an area lawfully used for off-street parking. To provide further flexibility to individuals and organisations wishing to install EV charging outlets, the consultation proposes to remove limitations so that wall-mounted outlets and upstands can be installed anywhere within an area lawfully used for off-street parking.
- 5.16 The consultation proposes rights for the installation of a unit for equipment housing or storage cabinets and bigger and more powerful EV upstands, up to three metres high, to apply in non-domestic, off-street ground level car parks.
- 5.17 Officers are supportive in principle of the benefits of EV charging. The response is supportive of relaxation of limitations for wall mounted outlets outside of Article 2(3) land. There were concerns raised about the potential for allowing electrical upstands within 2m of the highway due to the potential for visual clutter and it is considered that this should require planning permission.
- 5.18 The consultation also proposes increases in height for electric upstands and limitations for equipment housing in non-domestic car-parks. It was not clear from the consultation that there was a proven requirement for the size increases.

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

- 5.19 Under current Permitted Development rights an air source heat pump must be installed at least one metre away from a property. The consultation proposes removing this limit, with it not being necessary as long as there's an upper limit on the noise at the nearby noise receptor.
- 5.20 The response considers that there isn't sufficient certainty within the consultation document to demonstrate that this would be acceptable with regard to noise. This applies to several questions within that section. Officers are supportive of increasing rights to allow for more than one flat to benefit from an air source heat pump under permitted development, subject to the cumulative impact being assessed.

Public Sector Equality Duty

- 5.38 The consultation asks if the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation).
- 5.39 The response considers that it would. The proposed changes would result in some dwellings and facilities being provided in inappropriate locations which would be difficult to access and where an aging population or people with disabilities would

be isolated and removed from the services and facilities required to support their needs.

6. Alternatives Considered

- 6.1 The alternatives are not to respond to this consultation, or to provide different consultation responses.

7. Resource and Legal Implications

- 7.1 There are no resource or legal implications connected with responding to this consultation for this Council.

8. Consultation

- 8.1 This is a public consultation being run by the government.

9. Community Impact and Corporate Risks

- 9.1 There are no community impacts or risks to this council of responding to this consultation.

10. Other Implications

	Yes	No
Crime and Disorder		✓
Climate Change and Biodiversity The proposed changes could impact upon climate change	✓	
Human Rights and Equality Impact The consultation seeks views on the potential impacts under the Public Sector Equality Duty	✓	
Safeguarding and Early Help		✓
General Data Protection Regulations (GDPR)		✓
Health and Wellbeing The proposed changes could impact upon wellbeing	✓	

11. Appendices

Appendix 1: Consultation questions and draft answers for consideration

Appendix 1: Proposed consultation responses

Changes to the permitted development rights for householder development

The enlargement, improvement or other alteration to homes

Q.1 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on detached homes should be increased from 4 metres to 5 metres?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

No. The proposed increases to the permitted development rights would allow larger extensions with no regard to the impact on neighbouring properties and the site specific circumstances.

The LPA considers that the benefits to the householder resulting from this relaxation would be limited, and not outweighed by the harm to neighbouring amenity. This is because the larger home extension permitted development rights already allow for a rear extension of up to 8m for detached houses, subject to going through the prior approval process. This requires a consultation period that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. It is considered that the existing process allows for larger rear extensions in a way that helps to protect neighbouring amenity.

Q.2 Do you agree that the maximum depth permitted for smaller single-storey rear extensions on all other homes that are not detached should be increased from 3 metres to 4 metres?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

No. The proposed increases to the permitted development rights would allow larger extensions with no regard to the impact on neighbouring properties and the site specific circumstances.

The LPA considers that the benefits to the householder resulting from this relaxation would be limited, and not outweighed by the harm to neighbouring amenity. This is because the

larger home extension permitted development rights already allow for a rear extension of up to 6m for all other houses except for detached houses, subject to going through the prior approval process. This requires a consultation period that where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises. It is considered that the existing process allows for larger rear extensions in a way that helps to protect neighbouring amenity.

Q.3 Do you agree that the maximum depth permitted for two-storey rear extensions should be increased from 3 metres to 4 metres?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

No. The proposed increases to the permitted development rights would allow larger extensions with no regard to the impact on neighbouring properties and the site specific circumstances.

Q.4 Do you agree that the existing limitation requiring that extensions must be at least 7 metres from the rear boundary of the home should be amended so that it only applies if the adjacent use is residential?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

No. This helps to ensure amenity space is retained for occupiers of the dwelling, regardless of the adjacent use. This also does not allow for consideration of the amenity of future occupiers of the

Q.5 Are there are any circumstances where it would not be appropriate to allow extensions up to the rear boundary where the adjacent use is non-residential?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

Yes. This would depend on the site specific circumstances.

Q.6 Do you agree that the existing limitation that the permitted development right does not apply if, as a result of the works, the total area of ground covered by buildings within the curtilage of the house (other than the original house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house) should be removed?

- Yes
- No
- Don't know

Please provide your reasons.

No. This limitation provides protection to ensure that an area of meaningful amenity space is retained. To remove this limitation would result in permitted development creating poor quality homes which do not have a high standard of amenity for existing and future users and would therefore be directly contrary to the NPPF.

Q.7 Should the permitted development right be amended so that where a two-storey rear extension is not visible from the street, the highest part of the alternation can be as high as the highest part of the existing roof (excluding any chimney)?

- Yes
- No
- Don't know

Please provide your reasons.

No. It is not clear how this would be defined and controlled. For example, it is not clear how this would apply to corner plots or where developments would be visible from one street but not another. Something that is not visible one day may be visible the next as boundary treatments or natural growth may change. This would lead to uncertainty.

A development not being visible from the street doesn't justify poor design and the proposed permitted development right. Occupiers of surrounding properties would still be impacted.

Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. This would be at odds with the NPPF; that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Q.8 Is the existing requirement for the materials used in any exterior work to be of a similar appearance to the existing exterior of the dwellinghouse fit for purpose?

- Yes
- No
- Don't know

Please provide your reasons.

Yes, in part. It serves the purpose for blanket permitted development rights; however it does not cover circumstances where other materials may be acceptable.

If this is to be relaxed it is suggested that removing the requirement for single storey rear extensions to have matching materials would allow for alternative materials to come forward without being detrimental to the wider character of an area given the likely limited impact of a single storey extension. Alternatively a prior approval process for materials could be an option if a householder wished proposed alternative materials.

Q.9 Do you agree that permitted development rights should enable the construction of single-storey wrap around L-shaped extensions to homes?

- Yes
- No
- Don't know

Please provide your reasons.

No. There is significant potential for this to result in development which would adversely impact upon neighbouring amenity from the cumulative built form and proximity to the boundary of the site. This should be assessed on a case-by-case basis through a planning application, applying planning policy and allowing public comment.

Q.10 Are there any limitations that should apply to a permitted development right for wrap around L-shaped extensions to limit potential impacts?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. If this is to be brought in there should be additional restrictions on how close the development could be to the boundary of the curtilage of the property, in the interests of neighbouring amenity.

Q.11 Do you have any views on the other existing limitations which apply to the permitted development right under Class A of Part 1 which could be amended to further support householders to undertake extensions and alterations?

- Yes
- No
- Don't know

Please provide your reasons.

No. The existing rights have been significantly increased in recent years with the introduction of larger home extensions and other additional rights for upwards extensions. There is a need to balance supporting householders with ensuring that development does not adversely impact upon neighbouring amenity and the character of the area.

Additions to the roof (including roof extensions)

Q.12 Do you agree that the existing limitation that any additional roof space created cannot exceed 40 cubic metres (in the case of a terrace house) and 50 cubic metres (in all other cases) should be removed?

- Yes
- No
- Don't know

Please provide your reasons.

No. The existing permitted development rights are generous in this regard and result in large developments that can have significant impacts on a street and character of an area, with minimal regard for the design of the existing dwelling, particularly with large, flat-roof dormers. The existing permitted development rights are frequently used by applicants as a 'fall-back' position for developments with otherwise unacceptable designs or additional overlooking.

Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. Increasing this limitation would be at odds with the NPPF; that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Q.13 Do you agree that the existing limitation requiring that any enlargement must be set back at least 20 centimetres from the original eaves is amended to only apply where visible from the street, so that enlargements that are not visible from the street can extend up to the original eaves?

- Yes
- No
- Don't know

Please provide your reasons.

No. It is not clear how this would be defined and controlled. For example, it is not clear how this would apply to corner plots or where developments would be visible from one street but not another. Something that is not visible one day may be visible the next as boundary treatments or natural growth may change. This would lead to uncertainty.

A development not being visible from the street doesn't justify poor design and the proposed permitted development right. Occupiers of surrounding properties would still be impacted.

Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. This would be at odds with the NPPF; that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Q.14 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be replaced by a limitation that allows the ridge height of the roof to increase by up to 30 centimetres?

- Yes
- No
- Don't know

No. Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. This would be at odds with the NPPF; that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Q.15 Do you agree that the permitted development right, Class B of Part 1, should apply to flats?

- Yes
- No
- Don't know

Please provide your reasons.

No. Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. Extending this permitted development right to flats would likely give rise to the erosion of the purpose built design approach and visual cohesiveness of flats. This would be at odds with the NPPF; that the creation of high

quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Other alterations to the roof (including roof windows)

Q.16 Should the permitted development right be amended so that where an alteration takes place on a roof slope that does not front a highway, it should be able to extend more than 0.15 metres beyond the plane of the roof and if so, what would be a suitable size limit?

- Yes
- No
- Don't know

Please provide your reasons. If you have answered yes, please provide your alternative suggestion and any supporting evidence.

No. It is not considered that this would achieve meaningful benefits for householders. Typically the type of development which the LPA sees under Class C are for rooflights, which comply with the existing limitations, which are considered to serve a useful purpose with regard to the scale of the rooflights. Roof extensions would be considered under Class B rather than Class C.

Q.17 Should the limitation that the highest part of the alteration cannot be higher than the highest part of the original roof be amended so that alterations can be as high as the highest part of the original roof (excluding any chimney)?

- Yes
- No
- Don't know

Please provide your reasons.

No. This question does not make sense as the consultation suggests that this would provide further flexibility to householders, however the existing limitation and the proposed limitation would be the same.

Buildings etc incidental to the enjoyment of a dwellinghouse

Q.18 Do you agree that bin and bike stores should be permitted in front gardens?

- Yes
- No
- Don't know

Please provide your reasons.

No. It is important that appropriate bin and bike stores are provided and this should be proposed and considered when new dwellings are provided as part of the application process. A blanket permitted development right would not be appropriate. The impact would be exacerbated by the often prominence of front gardens. This would be at odds with the NPPF; that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Development should be subject to the policy assessment, scrutiny and opportunity to comment of a planning application. There are likely impacts with regard to scale, appearance, materials, neighbouring amenity, odour, impact on any designated heritage assets or landscapes, highways safety including pedestrian and vehicle visibility splays, and parking provision.

Q.19 Do you agree that bin and bike stores should be permitted in front gardens in article 2(3) land (which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites)?

- Yes
- No
- Don't know

Please provide your reasons.

No. To remove this restriction would be at odds with the designation of these areas and the advice within the NPPF. To allow such changes would fail to conserve and enhance the natural scenic beauty and tranquil character of these areas. Development should be assessed through the scrutiny of a planning application given sensitivity of these sites.

Q.20 Do you agree that bin and bike stores in front gardens can be no more than 2 metres in width, 1 metre in depth and up to 1.5 metres in height?

- Yes
- No
- Don't know

Please provide your reasons.

No. The size requirement may differ between different authorities. It is not appropriate to have a blanket restriction and each case should be assessed on its own merits through the established planning application process. This should be considered and planned for as part of the residential development.

Q.21 Are there any other planning matters that should be considered if bin and bike stores were permitted in front gardens?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. This should be controlled through a planning application. Other matters for consideration include but are not limited to: scale, appearance, materials, neighbouring amenity, odour, impact on any designated heritage assets or landscapes, highways safety including pedestrian and vehicle visibility splays, and parking provision.

Q.22 Should the existing limitation that in Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites development situated more than 20 metres from any wall of the dwellinghouse is not permitted if the total area of ground covered by development would exceed 10 square metres be removed?

- Yes
- No
- Don't know

Please provide your reasons.

No. To remove this restriction would be at odds with the designation of these areas and the advice within the NPPF. To allow such changes would fail to conserve and enhance the natural scenic beauty and tranquil character of these areas. Development should be assessed through the scrutiny of a planning application given sensitivity of these sites.

Q.23 Should the permitted development right be amended so that it does not apply where the dwellinghouse or land within its curtilage is designated as a scheduled monument?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. It is sensible that this flexibility is removed in these locations

Q.24 Do you think that any of the proposed changes in relation to the Class A, B C and E of Part 1 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.

Yes.

a) It is not likely that the number of householder extensions would increase but the size of them may do, which may have a small impact on construction businesses.

b) Loss of application fee income for the LPA. Increased number of planning enforcement complaints from residents regarding neighbouring developments.

c) Detrimental impact from loss of protection of amenity afforded by applying planning policies and the scrutiny of a planning application to proposals.

Changes to the permitted development rights for building upwards

The upward extension of buildings

Q.25 Do you agree that the limitation restricting upwards extensions on buildings built before 1 July 1948 should be removed entirely or amended to an alternative date (e.g. 1930)?

- Yes – removed entirely
- Yes – amended to an alternative date
- No
- Don't know

Please provide your reasons. If you have chosen an alternative date, please specify.

No. To allow for a full assessment through a planning application, as it is more likely that an older building may have potential to be a non-designated heritage asset. A non-designated heritage asset would not have the protection of a Listed Building or being within a Conservation Area.

Q.26 Do you think that the prior approvals for the building upwards permitted development rights could be streamlined or simplified?

- Yes
- No
- Don't know

Please provide your reasons. If you have responded yes, please provide your suggestion and justification, and specify which right(s) you are referring to.

No. The existing steps are necessary to prevent inappropriate development.

Construction of new dwellinghouses on a freestanding block of flats

Q.27 Do you have any views on the operation of the permitted development right that allows for the construction of new dwellinghouses on a freestanding block of flats (Class A of Part 20)?

- Yes
- No
- Don't know

Please provide your reasons.

Don't know. The LPA does not have experience of this PD right being used in practice.

Q.28 Do you agree that the existing limitations associated with the permitted development right for building upwards on a freestanding block of flats (Class A of Part 20) incorporates sufficient mitigation to limit impacts on leaseholders?

- Yes
- No
- Don't know

Please provide your reasons.

Don't know. The LPA does not have experience of this PD right being used in practice.

Q.29 Do you think that any of the proposed changes in relation to the Class AA of Part 1 and Class A, AA, AB, AC and AD of Part 20 permitted development rights could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.

Yes.

a) Minimal impact

b) Increased workloads for the LPA and loss of application fee income. Loss of infrastructure contributions. Increased number of planning enforcement complaints from residents regarding neighbouring developments.

c) Creation of dwellings in unsustainable locations away from services and facilities. Impact on the character of the area and protected landscapes. Detrimental impact from loss of protection of amenity afforded by applying planning policies and the scrutiny of a planning application to proposals.

Changes to the permitted development right for demolition and rebuild

Q.30 Do you agree that the limitation restricting the permitted development right to buildings built on or before 31 December 1989 should be removed?

- **Yes**
- **No**
- **Don't know**

No. This may discourage the re-use of buildings that are capable of being re-used.

Q.31 If the permitted development right is amended to allow newer buildings to be demolished, are there any other matters that should be considered?

- **Yes**
- **No**
- **Don't know**

Yes. Requiring an appropriate marketing exercise to encourage the re-use of suitable buildings where possible.

Q.32 Do you agree that the permitted development right should be amended to introduce a limit on the maximum age of the original building that can be demolished?

- **Yes – it should not apply to buildings built before 1930**
- **Yes – it should not apply to buildings built before an alternative date**
- **No**
- **Don't know**

Please provide your reasons. If you have chosen an alternative date, please specify.

Yes - it should not apply to buildings built before an alternative date. To allow for a full assessment through a planning application, as it is more likely that an older building may have potential to be a non-designated heritage asset. A non-designated heritage asset would not have the protection of a Listed Building or being within a Conservation Area.

Q.33 Do you agree that the Class ZA rebuild footprint for buildings that were originally in use as offices, research and development and industrial processes should be allowed to benefit from the Class A, Part 7 permitted development right at the time of redevelopment only?

- Yes
- No
- Don't know

Please provide your reasons.

No. To do so would result in development to the detriment on the character and appearance of an area. It would be contrary to the NPPF as it would not secure development that would be sympathetic to local character or landscape setting. It is important that the proposed development is tested on a case-by-case basis and assessed through the established planning application process so that all matters can be considered, mitigated and controlled where necessary.

Q.34 Do you think that prior approvals for the demolition and rebuild permitted development right could be streamlined or simplified?

- Yes
- No
- Don't know

Please provide your reasons and examples where possible.

No. The existing steps are necessary to prevent inappropriate development.

Q.35 Do you think that any of the proposed changes in relation to the Class ZA of Part 20 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes.

a) Loss of business premises

b) Increased workloads for the LPA and loss of application fee income. Loss of infrastructure contributions. Increased number of planning enforcement complaints from residents regarding neighbouring developments.

c) Creation of dwellings in unsustainable locations away from services and facilities. Impact on the character of the area and protected landscapes. Detrimental impact from loss of protection of amenity afforded by applying planning policies and the scrutiny of a planning application to proposals.

Changes to the permitted development rights for the installation of electrical outlets and upstands for recharging electric vehicles

Q.36 Do you agree that the limitation that wall-mounted outlets for EV charging cannot face onto and be within 2 metres of a highway should be removed?

- Yes
- No
- Don't know

Please provide your reasons.

Yes, in principle. Consideration should be given to retaining this limitation on Article 2(3) land.

Q.37 Do you agree that the limitation that electrical upstands for EV charging cannot be within 2 metres of a highway should be removed?

- Yes
- No
- Don't know

No. Due to the scale and potential for clutter this limitation should be retained.

Q.38 Do you agree that the maximum height of electric upstands for EV recharging should be increased from 2.3 metres to 2.7 metres where they would be installed in cases not within the curtilage of a dwellinghouse or a block of flats?

- Yes
- No
- Don't know

Please provide your reasons.

No. There should be a proven requirement for the size increase.

Q.39 Do you agree that permitted development rights should allow for the installation of a unit for equipment housing or storage cabinets needed to support non-domestic upstands for EV recharging?

- Yes
- No
- Don't know

Please provide your reasons.

Yes, in principle. Consideration should be given to retaining this limitation on Article 2(3) land.

Q.40 Do you agree that the permitted development right should allow one unit of equipment housing in a non-domestic car park?

- Yes
- No
- Don't know

Please provide your reasons. If you think that the permitted development right should allow for more than one unit of equipment housing or storage cabinet, please specify a suitable alternative limit and provide any supporting evidence.

Yes. To minimise potential for clutter.

Q.41 Do you agree with the other proposed limitations set out at paragraph 60 for units for equipment housing or storage cabinets, including the size limit of up to 29 cubic metres?

- Yes
- No
- Don't know

Please provide your reasons.

Don't know. It is not clear why those sizes in particular have been chosen. Consideration should be given to restrictions or a prior approval process on Article 2(3) land given the sensitivity of those sites.

Q.42 Do you have any feedback on how permitted development rights can further support the installation of EV charging infrastructure?

- Yes
- No
- Don't know

Please provide your reasons.

No

Q.43 Do you think that any of the proposed changes in relation to the Class D and E of Part 2 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No
- Don't know

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination and which right or rights your comments relate to.

Yes

- a) May increase the flexibility of businesses to provide development under these rights.
- b) Minimal impact
- c) Potential impact on amenity and protected landscapes.

Changes to the permitted development right for air source heat pumps within the curtilage of domestic buildings

Q.44 Do you agree that the limitation that an air source heat pump must be at least 1 metre from the property boundary should be removed?

- Yes
- No
- Don't know

Please provide your reasons.

Don't know. There isn't sufficient certainty provided in the consultation document to demonstrate that this would be acceptable with regard to noise.

Q.45 Do you agree that the current volume limit of 0.6 cubic metres for an air source heat pump should be increased?

- Yes
- No
- Don't know

Please provide your reasons. If you have answered yes, please provide examples of a suitable size threshold, for example, in cubic meters or a height limit, including any supporting evidence.

Don't know. There isn't sufficient certainty provided in the consultation document to demonstrate that this would be acceptable with regard to noise.

Q.46 Are there any other matters that should be considered if the size threshold is increased?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. Visual impact, particularly in designated landscapes.

Q.47 Do you agree that detached dwellinghouses should be permitted to install a maximum of two air source heat pumps?

- Yes
- No
- Don't know

Please provide your reasons.

Don't know. There isn't sufficient certainty provided in the consultation document to demonstrate that this would be acceptable.

Q.48 Do you agree that stand-alone blocks of flats should be permitted to install more than one air source heat pump?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. This would allow more than one flat to benefit from this right, however this could be subject to a prior approval process to allow for the cumulative visual impact to be assessed.

Q.49 Do you agree that the permitted development right should be amended so that, where the development would result in more than one air source heat pump on or within the curtilage of a block flats, it is subject to a prior approval with regard to siting?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. It is important that the cumulative impact is assessed.

Q.50 Are there any safeguards or specific matters that should be considered if the installation of more than one air source heat pump on or within the curtilage of a block of flats was supported through permitted development rights?

- Yes
- No
- Don't know

Please provide your reasons.

Yes. See above with regard to the cumulative impact being assessed.

Q.51 Do you have any views on the other existing limitations which apply to this permitted development right that could be amended to further support the deployment of air source heat pumps?

- Yes
- No
- Don't know

Please provide your reasons.

No

Q.52 Do you think that any of the proposed changes in relation to the Class G of Part 14 permitted development right could impact on: a) businesses b) local planning authorities c) communities?

- Yes
- No

- **Don't know**

Please provide your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Yes

a) Minimal impact

b) Minimal impact

c) Additional flexibility to utilise permitted development rights. Potential noise impacts if rights are relaxed.

Public Sector Equality Duty

Q.53 Do you think that the changes proposed in this consultation could give rise to any impacts on people who share a protected characteristic (Age; Disability; Gender Reassignment; Marriage or Civil Partnership; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)?

- **Yes**
- **No**
- **Don't know**

Please provide your reasons.

Yes. The proposed changes could result in some dwellings being provided in inappropriate locations which would be difficult to access and where an aging population or people with disabilities would be isolated and removed from the services and facilities required to support their needs.