

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 11 November 2015 at 09:30**

MEMBERS Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mr M Cullen, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mrs P Tull

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informed at this point in the meeting of any planning applications (agenda items 5 to 16) which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 Approval of Minutes

The minutes relate to the meeting of the Planning Committee on Wednesday 14 October 2015 and will be circulated separately subsequent to the despatch of this agenda.

3 Urgent Items

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 19 (b).

4 Declarations of Interests (pages 1 - 2)

For 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 or parish council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies, please refer to pages 1 to 2 of this agenda.

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 16 INCLUSIVE

A table showing how planning applications are referenced appears in section 4 of the notes at the end of these agenda front sheets.

5 BO/15/01507/FUL - Oakcroft Nursery Walton Lane Bosham West Sussex PO18 8QB (pages 3 - 24)

Application for the demolition of existing redundant glasshouses and associated buildings; construction of new hospice with 18 bedroom in-patient unit and day hospice with associated external stores, cafe, shop, offices car parking and landscaping; new section of footway linking site to the A259 together with associated enhancements to pedestrian crossing facilities.

6 D/15/01583/OUT - St Wilfrid's Hospice Grosvenor Road Donnington West Sussex PO19 8FP (pages 25 - 38)

Application for the demolition of existing hospice and replacement with 21 no residential dwellings.

7 BX/15/02463/OUT - Land South West of Rose Cottage A285 Redvins Road to Tinwood Lane Halnaker Boxgrove PO18 0NQ (pages 39 - 47)

Application for the erection of a single-storey, one-bedroomed dwelling.

8 CC/14/03681/REG3 - Plot 21 Terminus Road Chichester West Sussex PO19 8UH (pages 48 - 63)

Application for outline planning permission for up to 5 no B2/B8 commercial units with ancillary trade counter use and associated parking and servicing (total floor-space circa 2,200sqm).

9 CC/15/02466/DOM - 119 Cedar Drive Chichester West Sussex PO19 3EL (pages 64 - 69)

Application for the demolition of existing garage; construction of rear extension and replacement roof.

10 CH/15/02332/FUL - Land North of The Avenue Hambrook Chidham PO18 8TZ (pages 70 - 82)

Application for the erection of 6 no dwellings and associated works.

11 TG/15/02310/OUT - 31 Tangmere Road Tangmere West Sussex PO20 2HR (pages 83 - 92)

Application for the construction of 3 no dwellings and associated works.

- 12 **WE/15/01901/FUL - Land to North of Hill House Hambrook Hill North Hambrook West Sussex** (pages 93 - 99)

Application to remove redundant horse shelter and stores and replace with modern stabling (re-submission of WE/14/02789/FUL).

- 13 **WW/15/02020/FUL - 10 Windsor Drive West Wittering West Sussex PO20 8EG** (pages 100 - 105)

Application to change of use of amenity land to garden land and erection of fencing.

- 14 **WW/15/02066/FUL - Recreation Ground Rookwood Road West Wittering West Sussex** (pages 106 - 113)

Application for the re-submission of WW/14/01522/FUL; the installation of two full-sized tennis courts within the sports field curtilage situated adjacent to the existing play park.

- 15 **WW/15/02328/REG3 - East Head Snow Hill West Wittering West Sussex** (pages 114 - 123)

Application to recycle up to 3,000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

- 16 **SDNP/15/02781/CND - Fuel Care 10 Midhurst Road Road Fernhurst Midhurst West Sussex GU27 3EE** (pages 124 - 134)

Application for the variation of condition 2 of SDNP/13/05945/FUL to accommodate the minor change in the siting of plot 1 relative to southern boundary together with a minor increase in the width of plots 1 and 4.

- 17 **Schedule of Planning Appeals, Court and Policy Matters** (pages 135 - 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.

- 18 **Land North West of Decoy Farm House Decoy Lane Oving West Sussex - 03/00173/CONMHC - Non-Compliance with Two Enforcement Notices Issued under Section 172 of the Town and Country Planning Act 1990** (pages 148 - 154)

The Planning Committee will be asked to consider the agenda report and the following two recommendations:

- (1) That direct action be taken under section 219 of the *Town and Country Planning Act 1990* to secure compliance with two enforcement notices as set out at paragraphs 4.6 and 4.7 below; and

- (2) That the Planning Committee recommends to the Cabinet that contractor (ii) is instructed to undertake the specified actions in the enforcement notices and that a budget of £20,000 be approved to fund this work

[**Note** The appendix to the agenda report is exempt material and will be circulated to members and relevant officers only]

19 **Late Items**

The Planning Committee will consider any late items announced by the Chairman at the start of this meeting (agenda item 3) 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

20 **Exclusion of the Press and Public (pages 155 - 158)**

The Planning Committee is asked to consider in respect of the following matter whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Part 3 of Schedule 12A to the *Local Government Act 1972* namely information relating to the financial or business affairs of any particular person (including the authority holding that information) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

The matter in question is the **appendix** to the report for the foregoing agenda item 18* and it is being circulated (printed on salmon-coloured paper) with this agenda **for members of the Planning Committee and relevant officers only.**

***Land North West of Decoy Farm House Decoy Lane Oving West Sussex - 03/00173/ CONMHC - Non-Compliance with Two Enforcement Notices Issued under Section 172 of the Town and Country Planning Act 1990**

Appendix - Exempt financial information

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. 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]

4. 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 11 November 2015

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 J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mrs J L Kilby – Chichester City Council (CCC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

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 J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr G V McAra - West Sussex County Council Member for the Midhurst Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division

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

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

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr L Hixson – Chichester Conservation Area Advisory Committee
- Mr R Plowman – Chichester Conservation Area Advisory Committee

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:

- Mrs J Kilby – Chichester Conservation Area Advisory Committee

Parish: Bosham	Ward: Bosham
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BO/15/01507/FUL

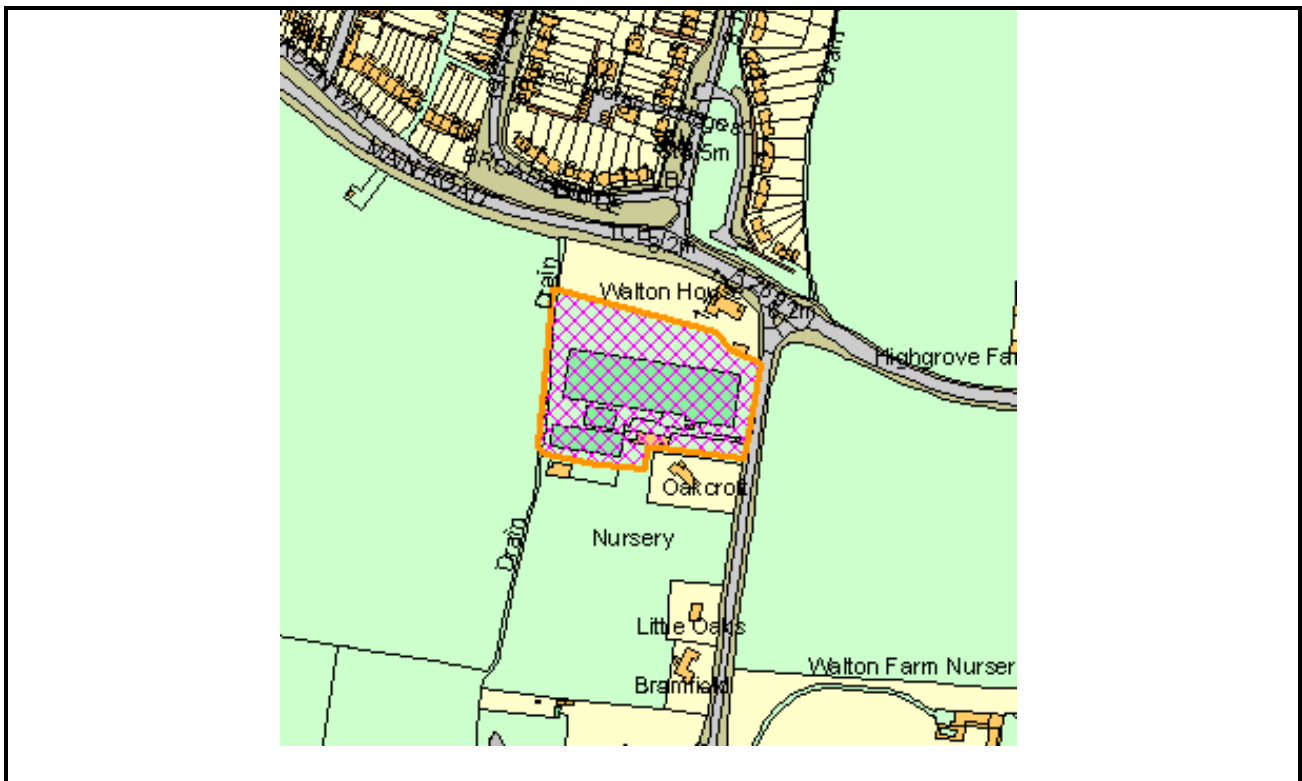
Proposal Demolition of existing redundant glasshouses and associated buildings. Construction of new hospice with 18 bedroom inpatient unit and day hospice with associated external stores, cafe, shop, offices car parking and landscaping. New section of footway linking site to the A259 together with associated enhancements to pedestrian crossing facilities.

Site Oakcroft Nursery Walton Lane Bosham West Sussex PO18 8QB

Map Ref (E) 481472 (N) 104923

Applicant St Wilfrid's Hospice (South Coast) Projects Ltd

RECOMMENDATION TO REFUSE



	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

Red Card: Cllr Penny Plant - Exceptional level of public interest

2.0 The Site and Surroundings

2.1 The application site extends to 1.1 hectares and comprises a redundant complex of former nursery buildings accessed off the western side of Walton Lane at a point approximately 90m south of its junction with the A259. The majority of the existing buildings are in a state of disrepair and the site is in a generally overgrown condition. With the exception of a tall, industrial-style chimney located centrally within the site, a peripheral belt of vegetation serves to substantially screen the existing buildings from wider views.

2.2 The northern boundary of the site is flanked by Walton House, a substantial Edwardian property which has been converted to form seven flats. To the south of the site lies a detached dwellinghouse, Oakcroft. Bordering the rear (western) boundary is a large, flat arable field which extends 350m westward to Delling Lane, from where views of the site are available. Similar farmland is located on the eastern side of Walton Lane, with long views towards the site possible from various points on both the A259 and Chequer Lane, a minor road that runs parallel to Walton Lane approximately 400m to the east of the site.

2.3 For the purposes of the Development Plan the site lies within countryside located between the northern and southern boundaries of the Bosham village and Broadridge Settlement Areas respectively. The site is also located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), the northern boundary of which is formed by the A259.

3.0 The Proposal

3.1 Permission is sought to demolish all of the existing buildings on the site and to erect a hospice consisting of an 18 bedroom in-patient unit and day hospice together with various associated facilities such as offices, stores, kitchens and an ancillary café and shop. The facility would replace the applicant's existing premises which are located in Donnington.

3.2 The applicant's rationale for relocating to the Bosham site is set out in detail in a number of the application's supporting documents. However, in summary, the applicant explains that the increased demand for the hospice's services has resulted in it outgrowing the Donnington site which is physically constrained. The new, larger site and premises would allow the hospice to increase the number of in-patient beds from 14 to 18, providing larger, better equipped rooms together with improved external landscaped areas, all in a suitably tranquil setting. The new building would also facilitate improvements to other associated patient and family facilities such as Community Care, Palliative Day Services, Physiotherapy, Occupational Therapy and Bereavement Services.

3.3 The proposed hospice would have a floor area of 4900m² and a footprint of 3520m², approximately 1000m² less than the existing buildings on the site. The applicant's Design and Access Statement explains that the design rationale is based on a number of linked single and two storey elements, with the overall approach based broadly on the theme of a range of traditional farm buildings. These elements comprise:

(i) the two storey 'Sussex Barn', set back from but parallel to Walton Lane - 11m high with a hipped plain clay tile roof and timber boarded elevations, comprising the entrance to the facility and accommodating the day hospice, café and treatment rooms at ground floor with offices and meeting rooms above

(ii) the two storey 'Granary Barn', parallel to the southern boundary - 11m high with a hipped, plain tile roof above brick and flint walls, comprising treatments rooms and storage at ground floor with offices above

(iii) the 'Hay Loft', a more contemporary two storey structure located parallel to the northern boundary - 8.8m high with a curved, standing seam metal roof with vertical timber boarding to its elevations, comprising a kitchen and various staff facilities at ground floor with offices and training rooms above

(iv) the 'Stables', a range of single storey buildings on the western (rear) part of the site - 5.6m high with a mixture of pitched slate and zinc roofs above brick and stone elevations, accommodating the 18 in-patient rooms together with various communal facilities, treatment rooms and storage.

3.4 A number of small ancillary buildings and structures providing storage for waste, medical gas and maintenance equipment would be located along the northern boundary of the site.

3.5 The facility, which is expected to have a maximum of 79 members of staff on site during 'normal working hours' (out of a total of 165 full and part time staff), would be served by a total of 84 car parking spaces distributed around the building in three locations close to the site's northern, southern and eastern boundaries. The site's vehicular access point would be located 5m to the north of its existing position and would be of a width sufficient to allow two vehicles to pass one other. Pedestrian access from Walton Lane would be provided via a breach in the existing vegetation belt at the north-east corner of the site. This would lead to a new section of footway to be formed on the western side of Walton Lane, which in turn would link to enhanced crossing facilities at its junction with the A259; these include new sections of tactile paving together with improvements to an existing pedestrian refuge in the centre of the A259 carriageway.

3.6 A number of largely self-sown trees would be removed from the centre of the site to make way for the new building. The majority of site's peripheral planting would be retained, however, in order to facilitate the development a 25m section of hedgerow would be removed on the Walton Lane frontage immediately to the north of the proposed vehicular access, with a similar length removed from the western boundary. It is proposed that these areas would be replanted following the completion of the development.

3.7 The application is accompanied by a substantial range of supporting technical and other documents including Planning Policy and Design and Access Statements together with a number of assessments relating to matters such as flood risk, transport, lighting, noise, trees, landscape and visual impact and ecology. All of these documents are available to view on the application file.

3.8 The Committee will be aware that the applicant has submitted a planning application to carry out a development of 21 dwellings on its existing site at Donnington (D/15/01583/OUT refers); that application is reported elsewhere in this agenda.

4.0 History

Not Applicable.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Original Comments

BPC supports the desire of the Hospice to expand its facilities and provide an improved a wider service to the people of Chichester District. Notwithstanding the strong support for St Wilfrids both here in Bosham and across the whole of the local area, there are some very serious planning issues which need to be addressed before a decision is reached to permit development on this site.

Firstly, the proposal to re-site the Hospice in Walton Lane on the site of Oakcroft Nursery is contrary to the policies of the emerging Bosham Parish Neighbourhood Plan and further, is outside the Settlement Boundary and in the AONB.

It is also contrary to the Chichester District Local Plan which expressly resists major large scale development projects in the Chichester Harbour AONB. We also query whether the application has passed the required Sequential Tests.

Further, there are additional serious detailed concerns with the planning application in regard to:-

Traffic - There is no proposed improvement to the access to Walton Lane from the A259 and indeed the access will be further restricted by the proposed footpath on the west side. There are serious concerns that this main and well used access to the east side of Bosham, Bosham Hoe and the Walton Farms will be overrun by the daily movement of some 100 staff and many day patients and visitors. The planning documents expect a daily traffic movement of some 500 vehicles per day down a narrow country lane without centre line markings. Already, when heavy lorries arrive or depart from the Walton Farm there is little room for other traffic at the junction or in the lane. Further this lane is used extensively by families walking and cycling children to school and this planning application will seriously increase the risk of an accident.

Parking - It is noted that there are at least 100 staff for this expanded Hospice. However there are only 84 car parking spaces. Factoring in Day patients and visitors we believe there to be inadequate provision for parking. This will inevitably lead to on road parking off site. The Broadbridge area of the parish already has an inherent parking problem and this application will exacerbate the problem. Further we are concerned that Walton Lane, which has no parking restrictions, will be used as overflow parking. This will increase the danger of an accident for pedestrians as there is no footpath. We note that the proposed footpath does not protect pedestrians crossing the main vehicle access

Fluvial Flooding - Whilst the plan to construct special soakaways to cope with surface water seems carefully considered, it is noted that the system will need to discharge excess water in times of heavy rain into the Walton Lane ditch. It is at such times that the junction of Chequer Lane and Walton Lane is rendered impassable due to overflow flooding of this ditch and the planned proposals will only aggravate this problem.

Lighting -The amount of lighting planned for this project will make a regrettable industrial statement in this rural area of the AONB. We can find no consideration of light pollution controls as required of local authorities by the Royal Commission report 2010 Artificial Light in the environment. Bosham is regarded as a dark environment.

Foul Water Drainage - This is the area of greatest concern. The current deficiencies in the sewage system are well known and have received wide publicity. The consequence of Combined Sewage Overflows (CSO) leaves raw sewage on our streets and contaminates the harbour water. The present situation is truly unacceptable. CSOs happen regularly at the main pumping station in Stumps Lane in the wetter months and discharges are common at manhole covers in Delling Lane and Bosham Lane, as well as household drains backing up. The hospice plans to join this sewer at the A259 pumping station. It is clear that the hospice will add a substantial extra load to the system and this has been recognised by Southern Water who have stated in a letter of 6 February 2015 that, unfortunately, it may be several years before adequate infrastructure is provided via a prioritised capital expenditure programme. Therefore, this proposed development would be considered premature until such time as adequate sewerage infrastructure could be provided.

Motion Proposed: Bosham Parish Council objects to this application. RESOLVED: the motion was carried 9 votes to 1.

Further comments (summary section only)

Whilst the Parish and Bosham Association are confident that professional engineers can provide a smoothing arrangement for sewage flow from the proposed development, the bottom line is that any development at Oakcroft Nursery will produce a significantly increased volume of sewage which needs to be transferred to the WWTW. It has already been clearly established that the sewage network from West Ashling to Stumps Lane is operating at maximum capacity. Indeed in times of stress the system at Stumps Lane becomes overloaded and sewage is pumped into Chichester harbour. The fact that a CSO discharge outlet is required at Stumps Lane demonstrates that a relief method is required to reduce the amount of sewage that backs up through the manhole to flood our streets.

Regrettable though it is for this particular planning application, it must be accepted that no major development of any kind can be accepted in Bosham until Southern Water have improved the infrastructure. To quote their letter of February 2015 'this proposed development would be considered premature until such time as adequate sewage infrastructure could be provided'

We hope you will take these facts into account when preparing the planning recommendation to the planning committee.

6.2 Chichester Harbour Conservancy

Original comments

After debating the Officer recommendation to raise an objection, the Planning Consultative Committee resolved that this recommendation would not be supported. 5 Members voted against that recommendation, one supported and one abstained.

As a result, CHC resolved to raise no objection to the application subject to the Council securing conditions in respect of:-

- the protection of retained trees
- a scheme to be agreed so as to limit the amount of lighting seen from the building and its grounds
- implementation of the proposed ecological mitigation

Subsequent comments

After further consideration of recent correspondence between Southern Water and the Parish Council concerning the issue of foul water disposal, the Conservancy remained concerned about the possibility of untreated sewage entering the Harbour's ecosystem. Where a suitable technical solution is secured by the District Council the Conservancy's 'no objection' would stand.

6.3 Environment Agency

No objections subject to conditions

6.4 Southern Water Services

Southern Water has reviewed the hydraulic analyses that have been undertaken, due to conflicting information previously sent out regarding the capacity of the existing public foul sewerage system downstream of manhole reference 3104 located in Main Road.

We confirm that there is currently inadequate capacity downstream of manhole 3104 to accommodate the proposed foul flow from the above development.

The Developer and Southern Water have accordingly been in consultation with regard to delivering a scheme to service the foul-only flow from the proposed development. The results of the most recent hydraulic assessment indicate that if the existing 225mm foul sewer was upsized to 675mm between manhole reference 3104 and the existing waste water pumping station (approximately 41 metres of upsizing), then the development could connect the proposed foul only flow. The hydraulic solution provided would keep the existing sewerage network (upstream and downstream) to the current levels of flow.

It should be noted that this scheme would not be a solution to the existing catchment-wide issues. The works identified in the hydraulic solution ensure that this proposed site does not increase flooding within the area. Southern Water will continue to work together with the Developer to ensure that the necessary infrastructure is provided to service this Site.

No objections subject to conditions.

6.5 Natural England

The proposal is not likely to have a significant effect on the interest features of the Chichester and Langstone Harbours SAC/SPA/Ramsar designations and, accordingly, an Appropriate Assessment is not required. There should be no adverse effect on the nearby SSSI. The Harbour Conservancy should be consulted with regard to the impact of the proposal upon the AONB. NE's standing advice on protected species should be taken into account.

6.6 WSCC - Local Highway Authority

No objections subject to conditions concerning access and visibility splay provision, the provision and maintenance of on-site parking and turning, the securing of the proposed off-site works and a Construction Management Plan.

6.7 WSCC - Lead Local Flood Authority

Advice. No objections subject to conditions.

6.8 CDC - Environmental Health Officer (contamination and air quality)

No objections subject to conditions securing contamination investigation and remediation, neighbourly practices during construction and adherence to a Travel Plan.

6.9 CDC - Environmental Health Officer (Noise)

I have been provided with additional information to address some of my initial concerns and the applicant seems willing to sign up to some fairly exacting noise conditions. This will be challenging but the applicant is confident in meeting these as demonstrated by technical information already supplied, which will involve investment on the applicant's part in terms of specialist equipment and noise attenuation measures. The applicant has suggested conditions to reflect the proposed operating hours for service deliveries and waste collections. The hours are confirmed by condition.

Other noise details to be reserved by condition relate to the maximum noise levels at the adjacent properties together with the provision of a Noise Management Plan to include measures such as waste not being put into bins at night, staff having regular briefings reminding them of the need for neighbourly behaviour and details of the location of parking for staff leaving/entering the site at night. Final details of the kitchen extraction and lighting should be reserved by condition.

No objections subject to the above conditions.

6.10 CDC - Archaeological Officer

No objections subject to a condition securing pre-development site investigation.

6.11 CDC - Drainage Coastal and Drainage Engineer

No objections subject to conditions

6.12 CDC - Environmental Strategy Unit

No objections subject to conditions

6.13 CDC - Design and Conservation Manager

An approach to a design based on an agricultural buildings group can be supported. Whilst there are no objections to the proposal, there are some possibilities to improve the proposal by, for example, breaking up the massing of the individual elements and rationalising the materials palette.

6.14 CDC - Planning Policy Manager

The application site falls in the countryside where planning policies presume against development that does not, by its nature, require a countryside location. However, the application does not justify why the hospice needs to be located outside the settlement boundary on this specific site. As Bosham is a Service Village defined in Policy 2 of the Local Plan, development at the village to help serve the local community may be acceptable. The proposal cannot be said to primarily serve a local function as it is a type of development that serves an important need for specialist facilities within the wider community.

In terms of the Neighbourhood Plan, it is agreed that NPPG paragraphs 007 and NPPF paragraph 216 set out the weight that should be given to neighbourhood plans, one factor is 'unresolved objections to relevant policies'. It is noted that an objection has been made by the consultants on behalf of the Hospice to the submission version of the Bosham Neighbourhood Plan in relation to the allocation of the site at Oakcroft Nursery for housing. The objection presented by the consultants is that the allocation for 23 houses would conflict with the planning application for the Hospice. Therefore, although the neighbourhood plan remains a material consideration, in this respect it is accepted that there are unresolved objections to this part of the Plan.

4 objections to the allocation of this site for housing have been received.

- 2 comment that other sites being promoted for residential development are preferable to this site.
- 1 objection is from the promoters of the hospice and states that the plan will be immediately out of date if planning permission is granted for a hospice.
- Another comment objects to the allocation of another residential site but supports a hospice on this site.

When considering the weight to be given to the neighbourhood plan in terms of unresolved objections it should be noted that the other sites being promoted do not have the support of the parish council. The NP is based on extensive local engagement and consultation and when submitted represents the views of local people with regard to the development of their local area. The objection from the promoters of the hospice is somewhat circular and falls away if planning permission for the hospice is refused as their objection relates to the timing of the planning application rather than any objection in principle to the development of the site for housing. Reference to the current planning application in the unresolved objection undermines the plan-led process that the neighbourhood plan forms part of.

The final comment above would mean that the plan does not make sufficient provision for housing development and therefore only has limited weight without alternative sites. Therefore given the nature of the objections above and taking into account the low level of objections received in respect of this site from local residents, it is suggested that although there are unresolved objections these only result in a limited reduction in the weight that

could be accorded to the draft NP and it still has significant weight at this point in making a decision on this application.

With regard to the issue of major development, the NPPF seeks to resist such proposals in AONB locations; however paragraph 116 allows major development in the AONB in exceptional circumstances where there has been an assessment of need, whether the development can take place elsewhere and any detrimental effect on the environment. It is considered that there remains insufficient justification to demonstrate the need for the hospice to be located in the AONB in line with NPPF paragraph 116.

The applicant has forwarded a paper on Potential Sites considered however it is not clear why the sites forwarded were considered or why other sites have not been considered. The assessment and some of the conclusions are vague, they do not assess sites which are comparable to the Bosham site, and no reference has been made to policies in the Development Plan which rules 3 of the sites out immediately.

Fuel Depot Site (Junction of A27 / Bognor Road) - Part of the site is currently allocated for a waste use in the Waste Local Plan. Currently an application for retail use

Former Landfill site, Westhampnett - Outside the Settlement Boundary, potential contamination issues.

Tangmere, former airfield - The site is within the Horticultural Development Area (defined in the Local Plan) applications for non-horticultural uses are contrary to policy. The owners of the area highlighted are the Church Commissioners not WSCC.

Shopwyke Lakes - The site currently has permission for 500 homes and has been subject to masterplanning

In terms of impact on the character and appearance of the AONB, development of the site for housing may lead to some adverse impacts. However if the site is now used for a hospice rather than housing as identified in the NP, there will be a need to identify another site for 23 units in the Bosham area, potentially in the AONB. Although there are a number of other sites which have been assessed through the NP site selection process and subject to community consultation the NP would need to go back to pre-submission consultation for another potential site to be considered.

6.15 28 Third Party Objection

Inappropriate, major development in AONB; should be within or on outskirts of town rather than within village; conflict with emerging Neighbourhood Plan which allocates the site for housing; insufficient capacity in local sewage network; 500 traffic movements on a narrow rural lane is too many; serious harm to appearance of AONB; contrary to local and national planning policies concerning development within the countryside and AONBs; contrary to the development hierarchy in the Local Plan; insufficient parking provision; Bosham's infrastructure cannot sustain a development of this nature and scale - sites in and around Chichester would be more appropriate; the area frequently floods and the proposal will exacerbate these problems; increased risk to pedestrians currently using Walton Lane; light pollution; the applicant's moral high ground should not be allowed to dominate the planning constraints applicable to the site; site is much more suitable for a housing development as opposed to a bulky institutional style proposal; unrealistic to expect many of the staff to make use public transport; the facility should be closer to the population it predominantly serves; proposal could be the thin end of the wedge and could be subject to future expansion; the

residents won't experience the peace and tranquillity which is suggested given the proximity of the A259 and railway line.

6.16 73 Third Party Support

Projects will allow more people to be treated; design is tasteful; good use of site; site is accessible; will enable improved services to be provided; adequate parking; housing development on the Donnington site would represent a quid pro quo in terms of housing numbers; Bosham will be proud of and welcomes the facility; neighbours won't be overlooked; buildings will hardly be seen; will provide job opportunities for local people; technical objections by Parish Council can be overcome; those objecting to the proposal should visit the existing hospice; the number of people requiring palliative care will grow as the population becomes increasingly aged, and the proposal should therefore be welcomed; if the proposal is suitable for housing then it should be equally suitable for a hospice; the existing use of Walton Lane by pedestrians has been overstated;

6.17 4 Third Party Other

Before the application can be determined further work should be undertaken to address the many technical challenges it raises; the comments of consultees should be fully taken into account.

6.18 Applicant's/Agent's Supporting Information

The new Hospice will replace the existing structures and along with additional landscaping will bring net benefits to the local environment and the landscape of the AONB.

The proposed Hospice will replace the present Hospice at Donnington which has outgrown its existing building and cannot expand on that site. The new facility will offer specialist palliative and end of life care in a larger building and allow for updated patient and family facilities, so that specialist Community Care, Palliative Day Services, Physiotherapy & Occupational Therapy and Bereavement services can better meet people's needs now, and in the future both within the building and patients' homes.

The site of the proposed new Hospice is over 60% larger than the existing. With the additional space it is proposed to increase the number of inpatient bedrooms from 14 to 18. All rooms will be larger than those on the current site and offer full ensuite facilities for all patients and better overnight facilities for relatives. Day hospice facilities will be expanded with more treatment rooms, a dedicated physiotherapy gym and an art room.

Importantly the site with its semi-rural setting is the ideal environment to provide the tranquil gardens which are as important as the building in providing the care environment for both patients and relatives, and also for staff to take a break. The design approach of splitting the hospice into 4 linked buildings, some single storey, that give the perceived impression of a converted farm is responsive to the character of the surrounding area. This reduces the scale of the building reducing any visual impact.

The site is sustainable with good transport links for staff and visitors along the A259 with regular bus services between Chichester and Havant. Bosham rail station is within easy walking distance and cycle storage, with changing facilities provided for staff, to enable a much greener travel plan to be implemented. A new pedestrian footpath link is provided from the A259 to the north east corner of the site and along with the upgraded traffic island and crossing points on the A259 ensures pedestrians can safely reach public transport.

The proposed drainage strategy involves discharge into the current upgraded sewer network at the pumping station along the A259. This will ensure that the current drainage problem within Bosham village is not exacerbated.

This application evolved from a Pre Application in November 2014. A screening opinion for Environmental Assessment followed in January 2015 which concluded that an Environmental Statement was not required. Representatives of the Hospice had met with the Parish Council members to explain the proposal as it differed to the Neighbourhood Plan residential proposals.

The current proposal has therefore evolved and been informed by the pre-application response and public consultation including two public exhibitions. The submitted reports illustrate that the proposal does not conflict with the Key Policies of the Local Plan.

Some weight can be attached to an emerging Neighbourhood Plan Policy in determining a planning application but this depends on the stage of preparation of the Plan and the extent to which there are unresolved objections to an emerging policy. As there are unresolved objections to the inclusion of the Oakcroft Nursery site as a housing site in Policy 2 the BPNP carries less weight and it should not pre-determine decisions on the alternative proposal for a Hospice.

It is considered that the proposal does not constitute major development for the purposes of paragraph 116 of the NPPF, not least because the site is only just over 1ha and the conclusions of the screening opinion were that the Hospice would not have 'significant effects' on the environment. However, even if the development is considered to be 'major', the NPPF allows development in the AONB as exceptions. In brief the exceptions relate to 4 tests.

- Test 1 - Public Interest - On any assessment the facility and the work of the Hospice is clearly in the Public Interest.
- Test 2- Need - There is a pressing need for a larger bespoke facility to meet current needs.
- Test 3 - Availability and Cost of Developing Elsewhere - The Charity has carried out an extensive site search of alternative sites in the local area and the availability has been extremely limited. Even with the fall back residential potential of the application site, all other site options either proved more costly, were too small or were simply unavailable to purchase.
- Test 4 - Detrimental Impact on the Environment - Any impact on the environment is moderated by the replacement of the existing structures, bringing net benefits to the local environment and landscape of the AONB. The new building will be less intrusive and existing landscaped screening will contain views from the wider area. The site is within 30m of the main A259 road which will easily cater for the additional traffic from the development. Lastly the nature of the proposal will not lead to additional recreational impacts on the Chichester Harbour SPA

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan 2014-2029: Key Policies which was adopted by the District Council on 14th July 2015.

7.2 The policies in the Local Plan now carry full weight and those relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
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

7.3 The Bosham Parish Neighbourhood Plan (BPNP) completed its local authority consultation stage on 9 October. The application site is allocated by Policy 2 of the Plan for a development of at least 23 dwellings. The relevance of the BPNP and the weight to be attached to its policies is discussed in detail below.

National Policy and Guidance

7.4 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means that, unless material considerations indicate otherwise, development proposals that accord with the development plan should be approved without delay.

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), Section 3 (Supporting a prosperous rural economy), Section 4 (Promoting sustainable transport), Section 7 (Requiring good design), paragraph 70 (social, recreational and cultural facilities), Section 11 (Conserving and enhancing the natural environment) with particular regard to paragraphs 116 and 117 concerning AONBs and paragraphs 215-216 concerning the weight to be given to existing and emerging development plan policies.

7.6 The National Planning Practice Guidance (NPPG) was published 6th March 2014 and provides guidance aimed at aiding the interpretation of national planning policy. The Guidance is both detailed and wide ranging and, whilst it is not considered necessary to list all of its relevant paragraphs and sections here, its contents have been taken into account in the preparation of this report and are referred to specifically where necessary.

Other Local Policy and Guidance

7.7 The contents of the Chichester Harbour AONB Management Plan 2014-2019 are material to consideration of this planning application and have been taken into account during the preparation of this report.

7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

A1 - A strong local economy where businesses can thrive and grow

C4 - Services for older people

C5 - Accessible health and wellbeing services in rural areas

C6 - Health Protection

D4 - Understanding and meeting community needs

8.0 Planning Comments

8.0 Planning Comments

8.1 The application proposes the erection of a substantial institutional-type facility outside of any defined settlement and within a statutorily protected landscape (AONB). Such an application raises a range of issues in respect of both the principle of the proposed development in such a location and also its detailed impact on the surrounding environment. This report seeks to address these issues under the following headings:

- (i) Overarching planning policy context
- (ii) Principle of the development
- (iii) NPPF policy on major development in AONBs
- (iv) Relationship with the emerging Neighbourhood Plan
- (v) Character and appearance
- (vi) Residential amenity
- (vii) Other detailed matters and technical considerations
- (viii) The planning balance

Assessment

- (i) The overarching planning policy context

8.2 For the purposes of the Development Strategy set out in Policy 2 of the recently adopted Local Plan, the site lies outside of any defined settlement and is therefore within the 'Rest of the Plan Area' where Policy 45 (Development in the Countryside) applies. Whilst the Plan provides a presumption in favour of sustainable development within settlement boundaries, Policy 45 states that development in the countryside will only be permitted where it 'requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements'.

8.3 The Local Plan's approach reflects the higher level policies of the NPPF which seek to carefully control proposals in the countryside in order to achieve sustainable patterns of development and to recognise 'its intrinsic character and beauty'.

8.4 The Local Plan does not contain policies that specifically concern the provision of new community or health-related facilities of the type proposed. The NPPF does, however, require local planning authorities to plan positively and to take an integrated approach to such provision.

8.5 In respect of AONBs, paragraph 115 of NPPF states that these have 'the highest status of protection in relation to landscape and scenic beauty'; this reflects the statutory duty placed on all public bodies to have regard to the purposes of AONB designation to conserve and enhance their natural beauty, wildlife and cultural heritage when carrying out their

functions. Paragraph 116 sets out how proposals for major developments within AONBs should be considered.

8.6 At a local level, Local Plan policy 43 relates specifically to development within the Chichester Harbour AONB. The policy reflects both the NPPF's aims and the statutory duty referred to above, seeking to ensure that 'the natural beauty and locally distinctive features of the AONB are conserved or enhanced' by proposals.

8.7 A number of other local and national planning policies are relevant to the consideration of detailed aspects of the proposal. These are listed in paragraphs 7.3-7.8 above.

8.8 With regard to the status of the site for planning purposes, the NPPF's definition of previously developed, or 'brownfield', land excludes land which, like the application site, is or was last used for agricultural purposes. Consequently, the Framework's general encouragement of the re-use of such land is not relevant to this proposal.

8.9 Turning to the emerging Bosham Parish Neighbourhood Plan (BPNP), the application site is allocated by Policy 2 of the Plan for a development of at least 25 dwellings. This comprises one of five housing sites identified in the BPNP which seek to provide a total of at least 61 dwellings. These allocations stem from the Local Plan's requirement for Bosham Parish to provide an indicative total of 50 dwellings in the early part of the Plan period. The BPNP completed its local authority consultation stage on 9 October.

(ii) The principle of the development

8.10 The proposal would result in the erection of a large, institutional-type facility within AONB countryside and therefore in a location where the Local Plan seeks generally to restrict development to that which requires a countryside location and meets an essential, small scale and local need. Given the substantial scale of the proposed hospice, the understanding that it would serve a relatively wide catchment population and the fact the facility to be replaced has historically operated successfully within an urban context, none of these criteria can be considered to apply to the proposal.

8.11 In terms of locational sustainability, whilst the application site is positioned reasonably close to bus and rail services and therefore presents some opportunities for the use of sustainable modes of transport by staff and visitors, the submitted Transport Statement still envisages that over 500 daily vehicle movements will be generated by the proposal. This suggests a certain level of conflict in terms of the general aim of all tiers of planning policy to wherever possible minimise unsustainable journeys by focussing significant development in locations that maximise the use of public and other sustainable modes of transport. There is a clear contrast between the sustainability credentials of the applicant's existing facility and the proposed site.

8.12 In view of the preceding comments, the proposal can be considered to involve a prima facie conflict with the Local Plan's strategy for locating development within the Plan Area.

8.13 Furthermore, the introduction of a substantial increase in built form together with the likely significant level of attendant activity will inevitably result in a substantial change to the existing situation which is characterised by well screened buildings and very little if any activity. Whilst the impact of the proposal upon the AONB is discussed in more detail below, such a proposal is clearly difficult to reconcile with the statutory and policy requirement to conserve and enhance the character and appearance of such Areas.

8.14 It is also the case that the grant of permission could have fundamental consequences in terms of potentially undermining the housing policies of the Neighbourhood Plan which has now reached a relatively advanced stage in the plan-making process.

8.15 In view of the comments set out above there is on the face of it very little in-principle support for the proposal from the point of view of existing and emerging development plan policies. That said, it is the case that planning law requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained in the NPPF are one such material consideration, and the applicant has sought to establish how the proposal might be justified in terms of, firstly, the Framework's policies concerning development within AONB's and, secondly, the approach it requires decision makers to take in respect of the weight to be attached to emerging Neighbourhood Plan policies. It is also clearly the case that the service provided by St Wilfrids is greatly valued by a significant section of the local community, and it is appropriate that this factor is weighed against any potential adverse impacts when considering 'the planning balance'. These issues are discussed in greater detail in the following sections of the report.

(iii) NPPF policy on major development in AONBs

8.16 Paragraph 116 of the NPPF states that major developments in designated areas including AONBs 'should be refused...except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

8.17 The applicant's position is, in the first instance, that the development does not constitute major development for the purposes of the NPPF. However, even if it were to meet that definition, the applicant's view is that the proposal is indeed in the public interest and, for the reasons summarised in paragraph 6.18 above, it would satisfy the 3 criteria set out at paragraph 116.

8.18 There is no definition in the Framework as to what constitutes 'major development'. The NPPG clarifies that 'this will be a matter for the relevant decision taker, taking into account the proposal in question and the local context'. In this case the site is located in a primarily rural context, with open arable land to its west and east and a scatter of residential-scale development on the adjacent part of Walton Lane to its north and south. The proposal would involve the erection of a substantial two storey building (with a floor area of almost 5000m²) which, as demonstrated by the submitted street scene and massing drawings, would involve a step change in the quantum and bulk of built form on the site. Given also that the proposal would involve the introduction of over 500 additional daily vehicular movements, your officers' view is that it is appropriate for the proposal to be considered as a 'major development' for the purposes of the NPPF.

8.19 Having established that the proposal would constitute major development, the starting point for consideration of whether the 'exceptional circumstances' referred to in paragraph 116 might exist should be an acceptance that the applicant's existing St Wilfrids hospice facility provides a much valued service to the local community which, it is understood, would not otherwise be provided by the public sector. A proposal that would result in such services being enhanced is, therefore, capable of being 'in the public interest'.

8.20 Turning to paragraph 116's first bullet point concerning the need for the development, the applicant has explained the increased demand for the hospice's services which has resulted in a requirement for four additional bed spaces and enlarged premises that would allow for the services to be provided in an enhanced way. The applicant has provided information to demonstrate how demand for its services is on an upward trajectory, and this would appear consistent with the general demographic shift toward an increasingly elderly population.

8.21 With regard to the remaining criteria in the first bullet point, given the likely catchment population the proposed facility would serve, the proposal is not considered to raise any 'national considerations'. Concerning any impact on the local economy, it is accepted that permitting the development would bring with it some short term benefits associated with the construction of the facility. It is also accepted that the new hospice would employ a relatively large number of full and part time staff, however, whilst this must be taken into account, the applicant has confirmed that a large number of these positions would be transferred from the existing hospice.

8.22 Paragraph 116's second bullet point concerns the cost of and scope for carrying out the development outside of the AONB. In order to address this point the applicant has submitted a document detailing a number of alternative sites that have been considered. The document, which is available to view on the application file, considers a total of 4 sites, 3 located around Chichester city and one in Tangmere, and sets out why they are not suitable for the applicant's needs.

8.23 Whilst the fact that the applicant has considered alternative sites must be acknowledged, it can be seen from the response of the Planning Policy Manager that there are fundamental concerns about the limited nature and scope of that exercise. The number of alternative sites considered is clearly very small, none appear directly comparable to the application site and all of those chosen appear inherently unsuitable as realistic alternatives given their fundamental physical or policy constraints.

8.24 Turning to paragraph 116's third bullet point, the impact of the proposal upon the environment is discussed in detail in paragraphs 8.40 to 8.45 below. It will be noted that the conclusion reached in this regard is that the proposal would result in harm to the character and appearance of the AONB and that this is not capable of being sufficiently mitigated.

8.25 The applicant argues that any environmental impact of the proposal must be considered in light of the fact that the site has already been considered acceptable for development given its proposed allocation as a housing site in the emerging Neighbourhood Plan. This is not considered to comprise a compelling argument. In the first instance, a housing development would be fundamentally different in character to the current proposal - it would most likely involve a lower and more disaggregated form of development and, in addition, would, according to the applicant's own evidence, involve significantly fewer vehicle movements. Moreover, if the site were to be developed as a hospice, it would clearly be necessary for the community to find an alternative housing site. Such a site may be within

the AONB but, wherever it is located, its development for housing would inevitably have an additional impact on the environment of the Parish.

8.26 The applicant also considers that weight should be attached to the fact that the Council has previously adopted a screening opinion confirming that the proposal would not constitute Environmental Impact Assessment (EIA) development. Whilst the applicant's view on this matter is noted, screening under the EIA Regulations is subject to considerations and thresholds which differ to the NPPF's assessment criteria for major development. Consequently, it does not follow that a proposal, such as this one, which is subject to a negative EIA screening opinion, cannot be a major development for the purposes of the NPPF.

8.27 In summary on this issue, it is considered that the development should be considered a 'major development' for the purposes of the NPPF. With regard to the method of assessing such proposals set out in the Framework, it is considered that the proposal does not engage any overriding issues of national or economic importance. The assessment of alternative sites has failed to demonstrate that there are no equally suitable sites outside of the AONB - the fact that the applicant's relatively limited assessment indicates that locations between Bosham and Tangmere would be suitable in geographical terms indicates that a more extensive and rigorous search of the intervening and perhaps wider area is required. Harm would be caused to the character and appearance of the AONB, and the applicant's argument that any impact should be considered against the 'fall-back' position of the allocation of the site for housing development in the emerging Neighbourhood Plan is not accepted.

8.28 In view of the preceding considerations it is considered that exceptional circumstances that might justify granting permission for such a development within the AONB have not been demonstrated.

(iv) The emerging Bosham Parish Neighbourhood Plan

8.29 As referred to in previous sections of this report the application site is allocated for a development of up to 23 dwellings in the emerging Neighbourhood Plan which is being prepared by Bosham Parish Council. This is the second largest of five housing allocations in Policy 2 of the Plan and accounts for over a third of the overall indicative housing number of 63 dwellings for the Parish. The Plan has recently completed its submission (Regulation 16) consultation stage.

8.30 Whilst it is clear that the grant of permission for an alternative use would represent a fundamental conflict with this policy, it must be acknowledged that the BPNP does not yet form part of the development plan. In terms of the weight that may be attached to policies in emerging plans, paragraph 216 of the NPPF states that decision makers may give weight to such policies according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan

to the policies in the Framework, the greater the weight that may be given).

8.31 With regard to the stage of the preparation of the plan (bullet point 1 above), guidance in the NPPG indicates that refusal on the grounds of prematurity in respect of an emerging Neighbourhood Plan 'will seldom be justified...before the end of the local planning authority publicity period'. As referred to above, the LPA publicity period has recently concluded and, accordingly, the policies of the BPNP may now be afforded weight as a material consideration.

8.32 In respect of the extent to which there are 'unresolved objections' to Policy 2 (bullet point 2 above), it is understood that 4 objections have been received. All of the objections refer to the fact that there is a current and as-yet-undetermined application for an alternative use of the site (i.e. the current application) and two specifically seek to promote other sites as preferable alternatives. One of these objections has been submitted by the applicant whose substantive point is that, in omitting to recognise the possibility of permission being granted for an alternative use of the site, the Plan risks being out of date due to its consequent failure to meet its housing requirement.

8.33 Whilst it is acknowledged that there are unresolved objections to Policy 2 and that this might affect the weight that may be attached to it, it is important to note that the NPPF requires the decision-taker to make an assessment of the significance of any such objections.

8.34 When assessing the significance of the objections it is useful to first briefly review the process by which allocation of the site in the BPNP for housing has been arrived at. In summary, this results from a need for the Plan to meet the housing requirements of the recently adopted Local Plan (bullet point 3 above). The allocation follows a lengthy consultation and site-selection process which the Parish Council describes as having been not 'at all easy'. Further, it is clear from the footnote to Policy 2 that the Parish Council has resolved to retain the allocation in full knowledge of the fact that the current planning application has been submitted.

8.35 In view of the process which has led to the BPNP allocation, the applicant's argument that the weight to be attached to Policy 2 should be materially reduced simply because an alternative form of development has been proposed is unconvincing. To accept such an argument would fundamentally undermine what is meant to be a plan-led system that, through the evolution of Neighbourhood Plans, is intended to empower communities to make their own decisions about where the development they are required to accommodate will be located.

8.36 Accordingly, it is considered the objections that have been received to Policy 2 are not 'significant' in the context of the NPPG guidance and, consequently, that they do not materially reduce the weight that may be afforded to it when considering the current application.

8.37 The NPPG further clarifies that refusal on the ground of prematurity in respect of an emerging plan may be justified where:

'the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan'.

8.38 With this guidance in mind, the grant of permission in this case would clearly undermine the plan making process by effectively removing the BPNP's ability to meet a large proportion (over 30%) of the established housing needs of its area, a requirement that is clearly central to the Plan.

8.39 If, as a result of the BPNP examination and/or referendum processes the community decides not to proceed with the allocation of the application site for housing, then at that stage an objection to the current proposal on the grounds of conflict with the Plan's housing policies would fall away. However, for the reasons as set out above, it is considered that a reason for refusal on the grounds of prematurity in respect of the emerging Neighbourhood Plan can be sustained at this stage.

(v) Character and appearance

8.40 When assessing this issue it is necessary to initially acknowledge that there are no objections to the approach that has been taken to the detailed design and treatment of the buildings. A rationale based largely on vernacular rural buildings and good quality materials is appropriate given the context of the site.

8.41 The principal considerations in terms of character and appearance are, however, firstly, any impact on character arising from the increase in activity that would result from the proposal and, secondly, any impact on the appearance of the AONB in terms of the proposed increase in mass and bulk. It is noted that the applicant has submitted a Landscape and Visual Impact Appraisal (LVIA) in order to address the second issue.

8.42 With regard to the first issue it is clear that the proposal will result in a material increase in vehicular and other activity when compared to the existing use. That said, given the impact of traffic noise associated with the nearby A259 it would be difficult to describe the site as being in a particularly tranquil part of the AONB, a characteristic that both planning and AONB management policies seek to protect. Further, the applicant has set out in detail a number of mitigation measures designed to minimise noise emanating from the site, and also makes the point that the proposed hospice is by definition a type of use that would be operated in as peaceful a manner as possible.

8.43 Whilst the impact of the proposal in terms of the tranquillity of the AONB is perhaps marginal, its consequences for the appearance of the surrounding landscape is more clear-cut. When assessing visual impact, it should first be acknowledged that whilst on the one hand the site does not meet the NPPF's definition of 'previously developed land', on the other it cannot, given the existing buildings and structures on the site, be considered to comprise a pristine area of countryside. However, whilst it is the case that the removal of the existing buildings and structures would enhance the appearance of the locality, there are fundamental concerns about the impact of the new proposals given the relative increase in scale and height that is proposed, particularly in respect of views from Walton Lane and wider vantage points to the east of the site.

8.44 Of particular concern is the impact of the proposed two storey, 11 m high Sussex Barn and, albeit to a lesser extent, Granary elements of the building. Whilst being set back from the Walton Lane frontage and softened to an extent by retained and proposed (primarily deciduous) planting, the submitted massing and street scene drawings indicate that the proposal would result in a significant consolidation of built form when the site is viewed from Walton Lane and wider vantage points to the east. It is noted that any such impact will at times be exacerbated by light spillage from first floor windows and by a reduction in the

effectiveness of screening during winter months. In this regard the conclusion of the applicant's LVIA that the impact on views from the east of the site would be 'negligible' lacks credibility.

8.45 As set out in the preceding sections of this report, AONBs are afforded the highest status of protection in planning terms, and decision makers must by law have regard to the purpose of their designation to, amongst other things, conserve or enhance their natural beauty. The need to conserve or enhance is a necessarily exacting 'test' and, for the reasons set out above, the proposal is considered to fail it by some margin.

(vi) Residential amenity

8.46 A facility of the scale and nature described above will inevitably result in the occupiers of the dwellings immediately to the north and south of the site experiencing a noticeable change in its character and use - the existing nursery has been redundant for some time and these residents have therefore become accustomed to very little activity being associated with it. Consequently, the proposal requires very careful consideration in this regard, and officers have visited both Oakcroft and Walton House in order to better assess any impact. The views of the Environmental Health Officer have also been sought, and these are summarised in paragraph 6.9 above.

8.47 It is likely that the occupiers of both properties will, in respect of the two storey elements closest to their respective boundaries, experience a noticeable increase in mass and bulk which will have some impact on the outlook from some facing windows and adjacent garden areas. That said, given the separation involved and the presence of some mature boundary screening which would be retained and enhanced should permission be granted, the development should not prove unduly overbearing or oppressive when viewed from these areas. With regard to overlooking, for the similar reasons any views from proposed outward facing first floor windows should not result in privacy being diminished to an unacceptable degree. It is considered that light spillage from the site can be suitably controlled via a planning condition.

8.48 With regard to noise, a use of the nature and scale proposed will result in a level of activity generated by, amongst other things, plant and extract equipment, waste disposal and collection and, perhaps most notably, vehicle movements associated with staff, deliveries and visitors. Clearly, the 24hr hour nature of the proposal will inevitably result in some such activity occurring at unsociable hours.

8.49 This issue has been subject to careful consideration by the EHO who has sought additional information from the applicant on various matters. As a result of these discussions the applicant has, in the event of permission being granted, agreed to a number of planning conditions in respect of, amongst the things, adherence to maximum noise levels at nearby properties, the attenuation of noise from plant and equipment and the production of a Noise Management Plan which would include practical, on-going measures to mitigate the noise arising from the everyday operation of the site. Adherence to these restrictions and criteria will be challenging but, in the EHO's view, by no means impossible. Accordingly, in the event of permission being granted, it is considered that appropriate and enforceable planning conditions could be used in order to ensure that any noise impacts are maintained at an acceptable level.

8.50 On balance, therefore, no objection is raised on the grounds of impact on residential amenity.

(vii) Other matters

8.51 The issue of foul sewage disposal has been a contentious matter given the position accepted by Southern Water (SW) that the local infrastructure is subject to infiltration during times of high rainfall and groundwater levels, which has resulted in a number of pollution events in recent years. During the course of the application SW has been in detailed discussion with the applicant in order to seek a technical solution that would allow the proposed hospice to connect to the existing system without worsening the existing situation. As a result of these discussions it is proposed that the storage capacity of the system would be increased by enlarging the diameter of a 40m section of pipe near an existing pumping station to the north-west of the site. SW has stated that the effect of this improvement is that the connection of the proposed development would have no net effect 'downstream' of the site.

8.52 Notwithstanding Southern Water's view that there is a technical solution that would result in the existing situation not being worsened, it can be seen above at paragraph that the Parish Council continues to question the validity of the suggested approach. Further comments have been sought from Southern Water and its response will be reported to Members at the meeting.

8.53 The proposal raises a number of other detailed matters in respect of, for example, protected species, archaeology and land contamination. In the event of permission being granted it is considered that all such matters are capable of being satisfactorily dealt with via appropriate planning conditions.

Conclusion and planning balance

8.54 This is a challenging case that requires the careful consideration of a range of planning policy considerations and a number of other sometimes competing material considerations. What is readily apparent is that the service the applicant currently provides in terms of end-of-life care and support for a large number of patients and their families is greatly valued. The fact that the proposal would lead to such services being enhanced is, therefore, an important material consideration that weighs in favour of the proposal.

8.55 On the other side of the balance, the proposal would involve a fundamental conflict with a number of planning policies concerning development in the countryside generally, and within AONBs in particular. The erection of a major, activity-generating facility of the nature proposed would, in this location, be contrary to the overarching development strategy of the Local Plan and the national planning policies that underpin it. Further, the proposal would result in some harm to the character and appearance of the Area of Outstanding Natural Beauty and, whilst a major development may be permitted within an AONB in some cases, the exceptional circumstances required to justify such a proposal are not considered to apply in this case. In terms of the emerging Neighbourhood Plan, the grant of permission would undermine the plan-making process by effectively removing its ability to meet a significant proportion of the housing needs of the Parish.

8.56 Both the NPPF and Local Plan provide a presumption in favour sustainable development. For the reasons set out in the preceding analysis it is considered that the proposal would comprise a form of development to which that presumption should not apply. It is therefore recommended that permission is refused.

8.57 It is important to note that there is no evidence to suggest that refusal of permission in this instance would result in the applicant ceasing to operate its existing facility at

Donnington. Going forward, officers are prepared to work with St Wilfrids and to provide advice on potential alternative sites.

Human Rights

8.58 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 REFUSE

- 1 U97602 - Contrary to development strategy
- 2 U97603 - major development in AONB
- 3 U97641 - Harm to appearance of AONB
- 4 U97605 - Conflict with Neighbourhood Plan

INFORMATIVES

- 1 U97606 – Decision plans
- 2 U97607 - Proactive

INFORMATIVES

For further information on this application please contact Steve Harris on 01243 534734

Parish: Donnington	Ward: Donnington
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D/15/01583/OUT

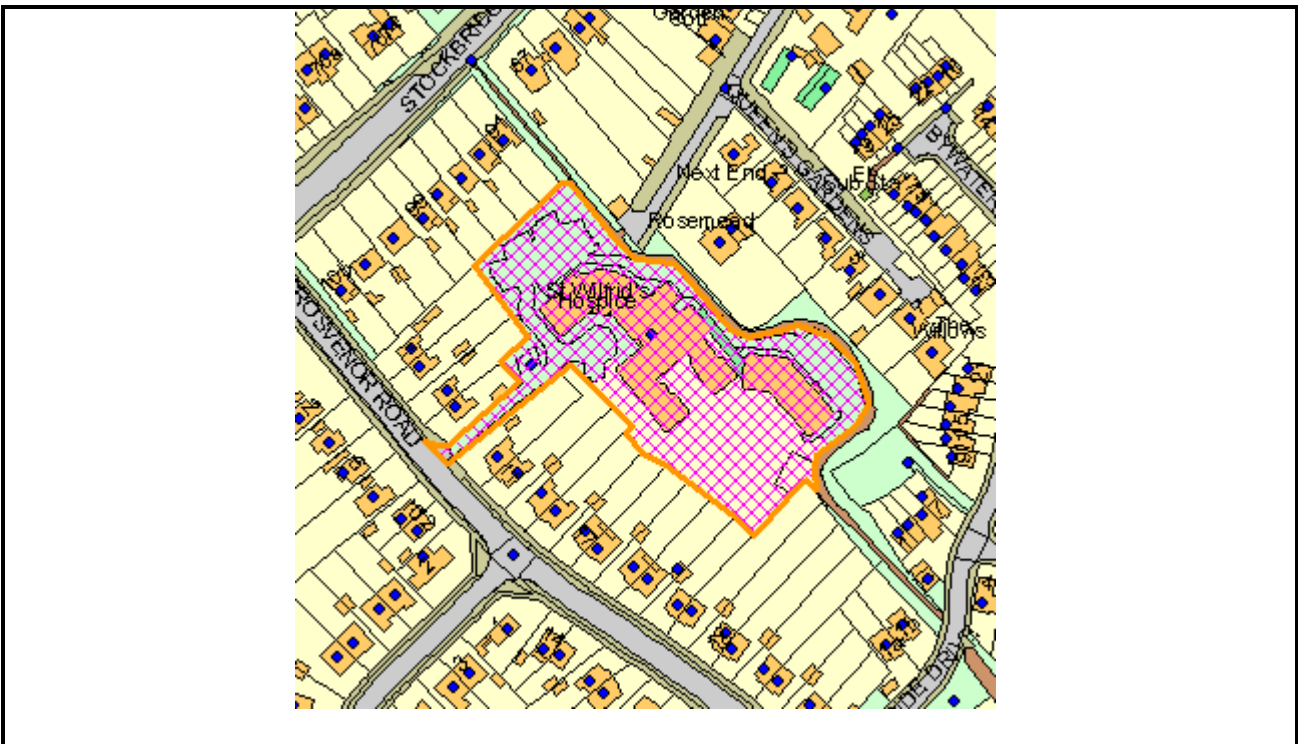
Proposal Demolition of existing hospice and replacement with 21 no. residential dwellings.

Site St Wilfrids Hospice Grosvenor Road Donnington West Sussex PO19 8FP

Map Ref (E) 485695 (N) 103555

Applicant St Wilfrid's Hospice (South Coast) Ltd

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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located within the Stockbridge Settlement Boundary and occupies a backland position abutting the rear boundaries of properties on Grosvenor Road, Queen's Gardens and Stockbridge Road. The site extends to 0.7 Ha, is broadly flat and benefits from

vehicular access from Grosvenor Road via a 4m wide tarmacked access road. A public footpath runs around the northern boundary of the site connecting Waterside Drive to Stockbridge Road.

2.2 The site is currently occupied by the St Wilfrids hospice, a highly respected local charity which provides palliative care and associated services to terminally ill patients and their families. The facility comprises a low-rise range of brick and tile buildings with a footprint of approximately 1800m² and consists of 14 in-patient rooms, day-care accommodation, treatment rooms and a chapel together with ancillary facilities including offices, kitchens and staff rooms. The buildings are set amongst manicured grounds which provide an attractive and relatively tranquil environment for residents and their visitors.

3.0 The Proposal

3.1 Outline planning permission is sought to demolish all of the buildings on the site and to then carry out a development of 21 dwellings. At this stage permission is sought only for the layout and scale of and means of access to the development; in the event of permission being granted, the appearance and landscaping of the development would need to be the subject of further reserved matters applications.

3.2 The submitted plans, which have been subject to amendment during the course of the application, indicate a mix of semi-detached and terraced, two storey dwellings in three locations on the site - three pairs of semis would back on to the site's western boundary; two pairs of semis and a terrace of three dwellings would flank the eastern boundary; four pairs of semis would be located broadly centrally within the site, backing onto its southern boundary.

3.3 Whilst the appearance of the development is reserved, the submitted indicative drawings illustrate a contemporary approach to the design of the dwellings with a variety of facing materials and elevational treatments. The dwellings are shown as having a maximum height of 7.5m, approximately 1m below the ridge height of the tallest of the existing buildings.

3.4 The indicative housing mix consists of seven 2 bed, eleven 3 bed and three 4 bed houses, with 30% provided as affordable dwellings.

3.5 The existing access road to the site would be retained, but altered to comprise a 5.5m wide shared surface. A new cross-over arrangement would be formed at the point of access to Grosvenor Road in accordance with the Highway Authority's standards. The layout includes 39 allocated and 6 unallocated parking spaces distributed around the site. Whilst the existing route of the public footpath around the northern boundary of the site would be retained on its current alignment, the applicant has agreed to the safeguarding of a more direct route through the centre of the site.

3.6 The Committee will be aware that the applicant has submitted a planning application to construct a new hospice on a site at Walton Lane in Bosham parish (BO/15/01507/FUL refers); that application is reported elsewhere in this agenda.

4.0 History

01/02659/FUL

PER

Proposed glazed lobby to patients entrance.

02/00170/FUL	PER	Proposed chapel, Chaplins room and extended lobby and an extension to kitchen.
96/00383/FUL	REF	Proposed extension to provide a day Hospice and the provision of additional car parking.
97/00838/FUL	PER	Proposed day hospice, education unit, offices, and additional car parking.
03/01272/FUL	WDN	Alterations within hospice in lecture area day centre (1st floor) and new sitting area forming a new dormer window.
07/05089/FUL	PER	Single storey extensions to bedrooms and provision of covered walkways to day hospice and minor re-landscaping works.
09/05130/FUL	PER	Installation of a backup generator to provide continuous electric supply during any power-cut situations. Generator to be installed in one car parking space of existing car park.
15/01583/OUT	PDE	Demolition of existing hospice and replacement with 21 no. residential dwellings.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Original Comments

Design and Access Statement

This statement states 'All offers will be considered when the time comes to sell the existing Hospice site, whether it be to re-use the existing buildings or re-develop the site for other uses'. The Parish Council and Parishioners consider that this is very important in that there is a serious lack of infrastructure in the Parish including any pharmacy, health centre, nursing homes, rehabilitation centres, respite centres etc. Such infrastructure would support the needs of the community, whereas a housing estate will just add to the problems of the community as per the following comments.

Transport Statement

This includes in paragraph 5.2.2 the results of a traffic survey including counts at 08:00-09:00 and 17:00- 18:00 (peak traffic hours) which stated:

At 08:00-09:00 Arrivals 32 Departures 2 Total Two Way 34

At 17:00- 18:00 Arrivals 6 Departures 26 Total Two Way 32

A member of the Parish Council carried out similar counts on 22nd. And 24th. June and produced the following figures:

At 08:00-09:00 Arrivals 17 Departures 1 Total Two Way 18

At 17:00- 18:00 Arrivals 1 Departures 15 Total Two Way 16

You will note that the Parish Council figures are far less than the applicants figures. Thus the Parish Council cannot accept the statement in para.5.4.1 that when comparing the anticipated traffic generation of the residential development with the sites existing use, it is evident that there would be a substantial decrease in vehicular movements over the course of a typical weekday as well as during the AM(08:00-09:00) and PM(17:00-18:00) peak hour periods.

A much more long lasting survey would be needed to determine the correct figures. But, importantly, even ignoring the discrepancies in the above figures the situation in the Parish Councils opinion would definitely be worse, adding to peak hour congestion on the already seriously congested A286 Stockbridge Road as follows:

In the morning period current hospice traffic is heading towards the hospice (i.e. to work) down Stockbridge Road whereas the bulk of the morning rush hour traffic is heading up Stockbridge Road towards the A27. The reverse is the situation in the evening rush hour. If these 22 dwellings are built, the traffic arising would be travelling in the same direction as the rest of the rush hour traffic, thus adding to the already severe congestion on the A286.

Vehicular Access

This states, as the proposal, in Para. 4.2.1.(ii)

The removal of the narrow footway situated along the eastern side of the access road to create a shared surface arrangement access road. A c.1.1 metre flush strip provided to accommodate pedestrian movements to and from the proposed development which is demarcated by a change in surface materials.

This is a proposal for a housing estate which one would expect to include the normal mix of occupants including elderly citizens and children. This access/exit to the estate will be the most popular one for pedestrians as it is the nearest one to the shops and bus stop. There is currently a raised narrow footway (as above) in good condition next to the also narrow roadway.

This proposal removes that raised narrow footway to produce a wider roadway for traffic. The Parish Council considers this proposal to be a serious danger to unaccompanied children who will not recognise the demarcation, and in fact all other pedestrians/wheelchair users/pushchairs as there is no way for them to escape from two way traffic using the access.

Other Issues

Other issues which concern the Parish Council include: Environmental waste of a good quality building like the Hospice

Totally unsuitable access to a housing estate which would be suitable for other infrastructure. Loss of trees to the environment Overlooking properties and lack of visual amenity.

Potential boundary issues with residents

Need for access lighting

Previous planning decisions relating to the Hospice - The Parish Council understands that some years ago when the Hospice granted permission to extend a building, permission was granted, perhaps as it was a Hospice, which curtailed the route of the old Selsey Tram railway. Therefore we would ask that any future plans for this site reinstate this route for future generations.

CONCLUSION

Given all of the above, The Parish Council wishes to state that it objects to the current application.

Comments on Amended Scheme

Having considered the above amendments to the application, we are pleased to see that the revised layout opens up the site to the existing public footpath & creates a landscaped area adjacent to the boundary. Also it allows for the possible retention of the Selsey Tram route.

However we are concerned to see that there has been no change to the proposal to remove the raised footpath and replace with a flush footway to flank access road on the entrance from Grosvenor Road. We remain concerned that as the main entrance to a housing complex, removal of this raised footpath on a narrow access constitutes a danger to unaccompanied children, and other pedestrians/wheelchair users/pushchairs as there is no way for them to escape from two way traffic using the access. We also remain concerned about the increase in traffic which we stated in our previous objection.

WE THEREFORE STATE THAT OUR PREVIOUS OBJECTION DATED 2/7/2015 ON THE CDC APPLICATION SITE STILL STANDS

6.2 Environment Agency

No objections

6.3 Natural England

No objections subject to securing contributions towards mitigation of recreational disturbance impacts at Chichester Harbour.

6.4 Southern Water Services

No objections

6.5 Highways England

No objections subject to conditions

6.6 Police

Advice. No objections.

6.7 WSCC : Local Highway Authority

No objections subject to conditions

6.8 WSCC : Lead Local Flood Authority

Advice. No objections.

6.9 WSCC: Strategic Development

A total of £91,534 is required in order to address infrastructure requirements in connection with primary education, library services, Fire and Rescue and sustainable transport measures.

6.10 CDC : Environmental Health Officer (contaminated land)

No objections subject to conditions concerning contamination investigations and the provision of a Construction Management Plan

6.11 CDC : Housing Enabling Manager

Based on a 30% quota, 6 AH units are required; 2 x 2b and 2 x 3b for rent; and 1 x2b and 1 x 3b for IH. A commuted sum for 0.3 is needed of £32,700.

6.12 CDC : Drainage Engineer

No objections subject to conditions reserving details of a surface water disposal scheme

6.13 CDC : Environmental Strategy

No objections subject to contributions towards the Solent Disturbance and Mitigation Project

6.14 CDC : Design and Implementation Manager

The revised plan is an improvement and the safeguarded path is welcome. The open spaces are better with less parking intruding into them and the arrangement/orientation of the block in the north-east corner of the site results in a better relationship to the existing housing to the north.

6.15 19 Third Party Objection

There are already enough houses in the area; roads are already congested; site would be better re-used as a community and/or health facility; overlooking of neighbouring properties; too dense; lack of open space; insufficient parking; building not old enough to be pulled down; existing parking problems will be worsened; sewage system cannot cope; trees should not be lost; proposed access arrangements are dangerous; air quality will be affected; surface water flooding problems will be worsened; applicant's traffic reduction figures are not accepted; proposal will conflict with private covenant agreed between hospice and adjacent residents; Donnington has already met its housing targets; subsequent developers may wish to increase the proposed number of dwellings; construction traffic will cause pandemonium; Selsey Tram route should be reinstated; low level lighting should be used; the cumulative impact of recent developments needs to be considered; too many trees lost; three stories is not appropriate; will affect outlook from existing properties; will affect bats; increased noise disturbance; changes to scheme are welcome, but do not sufficiently address previously expressed concerns;

6.16 1 Third Party Other

Consideration should be given to retaining trees and preventing light pollution.

6.17 Applicant's/Agent's Supporting Information

This application is running in parallel with the application for the proposed new Hospice in Walton Lane, Bosham. This site is no longer suitable for the Hospice in that it can no longer cope with the demands of the service required. When the Hospice first opened it cared for 188 patients in the first year. Last year this figure had risen to over 850 patients & it is anticipated to be well over the 1,000 mark by 2020. All the services & plant need to be completely replaced & it is recognised that operating a 24/7 operation in a residential area is not ideal for all parties. On that basis the Hospice are proposing to dispose of this site & seek to obtain consent for a residential development, which they are advised will obtain the maximum capital receipt for the site. This will then be used in full, to part fund the proposed new development. The site itself is considered suitable as a residential development site in that it is in a sustainable location, within the identified settlement policy area, with excellent public transport links & local facilities & shops nearby.

An initial pre-application submission (D/14/01597/PE) was made to Chichester District Council dated 12/05/14, for the erection of 24 Houses & Associated works. The local authority responded on 23/06/14 stating that 'the principle of developing the site for residential purposes is likely to receive officer support, subject to issues raised above being satisfactorily addressed'.

Following this response meetings were held with the local community, who raised particular concerns over the issues raised in terms of 'Neighbour Amenity'. As a result of this a revised scheme was prepared, initially for 23 units & then after further consultation for 22 units. This formed the basis for the outline planning application registered in June 2015. During the course of the application, comments were received from CDC's Conservation & Design Officer & as a result of these comments, a revised site layout was put forward, reducing the number of units to 21 units. This had the following perceived benefits; -

- The revised layout opens up the site to the existing public footpath, creating a landscaped area adjacent to the boundary.
- The revised layout allowed for the possible retention of the former Selsey tram route.
- The reduction in units allows for a more comfortable arrangement in terms of units 5 to 21 & allows for greater separation of the flank wall to Unit 21 & the existing properties off Grosvenor Road.
- The re-orientation of units 7 to 14 allows for southerly facing gardens.
- The main access road & the parking off this road, are now relocated further away from the existing residential properties in Grosvenor Road.
- Units 15, 16 & 17 are now 2 storey, with the accommodation previously provided in the 2.5 storey roof space, being provided over the proposed garages.

In conclusion in terms of the issues raised at both pre-application stage & during the course of the application, we conclude as follows;

- The Housing mix is now in accordance with the requirements of the CDC Housing Officer.
- The Access has raised no objection from WSCC Highways.
- Drainage : CDC Drainage engineer has confirmed his agreement to the surface water proposals & Southern Water have confirmed there is sufficient capacity for the anticipated foul drainage.
- Neighbour Amenity : The number of units have been reduced from the initially proposed 24 units to the current scheme for 21 units to make the relationships between the proposed & existing properties more comfortable.
- Other Matters - The revised layout has improved the relationship with the public footpath to the north & retained the possibility of the retention of the Selsey Tram route.

On this basis we believe we have responded to all issues raised & produced a scheme which addresses all these issues

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan 2014-2029: Key Policies which was adopted by the District Council on 14th July 2015.

7.2 The policies in the Local Plan now carry full weight and those relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 5: Parish Housing Sites 2012-2029

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision
Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

National Policy and Guidance

7.3 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. This means unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay.

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), Section 4 (Promoting sustainable transport), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design) and paragraph 70 (social, recreational and cultural facilities).

7.5 The National Planning Practice Guidance (NPPG) was published 6th March 2014 and provides guidance aimed at aiding the interpretation of national planning policy. The Guidance is both detailed and wide ranging and, whilst it is not considered necessary to list all of its relevant paragraphs and sections here, its contents have been taken into account in the preparation of this report.

7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Guidance is material to the determination of this planning application:

The Provision of Service Infrastructure Related to New Development in Chichester District (Parts 1 and 2)

7.8 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

B2 - Greener living

C4 - Services for older people

C5 - Accessible health and wellbeing services in rural areas

D1 - Increasing housing supply

D3 - Housing fit for purpose

D4 - Understanding and meeting community needs

8.0 Planning Comments

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- The principle of the development
- Layout and density
- Residential amenity
- Highway safety and parking
- Other matters

Assessment

(i) The principle of the development

8.2 Local Plan Policy 38 seeks to resist the loss of 'local and community facilities' unless that loss can be justified in terms of a number of criteria. The policy's explanatory text lists some such services that it is intended to apply to, being namely those that 'serve the local residents' such as 'local shops, meeting places, cultural buildings, public houses and places of worship...' Whilst the list is not exhaustive, it is considered that private health-related facilities such as a hospice that serves a relatively wide catchment population are not a 'community facility' for the purposes of Policy 38. Consequently, no objection is raised to the principle of the site being used for alternative purpose, providing such a proposal is acceptable in all other regards.

8.3 Having established that there is no planning-policy-based objection to the loss of the hospice use, it should be acknowledged that the applicant has made it clear that there is no intention to close the existing premises until an alternative facility is available; the current application for a replacement facility at Bosham demonstrates this commitment. Whilst in planning terms it would not be appropriate to require the new premises to be available prior to existing facility closing, the reality of there being little prospect of a break in the provision of the services provided by the applicant within the locality should be noted. Similarly, in

terms of employment issues, it is understood that the significant majority of those employed at the existing premises would transfer to the new one.

8.4 With regard to the proposed use of the site for residential purposes, the provision of 15 market and 6 affordable family homes would make a valuable contribution to housing supply in what is a highly sustainable location. Whilst it is noted that Donnington Parish has already met its indicative Local Plan housing number of 50 dwellings (through the Southfields Close development), there is no indication from any consultees that the infrastructure of the locality is unable to sustain the proposal provided appropriate financial/CIL contributions are secured in order to mitigate any impact.

8.5 A number of local residents have stated their preference for the existing buildings to be re-used for a community or health-related purpose. Whilst such uses might well be acceptable in planning terms, the current application must be considered on its own merits and, for the reasons set out above, the redevelopment of the site for residential purposes is considered acceptable.

(ii) Layout and density

8.6 As explained in paragraph 3.2 above, in broad terms the layout involves siting rows of semi-detached and terraced 2 storey dwellings parallel to both the site's eastern and western boundaries, with a centrally located third row that would back onto rear boundaries of existing properties on Grosvenor Road. There would be a mix of frontage and in-curtilage parking, with all dwellings served by relatively generous garden areas. An area of open space would be positioned along the central part of the northern boundary, providing some open space for residents and also enabling the development to be well integrated into views from the adjacent public footpath.

8.7 The main part of the site would be served by a 4.8m wide access road terminating in a hammer head fronting the eastern row of dwellings. The existing 50m long section of access road linking the main part of the site to Grosvenor Road would be altered by removing an existing 1m wide footpath and creating a wider (5m) shared surface. Pedestrian access would be provided from the northern part of the site to the adjacent public footpath which connects Waterside Drive to Stockbridge Road; this footpath also provides a northward connection to Queens' Avenue at a point close to the site's north-western corner. The applicant has confirmed that he would be prepared to allow unfettered pedestrian access through the site by members of the public, which would enhance permeability through the area and which could be secured by legal agreement.

8.8 The proposed development would be carried out at a density of 30dpHa, broadly in line with that of the surrounding area. With the exception of localised views from a short section of the public footpath to the northern boundary, the site is substantially contained in visual terms and, subject to careful future consideration of detailed design matters, a development of 21 dwellings is capable of being carried out without harming the character and appearance of the locality. Although a small number of mature trees would be removed from the central part of the site, these are not considered important in terms of wider views, and it is noted the majority of boundary trees are to be retained.

8.9 The applicant has amended the scheme to allow for the potential future diversion of the existing public footpath to its original, and more direct, east-west alignment. This diversion, which would need to be the subject of a separate consent regime, would reflect the former route of the Chichester to Selsey Tramway. Whilst requiring the diversion of the path would not be reasonable in planning terms, the realignment may well prove attractive to future

developers as it would enable this land (which is within the applicant's ownership) to be incorporated into the substantive part of the site. Consequently, in the event of permission being granted it is proposed that the legal agreement would contain clauses safeguarding the alternative footpath route.

8.10 In summary on this issue, it is considered that the proposed development is acceptable in terms of layout and density.

(iii) Residential amenity

8.11 Whilst the main part of the site is surrounded by residential development, back-to-back and front-to-back separations of at least 30m are retained, and it is further noted that the majority of boundary vegetation, which would soften the development, will be retained; it is noted that a number of the trees which are located close to the site's boundaries are in the control of neighbouring residents. Where flank elevations are located close to boundaries, it is possible to prevent the formation of first floor windows using planning conditions. Consequently, in terms of both privacy and massing, the relationship of the proposal with adjacent development is considered acceptable.

8.12 It is accepted that use of the access road will result in some noise and activity being experienced by the occupiers of the adjacent dwellings whose gardens flank its eastern and western sides. Whilst this is a material consideration, it is noted that residents already experience such activity in connection with the existing use and that, according to the applicant's evidence which is accepted by the Highway Authority, the use of the access road should reduce significantly in a post-development scenario.

(iv) Highway safety and parking

8.13 As mentioned above, the applicant has submitted evidence based on a survey which indicates that the current use generates nearly 400 daily traffic movements. Based on a database of similar housing developments, the site would be expected to generate just over 100 movements post-development.

8.14 Whilst the Parish Council rejects the applicant's claim as to the scale of reduction in traffic movements, neither Highways England nor the Local Highway Authority challenge the applicant's assertion that there would be a substantial overall reduction in movements associated with the site. Concerns have been expressed in respect of the main section of access road comprising a shared surface. Whilst all users of this section will need to exercise mutual caution, the use of such an arrangement for a development of this scale is not unusual, and the Highway Authority has raised no objections on safety grounds. Given also that the proposal involves widening the existing crossover at the site's junction with Grosvenor Road, it is considered that the proposal should result in an overall improvement in highway safety.

8.15 In terms of car parking, the proposed provision meets the demand predicted by the WSCC Parking Calculator. Anecdotal evidence suggests that there are currently regular instances of hospice staff, volunteers and visitors parking on Grosvenor Road and other nearby streets, and the proposal could therefore result in a net improvement in this respect.

(v) Other matters

8.16 Whilst the information submitted with the application indicates that the proposal would result in a small net increase in flows to the Apuldram Wastewater Treatment Works, the

Environment Agency has confirmed that the proposal should not give rise to capacity issues and has consequently raised no objection.

8.17 The application site lies within the zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA) and the potential impact of the proposal in terms of recreational disturbance must therefore be considered. The applicant has agreed to mitigate any such impact by making a financial contribution towards the Solent Disturbance and Mitigation Project in accordance with Policy 50 of the Local Plan and Natural England has raised no objection on this basis.

Significant Conditions

8.18 The application is in outline form and, consequently, conditions are required in connection with the submission of the remaining reserved matters of appearance and landscaping. Other significant conditions relate to the detail of the access works, including in respect of amending parking arrangements on Grosvenor Road immediately adjacent to the site's access.

Section 106 agreement

8.19 The content of the agreement would be dependent upon the timing of the decision relative to the adoption of CIL.

8.20 A pre-CIL agreement would include provision for:

- On site affordable housing (6 units) and a commuted sum in respect of the required residual unit
- laying out and future maintenance of open space and the retained public footpath
- maintenance of public access to/from the northern boundary of the site
- safeguarding of the possible alternative east-west public pedestrian route through the site
- £56,857 towards primary school education infrastructure
- £5,098 towards library infrastructure
- £540 in respect of Fire and Rescue infrastructure together with provision for one hydrant on the site
- £29,040 towards sustainable transport infrastructure
- £7,846 toward public art
- £37,527 towards community facilities
- £3,654 in respect of recreational disturbance mitigation at Chichester Harbour

8.21 In the event of the decision being issued after the adoption of CIL the financial contributions listed above would, with the exception of those sought in connection with recreational disturbance and affordable housing, be replaced with a single contribution calculated in accordance with the adopted methodology.

Conclusion

8.22 Based on the preceding analysis it is considered that the proposed redevelopment of the site for residential purposes can be supported in terms of the aims and objectives of both national and local planning policies. The proposal could be carried out without harming the appearance of the area, nearby residential amenity or highway safety and 21 additional family homes would make a meaningful contribution to housing supply in a highly sustainable location.

8.23 It is therefore recommended that, subject to the completion of a Section 106 legal agreement referred to above and the conditions listed below, permission is granted.

Human Rights

8.24 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 DEFER FOR SECTION 106 THEN PERMIT

- 1 U97661 - time limit - outline
- 2 A04F Time Limit - Reserved Matters
- 3 U97665 - decision plans
- 4 U97677 - construction management plan
- 5 U97695 - demolition
- 6 U97669 - levels
- 7 U97671 - surface water
- 8 U97670 - contamination
- 9 U97668 - walls/fences
- 10 U97662 - materials
- 11 U97678 - cycles/bins
- 12 U97692 - TRO
- 13 U97674 - access provision
- 14 U97676 - parking provision
- 15 U97688 - construction hours
- 16 U97696 - windows plots 1 and 21
- 17 U97698 - sustainable construction measures
- 18 U97666 - maximum height

INFORMATIVES

- 19 U97694 - Off-site highway works
- 20 W45F Application Approved Following Revisions

For further information on this application please contact Steve Harris on 01243 534734

Parish: Boxgrove	Ward: Boxgrove
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BX/15/02463/FUL

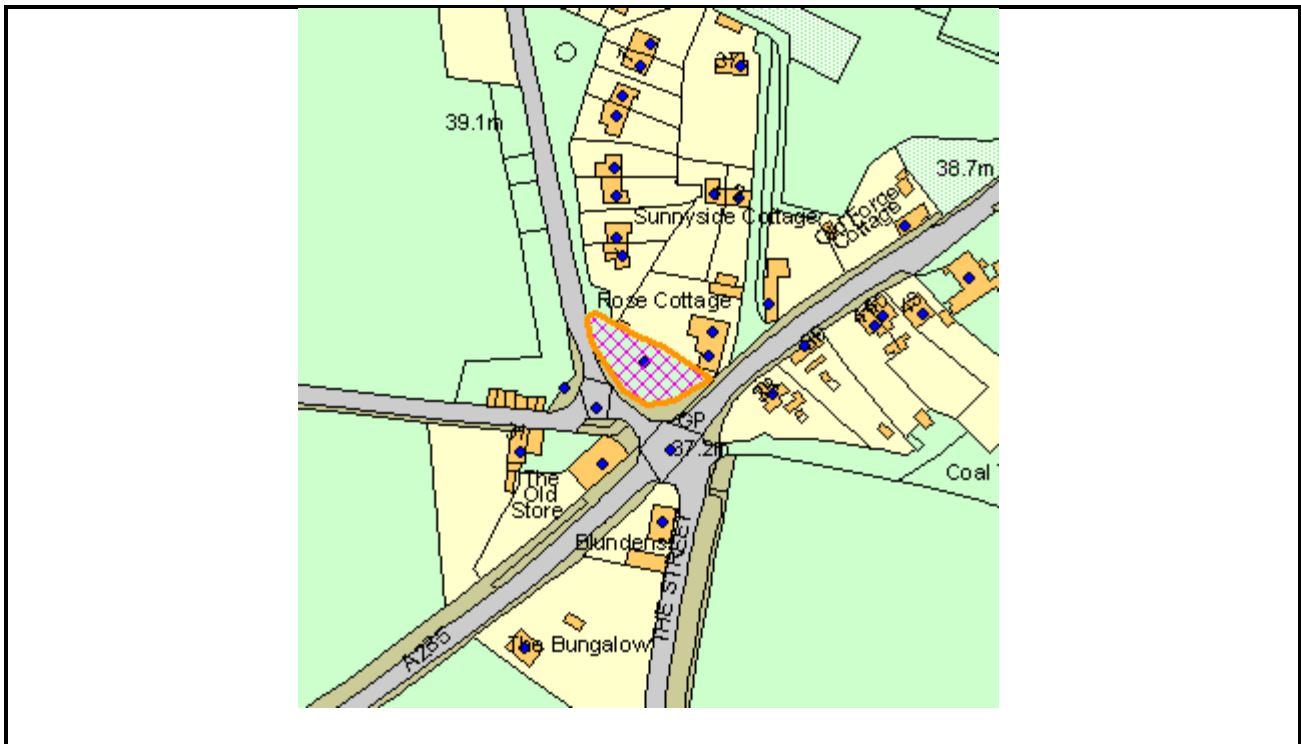
Proposal Erection of a single storey, one bedroomed dwelling.

Site Land South West of Rose Cottage A285 Redvins Road To Tinwood Lane
Halnaker Boxgrove PO18 0NQ

Map Ref (E) 490739 (N) 108105

Applicant Mr Martin Welsh

RECOMMENDATION TO REFUSE



	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 A Red Card has been submitted by Councillor Potter because there is an exceptional level of public interest in the planning application.

2.0 The Site and Surroundings

2.1 The site is located on a corner plot of a crossroads to the north-western side of the A285 that runs through Halnaker. The site, which is an irregular shape, is within the designated countryside outside of any settlement boundary. The site also lies within the

Halnaker Conservation Area and is adjacent to a Grade II listed building. The boundary of the South Downs National Park is to the west of the site on the opposite side of Park Lane. The site is enclosed by a beech hedge along the southwest and southeast boundaries. There are two small trees situated along the south-west boundary. There is a conifer hedge along the north-east boundary with a brick and flint wall situated behind. Access is from Park Lane in north-west corner of the site. The ground levels decrease between the site and finished floor level of the adjacent listed building to the north east.

3.0 The Proposal

3.1 The application seeks to erect a detached one bedroom bungalow that would be 'L'-shaped and have a maximum width of 20.9m and depth of 7.4m. The pitched roof of the bungalow would have hipped ends and an overall height of 4.4m. The roof would also include two roof lights in the northeast elevation. The external facing materials would comprise oak weatherboarding with a brick plinth to the elevations, a clay tiled roof and hardwood timber to the windows and doors. The existing point of access off Park Lane would be utilised by vehicles to access the site. The existing ground levels at the highest points would be levelled by up to 0.3m to match the existing levels within the remaining part of the site.

4.0 History

14/01585/FUL	REF	Erection of 1no. one bedroomed single storey dwelling.
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5.0 Constraints

Listed Building	YES - Adjacent to Grade II
Conservation Area	YES - Halnaker
Countryside	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The design of this application has been changed to address the comments of Ms Hall and to better suit an application within the conservation area. The council supports this application.

6.2 WSCC Highways

In summary, no anticipated highway safety concerns would be raised to this application. If the LPA area minded to grant planning consent conditions securing the following would be advised:

- Cycle parking;
- Gate (inwardly opening);
- Visibility splays (2.0m x maximum achievable, measured to the centre line of Park Lane in each direction; and
- Vehicle parking and turning.

6.3 CDC - Historic Buildings Adviser

Whilst the principle of development here remains outstanding, the supporting justification and design of the dwelling has been sufficiently improved such that, subject to appropriate materials and construction quality, the development is unlikely to cause harm to the Conservation Area.

Notwithstanding this, there is still the potential that the use of the site for domestic purposes could result in harm to the setting of the listed building, albeit significantly altered to the west, particularly given its close proximity and the topography. This is likely to arise more from the activity and paraphernalia than the design of the dwelling. It would be appropriate to restrict permitted development in respect of outbuildings, etc which could cumulatively further harm this setting.

There is some slight reservation with the proposed enhanced screening to the streetscene. In itself, the openness of the site is currently considered to contribute to character of the settlement, particularly at its southern end. Historic England advises:

As screening can only mitigate negative impacts, rather than removing impacts or providing enhancement, it ought never to be regarded as a substitute for well-designed developments within the setting of heritage assets. Screening may have as intrusive an effect on the setting as the development it seeks to mitigate, so where it is necessary, it too merits careful design.

6.4 CDC - Environmental Health Officer

No comments with respect to contaminated land or air quality issues. All waste arisings must be disposed of in accordance with current Waste Regulations. If any fuel or oil is to be stored, then condition L09F should be applied.

It is noted that it is proposed to store bicycles in the outhouse at the end of the house. This is welcomed in order to encourage the use of sustainable transport.

6.5 CDC - Archaeological Officer

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

6.6 Eleven letters of support have been received. The comments are summarised below;

- a) beech hedge around site. Proposed structure will barely be visible from the adjoining roads and footpaths;
- b) entrance goes onto Park Lane which has very little traffic;
- c) modest single storey property on generous sized plot;
- d) no detrimental visual impact on the neighbouring listed cottages;
- e) characteristics of the property will enhance the appearance of the immediate area, and utilise a site which according to the Conservation Area Character Appraisal has been rather neglected for many years;
- f) no negative impact on local landscape;
- g) in keeping with the village;
- h) approximately 16 houses in Park Lane and the addition of one more (with perhaps at most two vehicles) will not cause any traffic or other environmental problems;
- i) design very sympathetic to the surrounding area, being low in height, characteristic of many of the agricultural buildings nearby, and using appropriate building materials;
- j) trees and hedgerows unaffected;
- k) be subservient in scale and building type form and materiality; and
- l) historically, before the road was diverted to enable the houses in Park Lane to be built there were already buildings on this site.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District outside the South Downs National Park comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Halnaker, which lies within the parish of Boxgrove, at this time.

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 5: Parish Housing Sites 2012- 2029
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), together with Sections 6, 7, 11 and 12 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.6 The following Supplementary Planning Guidance is a material to the determination of this planning application:

Halnaker Conservation Area Character Appraisal and Management Proposals (September 2010).

7.7 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

B2 - Greener living

D1 - Increasing housing supply

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and sustainability;
- ii) Impact on conservation area and countryside;

- iii) Impact on listed building;
- iv) Impact upon the amenity of neighbouring properties; and
- v) Impact on highway network.

Assessment

- i) Principle of development and sustainability

8.2 The NPPF establishes the presumption in favour of sustainable development, with paragraph 14 stating that sustainable development should be approved without delay, unless the adverse impacts outweigh the benefits. This presumption in favour of sustainable is also contained within policy 1 of the Chichester Local Plan (CLP), whilst policy 2 of the CLP identifies the appropriate locations to accommodate sustainable growth, namely Chichester and a number of identified settlement hubs and service villages. The rest of the plan area is designated open countryside, and policy 2 states that development should not take place within the rest of the plan area unless it meets an essential or local need in accordance with other policies within the development plan.

8.3 The application site lies outside of the Boxgrove Settlement Boundary in the hamlet of Halnaker, which does not have a settlement boundary identified in the CLP. Halnaker has a public house; however it does not have the range of services and facilities necessary to be considered as a sustainable location for new development. The site is therefore located in an unsustainable location for new development in the designated countryside where development should be restricted in accordance with policy 2 of the CLP.

8.4 A previous application for a dwelling on the site (BX/14/01585/FUL), was refused planning permission in November 2014 due to concerns about the impact of the proposal upon the Halnaker Conservation Area and the adjacent listed building. At the time the previous application was considered there was no up to date local plan and the Council was unable to demonstrate a 5 year housing land supply. Therefore the policy context was significantly different, and the principle of development could not be resisted due to the lack of an up to date local plan and 5 year housing land supply. Since the previous application was determined the CLP has been adopted and the Council is now able to demonstrate a 5.7 year supply (including a 20% buffer), which is equivalent to a surplus of 122 dwellings. Therefore, the current application must be determined in accordance with the CLP, particularly policies 1 and 2 that direct new development to sustainable locations, unless material considerations indicate otherwise.

8.5 As a result of the change in the relevant planning policies to be considered and the positive 5 year housing land supply position there is now a clear presumption against the provision of new dwellings outside the defined settlement boundaries, within the countryside, unless the site has been allocated within a Site Allocations Development Plan Document (DPD) or a made Neighbourhood Plan. The application site has not been allocated for development and the proposed development would not meet a local or essential need, such as being required to accommodate a rural worker. Therefore there is no special justification for the development or compelling circumstances that would outweigh the provisions of the recently adopted local plan that directs new development to sustainable locations.

8.6 In light of the above it is considered that the proposal constitutes an unsustainable form of development that fails to accord with the policies 1 and 2 of the adopted Chichester Local Plan. As such the principle of a new dwelling located within the countryside on a site which has not been allocated through a Site Allocations DPD or Neighbourhood Plan would be contrary to the National and Local Plan policies and unacceptable in principle.

ii) Impact on conservation area and surrounding area

8.7 The irregular shaped site is a corner plot on the northern side of the A285 and adjacent to a crossroads, which is situated at the western end of the Halnaker Conservation Area. The Halnaker Conservation Area is linear in form and comprises a scattering of residential development primarily located along the A285. It is characterised by two-storey listed buildings and 'positive' unlisted buildings, which are generally widely spaced within a rural landscaped setting. The site is located on a prominent corner plot and is evident when approaching the crossroads from all directions. The proposed bungalow would be positioned adjacent to the northeast boundary of the site and be set back from both the A285 to the south-east and Park Lane to the west. It would be 'L'-shaped and have a width of 20.9m and a maximum depth of 7.4m. The bungalow would have a pitched roof with hipped ends and an overall height of 4.4m.

8.8 The site is located within the designated Halnaker Conservation Area where under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area. A previous application in 1991 (BX/24/91) for a two-storey detached dwelling was refused and subsequently dismissed at appeal as the Inspector considered that the "...open nature of the appeal site makes a significant contribution to the spacious character of the area and ...the proposed house would cause positive harm to the character and appearance of its surroundings in the Halnaker Conservation Area". In addition the Inspector also considered that the development, in a prominent location, would be intrusive and cause harm to the rural character of its setting.

8.9 The Historic Building Adviser under the previous application BX/14/02463/FUL raised concerns regarding the impact of the development upon the conservation area and the design of the building. In particular the Historic Buildings Adviser considered that the undeveloped nature of the site makes a significant contribution to the character and appearance of the conservation area and the design of the building would appear overly complex and domestic in character. The current application has sought to address these concerns by altering the design and shape of the building from 'T'-shaped to 'L'-shaped. In addition the scale and massing of the dwelling has been reduced with the maximum overall depth decreasing from 9.1m to 7.4m and ridge height reduced by 0.1m. The fenestration detailing has also been simplified and the proposed external facing materials, which comprise oak weatherboarding to the elevations and a clay tiled roof, are considered to be appropriate in this context.

8.10 The proposed bungalow would be set back from the A285 and Park Lane, and have a pitched roof with hipped ends, which would slope away from the boundaries. In addition there is an existing beech hedgerow approximately 2m high situated along the south-west and south-east boundaries of the site. Nonetheless the bungalow, particularly its roof, would project above existing hedgerow and therefore be visible from surrounding public vantage points. However, since the previously refused application the ridge of the proposed bungalow has decreased by 0.1m in height. The scale and massing of the bungalow has also reduced, and its form simplified. Furthermore the grounds levels in the highest parts of the site would be reduced by up to 0.3m thereby matching the existing ground levels in the remaining part of the site. In addition the design and fenestration detailing of the bungalow has also been altered in order to address previous concerns regarding the overtly domestic appearance of the building.

8.11 It is considered that the current application has sought to address concerns raised under the previously refused application. The changes to the scale, massing and the height of the bungalow, together with the alterations to the design and fenestration detailing, has reduced the impact of the development upon the conservation area. The proposed bungalow would, therefore, not be visually intrusive to the extent that the development would harm the character of the conservation area or the street scene and the surrounding countryside. Furthermore the reduction in the scale of the bungalow has increased the sense of space within the site, which together with the alterations to the design has reduced the harm upon the undeveloped nature of the site, which makes a contribution to the character of this rural setting. In light of the above it is considered, therefore that the development would not significantly harm the character and appearance of the Halnaker Conservation Area or detrimentally harm the character of the surrounding countryside.

iii) Impact on the setting of the adjacent listed building

8.12 A previous application in 1991 (BX/24/91) for a two-storey detached dwelling was located adjacent to the south-east and south-west boundaries of the site. The application was refused and subsequently dismissed at appeal as the Inspector considered that "...the proposed house would be sited close to the boundary shared with the listed building and, in this close proximity, would appear cramped and intrusive, causing positive harm to the spacious setting of the listed building...". The Historic Building Adviser under the previously refused 2014 application also raised concerns regarding the undeveloped character of the site making a significant contribution to the spacious setting of the adjacent listed building.

8.13 The proposed bungalow would be located to the south-west of the adjacent Grade II listed building, which comprises Jasmine Cottage and Rose Cottage, and be situated between 1.65m and 2.4m from the northeast boundary. As such the current proposal would be in closer proximity to the adjacent listed building than the two-storey dwelling, which was refused and dismissed at appeal. However, the ridge height of the proposed bungalow has been reduced by 0.1m since the previous application and the grounds levels at the highest point would be levelled to match the remaining part of the existing site. Furthermore a new natural hurdles screen and planting would be adjacent to the northeast boundary. It is considered, therefore, that the proposal would not be overtly intrusive or cause significant harm to the setting of the listed building. Furthermore, given the alterations to the design of the bungalow and its scale, it is considered that the development not appear contrived or as cramped as the previously refused scheme. In light of the above it is considered that the development would not significantly harm the setting of the Grade II listed building.

iv) Impact upon the amenity of neighbouring properties

8.15 The proposed bungalow would be located to the south-west of the neighbouring property, Jasmine Cottage, and between 1.65m and 2.4m from the northeast boundary of the site, which comprises a flint wall with a fir hedgerow row behind. The northeast elevation of the bungalow, which would have a width of 20.9m, would extend above the hedgerow to a height of 4.4m. Consequently the proposed bungalow would be visually evident from the rear facing habitable rooms and rear garden of Jasmine Cottage. However, the proposed alterations to the ground levels within the site and new boundary treatment adjacent to the flint wall would assist in screening the development and reducing its visual prominence. Furthermore the roof would slope away from the boundary. As such it is considered that on balance the proposal would not adversely harm the amenity of the neighbouring occupiers, in terms of overshadowing and overbearing impacts, to warrant a refusal on this basis.

8.16 The proposed north-east roof slope would include two roof lights which would face onto the rear garden of the neighbouring property, Jasmine Cottage. However, given the height and position of the roof lights within roof slope, it is considered that this element of the development would not lead to overlooking or a loss of privacy detrimental to the amenity of the neighbouring occupier.

v) Impact on highway network

8.17 There is an existing access point off Park Lane, which is an unclassified, no through road, in the north-west corner of the site. The access point would be close to the junction of Park Lane and Redvines Road as well as the crossroads to the south of the site. WSCC Highways consider Park Lane to be lightly trafficked and the junction with Redvines Road reduces traffic speeds at this point. Therefore subject to the formation of a suitable visibility splay, it is considered that the intensified use of the access point would not adversely impact upon highway safety. It is also considered that the on-site parking and vehicular turning area provided would be sufficient to meet anticipated demand.

Conclusion

8.18 The proposed development would result in the creation of a new residential dwelling outside of the Settlement Boundary where National and Local Plan policies seek to protect the countryside for the sake of its intrinsic character and beauty from inappropriate development. It is considered that the proposal would therefore result in an unsustainable and unacceptable form of development that would be harmful to the character and rural landscape of the surrounding countryside. It is also considered that there are no compelling circumstances that outweigh the harm to the character of the countryside and justify a departure from the National and Local Plan policies. The proposal development would, therefore, be contrary to the paragraphs 14 and 17 of the NPPF and policies 1, 2, 33 and 48 of the Chichester Local Plan: Key Policies 2014-2029.

Human Rights

8.19 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded that the decision to refuse permission is justified and proportional to the harm that would be caused if planning permission were to be granted.

RECOMMENDATION - REFUSE

1 U97682 - Principle of Development

For further information on this application please contact Anna Miller on 01243 534734.

Agenda Item 8

Parish: Chichester	Ward: Chichester South
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CC/14/03681/REG3

Proposal Outline planning permission for up to 5no. B2/B8 commercial units with ancillary trade counter use and associated parking and servicing (total floorspace circa 2,200sqm)

Site Plot 21 Terminus Road Chichester West Sussex PO19 8UH

Map Ref (E) 485221 (N) 104203

Applicant Mr Patrick Harrison (Chichester District Council Estates)

RECOMMENDATION TO PERMIT



NOT TO SCALE

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1.0 Reason for Committee Referral

Applicant is Chichester District Council

2.0 The Site and Surroundings

2.1 The application site is within the established Terminus Road industrial estate, located about half way between Chichester Gate and the A27/A259 Fishbourne Roundabout.

The site is on the south side of Terminus Road and backs onto the A27 by pass. A public right of way runs parallel to the site's western boundary.

2.2 The site comprises a large single industrial building of approximately 2,192sqm footprint formerly used as a manufacturing facility by Goodwood Metalcraft. The building has brick elevations and pitched corrugated roofing with clear lighting panels. There is a two storey flat roofed brick entrance and office area to the north elevation, a two storey flat roofed office section to the south elevation, and covered workshop bays to the west elevation. The majority of the building is an open plan workshop area with two partial mezzanine floors. The building currently offers some 2,865sqm floorspace in the B2 (industrial) use category.

2.3 Access to the site from Terminus Road is achieved from the north east corner. There is a parking area to the north of the building with metal posts separating the site from the pavement. There is a further parking area to the south of the building accessed by a tarmacked route along the eastern site boundary. The public right of way to the west runs between the brick elevations of the subject industrial building and a 2m chain link fence marking the boundary of the neighbouring premises, with occasional trees and vegetation along the route. Beyond the southern boundary is a belt of mature trees and overgrown scrub which form a buffer to the A27.

2.4 Neighbouring land uses are typically B2, B8 or sui generis, and include manufacturing and distribution facilities, design and engineering premises, vehicle dealerships and repair garages, and an ambulance station. The neighbouring buildings are of various ages and appearances. The majority are two storeys in height and typical in appearance for industrial buildings being single or multi span metal framed structures, with either brick or composite cladding. The building to the immediate east of the application site is a two storey industrial building dating, like the application site, from the mid C20th, with a flat roofed brick and glazed frontage and light coloured cladding. It is used as a charity donation centre. To the west is a full two storey building of white and blue painted brick with large areas of glazing and a dominant gable design end on to Terminus Road. This is used by an IT firm, Gemini Data Loggers. Beyond this to the west is a modern single span building with a curved clad and glazed feature tower to the front elevation, used by Harwoods Jaguar and Aston Martin for vehicle sales, servicing and maintenance. The largest buildings directly front Terminus Road, while the smaller units are accessed from shared parking areas.

3.0 The Proposal

3.1 This application is in outline form, with access, layout and scale for consideration at this stage, and appearance and landscaping to follow through reserved matters.

3.2 The application proposes the replacement of the existing single user industrial building with a single building to contain up to 5no B2/B8 units, each with the potential for a mezzanine floor. The building would be sited in a similar position to the existing, close to the western boundary and set back from the north, east and south to provide parking areas. The access point onto Terminus Road would be retained in its existing position.

3.3 The plans show each of the 5 units would provide between 379sqm and 453sqm (including a storage mezzanine each), giving a total of up to 2,117sqm (gross internal area). The total gross internal floorspace without mezzanines would be 1,412sqm.

3.4 Illustrative details submitted for the form and appearance of the building show a typical modern industrial unit, with a low pitched roof and composite cladding. The building

would have a ridge height of up to 8.4m and eaves of up to 7.5m and a footprint of approximately 1,530sqm.

3.5 It is anticipated that each unit would employ approximately 5 people, giving a total of 25 for the site. The proposal would provide 53 vehicle parking spaces, to include 20 long wheel base transit spaces. Tracking details have been provided to demonstrate access and turning to the southerly parking area by a 2 axle rigid body vehicle.

3.6 It is proposed that the units would be operated for B2 or B8 purposes, with up to 40% available floorspace per unit for trade counter purposes. This is the same percentage as is operating in many of the business premises adjacent to the Bognor Road, including the Portfield Trade Centre (01/01250/COU) and Chichester Trade Centre (09/04992/FUL).

3.7 The proposal has been amended during the course of the application in response to changing applicant requirements and continued discussions with Highways England and WSCC Highways. The additional proposals for the demolition of the building and temporary parking for up to 24 months have been removed from the scheme.

4.0 History

94/00666/FUL	PER	Extension to factory.
97/01183/FUL	PER	Addition of porch and fire escape.
97/02194/FUL	PER	Extension to factory.
98/01060/FUL	PER	Extension to factory (amended design to approval CC/97/02194/FUL).
CC/00836/90	PER	Extension to factory building.
14/03681/REG3	PDE	Outline planning permission for up to 5no. B2/B8 commercial units with ancillary trade counter use and associated parking and servicing (total floorspace circa 2,200sqm)
15/03143/REG3	PCO	Demolition of existing redundant commercial facility and construction of new replacement B2/B8 unit with ancillary trade counter, comprising 2,024m ² of B2/B8 of gross floor-space with associated parking and servicing.

5.0 Constraints

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

6.0 Representations and Consultations

Chichester City Council

6.1 No objection

Highways England

30 January 2015

6.2 The application site is adjacent to the A27 Chichester by-pass between the A27/A286 Stockbridge roundabout and the A27/A259 Fishbourne roundabout. Our interest relates to the impacts of vehicular traffic on the A27 and particular the Fishbourne and Stockbridge roundabouts.

6.3 Holding direction issued to 30 April 2015.

6.4 Information required:

- Clarify the existing permitted use of the site and level of associated traffic movements.
- Transport statement/transport assessment to adequately review the traffic movements associated with this development, as there could be a sizeable impact on the A27
- Policy analysis to confirm whether the employment floorspace proposed is in addition to that proposed under the Local Plan. An overall transport assessment for Terminus Road is advised. The evidence base for the Local Plan does not specifically account for 2,200sqm B2/B8 floorspace on the application site. Consider Circular 02/2013 and committed development
- Trip generation using an appropriate methodology
- Junction capacity impact assessment to review the impacts on the A27/A259 Fishbourne roundabout and A27/A286 Stockbridge roundabout junctions
- Travel plan
- Construction management plan

30 April 2015

6.5 Further to comments provided 30 January 2015, when the Highways Agency directed that planning permission should not be granted for a specified time expiring on 30 April 2015 due to insufficient information to enable the Agency to form a view on the potential impacts upon the A27. The information is still outstanding. Highways England is not able to extend this 'holding direction' and therefore strongly recommend CDC do not grant this planning application until we have had the opportunity to ensure that any impacts on the A27 have been adequately assessed and mitigated if necessary.

4 June 2015

6.6 The SRN through Chichester is regularly congested and our concern with respect to Plot 21 is the impact on the A27 and in particular the Fishbourne and Stockbridge roundabouts, specifically whether there would be any adverse safety implications or material increase in queues and delay as a result of development.

6.7 Trip generation, distribution and assignment: the trips expected (14 peak AM and 18 peak PM worse case) would only be slightly higher than the existing use. Therefore the Bellamy Roberts conclusion that the impact of the increase in traffic is minimal is reasonable in our view.

6.8 Junction capacity impact assessment not required due to satisfactory trip generation conclusions.

6.9 Due to the minor change in trip generation, a travel plan is not required.

6.10 Construction management plan strongly recommended. This needs to take into account traffic implications on the operation of the A27 trunk road is included as a planning condition. No information presently available.

WSCC Local Development Division (July 2015)

Background

6.11 This is the second WSCC highways and transport response to the above planning application, following the preparation of a Transport Statement (dated May 2015) and a further letter (dated 29th June 2015). In summary WSCC wish to raise no objection to the proposed development, subject to conditions.

6.12 Two site layout options are under consideration, and so the Transport Statement has assessed both schemes, which have 1794sqm and 2117sqm floor space respectively.

Vehicle movements

6.13 TRICS analysis shows that the level of trips will not significantly change as a result of the development, even with the larger layout option. In order to account for the fact that the larger scheme would include trade counters, an additional trip rate has been calculated, using only those industrial units within TRICS that include a trade counter. The existing use is estimated to generate 16 two way AM peak trips, and 13 two way PM peak trips. The larger scheme with trade counters will generate 14 two way AM peak trips, and 18 two way PM peak trips, and as such the impact upon highway capacity will be minimal.

Access

6.14 The access is currently in a poor condition, and as such a condition will be required to ensure that the access is returned to a good standard, fit-for-purpose. Pedestrian access is to be provided as per the existing situation from Terminus Road.

Temporary parking use

6.15 Vehicles will be delivered via car transporter, with two deliveries anticipated per week. A vehicle tracking diagram shows that this vehicle can manoeuvre safely through the access, and turn on site without obstructing the proposed car parking spaces. The two car dealerships that currently use Plot 12 Terminus Road for car storage have calculated the number of movements their existing storage area generates which give figures of 0.658 and 0.2 movements per car parking space per day. For robustness, the higher trip rate has been applied to the proposed temporary car storage area, which the submitted plan confirms has 40 spaces. The letter of 29th June calculates a daily trip generation of 7 vehicles, although this would appear to be incorrect - 40 spaces x 0.658 movements per space = 26 vehicle movements per day. The LHA are content that this level of trip generation will not have a significant impact upon highway capacity.

Parking standards

6.16 The requirements of 1 space per 40sqm for B2 use are met by the larger scheme, with 53 spaces required, and 53 provided (inc. LWB Transit spaces). Appropriate levels of cycle parking have been shown, with 7 Sheffield stands equating to 14 spaces. However, the smaller scheme requires 45 car parking spaces and 37 are currently shown, and this should ideally be reviewed. No cycle parking has currently been shown for the smaller scheme and is required in accordance with WSCC's parking standards.

6.17 Tracking diagrams have been provided for both scheme options. The larger option shows appropriate tracking for a refuse vehicle and a pantechnicon (on the site layout), on the basis that a 16.5m articulated vehicle would not service the smaller units proposed in the larger scheme. The smaller scheme option satisfactorily shows tracking for a refuse vehicle and a 16.5m articulated vehicle.

6.18 WSCC wishes to raise no objection to the planning application, subject to conditions relating to access, car parking and turning, on site parking, turning, loading and unloading of larger vehicles, cycle parking and construction management.

WSCC Public Rights of Way

6.19 In principle the PROW team has no objections to the proposals but the footpath FP176 to the west of the site must remain open and available at all times for lawful users unless a temporary closure granted by WSCC. If the surface is damaged by works, it must be reinstated.

WSCC Infrastructure (original comments)

6.20 TAD due £25,913.

WSCC Infrastructure (further comments)

6.21 No TAD due.

WSSC Lead Local Flood Authority

6.22 Low risk of surface water flooding. Any existing surface water flow paths across the site must be maintained. Any excavated material kept on site should be located in areas designed and designated for that purpose.

6.23 High risk/susceptibility of groundwater flooding. The general geology in the area may be suitable for infiltration/soakaways, to be demonstrated through appropriate assessment. Potential for groundwater contamination within source protection zone will require consultation with EA if considered a risk.

6.24 No ordinary watercourses within or in close proximity to the site. The River Lavant is 90m away. No records of historic flooding on site or in close vicinity. Terminus Road has a positive highway drainage system likely to discharge into the River Lavant.

6.25 No details of surface water management arrangements provided. This information should include arrangements during the temporary parking duration. FRA required. General advice on SuDs and management provided.

CDC Planning Policy

6.26 The application clearly meets the objectives set out in Policy 11 and falls within the category of proposals that make more efficient use of underused employment sites and premises referred to in Policy 26. However, the LP policies do not specifically address any implications arising from redevelopment that retains employment uses but nevertheless leads to a net loss of floorspace. Policy 26 and the marketing tests set out in Appendix E are required to justify the loss of employment sites to other uses, however here the current B2 use would be retained.

6.27 Despite gaps in the marketing details provided, there appears to be strong evidence that the current premises cannot easily be let and that the site would be more marketable if redeveloped to provide modern business units. This approach is also supported by CDC Economic Development.

6.28 Overall, the general principle of redevelopment whilst retaining the site in business use is supported. In terms of the net loss of floorspace, the exact quantity of floorspace provided through redevelopment is secondary to the number and quality of jobs that are likely to be attracted. Therefore, the small net loss of employment floorspace could be justified if it leads to more marketable business premises. However, it would be helpful to understand the reasons why the application is proposing a reduced floor area and this is not currently explained in the information supporting the application.

CDC Economic Development

6.29 The Economic Development Service supports this proposal. The site has been on the market for almost 2 years; however, interested parties have never proceeded further than an initial viewing. The common reason given for this is that the 50-year-old building on the site is not suitable for modern business purposes. Keeping the site in partial use for car storage, while a developer is found for the site is, economically, a good strategy as it will provide income for the interim period. The redevelopment of the site will provide a segment of regeneration to the area, which will improve the Terminus Road area for the future.

CDC Environmental Health

6.30 A site investigation report has been submitted with this application which concluded that there were no significantly elevated levels of contamination which would pose a risk to receptors or future industrial end-users of the site. Nevertheless various recommendations were made in the report with respect to:

- o Removing discarded barrels and drums containing oil based liquids
- o Recovering oil based liquids from the internal pits
- o Carrying out additional gas monitoring at the site.

Condition N21G part 3 should therefore be applied to ensure these recommendations are undertaken.

6.31 A method statement for the demolition and clearance works has been provided by Wessex Demolition and Salvage Ltd. It is noted that there is licensable asbestos clearance work required and the contractor should ensure that all operatives are appropriately qualified and that all waste is disposed of to a licensed facility. All other wastes must be disposed of in accordance with the relevant Waste Regulations. If any of the internal pits still have oil based products in them, the oil will require appropriate disposal before the void spaces are back filled to ensure all contamination is removed. The environmental considerations specified in section 8 should be put in place in order to control dust from the demolition works. All waste consignment notes should be kept and a copy provided to this authority to confirm the destination of each waste stream.

6.32 It is proposed to use the site to store vehicles for up to 24 months. It is assumed that there will be no maintenance works carried out on the vehicles while at the site. If this is not the case, pollution prevention measures should be put in place and a copy of the proposals should be sent to this authority.

6.33 Outline permission is also being requested for B2/B8 units at the site. Pollution prevention proposals should be put in place where necessary and condition N22F should be applied. Where oil/fuel storage is to be required this should be in bunded areas and condition L09F should be applied. In order to ensure the site is adequately drained, conditions L10F and L11F should be considered. Future occupiers may be required to have an Environmental Permit.

CDC Drainage Engineer

6.34 Surface water drainage must be considered for outline and full applications. Infiltration drainage should be investigated as a priority, with the design backed up by winter groundwater monitoring and percolation testing. The 1 in 100 year storm event plus 30% should be stored on site. Any sewers or watercourses on site should be given a three metre easement for access and maintenance. Suggested conditions include a full surface water drainage scheme.

CDC Waste Services

6.35 Commercial firms may not necessarily use Chichester District Council to collect its trade waste. The following advice is based only on CDC vehicle dimensions and weight, which may differ from what a private waste collection company may use. The layout itself appears to be suitable, offering unimpeded access to the bin store area. The plans however track a 2 axle vehicle, however most CDC refuse freighters have 3 axles and weight 26 tonne. Space is to be available, and surfacing appropriate to cater for a vehicle of this size and weight.

Applicant/Agent's Supporting Information

6.36 A Transport Note was submitted in May 2015 (Bellamy Roberts) to address Highways England and WSCC Highways concerns.

6.37 (September 2015) confirmation received that the applicant would like to retain market flexibility by:

1. Obtaining outline planning permission for up to 5no. B2/B8 commercial units with ancillary trade counter use and associated parking and servicing (total floor-space circa 2,200sqm)
2. Submitting a separate detailed planning application for a new single B1/B2 unit, including demolition of the existing building.
3. Applying separately for temporary use of the site for temporary vehicle storage in due course.

6.38 The design and specification of the existing building is not in line with the requirements of modern occupiers and as such is not commercially viable for a substantial refurbishment. The reduction in floor area is justified on account of the need to comply with current parking, servicing, cycle parking and refuse collection requirements of current day facilities, as well as the demands of new occupiers.

6.39 The applicant has indicated that the maximum space available for trade counters should be 40% and thus consistent with similar recently completed developments in Terminus Road and Quarry lane. It would not be unreasonable to expect 5 full time equivalent employees per unit, a total of 25.

6.40 The applicant does not wish to be restricted to specific hours of use in view of the sites location within an established trading estate sited away from residential properties and in order to provide maximum appeal to potential end-users.

6.41 Marketing details, including particulars, enquiry logs and details of advertising have been provided, dating from September 2014 and April 2015.

6.42 There is demand for small units, following the take up of the vacant units at Chichester Trade Park in Quarry Lane and at the Phoenix Business Centre in Spur Road off Quarry Lane and in St James Industrial Estate, however such a development would have to be built speculatively to attract occupiers. The applicant's preference is to pre-let a single unit on this site, however may be prepared to undertake speculative development for small units as proposed if no single occupier is found.

6.43 The applicant has applied to WSCC for a 6 month temporary stopping up order of the public right of way during works. The new development will incorporate modern palisade fencing along the boundary with the footpath to keep the path visible, light and not create an area for anti-social behaviour.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan Key Policies 2014-2029 and all made neighbourhood plans and Development Plan Documents (DPD). There is no made neighbourhood plan or DPD for Chichester City 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 9: Development and Infrastructure Provision

Policy 10: Chichester City Development Principles

Policy 11: Chichester City Employment Sites

Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment

Policy 13: Chichester City Transport Strategy

Policy 26: Existing Employment Sites

Policy 28: Edge and Out of Centre Sites - Chichester Policy

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.4 Consideration should also be given to paragraphs 6-13 (sustainable development principles), 17 (core planning principles), section 1 (economy), section 2 (town centres), section 4 (transport), section 10 (climate change, flood risk), section 11 (natural environment), decision taking and implementation.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Guidance is material to the determination of this planning application:

The Provision of Service Infrastructure Related to New Development in Chichester District (Parts 1 and 2)

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

- A1 - A strong local economy where businesses can thrive and grow
- A2 - Employees with good skills relevant to local employers, prepared for national and international competition and with well-paid and secure jobs
- A3 - Vibrant and sustainable City and market towns, with a good range of business and retail types
- A4 - The district to be known as a centre for creative and innovative industries building on our rich arts and heritage base
- B1 - Managing a changing environment
- B3 - Environmental Resources
- C6 - Health Protection
- E1 - Traffic management in the district will improve so as to reduce congestion
- E2 - There will be improved cycling networks and strong links to public transport to ensure that cycling is a viable alternative to using the car
- E3 - There will be a decrease in the numbers of road traffic collisions in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The principle of redevelopment for continued employment purposes
- ii. The reduced floorspace
- iii. Transportation impacts on the A27
- iv. Access and parking
- v. Environmental impacts

Assessment

Principle

8.2 This site forms part of a substantial existing established industrial and commercial site with strong transport and business links to Chichester and the trunk road network. The current site is currently vacant and has been on the market since May 2013.

8.3 Opportunities to enhance the site and re-provide more attractive and desirable business floorspace are recognised in the Employment Land Review (2011/13) and carried through into the submitted Local Plan (policies 1, 3, 11) specifically policy 11 which states clearly that the Council will "support the refurbishment and redevelopment of premises for business purposes and promote upgrading and environmental improvements to the industrial estates at Terminus Road and Quarry Lane". The supporting text further offers support for the redevelopment and intensification on the city's existing industrial estates (para 12.9), refurbishment and redevelopment for business purposes in Terminus Road (12.12) and the provision of small office and business units, managed workspace (12.13). Local Plan Policy 26 and the supporting text 16.1-16.6 advocate making the best use of available land for business use. These intentions accord with the focus of the NPPF on economic growth as a fundamental factor in achieving sustainable development.

8.4 Local Plan Policy 26 states that planning permission will be granted for proposals which make more efficient use of underused employment sites and premises, subject to the proposals being acceptable in terms of noise, traffic levels, pollution. Evidence requirements relating to the marketing of commercial sites are set out in Appendix E of the draft LP.

8.5 The principle of the redevelopment of the site for commercial purposes is therefore supported.

The reduced floorspace

8.6 The application site has an area of around 0.4 ha and the floorspace of the existing building is stated as being 2,865 sqm Use Class B2, with a footprint of some 2.192 sqm. The proposed redevelopment would provide 5 units of 380-450 sqm, giving a total gross internal ground floor area of 1,412 sqm. The design would allow space for potential mezzanine flooring which would include the total floor area to 2,117 sqm. The net loss of employment floorspace would therefore amount to between 748 sqm and 1,455 sqm. The application would retain the floorspace in employment uses, but would allow flexibility for either B2 or B8 floorspace with ancillary trade counter option.

8.7 The premises was last used for Goodwood Metalcraft, who went into administration in late 2013. The premises has been vacant since December 2013 and has been marketed by Henry Adams Commercial since May 2013. As the existing commercial use will be retained within the B use category, a full marketing assessment in accordance with Local Plan Appendix E is not required. However, it is pertinent to consider whether the proposed redevelopment of the site maximises the amount of deliverable floorspace and sufficient justification is given for any loss.

8.8 Firstly, addressing marketing, the property was first marketed on instruction to sell the head lease or to let the building in its existing condition. This approach attracted little commercial interest, and the 10 enquiries received were not progressed beyond the initial interest stage due to the condition of the building and the lease arrangements. The head lease was then surrendered back to CDC in February 2014. New particulars dated April 2014 confirmed a development lease would be available, or a B1, B2 or B8 facility could be built subject to an appropriate pre-let agreement. The enquiry log dated October 2015 identifies 29 enquiries since March 2014, with interest in the premises from parties with retail (furniture, vehicles), automotive, leisure, storage and general industrial requirements, with units requested where stated from 3,000sqft to 30,000sqft. The evidence demonstrates there is interest in commercial uses on the site and the existing building and site does not meet the needs of the interested operators. It is therefore reasonable to conclude that redevelopment is a practical and sustainable option, and will retain and secure commercial use of the site.

8.9 Secondly addressing site capacity and development potential, the parking and servicing requirements of modern commercial space are influential in establishing the maximum capacity of the site for redevelopment. A direct replacement of the existing footprint would not allow sufficient parking or turning space and it should be noted that the proposed layout would provide 53 spaces, compared with the existing 26. The use of mezzanine floors within each unit increases the floorspace within the parameters of the built form and therefore results in efficient and flexible space for occupiers. Of the three options explored in detail with the applicants, a single occupier (2,024sqm), 2 units (1,794sqm) and 5 units (2,117sqm), the 5 unit scheme currently proposed, with the mezzanines, would provide the greatest floorspace.

8.10 It is therefore considered that the proposed development has taken all reasonable opportunities to maximise the development potential of the site for commercial purposes. It also demonstrates the Council's commitment to promote upgrading Terminus Road to reflect current business needs. Furthermore, with reference to LP policy 11, the redevelopment will bring environmental improvements, to be discussed below.

Transportation impacts A27

8.11 The site is accessed directly from Terminus Road, which joins the trunk road network at the A27/A259 Fishbourne Roundabout, 600m west of the application site. The existing use of the site is B2, comprising 2,865sqm floorspace and provides 26 vehicle parking spaces.

8.12 Further information has been submitted during the course of the application to address the initial concerns raised by Highways England and WSCC on receipt of the application in early 2015. The latest Transport Note (May 2015) considers the traffic generation associated with the existing use and the proposed, to establish the impact on the A27 corridor, and the effects on the site and Terminus Road in terms of parking and access requirements. The transport assessment was prepared with two options in mind: option 1 for 5no B2/B8 units with mezzanines (2,117sqm) and option 2: 2no B2/B8 units with mezzanines (1,794sqm). Option 1 forms this application.

8.13 The transport note concludes that the proposed use would generate less traffic than the existing use during the AM and PM peak times. As such, the proposal would result in no significant change in the traffic pattern of the existing site and would have no material impact on the surrounding highway network, including the A27 corridor or A27/A259 junction. The development falls below the threshold for a Travel Plan (4,000sqm for a B2 category). Construction traffic necessarily needs to be evaluated and monitored, and this can be reasonably and justifiably addressed by condition.

8.14 These conclusions have been supported by Highways England, with the information sufficient to demonstrate there will be no material impact on the trunk road network. The strong recommendation for a construction management plan to be agreed prior to works commencing on site is capable of being sought and approved by condition in the event of approval.

Site access and parking

8.15 The Transport Note and supporting tracking and parking plans demonstrate the proposed development would meet current requirements and be a significant improvement compared to the existing site in terms of parking provision and servicing. Furthermore it is identified that a building of the size of the existing, for a B2 use, would generate a need using current requirements for 54 car parking spaces, whereas only 26 are provided. The proposed development is able to provide for its requirement of 53 spaces, and these include 20 spaces suitable for long wheel base commercial vans. The tracking plans on the proposed site plan shows larger delivery vehicles can access the rear of the site. Sufficient cycle parking to meet WSCC requirements, comprising 7no Sheffield stands for 14 bicycles, is also provided on the plans. Refuse servicing can also be accommodated using the proposed layout. The proposed arrangements therefore meet WSCC Highways requirements and would result in a net benefit over the existing arrangements, by ensuring all generated parking needs can be accommodated within the site boundaries.

8.16 The access onto Terminus Road is to be retained as existing, however WSCC recognise this access is poor in condition and will need to be provided to a good standard before first use, with safe pedestrian access. WSCC is satisfied these works are capable of being addressed by condition, and separate technical consents.

8.17 Based on the above assessment and related consultation responses, it is considered that the proposal would comply with policy 39 of the Local Plan. Conditions are

recommended to require the appropriate delivery of the access improvements, parking spaces and the submission of and adherence to a detailed construction management plan.

Environmental impacts

8.18 The site investigation report submitted with this application concluded that there were no significantly elevated levels of contamination which would pose a risk to receptors or future industrial end-users of the site. Nevertheless various recommendations were made in the report with respect to matters including removing discarded barrels and drums containing oil based liquids, recovering oil based liquids from the internal pits and carrying out additional gas monitoring at the site. These recommendations would need to be followed properly to avoid risk to people and the environment and can be secured by condition. A condition is also proposed to ensure the contamination verification reports are submitted and approved prior to first use of the units. The combination of the specific contamination remediation conditions and a detailed construction management plan covering environmental matters will be sufficient to result in a safe development that will comply with NPPF paragraphs 120-122.

8.19 A full flood risk assessment was not required due to the size, flood zone 1 location and industrial nature of the site. It is fundamental however that surface water is properly managed to avoid contamination of groundwater, drainage onto the highway, and ponding on site. To this aim, the redevelopment of the site offers an opportunity to review the drainage context of the site and deliver a scheme that is significantly better than the existing arrangement. It would be expected that the proposed drainage scheme would maximise the potential for infiltration drainage and would ensure climate change mitigation is built into the calculations. The full details can be appropriately sought and secured by condition, and will ensure compliance with Local Plan policies 40 and 42.

8.20 The site forms part of an established industrial estate with limited sensitive receptors nearby. It is proposed that setting appropriate hours of use, restrictions on external storage of materials, limiting noise disturbance from machinery or other equipment, and minimising external lighting can reasonably be secured by condition. It is noted that the applicants have sought flexibility in terms of hours of use, however the proposed restrictions echo those already in place for neighbouring premises along Terminus Road. Any requests to amend these restrictions to suit individual occupiers will be assessed on merit if amendments are required. These conditions will enable the proposal to comply with NPPF paragraph 123 and Local Plan policy 40.

8.21 It is expected that the reserved matters application(s) would demonstrate how the relevant criteria of Local Plan policy 40 will be met through detailed design, specifically, demonstrating the proposal will apply sound sustainable design and good environmental practices, sustainable building techniques and technology (criteria 4), minimise energy consumption and maximise the use of energy supplied from renewable sources (criteria 5), provide for suitable on-site waste reduction and recycling facilities (criteria 3) and include planting and surfacing that is adaptable to climate change (criteria 6). These matters can be confirmed as necessary through conditions.

8.22 With reference to the above, it is considered that the environmental impacts of the development can be satisfactorily controlled through conditions and the proposal will therefore comply with Local Plan and national policies and best practice in this regard.

Other matters

8.23 WSCC has confirmed there is no TAD infrastructure requirement due from this development. The development would be exempt under CIL as it is commercial development in the B use category.

Significant Conditions

8.24 Key conditions will include a construction management plan for highway and environmental impacts, contamination remediation works, drainage, access and parking requirements. A 40% restriction will be applied to any trade counters to ensure this function remains ancillary to the primary B2 or B8 use of the units. The appearance and landscaping of the development will be covered by subsequent reserved matters application(s).

Conclusion

8.25 Based on the above assessment, it is considered the proposal complies with development plan and national planning policies and supports economic development and sustainable growth of the local economy, through more efficient and effective re-use of an established industrial site in an accessible and practical location. There are no material environmental impacts. The application 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 when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT

- 1 U97638 - Time limit Outline
- 2 A04F Time Limit - Reserved Matters
- 3 U97680 - Plans
- 4 U97640 - Demolition and Construction Management
- 5 U97649 - Contaminated land
- 6 U97654 - Surface water drainage details
- 7 U97653 - Surface water contamination prevention
- 8 U97683 - Building size
- 9 U97693 - Sustainable design and construction
- 10 U97642 - Reconstruction of access
- 11 U97655 - Delivery of parking and turning spaces
- 12 U97656 - Cycle parking provided
- 13 U97675 - Waste and recycling
- 14 U97672 - Lighting
- 15 U97650 - Contamination verification report
- 16 U97651 - Storage of fuel oil or chemicals
- 17 U97659 - Use restriction incl trade counter
- 18 U97681 - Hours of use
- 19 U97691 - Machinery
- 20 U97679 - External noise restriction equipment
- 21 U97690 - Environmental effects
- 22 U97673 - No external storage

INFORMATIVES

- 23 U97663 - INF advert consent required
- 24 U97657 - INF PROW access
- 25 U97658 - INF WSCC consents
- 26 W36H Wildlife
- 27 W45F Application Approved Following Revisions

I

For further information on this application please contact Naomi Langford on 01243 534734

Agenda Item 9

Parish: Chichester	Ward: Chichester West
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CC/15/02466/DOM

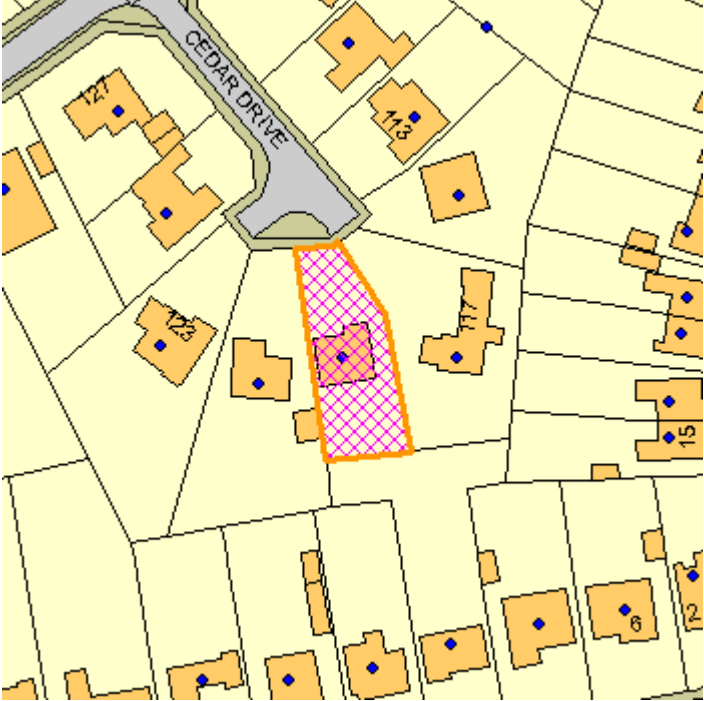
Proposal Demolition of existing garage. Construction of rear extension and replacement roof.


Site 119 Cedar Drive Chichester West Sussex PO19 3EL

Map Ref (E) 485321 (N) 104973

Applicant Mr And Mrs D Telfer

RECOMMENDATION TO PERMIT



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

Red Card: Cllr Plowman - important information/opinion to raise in debate regarding the height and larger bulk of the proposed dwelling, which would be a change to the current street scene.

2.0 The Site and Surroundings

2.1. The site is located at the end of a small cul-de-sac adjoining Cedar Drive, in a residential area within the Chichester Settlement Boundary. The cul-de-sac has a distinctive character of large, open front gardens and low bungalows, although there are some examples of higher, gable-ended chalet bungalows on the west side of the street. The neighbouring properties to the application site are 117 Cedar Drive, a shallow roofed bungalow with spacious rear garden, and 121 Cedar Drive, a higher chalet bungalow with gable ends, rear balcony and a large car port and garage on the boundary with the application site.

2.2 The existing dwelling is a red brick bungalow with a hipped concrete tile roof. The building features: an attached car-port and garage extension on the eastern side elevation; a rear conservatory, and; a small single-storey hip-roofed front extension. The site has a large front garden with vehicular access and several trees which marginally screens the main dwelling. There is a large rear garden of approximately 14 meters with two tree lines, one on the rear boundary and another half-way along the garden which splits the garden into two spaces.

3.0 The Proposal

3.3 Planning permission is sought to increase the ridge height of the roof and replace the hipped roof with gable ends to both side elevations. In addition the proposal includes a single storey pitched roof extension to the rear, in place of the existing conservatory, and the car port and garage extensions to the side would be removed.

3.4 The proposal has been amended during the course of the application and the proposed extensions and alterations would result in the dwelling being approximately 6.85 m (h) x 10.3 m (w) x 14.7 m (d).

4.0 History

There is no relevant history.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Ord	NO
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

No objection

6.2 3 letters of objection have been received in respect of the amended plans, one of which was co-signed by five neighbours in the cul-de-sac, concerning the following matters;

- a) potential overlooking concerns for neighbours to the rear (Nos. 10 and 12 Beech Avenue).
- b) the height of the proposed development.
- c) massing of the pitched roof to the front elevation.
- d) use of a specific interlocking roof tile manufacturer ("Redland") for the existing dwellings.

6.3 5 letters of objection were received in respect of the original proposal concerning the following matters;

- a) potential overlooking concerns for neighbours to the rear (Nos. 10 and 12 Beech Avenue).
- b) the height of the proposed development.
- c) the predominance of bungalows in the original street scene.

6.4 Applicant/Agent's Supporting Information:

In support of the proposal, the applicant has advised that the submission seeks to provide accommodation for a retiring couple and their parents with room for work and family visits. The proposals would not intrude on the garden and would aim to provide a high quality, individual home.

7.0 Planning Policy

The Development Plan

The Development Plan for Chichester District outside the South Downs National Park comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no neighbourhood plan for Chichester at this time.

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 10: Chichester City Development Principles
- Policy 33: New Residential Development

National Policy and Guidance

7.2 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay.

7.3 Consideration should also be given to paragraph 17 (Core Planning Principles), together with Section 7 in its entirety.

Other Local Policy and Guidance

7.4 The following Supplementary Planning Guidance is material to the determination of this planning application:

PGN3: Design Guidelines for Alterations to Dwellings and Extensions (September 2009)
Chichester Conservation Area Character Appraisal

7.5 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment
D3 - Housing fit for purpose

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and the impact upon visual amenity
- iii) Impact upon the amenity of neighbouring properties

Assessment

i) Principle of development

8.2 The application site is located in the Chichester City Settlement Boundary Area and is located in a primarily residential area. As such under Policy 2 of the Local Plan the principle of extending and altering this dwelling for residential purposes would be acceptable, subject to the relevant material considerations.

ii) Design and the impact upon visual amenity

8.3 The site lies in a prominent location at the end of the cul-de-sac. The site is visible from Cedar Drive although it is partially screened by individual, tall trees and high boundary hedging at the front on the Western side. The site is narrow, but quite long, and the dwelling is sited almost centrally within the plot. The proposal would increase the scale of the dwelling, with the height of the dwelling increasing from 5.95m to 6.85m and the provision of a wider roof form due to the provision of gable ends. However, the gable roof would screen the proposed extension at the rear, thereby reducing the visible massing of the proposed extensions when viewed within the streetscene.

8.4 The existing dwelling is wide and low, similar to the neighbouring properties on the east side of the cul-de-sac. The proposed development would provide a higher gable roof, however this roof form would link visually with the neighbouring properties to the western side of the street, which are of a similar height to the proposal with dormers to the front and rear.

8.5 The ridge height would be marginally higher than the dwelling to the West, which is approximately 6.6m high. This 300 mm difference would not appear significant within the streetscene. It is therefore considered that the proposed increase to the ridge height of the

application dwelling and the provision of gable ends would not be harmful to the street scene due to the relationship between the property and the dwellings to the West, the proposed pitch of the roof sloping away from the street and the design, matching local guidance on form and scale of the building and dormers.

8.6 Small pitched roof dormers would be provided to the front and rear of the proposed roof. These dormer windows meet the design principles set out in Planning Guidance Note 3, and they break up the massing of the proposed roof. It is therefore considered that the dormer windows would have a positive effect upon the overall design of the proposed development, and they would not detract from the visual amenity of the street scene. The removal of the garage on the western boundary would create some space between properties and would reduce the width of the dwelling when viewed from the street scene. This aspect of the scheme would therefore reduce the density of the development, which would benefit the appearance of the site and its surroundings.

8.7 Policy 33 relating to new residential development requires that proposals respect and where possible enhance the character of the site in its setting and respect the surrounding area. The proposal would respect the form and appearance of similar dwellings within the street scene, and the design and scale of the proposed extensions and alterations would not as a result detract from the visual amenity or character of the locality. Therefore the proposals accord with national and local planning policies in this respect.

iii) Impact upon the amenity of neighbouring properties

8.8 The proposed development is adjacent to four neighbouring properties. To the south are two large two-storey dwellings on Beech Avenue. To the east of the application site is a large but low roofed bungalow in a large site with 1.8m high hedging to the side and rear. To the west is a chalet bungalow with rear balcony, and a shed, garage and canopied parking area on the boundary with the application site.

8.9 The dwellings to the south benefit from some screening from the proposed development from trees along the boundary in two lines giving minimal views into the properties' amenity spaces from the site. The proposed rear extension would add a dormer window serving a bedroom, however there would be a distance of over 37 m between the proposed rear elevation and the neighbouring dwellings to the south. This is in excess of the distance recommended in Planning Guidance Note 3 for rear-facing development. As such it is considered that the proposal would not unduly impact the amenity or privacy of these neighbouring properties.

8.10 The dwelling to the east is partially screened from the application site by a hedge approximately 1.8m in height. The proposed demolition of the garage to the side would increase the distance between the dwellings to approximately 7.5m. The proposed rear extension would be adjacent to the neighbour's patio doors; however the extension would not breach the 60 degree angle taken from the patio doors recommended in local Planning Guidance Note 3. The hipped roof would greatly reduce the potential overshadowing impact of the extension. There would be no overlooking from the ground floor windows facing this neighbouring property due to the screening between the sites, and no first floor windows are proposed on the east elevation of the proposal. . For these reasons it is not considered that there would be any unacceptable impact as a result of loss of light, overlooking or being overbearing.

8.11 The dwelling to the west is well screened from much of the proposed development due to screening provided by the location of its own car port which runs along the side of the

main dwelling, the pitched roof garage to the rear and trees along the boundary of the rear garden. As a result the ground floor windows would not result in overlooking and the first floor window facing the neighbouring property to the west would be an obscure-glazed stairwell window ensuring that this window would not be unneighbourly

8.12 For these reasons it is considered that the proposal would not result in harm to the amenity of neighbouring properties. As such the proposed development would comply with the relevant aspects of Local Plan Policy 33 and is acceptable in respect of the relationship with neighbouring properties and the amenity of these properties.

Significant Conditions

8.13 It is recommended that the proposed window on the Western elevation would remain obscure-glazed and non-opening in the interests of protecting the amenity of the neighbouring property.

Conclusion

8.14 Based on the above, the design, layout and scale of the proposed development are considered to comply with development plan policies 1 and 33 and therefore the application is 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 when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT

- 1 A01F Time Limit - Full
- 2 B01G No Departure from Plans
- 3 F02F Materials to Match Existing
- 4 H08G Obscure Glazed Windows

INFORMATIVES

- 5 W01F Disclaimer - Other Consents
- 6 W45F Application Approved Following Revisions

For further information on this application please contact Paul Hunt on 01243 534734

Agenda Item 10

Parish: Chidham & Hambrook	Ward: Bosham
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CH/15/02332/FUL

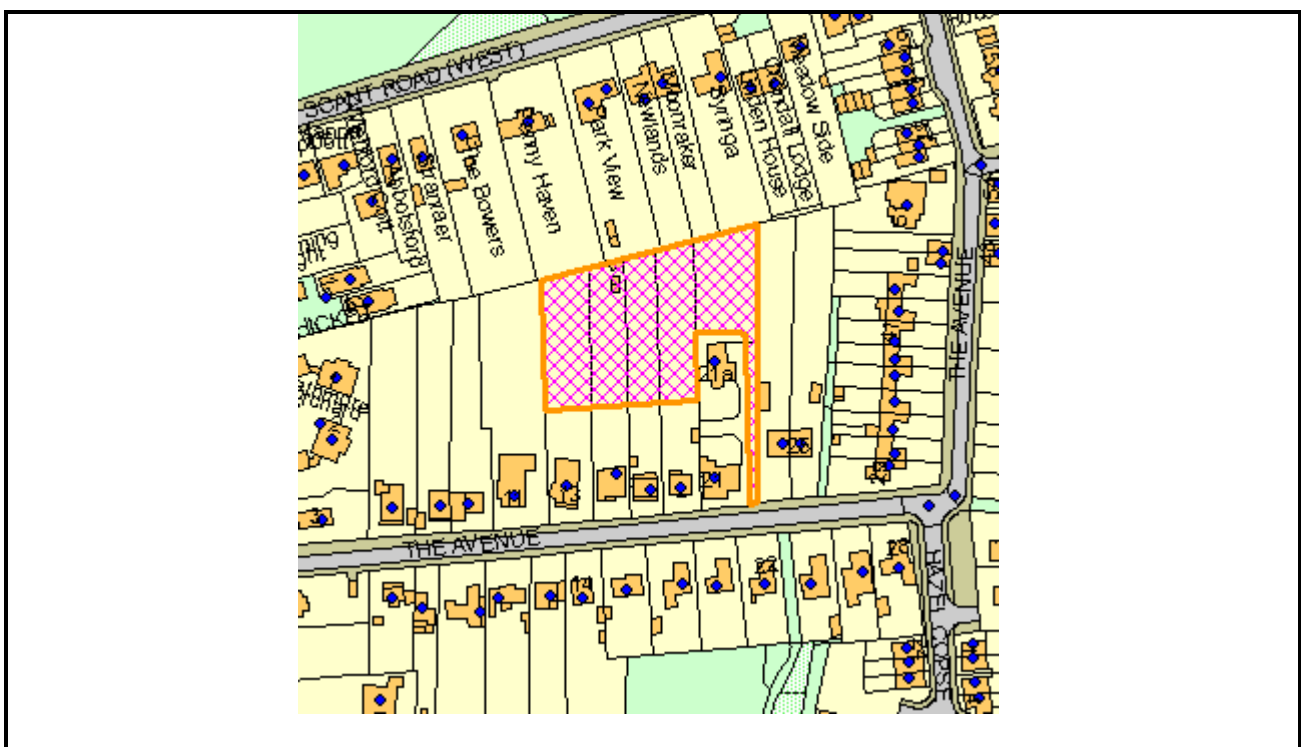
Proposal Erection of 6 no. dwellings and associated works.


Site Land North of The Avenue Hambrook Chidham PO18 8TZ

Map Ref (E) 478949 (N) 106496

Applicant Mr Stuart Wilson Wilson Designer Homes

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site lies on the northern side of The Avenue, a residential street within the village of Hambrook/Nutbourne. The site lies in a backland position to the north of The Avenue, and is surrounded by residential development which comprises a mix of 1 and 2 storey dwellings. The site forms an area of approximately 0.32 ha and currently comprises the gardens of 5 properties.

3.0 The Proposal

3.1 Planning permission is sought for the construction of 6 dwellings; comprising of 1 x 2-bedroom dwelling, 2 x 3 bed-room dwellings and 3 x 4-bedroom dwellings. There would be 1 pair of semi-detached dwellings and 4 detached dwellings.

3.2 Each of the dwellings has been individually designed and therefore the sizes of the dwellings would vary. The proposed detached dwellings would measure between 8.2m and 8.4m in height, between 9.6m and 12.4m in width, and between 11.5m and 12.5m in depth. The pair of semi-detached dwellings would be similar in scale to the detached properties; the maximum dimensions of the dwellings combined would be 8.3m (h) 11m (w) x10m (d).

4.0 History

05/02412/FUL	PER	Erect detached house and car port.
06/02373/FUL	REF	Erect 2 no. three bedroom houses.
06/04801/FUL	REF	Demolish existing garage and two storey side extension, erect 2 no. three bedroom houses.
06/05551/OUT	REF	Erection of 4 no. dwellings with access between 13 and 15 The Avenue.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Ord	NO
South Downs National Park	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
Objection

1. The proposal is contrary to both the recently published Chidham & Hambrook Neighbourhood Plan and the recently adopted Chichester Local Plan.
2. From the start of 2014 to date, planning permission for 86 houses has been granted and a further 145 houses are currently subject to appeals against refusal of planning permission. In addition, there are planning applications for 51 houses still to be determined. The above figures are well above the indicative housing number of 25 for Chidham & Hambrook for the period 2014 2029 specified in the adopted Local Plan.
3. The proposal contravenes point 3 in Policy 2 of the Local Plan in that the Parish infrastructure is completely unable to support the proposed development.
4. There is a deficiency in primary school places, public transport, primary care, dental & medical care facilities and food & farm shops. In addition, there is very little local employment. The proposed development would be unsustainable and therefore in direct contravention of the National Planning Policy Framework and Point 2 of Policy 3 in the Local Plan.
5. Hambrook PO/Store, the only shop within a reasonable walking distance, offers only a small selection of very basic goods. Most facilities are at least some two miles distant and access to them would require travel by car or bicycle or on foot to the railway station (0.5 mile approx.) or the bus service on the A259 (0.75 mile approx.). There is no public bus service through Hambrook.
6. The existing facilities for wastewater disposal are inadequate. Southern Waters Thornham Treatment Works cannot cope with existing demand and is, therefore, unable to meet increased demand. Local Parish Councils have combined to submit a formal complaint to Ofwat.
7. Residents of The Avenue are currently experiencing difficulties with wastewater disposal, with sewage backing up in toilets. New sewage pipes were installed in Scant Road and Broad Road a few years ago but not in The Avenue.
8. Local residents are also experiencing difficulties with surface water. Significant rainfall regularly results in flooded gardens and it is clear that the proposal for the surface water drainage to mimic the natural drainage is misguided, to say the least.
9. The proposal is for backland development in the rear gardens of the properties numbered 13 to 21 The Avenue. This undesirable garden grabbing is intrusive and unneighbourly for the neighbours of the site. Councils were given some years ago the power to reject planning applications for new dwellings on garden land that ruin the character of the area and to which local residents object. Certainly, many residents have objected to this application.
10. The proposed access to the envisaged 6 new homes is along a long driveway between existing properties 21 and 23 The Avenue. This plan is both impracticable and hazardous. The visibility splay at the junction of the driveway and The Avenue is inadequate. Drivers entering/leaving the development would have a very restricted view of traffic and pedestrians due to vehicles, including large vans, being parked on a regular basis either side of the proposed access. In addition, cars would have great difficulty passing each other safely in the access driveway.

11. The Substitute Plan entitled Proposed Refuse Vehicle Access and dated 21 August 2015 is unreasonably optimistic. It assumes that a significant length of both sides of The Avenue, either side of the narrow access to the site, will be clear of parked vehicles when refuse vehicles, removal vans, etc attempt to gain access.

12. Any attempt to impose a Transport Regulation Order in respect of the parking of cars and vans on the highway near or opposite the access would only serve to transfer the parking problem to another part of The Avenue. It must be emphasised here that The Avenue has a very narrow carriageway, only 5 metres in width and a relatively high density of private driveways. The current parking situation often forces drivers traveling along The Avenue to slalom between parked vehicles. In summary, the proposed development is un-neighbourly, unsustainable and inadequate in several other respects.

The Parish Council recommends REFUSAL of the Application

6.2 - WSCC - Local Development Division

No highway safety or capacity concerns would be raised to this proposal. Recommend conditions to control access road, cycle parking, garages, vehicle turning and parking and visibility splays of 2.4m x 59m.

6.3 - CDC – Environment Officer

No objection - recommends condition regarding timing of vegetation clearance and lighting scheme to minimise the impact upon bats.

6.4 - CDC - Drainage Engineer

23/10/2015

I have been passed further information from a colleague detailing an earlier survey of the ditch. There are various locations where flow would be interrupted, including a high level culvert. I would suggest that there is an opportunity to improve flow towards Broad Road, which would hopefully reduce garden flooding in the area, crucial as it is gardens that are proposed to be built on. The flow from the attenuation tanks is towards an existing headwall proposed to be in a private garden, it would be preferable to have this in a shared location for access purposes. With regards to an easement, three metres is suggested on one side as this would allow an excavator or similar to access alongside the ditch. It is assumed that gardens on the opposite bank have some access also. Storage and maintenance details appear fine other than this.

26/08/2015

Infiltration is not possible according to the Opus document stating that groundwater rises once the impermeable clay down is perforated through to the sandy layer beneath. This means that infiltration will not work into the clay soil, and any attempt to discharge to the sandy layer will lead to storage being compromised by groundwater.

The applicant must demonstrate that the receiving watercourse can flow with a fall downstream, and this may include works outside of the application area to ensure the good condition of this watercourse prior to development. The ditch should be desilted to the hard ditch bed.

The development itself must not interfere with any existing surface water drainage or other services within the existing gardens, and appropriate easements must be given.

Calculations should be provided demonstrating that the tanked permeable paving system can store the 1 in 100 year storm event plus 30%, discharging to the watercourse at greenfield runoff rate. Condition required, percolation testing and groundwater monitoring not required due to the need for a tanked system. Watercourse levels to be monitored so that any outlets to the ditch are not surcharged in winter.

A three metre easement is required for access and maintenance to the watercourse. Condition required.

A maintenance manual is required for the surface water drainage system, detailing costs, frequency and type of maintenance and responsible parties.

6.5 CDC – Contracts Services

No objection. Individual properties would require one waste and one recycling bin. Attention should be paid to size, weight and turning circle of freighters and access constructed to meet these requirements. Recommend that parking restrictions are put in place to ensure that the visitors do not block the access road. The collection points should be outside the front of the property.

6.6 21 Third Party Objection letters have been received concerning the following matters;

- a) Lack of infrastructure and amenities
- b) Foul drainage
- c) Noise and disturbance
- d) Regard should be had to neighbourhood plan to allow 25 dwellings
- e) Overdevelopment
- f) Traffic and parking
- g) Flooding
- h) Impact upon wildlife
- i) No over-riding need due to 5 year housing land supply
- j) Loss of privacy
- k) Access for emergency vehicles
- l) Extent of piped ditch incorrect

Applicant/Agent's Supporting Information

6.7 During the course of the application the applicant has sought to submit additional information to address the concerns of consultees, including the submission of an amended swept path analysis and further information about the proposed surface water drainage system.

7.0 Planning Policy

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan: Key Policies 2014-2029 and all adopted neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan (NP) is at examination and therefore has significant weight.

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

Chichester Local Plan: Key Policies 2014-2029 (CLP)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 48: Natural Environment
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

National Policy and Guidance

7.3 Government planning policy comprises the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means unless material considerations indicate otherwise development proposals that accord with the development plan should be approved without delay.

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), together with Sections 6, 7, 10 and 11 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.6 The emerging Chidham and Hambrook Neighbourhood Plan has been formally submitted to the District Council and is currently being consulted upon prior to examination and therefore carries some weight.

7.7 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

- B1 - Managing a changing environment
- D1 - Increasing housing supply
- D3 - Housing fit for purpose

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and sustainability
- ii) Design and impact upon character of the surrounding area
- iii) Impact upon amenities of neighbouring properties
- iv) Drainage
- v) Highway safety
- vi) Arboricultural implications
- vii) Ecological considerations

Assessment

i) Principle of development and sustainability

8.2 The site is within the Settlement Boundary of Hambrook/Nutbourne which is identified as a Service Village; a sustainable location for small scale development outside of Chichester City and the Settlement Hubs where, in accordance with Policy 1 and Policy 2 of the Local Plan there is a presumption in favour of sustainable development. This is consistent with Paragraph 14 of the NPPF which establishes a presumption in favour of sustainable development in such a location, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.3 The Chidham and Hambrook Neighbourhood Plan (NP) is an emerging plan which carries weight having been consulted upon and being at examination. The NP seeks to allocate sites for 25 dwellings, in line with the identified need in the CLP. However the identified need within the CLP does not constitute a maximum number of dwellings, and further development within settlement boundaries should be considered in light of the presumption in favour of sustainable development and other relevant policies within the Development Plan. Identifying and delivering windfall sites is also an important element of ensuring that the Council meets its identified housing needs. This is consistent with Policy LP1 of the Neighbourhood Plan which states that “development of 10 units or fewer in windfall sites will be supported”.

8.4 It is acknowledged that previous applications for development on parts of the site have been refused by the Local Planning Authority in the past. These include those listed in section 4 above. However, it is considered that the schemes considered previously by the Local Planning Authority are not comparable to the current proposal. Planning application CH/06/0551/OUT for the erection of 4 no. dwellings with access between 13 and 15 The Avenue was refused for a number of reasons, including that it would “*constitute unsatisfactory piecemeal development, poorly related to the existing housing in the area and also to other residential proposals before the Local Planning Authority, of an unacceptably low density, poorly served by backland access arrangements, and would prejudice the development of the area to the rear of the dwellings on the north side of The Avenue in a comprehensive manner to provide a mixed development of high quality*”. Permission was also refused for a pair of semi-detached dwellings on land in the north east corner of the site (CH/06/04801/FUL) for similar reasons; prejudicing future development and poor design as a result of excessive hardstanding.

8.5 In conclusion, the application site lies within in a settlement which is identified as being an appropriate and sustainable location for small scale development. The proposal

represents a small scale yet relatively comprehensive scheme which would overcome the previous concerns of preventing a larger scale, more comprehensive scheme coming forward within this built up area. It is therefore considered that the principle of the development would be acceptable, subject to all other material planning considerations.

ii) Design and impact upon character of the surrounding area

8.6 Section 7 of the NPPF requires good design that improves the overall quality of the area and policy, with Paragraph 56 of the NPPF stating that "good design is indivisible from good planning". Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site.

8.7 The proposed development would be served by an existing access serving 21a The Avenue, a 2 storey detached dwelling situated in a backland position to the north of The Avenue. The application would continue this development to the rear of properties fronting this road, resulting in development within a backland position. Other forms of similar development within the vicinity afford the area a similar character. Whilst backland development may not always be suitable within linear patterns of development, no such overriding character exists in this location that would suggest that the proposal would be out of keeping or unacceptable in relation to impact on the surrounding character.

8.8 The rear gardens of the existing properties forming the application site are substantial; being approximately 60m to 75m in depth and 11m to 14m in width, albeit the plot belonging to 21 The Avenue (at the eastern end of the site) has already been subdivided. Whilst there are a number of properties with similar sized plots, there are also a significant number of properties within the residential block formed by The Avenue, Scant Road (West) and Broad Road that are afforded with rear gardens approximately 8m to 15m in depth, and a smaller number of properties with even smaller rear gardens, approximately 5m in depth. As such, there is a presence of smaller plots within close proximity of the application site, which would not be dissimilar to the size of gardens provided within the proposed development and which directly informs the local character.

8.9 There is also an eclectic mix of housing sizes, styles and forms ranging from large detached dwellings to semi-detached and terraced properties including 2 storey, single storey and chalet bungalows in close proximity of the site. There are several examples of other backland developments close to the site, including 2 developments providing 4 dwellings to the west off Broad Road and 4 further developments off The Avenue ranging in size from group of 2 properties to 23 properties to the east of the site. As such, the presence of back-land developments and small cul-de-sacs to the rear of the properties fronting The Avenue exists in the area and forms part of the context of the site.

8.10 The proposed development would wrap around the existing dwelling (21a) to the north east and to the west, providing a pair of semi-detached dwellings in the north east corner of the site and 4 detached dwellings to the west of the existing property. As a result the view along the access drive would remain largely unchanged, with the provision of a boundary treatment with landscaping to the front and a garden beyond. Apparent only as glimpses through gaps in the existing dwellings fronting on to The Avenue, the remaining dwellings would be largely screened by the existing residential development. As such, it is considered that whilst the proposal would result in a backland form of development, this would not be contrary to the varied form of development within the surrounding area and would not be harmful to the character and appearance of the locality.

8.11 The dwellings have been individually designed to ensure that the development would have a varied and more organic appearance that would incorporate appropriate architectural detailing and materials including bay windows, headers above the windows, chimneys, timber windows, clay roof tiles and natural slate roofs, plus a mix of brick, hung tiles and flint work to the elevations. The development would provide a high quality development that would reflect the local vernacular and would make use of local materials to ensure that it would integrate into this varied character of the locality.

8.12 It is considered for the reasons set out above that the proposed development would not be harmful to the character and appearance of the surrounding area given the eclectic mix of development in the locality, including back land development, and the quality of the proposed design and appearance of the buildings.

iii) Impact upon amenities of neighbouring properties

8.13 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the Local Plan seeks to provide high quality living environment in keeping with the character of the area and protect neighbouring and public amenity.

8.14 The application site has been laid out to ensure sufficient distance between the proposed and existing properties is maintained to ensure that the proposal would not result in an unacceptable degree of overlooking. The rear gardens of the proposed dwellings would range in depth from 11m to 13.5m and the fenestration of the buildings would be sensitively located to ensure that only landing/bathroom windows are located on the side elevations of the properties.

8.15 Due to the distance between the proposed dwellings and neighbouring properties the proposal would also not give rise to a loss of light and would not have an overbearing impact upon the neighbouring properties. Concerns have been raised regarding noise and disturbance from the increased activity; however it is considered that the plots would be of a sufficient size to ensure that the occupation of the dwellings would not be unneighbourly, within the residential context of the area. In addition, the existing long gravel driveway would be replaced with a non-migratory material, thereby reducing the noise implications of vehicles entering and exiting the site along the access drive. Also there is a strong planted boundary with the dwelling to the east which would provide a buffer between the access and the neighbouring property. The proposal would therefore accord with policy in respect of its impact upon the amenities of neighbouring properties.

iv) Drainage

8.16 A number of third party objections have been received expressing concern with regard to drainage and flooding in the local area. The application site lies in Flood Zone 1, the area least at risk of flooding, and therefore flood risk would not normally be a constraint to development. However, the technical information submitted with the application demonstrates that infiltration of surface water would not be a suitable means of drainage and instead a tanked system would be required.

8.17 During the course of the application the Council's drainage engineer has requested additional information regarding the condition of the watercourse along the northern edge of the site to which the system would drain. This is to ensure that the site is capable of being drained suitably, subject to receipt of appropriate technical details that would normally be

secured by condition. The ditch drains to the west, and the ditch section adjacent to the site is in a good condition. The information submitted indicates that whilst some parts of the ditch have been piped, and it was not possible to inspect the entire length of the ditch, the areas inspected were in a good condition and the piping is fully operational and of adequate capacity. The applicant has also confirmed that the necessary easement of the existing ditch would be maintained.

8.18 The Council's drainage engineer has considered the additional information submitted and advised that there is an opportunity to improve flow towards Broad Road to prevent the flooding of gardens, and which is necessary since the proposal would result in dwellings being built on the gardens. At present the flow from the storage tanks would be to an existing headwall that would lie within a private garden and it is recommended that this be re-located to a shared location for access purposes. However, the drainage engineer has confirmed that the proposed storage, maintenance and easement details are acceptable.

8.19 The submitted plans indicate that it would be possible to locate the head-wall adjacent to the public open space or turning head and therefore this would enable access to the headwall for maintenance if necessary. It is therefore considered that subject to conditions requiring full details of the proposed drainage system, including off-site works, ground water monitoring and percolation tests to be carried out it is considered that the proposal would adequately manage surface water drainage without flooding occurring on the site, or the surrounding sites. The proposal therefore accords with policy 42 in respect of flood risk and water management.

8.20 Concerns have been raised regarding foul drainage in the area, however there is capacity at the Thornham Wastewater Treatment Works to meet the demands of the development. Furthermore, a condition is recommended requiring details of the proposed foul drainage to be submitted in order to ensure that the foul drainage system would be appropriate for the development.

v) Highway Safety

8.21 The Highway Authority has advised that the information submitted demonstrates adequate access and visibility would be provided, the access would be widened to 4.8m for the first 15m, reducing to 4.1m with 2 speed reduction built-outs further reducing the access width to no less than 3.1m. The swept path analysis demonstrates that large service vehicles would be able to negotiate the access and the site, ensuring that it would be compliant with Manual for Street Section 6.7 in respect of emergency access guidance and servicing by large vehicles.

8.22 The Highway Authority has commented that the proposed development would provide parking for 15 spaces, however the parking calculator generates a need for 16 spaces. In addition, the garages as originally proposed did not provide a 3m x 6m internal measurement required to meet West Sussex County Council's standards. Amended plans demonstrate that there would be sufficient space to provide the 16 spaces required and the garages would meet the County Council's standards. The proposal would therefore meet the parking requirements for the development and would not result in pressure to park within the development or on The Avenue.

8.23 The applicant has provided a plan showing the tracking of the Council's refuse vehicle demonstrating that the vehicle can enter and exit the site in a forward gear with suitable turning being provided within the development. The Council's Waste Service Officer has commented that it would be necessary to ensure the access road is not blocked by vehicles

parked on the access. It is therefore recommended that a condition be imposed requiring the turning area to be kept free for that purpose in perpetuity.

8.24 Having regard to the considerations outlined above and subject to conditions, the proposed development would provide suitable access, parking and turning arrangements and appropriate visibility to ensure that the proposal would not have an adverse impact upon the safety or function of the highway network, and appropriate access would be provided for emergency vehicles and refuse management vehicles. The proposal is therefore acceptable in respect of these matters.

vii) Arboricultural implications

8.25 There are several trees and hedgerows within the site and the application is accompanied by an Arboricultural Assessment and a Landscape Strategy Plan. The proposed development would not result in the loss of any mature trees around the edge of the site, instead the removal of vegetation would relate primarily to the removal of smaller or poor quality trees and hedgerows within the gardens. There is also a need to prune small branches of a Holm Oak to provide maintenance and reduce the potential for overhanging, these works would not affect the health of the tree. In addition, the assessment includes a Tree Protection Plan, which includes the use of protective fencing, no change to land levels within root protection areas, no storage of materials within 20m of any tree to be retained and no fires within 5m of any trees or hedgerow.

8.26 The Landscape Strategy Plan demonstrates that the existing mature trees would be supplemented with the planting of native trees and hedgerows along the front of each plot with an area of greenspace being seeded with a wildflower species rich grass and a feature native tree. The proposed landscape would be appropriate for the location, although a condition is recommended to ensure that the proposed trees would be suitable and of an appropriate size when planted.

8.27 The trees around the edge of the site are of high importance and their retention would need to be controlled though conditions outlined above. However the loss of the trees within the site would not be harmful to the amenity of the area, and in time the proposed planting within the site would develop to provide growth of a similar size that would benefit the area.

8.28 It is considered that subject to the development being carried out in accordance with the assessment submitted that the proposal would not have an adverse impact upon trees and the indicative planting strategy would be appropriate for the proposed development and the amenity of the surrounding area.

vii) Ecological considerations

8.29 The application site lies within the 5.6km zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA) and therefore the proposal is likely to have a significant impact upon the SPA as a result of recreational disturbance. The applicant has agreed to mitigate this impact by paying a financial contribution towards the joint mitigation strategy in accordance with policy 50 of the Local Plan.

8.30 In respect of the impact of the development upon ecology within the site consideration has been given to a Preliminary Ecological Assessment and a Day Time Bat Survey of Trees submitted with the application. The survey found no evidence of protected species on the site, and although the trees and hedgerows within the site provide suitable foraging and commuting habitat for bats there is higher quality habitat located within the surrounding area,

and therefore the partial loss of this habitat would not have a significant impact upon bats. It was also found that the site provided a suitable habitat for hedgehogs and therefore suitable protection measures should be carried out during the construction phase of the development.

8.31 The Council's Environment Officer has advised that there is no objection to the proposed development in respect of the impact upon protected species and biodiversity. It is recommended that a condition be imposed ensuring that the proposed development is carried out in accordance with the recommendations of the surveys submitted and also that any lighting scheme minimises the impact upon bats using the trees and hedgerows and also that trees or vegetation clearance should be undertaken outside of the bird breeding season only.

Significant Conditions

8.32 It is recommended that conditions are imposed to control the proposed materials and window details given the sensitive nature of the site. Conditions are also proposed to ensure the proposed refuse and cycle storage is provided in accordance with the details submitted, a construction management plan is submitted to minimise disturbance to the neighbouring properties and the highway network during construction, the proposed surface water drainage scheme would meet the technical requirements of the site, the necessary tree protection and ecological protection measures are implemented in accordance with the details submitted and further details of the proposed landscaping to include the tree species are submitted. In addition it is recommended that permitted development rights are withdrawn, full details of the proposed surfacing materials across the site are submitted and agreed to ensure that the construction would be appropriate and all parking and turning areas are retained in perpetuity

Conclusion

8.33 Based on the above assessment of the material planning considerations it is considered the proposal complies with development plan policies 1, 2, 5, 33, 39, 42, 49 and 50, and therefore the application is recommended for approval.

Human Rights

8.34 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 DEFER FOR SECTION 106 THEN PERMIT

- | | |
|----|---------------------------------------|
| 1 | A01F Time Limit - Full |
| 2 | U97684 Approved Plans |
| 3 | U97686 Materials |
| 4 | U97699 Surface water drainage |
| 5 | U97700 Drainage ditch easement |
| 6 | U97701 Construction of access |
| 7 | U97702 Parking spaces |
| 8 | U97703 Turning |
| 9 | N34F Bin Storage/Secure Cycle Parking |
| 10 | U97704 Tree protection measures |

- 11 U97705 Landscaping
- 12 K02G Landscaping
- 13 U97706 Ecological Protection Measures
- 14 U97707 No extensions or alterations
- 15 U97709 Surfacing materials
- 16 U97710 Screen walls/fences
- 17 U97711 Construction Method Statement

INFORMATIVES

- 1 W02F S.106 Agreement
- 2 W44F Application Approved Without Amendment

For further information on this application please contact Fjola Stevens on 01243 534734

Parish: Tangmere	Ward: Tangmere
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TG/15/02310/OUT

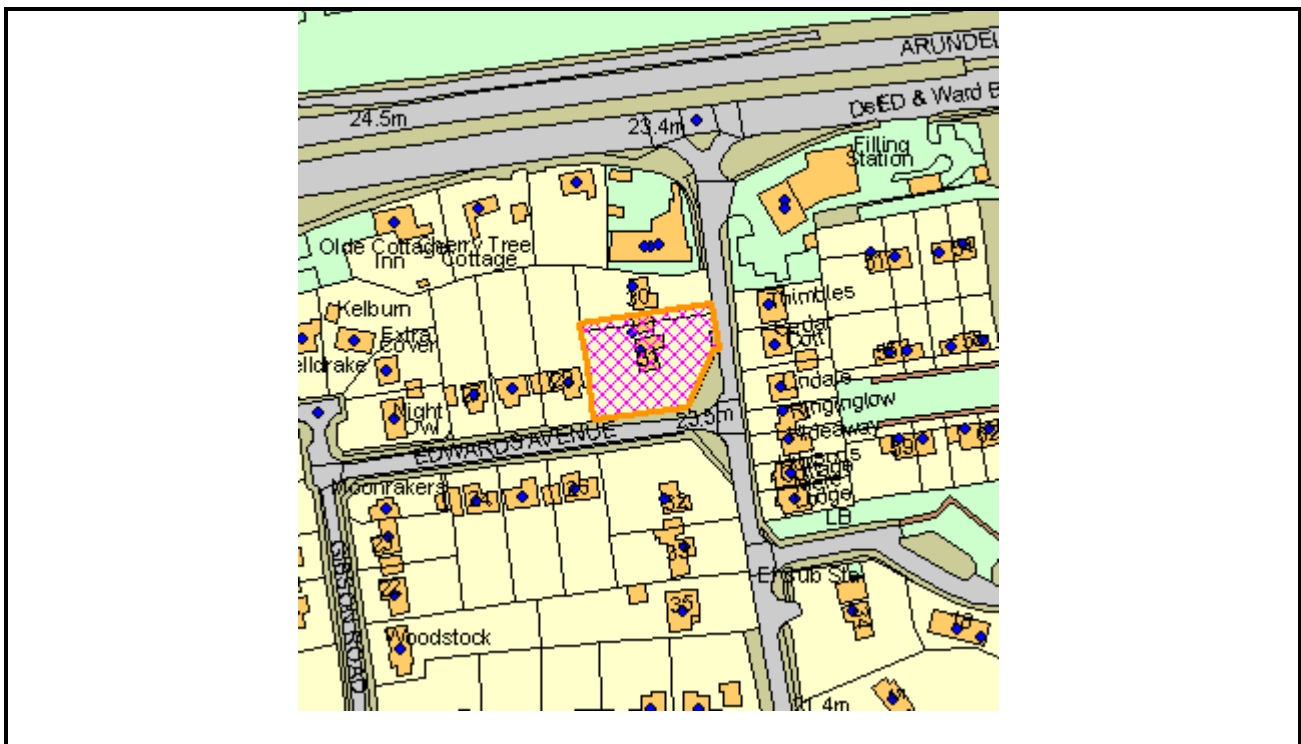
Proposal Construction of 3no. dwellings and associated works.

Site 31 Tangmere Road Tangmere West Sussex PO20 2HR

Map Ref (E) 490413 (N) 106874

Applicant Mr & Mrs Weil

RECOMMENDATION TO DEFER FOR S106 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

Parish Objection - Officer recommends defer for S106 then Permit

2.0 The Site and Surroundings

2.1 The application site lies on the western side of Tangmere Road, which extends from the centre of the village northwards, eventually joining the A27. The site is surrounded by residential development which is predominantly 2 storey in nature; however there are 3 chalet bungalows nearby, which are located on the eastern side of Tangmere Road.

2.2 At present the site is occupied by a single detached dwelling with a detached double garage vehicular access is served from Tangmere. The site is bounded by a high evergreen hedge to the south and east, with fencing to the west and northern boundaries. The site on land raised above the level of Tangmere Road to the east, the driveway and garden slope up toward the house, however the ground levels are consistent with Edwards Avenue to the south.

3.0 The Proposal

3.1 Planning permission is sought for the construction of 3 dwellings; a pair of 3-bedroom semi-detached dwellings (plots 1 and 2) and a 4-bedroom detached dwelling (plot 3). The access and layout of the site and the scale of the buildings are to be considered at this stage. The appearance of the buildings and landscaping of the site would be the subject of a later reserved matters application.

3.2 The proposed semi-detached dwellings would measure approximately 8.1m (h) x 6m (w) x 10.5m(d) with a single storey element 4.5m in depth to the rear. The proposed detached dwelling would measure approximately 8.1m (h) x 10.45m (w) x 12m (d) with a single storey element 3.5m in depth to the rear. The proposal would include a detached double garage to serve the detached dwelling which would measure approximately 2.4m (h) x 6m (w) x 6m(d).

4.0 History

94/01224/DOM

PER

Two storey side extension, single storey rear extension and new access drive.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Ord	NO
South Downs National Park	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
Objection

1. No planning application notices have been sited around the property to alert the community of this proposed development.

2. A search on line of Chichester Observer did not reveal the planning application.

3. Traffic concerns:

a) Tangmere Road is a busy thoroughfare. This proposal adds more cars manoeuvring close to the major junction, the exit from the ESSO garage. Customers for the 2 businesses on the junction of Tangmere Road with the A27 park their cars just beyond this proposed development, adding to the poor visibility and danger for drivers entering Tangmere Road from the A27 and those leaving the garage exit. There is also added risk for those using the cycle path which crosses Tangmere Road at this point.

b) Edwards Avenue is a narrow road. Residents from the houses on Tangmere Road already use this street to park their cars overnight and at weekends. During the day employees and customers of the Architectural Salvage and Joinery businesses at the junction of Tangmere Road with the A27 park their cars along the hedge abutting the proposed detached house. As the double garage entrance is proposed to be in Edwards Avenue, this will move the parked cars either closer to the Tangmere Road junction or further along Edwards Avenue. This will cause issues for the residents as the road is narrow. There is a significant amount of road furniture in the shape of telegraph poles and street lights, plus drive entrances and cars will undoubtedly encroach on the pavements and grass verges causing damage and inconvenience.

c) Residents are already aware of incidents where bin lorries and delivery vans have not been able to access Edwards Avenue from Tangmere Road because of non-residential parked vehicles.

4. The present property is attached to the original RAF sewage system, as are the rest of the RAF housing in this block. The piping is narrow and problems occur periodically because of this. Adding two more properties into this old narrow sewage system will only add to the risk of future problems and distress to those affected when sewage leaks into their gardens as has happened on several occasions in the past.

5. Destruction of mature trees and hedging planned in the building of these properties will Adversely affect the visual appearance of Edwards Avenue.

6.2 - Environment Agency

There is no remaining consented capacity at Tangmere Wastewater Treatment Works (TWwTW) to accommodate further development. The Environment Agency has a presumption against non-mains systems in sewered areas however we have considered this within the wider context of the NPPF and the presumption in favour of sustainable development. On balance we would not have any objections in planning terms to the principle of a non-mains system for foul drainage to enable additional development in this catchment that your Council considered is required and necessary. Strongly recommend a S106 agreement to ensure that any additional infrastructure required to connect to the mains system in the future is provided and provisions are made for management and maintenance of the plant until plans are made for the connection to the mains system once capacity is provided.

The discharge of the treated effluent requires a Permit from the Environment Agency under the Environment Permitting Regulations 2010. A detailed assessment of the information provided of treatment for foul drainage will be undertaken as part of the permitting process.

The temporary provision of private sewerage to developments should not be seen as an alternative to proper infrastructure planning. They should only be used for urgent development where a pressing need for specific development or type of development means it will be occupied before the necessary improvements to the public sewerage infrastructure and sewage treatment facilities are completed.

Recommend a S106 to connect to manage a temporary on-site treatment solution with a later connection to the mains network.

6.3 - Southern Water Services

No objection. Informative required regarding the need to apply for a connection to the public sewerage system.

6.4 - Highways England

No objection.

6.5 - WSCC - Local Development Division

No objection. Recommend conditions regarding the access, closure of the existing access, cycle parking, visibility splays and vehicle parking and turning.

6.6 - CDC - Environmental Health Officer

No objection - recommends conditions requiring; a construction method statement and cycle parking for each dwelling, and an informative in relation to potential for contaminated land.

6.7 - CDC - Drainage Engineer

No objection - The proposed means of surface water drainage is via soakaways, this approach is acceptable in principle and detailed design can be conditioned. To discharge the condition the developer will need to ascertain winter groundwater levels, and undertake percolation tests to BRE365 or similar in the location and depth of the proposed soakaways to support the detailed design.

6.8 6 Third Party Objection letters have been received concerning the following matters;

- a) to remove the house and replace it with 3 would change the character of the village
- b) question whether there is a need for this type of in-filling
- c) foul drainage
- d) traffic and parking
- e) existing garage provides privacy
- f) over bearing and increase in noise and disturbance
- g) reduce light and privacy
- h) overdevelopment
- i) out of context with surrounding development

Applicant/Agent's Supporting Information

6.9 The agent has confirmed that the existing boundary wall on the northern side of the site, which at present supports a lean-to on the dwelling beyond will be retained in situ for the length of the lean-to. Therefore no works would be carried out to the lean-to addition of the neighbouring dwelling to the north. In addition, the agent has confirmed that the applicant

would be willing to enter into an agreement to provide the infrastructure necessary to connect the development to the main sewerage system once the headroom has been increased at the Tangmere Wastewater Treatment Works.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan: Key Policies 2014-2029 and all adopted neighbourhood plans. The Tangmere Neighbouring Plan (NP) is currently at examination, and therefore carries significant weight.

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

Chichester Local Plan: Key Policies 2014-2029 (CLP)

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 5: Parish Housing Sites 2012- 2029
Policy 8: Transport and Accessibility
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) together with Sections 6, 7 and 10 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be

an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

B2 - Greener living

D1 - Increasing housing supply

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and sustainability
- ii) Design and impact upon character of the surrounding area
- iii) Impact upon amenities of neighbouring properties
- iv) Drainage
- v) Highway safety

Assessment

i) Principle of development and sustainability

8.2 The site is within the Settlement Boundary of Tangmere. Tangmere is identified as a Settlement Hub; a sustainable location where, in accordance with Policy 1 and Policy 2 of the Local Plan there is a presumption in favour of sustainable development. This is consistent with Paragraph 14 of the NPPF which establishes a presumption in favour of sustainable development in such a location, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The proposal seeks to replace a single dwelling with 3 new residential properties, and therefore the development would make a contribution to meeting the local housing needs of the district.

8.3 Policy 8 of the Local Plan states that the Council will work with stakeholders and developers to improve accessibility to key services, and this includes ensuring that new development is well located and designed to minimise the need for travel and would encourage the use of sustainable modes of transport as an alternative to the private motor car. The proposed development would result in 3 dwellings (a net increase of two) located within walking distance of the village centre, employment areas, the local school and convenience stores. The proposal would therefore provide good access to jobs, services and facilities, and as such would meet the objective of Policy 8 to reduce the need to travel.

8.4 In addition, the Tangmere NP states in Policy 1 that development within the settlement boundary as is proposed here will be supported, provided they are consistent with other policies of the development plan.

8.5 In conclusion, the proposal would provide new dwellings in a sustainable location within a settlement hub. The principle of development therefore accords with national and local planning policies.

ii) Design and impact upon character of the surrounding area

8.6 Section 7 of the NPPF requires good design that improves the overall quality of the area with Paragraph 56 of the NPPF stating that "good design is indivisible from good planning". Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site. In addition, Policy 10 of the NP requires new development to reflect the local character of the village in its scale, density, massing and height. This application seeks approval of access, layout and scale and therefore appearance and landscaping would be the subject of a reserved matters application.

8.7 The application site forms a comparatively large, wide plot, greater in size than many others in the immediate vicinity. There are a number of smaller plots, including plots that have been sub-divided in the surrounding area, including those on the eastern side of Tangmere Road, within close proximity to the application site. The proposed plots occupied by the semi-detached dwellings would measure approximately 7m and 7.5m in width and the southernmost plot, proposed to be a detached dwelling, would measure approximately 16.5m. The width of existing surrounding plots vary from approximately 8m to 16m, with the plot to the south reflecting the wider width of the application site. Notwithstanding this, it is considered that the proposed plots would be similar in width to other nearby plots overall, and that they would not appear overly narrow in their context. It is therefore considered that the sub-division of the site in the manner proposed would not be harmful to the prevailing character of the surrounding area.

8.8 The proposal includes a detached dwelling toward the southern side of the site with a pair of semi-detached dwellings at the northern end of the site. Although the proposed development would result in an increase in built form across the site, a distance of 6.5m would be retained between the southern edge of the site and the proposed detached dwelling, and the planting around the edge of the site would be retained. This would ensure that the spacious, open and green character of this part of the street would not be adversely impacted upon the proposed development.

8.9 The appearance of the proposed dwellings is reserved for later consideration, however the indicative streetscene drawings submitted with the application demonstrate that the proposed dwellings could be accommodated on the site without exceeding the height of the neighbouring properties to the north and west. The indicative plans also show that characteristic features of existing nearby buildings, such as gable ends and chimneys could form part of a later proposal, and a flat roof garage would be provided to the rear of plot 3 which would integrate the development well with Edwards Avenue, where flat roof garages between dwellings is commonplace. As such the development has the potential to integrate sensitively into the streetscene.

8.10 For the reasons set out above it is considered that the proposed development would respect the character and appearance of the surrounding area, and therefore the proposal accords with national and local planning policies in this respect.

iii) Impact upon amenities of neighbouring properties

8.11 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the Local Plan seeks to provide high quality living environment in keeping with the character of the area and protect neighbouring and public amenity. The detailed design and location of fenestration would be considered at the reserved matters stage, however the layout and the scale of the proposal and the impact this would have upon the amenity of neighbouring properties has been considered.

8.12 At present there is a double garage with a high pitched roof built up to the northern boundary of the site. The structure is approximately 0.75m from the dwelling to the north, and at the rear of the garage the neighbouring property has erected a lean-to which rests on the garage wall. The proposed dwelling at the northern end of the site would be approximately 2.8m away from the neighbouring dwelling, and at full height the proposed dwelling would extend 0.6m beyond the rear elevation of the neighbouring dwelling to the north, although there would be a single storey element to the rear. There is a wide kitchen window on the rear elevation of the neighbouring property to the north, and the proposed rear extension would not exceed the 60 degree angle taken from the centre of this window. In addition, the plans indicate that the single storey extension would have a flat roof thereby minimising the impact of the proposal. It is therefore considered that the proposal would not harm the amenity of the neighbouring property.

8.13 The proposed first floor windows on the rear elevations of the dwellings would be 16m from the boundary with the neighbouring dwelling to the west on Edwards Avenue, and the single storey elements would be 12.4m from the same boundary. It is considered that these distances would be sufficient to ensure that the proposal would not result in an unacceptable level of overlooking.

8.14 In conclusion, it is therefore considered that the proposed dwellings would be sufficiently distanced from the surrounding dwellings to ensure that the development would not result in an unacceptable level of overlooking, and would also not result in loss of light, to the neighbouring properties subject to sensitive design at the reserved matters stage.

iv) Drainage

8.15 A number of third party comments have been received expressing concern about surface water flooding. The Council's drainage engineer has advised that there is an existing surface water drainage system crossing the site, however the proposed development would not feed into this system and therefore it would not be affected by the proposal. The principle of a scheme of surface water drainage controlled through on-site disposal is acceptable in principle, a condition is recommended requiring details of the proposed surface water drainage scheme, including over winter groundwater monitoring and percolation testing, as recommended by the Council's drainage engineer. This will ensure that the final surface water drainage strategy is appropriate for the site.

8.16 At present there would be insufficient headroom at the Tangmere Wastewater Treatment Works (TWwTW) to service foul water disposal for the proposed dwellings. It is anticipated that the scheme to increase capacity at the Tangmere Wastewater Treatment

Works would be completed by December 2017 and the development is likely to be occupied in early 2017 if permission is granted. Therefore, the applicant has agreed to provide the necessary measures to enable the development to be connected to the main sewerage system when the works to upgrade the system have been completed. Given the likely build out rates of strategic sites within the catchment of the TWwTW it is possible that there would be capacity to meet the demands of the 2 additional dwellings on the application site at the time there would be constructed. However in order to safeguard the capacity it is recommended that a S106 be completed to ensure that appropriate drainage be put in place during the construction of the development and to connect the development to the main drainage network once headroom is available if this is required.

v) Highway Safety

8.17 The Highway Authority has confirmed that it has no objection to the proposal in respect of highway safety subject to conditions to secure appropriate parking and turning facilities, cycle storage and visibility splays. A number of objections have been received regarding issues with parking and traffic flow in the area; however it is considered that the proposed provision of 2 parking spaces, plus a double garage for the detached dwelling, and the provision of 2-3 parking spaces for each of the semi-detached dwellings would meet the needs generated by the development. Therefore the development would be unlikely to add pressure upon the local highways in terms of parking provision, although it should be noted there is unrestricted on street parking available close to the site. The Highway Authority has advised that in this location on-site turning space would not be a requirement; however it is considered that turning could be provided on-site and that this would be beneficial with regard to highway safety. Therefore a condition is recommended requiring details of the proposed turning to be submitted and agreed by the Local Planning Authority.

8.18 In addition to the requirements of the Highways Authority a condition requiring a construction management plan is recommended to manage the pressures on the highway network, and the impact upon the amenity of neighbouring properties during construction.

Significant Conditions

8.19 It is recommended that conditions are imposed to ensure the proposed materials and window details are appropriate given the sensitive nature of the site. Conditions are also proposed to ensure the proposed refuse and cycle storage is provided in accordance with the details submitted, and a construction management plan is submitted to minimise disturbance to the neighbouring properties and the highway network during construction. In addition conditions are proposed in relation to the proposed surface water drainage scheme and the foul drainage scheme, and an informative is also proposed regarding the presence of existing drainage pipes within the site. In addition, it is recommended that permitted development rights would be removed from the proposed dwellings.

Conclusion

8.20 Based on the above assessment of the material planning considerations it is considered the proposal complies with development plan policies 1, 2, 5, 33, 39, 42 and therefore the application 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 when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION DEFER FOR S106 THEN PERMIT

- 1 A03F Time Limit - Outline
- 2 A04F Time Limit - Reserved Matters
- 3 B02F No Departure from Plans - All Aspects
- 4 U97594 Materials
- 5 U97595 Site levels and sections
- 6 U97596 No extensions
- 7 U97597 Access, turning and cycle parking
- 8 U97598 Visibility plots 1 and 2
- 9 U97599 Visibility plot 3
- 10 U97600 Construction Method Statement
- 11 K01H Landscaping
- 12 K02G Landscaping
- 13 U97643 Foul drainage
- 14 U97646 Surface water drainage
- 15 U97647 No extensions or alterations

INFORMATIVES

- 1 W02F S.106 Agreement
- 2 W44F Application Approved Without Amendment
- 3 W12F Letter
- 4 U97648 Utilities on the site

INFORMATIVES

For further information on this application please contact Fjola Stevens on 01243 534734

Parish: Westbourne	Ward: Westbourne
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WE/15/01901/FUL

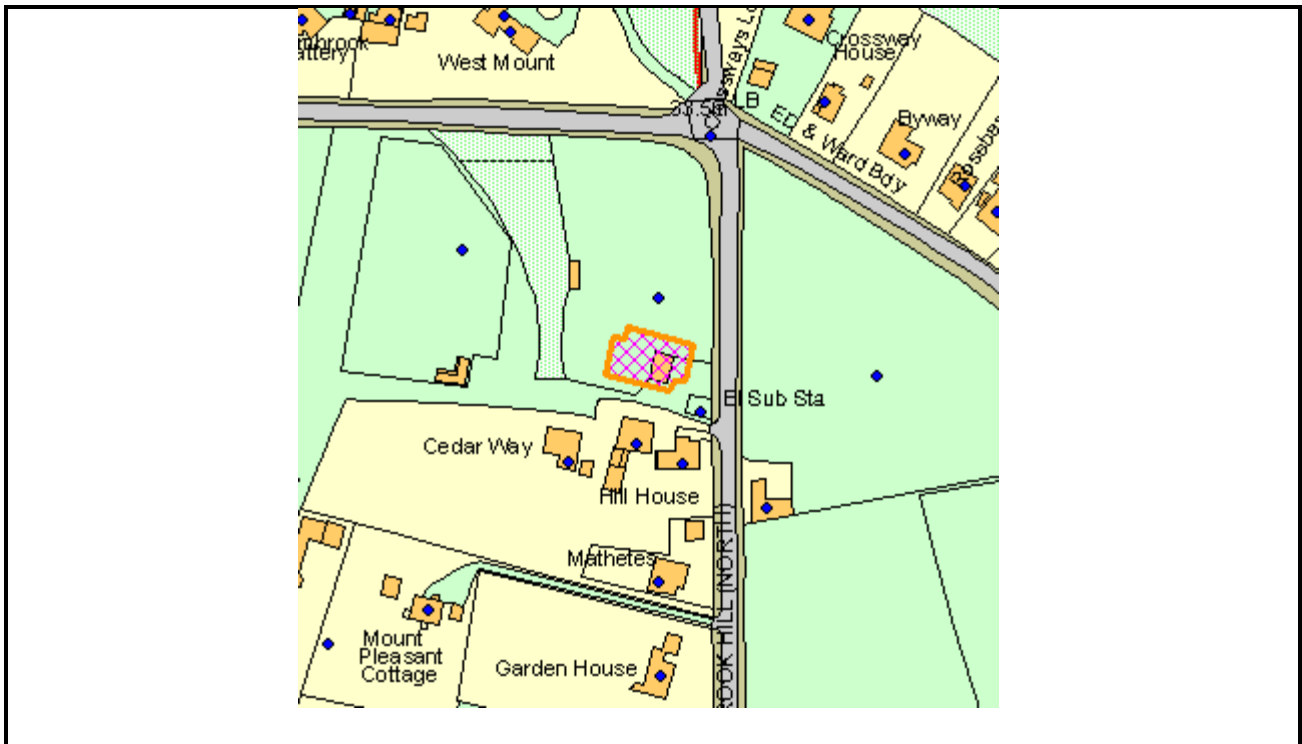
Proposal To remove redundant horse shelter and stores and replace with modern stabling (re-submission of WE/14/02789/FUL).

Site Land To North Of Hill House Hambrook Hill North Hambrook West Sussex

Map Ref (E) 478759 (N) 107404

Applicant Ms Catherine Coates

RECOMMENDATION TO PERMIT



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

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The site, the subject of this application, is situated in a countryside location, on the corner of Hambrook Hill (North) and West Ashling Road, to the north of a small cluster of residential properties and outside of the Settlement Boundary of Hambrook. The site occupies an area of approximately 0.4 hectares and is currently being used to keep animals in connection with Stable Cottage to the south. Whilst conducting a site visit it was noted that 1no. horse and 1no. donkey are currently grazing on the land and that the site is used for equestrian purposes. The area is characterised by sporadic development with a number of paddocks and stable buildings within the vicinity.

2.2 The site is currently occupied by a small timber field shelter along the western boundary with a further field shelter building along the southern boundary. The boundaries consist of a mix of low level fencing, mature trees and vegetation with glimpses of the structures through the boundary screening. Vehicular access to the site is gained to the south via a private driveway, serving a small number of dwellings to the south and west.

3.0 The Proposal

3.1 The proposal seeks to demolish the existing structures on site and provide a stable building constructed in a roughly 'U' shape to the south-east corner of the site. The building would be made up of 3 no. stables, a tack room and an equipment room, which would form the largest element of the proposal. The equipment room would be linked to the stables by a covered archway, giving pedestrian access through the building to a central cobbled courtyard.

3.2 The building would measure 19.6m at its widest point and would have a total depth of 13m with an overall height of 3.4m. The stables are proposed to be constructed with cavity walling at low level to get them increased strength, with the elevations clad in horizontal timber boarding under a profile sheet roof. The courtyard would be enclosed by a 1.2m high timber fence.

3.3 Application ref: WE/14/02789/FUL was refused in November 2014 for modern stabling on the grounds that its size, height, scale and mass would result in an unwarranted, incongruous and intrusive form of development detrimental to the rural character and visual amenities of the area. This scheme proposed a larger 'U' shaped collection of buildings including 3 no. stables, a feed store, tack room, harness and equipment, cloakroom and office. The materials proposed were cavity block elevations with timber boarding and cedar shingles to the hipped roof, proposed with an overall height of 5.3m. The size of building was considered unjustified for the site and the proposal would have detracted from the character of the surrounding area. The current proposal seeks to address these concerns.

4.0 History

14/02789/FUL

REF

Remove redundant horse shelters and stores and replace with a modern stabling

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

1. The size of the proposed stable does not meet British Horse Society (BHS) requirements as it is too big for the available land. BHS states two horses per hectare provided that good pasture management is employed, and the proposed stable is for two horses and a donkey.
2. The construction of the stable and the materials used are not suitable as the brick and block work to create the cavity wall could injure the animal if it kicks.
3. The Parish Council has concerns about the quality of the pasture and better conditions would be favourable.

6.2 CDC - Environmental Health Officer

No comments with respect to contaminated land. All waste arising must be disposed of in accordance with current Waste Regulations. No bonfires should be lit at the site in order to avoid impacts on nearby residents.

6.3 CDC - Environmental Strategy

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.

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).

6.4 3 Third Party letters of objection have been received concerning the following:

- a) The development is much too large (200 sq. m) as well as being in the wrong position in the field.
- b) Hedging is insufficient to hide development from local roads.

- c) Field land, fencing & hedging currently in bad state of repair & unable to support existing animals.
- d) Construction is too substantial just for stabling (block cavity wall). As the building is a replacement it should be like for like materials.
- e) Any future change of use must not be allowed.
- f) Parking is substantially restricted in Hambrook Hill North with none available along the private access road. On road parking would also potentially block emergency vehicles.
- g) Application states intention to accommodate 3 horses on site, which as the applicant doesn't own this number of horses, would suggest that she intends to run a livery business.
- h) These animals are never ridden or taken out of the field. The land is already over grazed and replacing the shelters with such a large unnecessary development will only increase this problem further.
- i) The driveway is owned by Mrs Wakeford of Nightingale Lane. The 3 households that use this drive only have a rite of passage across it; there is no right to park.
- j) Large series of buildings is not in keeping with the other stable and shelters in the area, overdevelopment of the site.
- k) Stables in the local area are of wooden design, block built stables could be developed further by the applicant into a dwelling.
- l) Would have appreciated some notice of this application from the council, owning the track to the proposed development and the land adjoining the applicant's field any potential development will impact me hugely.

Applicant/Agent's Supporting Information

The applicant in support of the proposal states:

- a) Resubmitted scheme in line with officer recommendations.
- b) The size of the block is no larger than the existing covered space, the only change is the configuration
- c) Regarding the queries as to need for cavity wall my horse has a tendency to kick. To preserve the walls they should be built with a cavity to the base of the stables only.
- d) No intention to create a livery. 1 horse is currently kept elsewhere and the intention is to bring it to the field. The donkey is not ridden but is a companion. The field has in the past had 2 no. horses and a pony residing there. While the grazing isn't excellent this is supplemented by hay and feed.
- e) I have a legal right of access to the lane in the deeds to my house and will not be using the site any differently than I have done for the past 19 years.
- f) Donkeys bray, the donkey has lived in the field for 9 years. The noise of animals should have been considered by anyone moving close to the site.
- g) Seems that the Authority, influenced by suspicious neighbours, is blocking an honest intent to tidy up a dilapidated site.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan: Key Policies 2014-2029 and all adopted neighbourhood plans. There is no adopted neighbourhood plan for Westbourne at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 45: Development in the Countryside
Policy 55: Equestrian Development

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 7 and 11 generally.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Visual impact of the proposals on the character of the area,
- iii) The impact on the amenities of neighbouring properties,
- iv) Highway safety, and
- v) Other matters.

Assessment

- i) Principle of development

The application site lies in the countryside in an area where equestrian uses are common, and the site has been used for the keeping of horses for many years. Policy 55 of the Local Plan states that planning permission will be granted subject to a number of criterion including; the use being compatible with its surroundings, the proposal would not lead to the need for additional housing on the site, and the proposal would not result in the use of the most versatile agricultural land. Considering the existing use of the land for the keeping of horses and the private use connected with Stable Cottage (to the south) it considered that the proposal would be acceptable in principle in this location.

- ii) Visual impact of the proposals on the character of the area

8.2 The stables are proposed in place of previous stabling buildings and in an area characterised by the keeping of horses with other stables located in the vicinity. The existing buildings are dilapidated and in need of repair or replacement and do not contribute to the

visual amenities of the area. It is considered that the timber stabling buildings would not appear out of keeping with the character of the area or appear incongruous within their setting.

8.3 The scheme now under considered has been discussed with Officers prior to submission and whilst it was suggested that the equipment store may be reduced in size the applicant has submitted justification for the size of buildings as drawn. The stable buildings have been reduced considerably from the previously refused application, and significantly the roof has been reduced from 5.3m to 3.4m in height. The resulting building would be situated approximately 60m from West Ashling Road and its low profile and use of materials would be such that it would not be unduly prominent within the landscape. The boundary screening would further soften the impact of the building from the highway. Whilst visible from Hambrook Hill (North) the stable replaces existing structures and would sit within the context of the existing equestrian use of the site. As such it is not considered that the proposal would harm the rural character of the area or be detrimental to visual amenity.

iii) Impact on the amenities of neighbouring properties.

8.4 The closest neighbouring properties are located to the south, with Stable Cottage (within the ownership of the applicant) the closest dwelling, at a distance of approximately 17m. Adjacent properties are situated over 20m from the proposed stables. The proposal seeks to replace existing buildings on site with a single stabling building. The use of the site for the keeping of horses and the noise associated with this use would remain unchanged, with the increase in animals from two to three not resulting in any material change.

8.5 The proposal does not seek commercial use but seeks the continuation of the use in connection with Stable Cottage. It is considered the proposal would not significantly alter the existing use of the land and as such would not be detrimental to neighbour amenity. The separation distance between the stables and the dwellings to the south, and low profile of the stables is such that the replacement buildings would not be overbearing or result in development detrimental to the amenities of neighbouring residential properties.

iv) Highway Safety

8.6 The applicant advises in her letter submitted under cover of the agent's email dated 1st September, that she does not intend to use the stables for commercial use. The land is currently used for the keeping of horses and is proposed to remain in this use, all be it for an increase in the number of animals by one. The stable is situated a sufficient distance from the southern boundary and the vehicular access that a car and horse box could pull into the site clear of the private driveway and as such it is considered that the existing parking arrangement is suitable for the continuation of the personal use as proposed.

v) Other Matters

8.7 A number of objections have been raised regarding the proposed materials, in particular the use of cavity walls for the stable building. This has been addressed by the applicant as a requirement in order to strengthen the walls against a kicking horse. Furthermore concerns have been raised as to the suitability of the site for the keeping of horses due to its size and grazing quality. The applicant has confirmed that the horses are given additional food to supplement their diet and as such it is not considered a reason to justify refusal in this case.

Significant Conditions

8.8 A condition regarding samples of materials and finishes to be submitted for consideration, to ensure quality materials in this countryside location, is proposed. Conditions requiring the stables to be used in connection with the dwelling house and not for commercial purposes, as well as no external lighting permitted except for security lighting are also proposed.

Conclusion

8.9 Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.10 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

- 1 A01F Time Limit - Full
- 2 B01G No Departure from Plans
- 3 F01F Materials/Finishes
- 4 N11F Stable - No Commercial Use
- 5 N12F Stable Waste - No Burning
- 6 N13F Stable Waste
- 7 N29F No external Lighting

INFORMATIVES

- 1 W18G Written approval for detailed matters
- 2 W44F Application Approved Without Amendment
- 3 W35G Wildlife and Countryside Act 1981

For further information on this application please contact Natalie McKellar on 01243 534734

Agenda Item 13

Parish:
West Wittering

Ward:
West Wittering

WW/15/02020/FUL

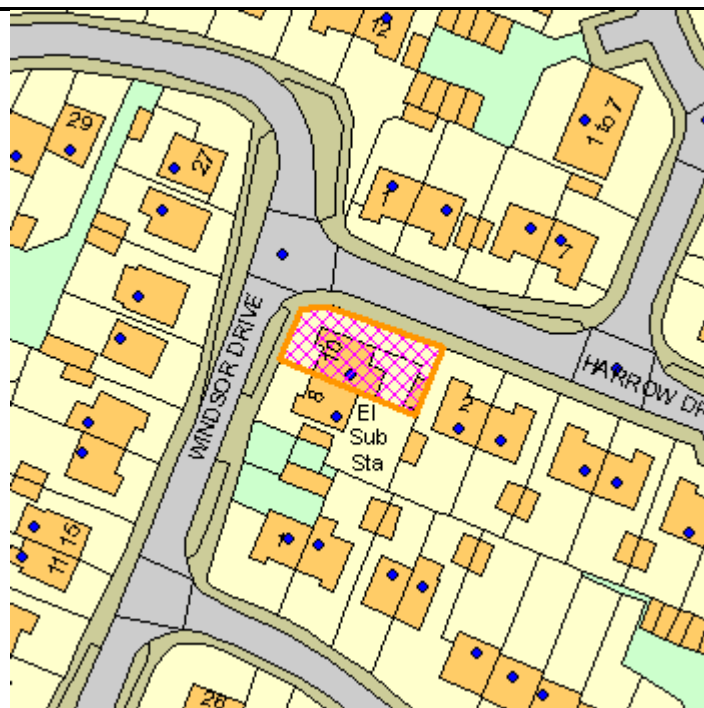
Proposal Change of use of amenity land to garden land and erection of fencing.

Site 10 Windsor Drive West Wittering West Sussex PO20 8EG

Map Ref (E) 479527 (N) 97451

Applicant Mr Andrew Walter

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site comprises a corner plot situated to the east of Windsor Drive and south of Harrow Drive. It is situated within the settlement boundary of West Wittering and is located to the north of the East Wittering parade of shops.

2.2 The site comprises a semi-detached single storey bungalow set within a modest plot. It is set back from the road to the east and west, featuring an open, grassed lawn. To the rear there is a detached garage and a driveway leading onto Harrow Drive. The area is residential in character, with predominately single storey bungalows of a semi-detached or terrace nature, set back off the roadside.

3.0 The Proposal

3.1 The application seeks the change of use of a length of amenity land situated adjacent to the north of the property. A close boarded 1.8m timber boundary fence, with concrete posts would be erected 1.5m from the pedestrian footpath to the north, starting 4.5m from the front of the property and running the remainder of the length of the northern (side) boundary of the property, a distance of 13m. It would adjoin the existing boundary fence to the rear garden, alongside the driveway, which would be unaffected by the proposed development. An area of grass verge between the boundary fence and the footpath approximately 1 metres in width would be maintained.

4.0 History

14/04292/DOM

PER

Single storey rear extension (in place of demolished conservatory).

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council objects to this proposal. The WW VDS refers to the open character of the area and the spaces between properties. This proposal is detrimental to the overall character of the estate which is open plan. There is also concern that visibility will be compromised.

(Substitute Plans)

The Parish Council's objection to the precedent that this fence would cause and the consequent change to the character of the area should stand. This is an open plan estate and fencing would harm the existing character. Therefore the Council will not change its objection

6.2 Third Party Objections

2 no. objections raising the following concerns;

- a) Out of keeping with the character of the street scene,
- b) Loss of vegetation,
- c) Concern regarding visibility for traffic at the junction to Windsor Drive and Harrow Drive.

(Substitute Plans)

1 Third Party Objection raised regarding the following;

- a) Concerns remain regarding the choice of materials proposed;
- b) Would result in the loss of the open plan estate.

6.3 Applicants Supporting Information

Comments in response to the objections made:

1. The shrubs and bushes must have been in existence for many years - we found they were very well established when we came to remove them,
2. Presumably no adverse comments had been registered with your department from neighbouring properties or the Parish Council regarding visibility or the open aspect in the past?
3. The visibility at the junction for traffic will be improved by our proposals compared to before.

It appears to me that a precedent had been set by the planting by the previous owner of 10 Windsor Drive that was generally acceptable to the neighbourhood and we are trying to improve the prospects for what will otherwise be an unkempt and overgrown piece of land.

In addition, I would respectfully point out that there are many examples on the estate where the issues raised in the objections have already been varied.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Key Policies of the Chichester Local Plan Key Policies 2014-2029 and all adopted neighbourhood plans. There is no adopted neighbourhood plan for West Wittering at this time.

7.2 The Principle 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 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

National Policy and Guidance

7.5 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay;*
- and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.6 Consideration should also be given to paragraph 17 (Core Planning Principles), 58, 60.

Other Local Policy and Guidance

7.8 The following Supplementary Planning Guidance and Interim Statements are material to the determination of this planning application:

West Wittering Village Design Statement

7.9 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

D2 - Vibrant, safe and clean neighbourhoods

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on character of the street scene
- iii) Highway safety

Assessment

- i) Principle of development

8.2 The application site lies within the settlement boundary of West Wittering and as such development of a residential nature is acceptable in principle where it accords with Policy 33 of the Local Plan. The grassed amenity land to the north of the property is owned by the applicant, but does not appear to be used for a specific purpose or activity, but rather is part of the overall landscaping scheme of the residential estate when it was initially developed. There are other examples of properties in the vicinity that have enclosed similar areas of land and are considered the principle of the development such as this has been established and now features part of the character of the area. The size, amount and prominence of other such enclosed land vary significantly and the acceptability of such a proposal is dependent as to the extent of land and the design and form of the boundary treatment.

- ii) Impact on character of the street scene

8.3 The immediate residential area is characterised by the open plan nature of the estate. Properties are set back from the roadside with grassed lawns, driveways and no boundary treatments between the highway and the front gardens. The third party and Parish comments have raised concerns about the introduction of a fence at the application site and the loss of this character. The initially submitted application proposed that the boundary treatment be located directly alongside the pedestrian footpath, however due to officer and consultee concerns raised this was set back by 1.5m. The set-back would result in a less prominent boundary feature and for an area of grass verge to remain.

8.4 Whilst the character of the area is open plan in nature, there are exceptions when it comes to properties that are located on corner plots. Many corner properties in the locality, including 1 and 7 Harrow Drive, 27 Windsor Drive and 1 Foxwarren Close, have extended the rear garden to the side of the property so that their garden boundary abuts the footpath. This now forms part of the character of the area and where sensitively set back does not adversely impact on the open plan nature of the estate. Whilst the proposal would introduce built form to the side of the property the set back from the front of the property and off of the north boundary to the site would result in the retention of a meaningful the grass verge. Such areas of soft landscaping cumulatively help to maintain the open plan nature of the area when viewed in the context of the street.

8.5 Boundary treatments in the area are predominately of brick construction although there are examples of timber fencing panels. The proposal seeks to erect a close boarded timber fence which, given the set back from the roadside, is an acceptable form of boundary treatment. Boundary treatments that are positioned directly adjacent to the metalled highway often generate an overtly urban character. In such instances a high quality brick wall is appropriate. Where a meaningful set-back is proposed fences can also be appropriate as

they are less prominent and may assist in softening the impact of the development. It is considered that for these reasons the use of a timber fence would be acceptable.

iii) Highway Safety

8.6 The boundary fence would be set back from the front of the property maintaining visibility splays at the junction to Windsor Drive and Harrow Drive. As the fence would be set back from the pedestrian footpath, it is considered there would be adequate visibility splays achieved for oncoming motorists and pedestrians. Overall it is not considered the proposal would result in any highway safety concerns.

Significant Conditions

8.7 In addition to the standard conditions it is considered proportionate to ensure the development is carried out in accordance to the fencing details provided.

Conclusion

8.8 Based on the above assessment it is considered the proposal complies with development plan policies 1, 33 and 39 and therefore the application is recommended for approval.

Human Rights

8.9 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**

- 1 A01F Time Limit - Full
- 2 B01G No Departure from Plans
- 3 U97592 U97592 - fencing details

INFORMATIVES

- 1 W01F Disclaimer - Other Consents
- 2 W45F Application Approved Following Revisions

For further information on this application please contact Caitlin Boddy on 01243 534734

Agenda Item 14

Parish: West Wittering	Ward: West Wittering
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WW/15/02066/FUL

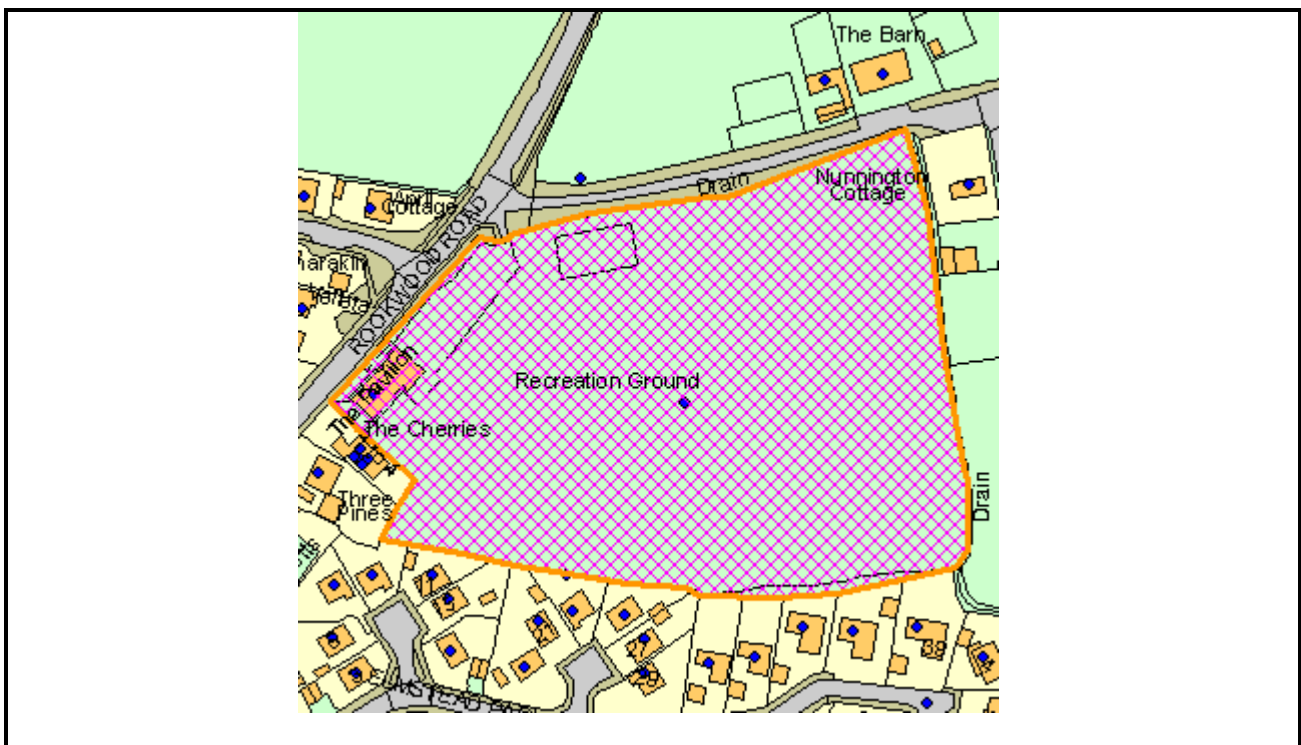
Proposal Re-submission of WW/14/01522/FUL. The installation of 2 full sized Tennis Courts within the sports field curtilage situated adjacent to the existing play park.

Site Recreation Ground Rookwood Road West Wittering West Sussex

Map Ref (E) 478368 (N) 98673

Applicant Joanne Brown

RECOMMENDATION TO PERMIT



**NOT TO
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1.0 Reason for Committee Referral

1.0 Reason for Committee Referral

Statutory Consultee Objection - Officer recommends permit

2.0 The Site and Surroundings

2.1 The application site is situated to the north of the settlement of West Wittering, to the east side of Rookwood Road. It is a parcel of recreational ground, screened by trees to the north and hedging to the west. The site is semi-rural in character. It predominantly comprises a grassed playing field, within which are designated football pitches. There is a children's play area to the north of the site, a pavilion to the south west and off road parking provision. The site is bounded by residential housing to the south, Rookwood Road to the west and agricultural land and caravan sites to the north and east.

3.0 The Proposal

3.1 The proposal seeks to construct two tennis courts, adjacent to the existing children's play park, within the northern part of the site. A green porous macadam surface would be laid to form the surface of the courts and a 2.5m high green galvanised steel fence would be erected around the perimeter. The courts would exceed the Lawn Tennis Association court dimensions, measuring at 24mX11m, a distance of 3.7m between the courts. The net height would be adjustable, enabling play by wheel chair users.

3.2 The football training area would be relocated in order to accommodate the proposal. A further floodlight would be sited adjacent to existing floodlights and an existing floodlight would be relocated, to further illuminate this area. A level access would be provided from the parking area to the existing play area and tennis courts. An additional disabled parking bay would be formed in the car park.

4.0 History

97/02797/FUL	PER	Two floodlights for sport training purposes.
03/02399/FUL	PER	Pavilion to replace existing, 2 no. lighting pylons.
07/00231/FUL	PER	2.03m high galvanised green coated play fence to rear boundary of sportsfield.
14/01522/FUL	WDN	The installation of 2 full sized tennis courts within the sports field curtilage situated adjacent to the existing play park.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	YES
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council are the applicants for this application.

6.2 Sport England

Essentially Sport England will oppose to the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one of 5 exceptions applies which are clearly set out in policy.

This proposal would result in the loss of playing field in order to create tennis courts. Sport England has provided pre-application advice and at that time advised the applicant to remove the sports lighting on the current playing field and to include artificial sports lighting around the tennis courts to increase usage for both tennis and football in winter.

This amended proposal does not include any sports lighting on the tennis courts but proposes some changes to the provision of irregular lighting on the playing field.

The application has potential to be considered in light of Sport England Exception Policy E5 which states;

E5 The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field of playing fields.

However in order for the development to be considered a fit for purpose sports facility which provides sufficient benefit to sport, Sport England considers it necessary for the tennis courts and or the playing field to be served by artificial sports lighting.

6.3 Third Party Objections

5 no. third party objections raising the following concerns;

- a) Do not consider there is a need in the locality
- b) Would result in an increase in light pollution
- c) Adverse impact on the character of the area.

Non material matters

- a) Where funding is to be sourced from

6.4 6 Third Party Support

6 no. Third Party support comments raising the following;

- a) There is a lack of tennis courts in the area available for public use;
- b) The location is ideal.

6.5 Applicant Supporting Information

- The Parish Council identified a need for tennis courts following a village wide survey as part of its consultation on the production its VDS.
- The Council has a long term strategy to increase the sport and leisure opportunities in WW. Therefore in 2000 the Council purchased an additional 5 acre field in Elms Lane to relocate cricket from the site it shared with football in Rookwood Rd (the site of this application)
- The development of facilities in Elms Lane has been successful for cricket, with 2x croquet lawns and a boules rink being added, leaving the Sportsfield in Rookwood Rd providing play and fitness facilities and football. With the development of a youth football academy in East Wittering there is now only 1 football team operating for 8 months of the year at the Sportsfield site.
- The Council has a desire to increase sport usage at the Sportsfield and identified that 2 tennis courts could be provided with no loss of pitches as a youth pitch can be overlaid on the main pitch and a training area accommodated as detailed in the application.
- The Parish Council has to cater for its residents and potential user groups. The village is predominantly a retirement one, in a rural mostly unlit location and it is envisaged that the tennis courts would be used during daylight hours 52 weeks per year, thus increasing use of the space currently playing field. It is very unusual for residents to venture out at night so the requirement for floodlit facilities was considered unviable.
- The current floodlights at the Sports field are used for football training and are subject to planning consent. The application includes the relocation of 1 light to improve the training facilities. No amendment to the current consent for floodlighting is being sought as the current consent is satisfactory.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan Key Policies 2014-2029 and all adopted neighbourhood plans. There is no adopted neighbourhood plan for West Wittering.

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 39: Transport, Accessibility and Parking

Policy 48: Biodiversity

Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.6 Consideration should also be given to paragraph 17 (Core Planning Principles), 28, 73.

Other Local Policy and Guidance

7.8 The following Supplementary Planning Guidance and Interim Statements are material to the determination of this planning application:

West Wittering Village Design Statement

7.9 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

C2 - Encourage healthy and active lifestyles for all

D2 - Vibrant, safe and clean neighbourhoods

D4 - Understanding and meeting community needs

E4 - People will have easier access to services at a local level

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on the character and appearance of the area and amenities of neighbouring properties
- iii) Loss of the playing field

Assessment

i) Principle of Development

8.3 The application site is located abutting the defined settlement boundary of West Wittering. Policy 54 of the Chichester Local Plan seeks to enhance well-being and promoting healthy lifestyles by protecting; enhancing and providing new open space, sport and recreation facilities. Furthermore paragraph 73 of the National Planning Policy Framework advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. The addition of two tennis courts would provide an added public community facility, to the benefit of the wider community. The location of these allows for the provision of a training ground, full size football pitch and a junior overlay pitch. The proposal would enhance the offering of sporting facilities at the site, increasing the diversity of sporting facilities. It is therefore considered that the principle of the development is acceptable, subject to all other material considerations.

ii) Impact on the character and appearance of the area

8.4 The application site is located to the north of the village and is semi-rural in character. As such it is a sensitive location whereby it is important to ensure that the balance between protecting the character of the area and providing ancillary sporting facilities such as fencing and potential light pollution, seeking to minimise this impact wherever possible.

8.3 It is proposed to erect a fence around the proposed tennis courts; a standard chain link fence, in a green finish that is frequently used for providing boundary treatment to sports and play equipment areas. The colour and finish would allow the fencing to 'blend in' against the boundary trees and vegetation when viewed from a distance. The green hardstanding proposed would also result in minimal visual intrusion within the wider landscape and would not adversely impact on the semi-rural character of the area. It is considered the fencing and hardstanding would not result in significant or detrimental impact on the visual appearance of the immediate surroundings.

8.4 The proposal seeks an additional two floodlights, to the existing 4 flood lights on site. One would be located to the north of the pitch and one to the south, adjacent to the existing, these would provide additional lighting to the relocated training pitch. The closest neighbouring property would be situated 21.5m from the light, with an intervening vegetative screen. Currently the times and hours of operation are restricted by way of a planning condition, allowing the lights to be used three evenings Monday to Friday 0800 until 21.00hrs and the other two weekday nights used 0800-18.00hrs. On Saturdays, Sunday and Bank Holidays they are allowed to be operational 0800-18.00hrs. It would be appropriate and

proportionate to ensure the same restrictions be applied to the proposed two new floodlights and to require measures to ensure the lighting system is controlled sufficiently so as not to cause glare beyond the pitch. This would appropriately mitigate any potential impact on neighbouring amenity and ensure minimal light pollution within this semi-rural location. Consequently it is not considered the two additional lights would result in additional impact on neighbouring amenity or the surrounding area that would be significantly different from what exists at present.

iii) Loss of the playing field

8.5 The proposal results in a net loss of ground dedicated to playing pitches and would normally be contrary to the aims of Sport England. However exception may be made where "...the proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field." Sport England consider that the proposal would meet this exception policy if the tennis court pitches and the football pitches were adequately lit. There is however significant concern in introducing further lighting on the recreation ground. Whilst there is some boundary screening to the north, the increase in further lighting on site is considered likely to result in additional light pollution into the wider area, to the detriment of the character and appearance of the semi-rural location. Furthermore, there is a recorded presence of bats in the locality and having regard to the significant number of hedging and trees surrounding the site, there is concern the introduction of further lighting could be detrimental to foraging area currently used by bats.

8.6 Whilst the lighting of the courts would allow a further period of extended use in to the evenings into darker evenings, it is considered that the negative effect the additional light pollution would have on the character of the semi-rural area outweighs this benefit. Nonetheless, having regard to the retention of the ability to retain the range of playing pitches on site and the significant community benefit that the addition of two tennis courts would provide to the local community, the proposal is considered to be acceptable.

Significant Conditions

8.7 In addition to the conditions mentioned in paragraph 8.4, it is considered proportionate to attach a condition ensuring the tennis court hardstanding is porous and green in colour and the fencing is also green.

Conclusion

8.8 Based on the above assessment it is considered the proposal complies with development plan policies 1, 48 and 54 and therefore the application is recommended for approval/refusal.

Human Rights

8.9 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

- 1 A01F Time Limit - Full
- 2 U97593 U97593 - PLANS
- 3 U97589 U97589 - hours flood lighting
- 4 U97590 U97590 - materials
- 5 U97591 U97591 - luminance levels

INFORMATIVES

- 1 W01F Disclaimer - Other Consents
- 2 W36H Wildlife
- 3 W44F Application Approved Without Amendment

For further information on this application please contact Caitlin Boddy on 01243 534734

Agenda Item 15

Parish:
West Wittering

Ward:
West Wittering

WW/15/02328/REG3

Proposal Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

Site East Head Snow Hill West Wittering West Sussex

Map Ref (E) 476713 (N) 99192

Applicant Mr Dominic Henly (Chichester District Council Coast and Land Drainage)

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Applicant is Chichester District Council

2.0 The Site and Surroundings

2.1 East Head is a dynamic sand and shingle spit to the east of the Chichester Harbour entrance. The site is covered by a number of environmental designations, including

SSSI, SAC, SPA, Ramsar and AONB. East Head is particularly recognised for its sand dune system. There is a network of public rights of way within the East Head area including on the beach.

3.0 The Proposal

3.1 The proposal comprises the recycling of up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

3.2 The application site itself is formed of two parts. The shingle/sand will firstly be excavated from an area of around 1,800sqm on the western edge of the northern part of the spit, before being transported along the beach to an area just to the east of the groynes C21-C24, where a bund will be formed with a footprint of approx. 1,200sqm. This bund will follow the shoreline. The total area affected by extraction and deposit is around 0.3ha.

3.3 The proposal builds upon the works undertaken pursuant to 05/00837/REG3 and 09/00273/REG3, where deposits taken from an excavation area of around 18,000sqm to the east of the application site, again on the northern tip of the spit, were relocated across three areas to the south of the spit close to the groynes. The total site area affected previously was significantly larger at 2.82ha than the current proposal.

4.0 History

05/00837/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end to replenish eroded beach, including maintenance until Spring 2007.
83/00746/WW	NOOBJ	Construct new groynes C12A, C14A and C15A and reconstruct existing groynes C20 and C24.
08/05043/REG3	APPRET	Variation of Conditions 1 and 2 of planning permission WW/05/00837/REG3.
09/00273/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end behind "The Hinge" and adjacent to area of beach placed in 2005.

Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.

5.0 Constraints

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

6.0 Representations and Consultations

Parish Council

6.1 None received

Environment Agency

6.2 No objections

Natural England

Designated sites

6.3 The application site is within a Nature 2000 site, the Solent Maritime Special Area of Conservation (SAC) and the Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Ramsar site and Chichester Harbour Site of Special Scientific Interest (SSSI) and therefore has the potential to affect the features of interest within these designated areas.

6.4 The LPA is advised to have regard for any potential impacts of a plan or project. The conservation objectives for each European site may be helpful in assessing any potential impacts of a plan or project.

6.5 A Habitat Regulations Assessment has been submitted by the LPA as the competent authority. Natural England advises that the proposal is necessary for the

conservation management of the site, the first test under Regulation 61 of the Habitat Regulations, for the following reasons.

1) The application is directly linked to the removal of the hard defences, namely the breastworks between groynes C20 and C23. The removal of these structures will help facilitate natural coastal processes and allow the neck to readjust to a more sustainable position. This will minimise erosion and beach lowering, and will allow sediment to move naturally and more freely within the system. Natural England has worked in partnership with local stakeholders to remove the breastworks, which are preventing the hinge evolving naturally. The recharge is a key part of the application in place to provide reassurance to partners that sufficient material is available for coastal processes to work on to roll the beach back to a more sustainable position, whilst maintaining access to East Head. New sediment will be available then the defences are removed and the site can function more naturally in response to coastal processes.

2) The application has demonstrated that all SAC, SPA and Ramsar features will not be detrimentally affected through the HRA which assesses construction and operational phases.

3) The removal and placement of this sediment is based on strong evidence and expert opinion that demonstrates that the transfer of material from East Head will not lead to the loss of any interest features now or in the future.

6.6 It is only under these very specific circumstances that Natural England agrees with the conclusions of the HRA.

6.7 Other auxiliary benefits such as maintaining public access are positive but not primary to the objective of the proposal.

6.8 No objection raised, subject to specific conditions, summarised below:

1) Material movement to take place between 1 April and 30 September to avoid the main overwintering bird season. If work is to be undertaken outside these times, an ecological watching brief should be maintained, with work suspended and Natural England consulted if birds start to show signs of disturbance.

2) The removal of the breastworks is to take place in accordance with the action plan triggers as set out in the East Head Adaptive Management Plan, and existing consent for works between groynes C21 and C22 (expires Feb 2016). If it is necessary to deviate from the Management Plan, expert advice will be required.

3) Natural England should be consulted on and agree to a detailed method statement for the works

Protected landscapes

6.9 The proposed development site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Development is expected to be of the highest quality, which should conserve and enhance local landscape character or distinctiveness. Full regard should be paid to the Chichester Harbour AONB Management Plan (2014-2019)

Chichester Harbour Conservancy

6.10 No objection, subject to compliance with the submitted method statement for implementation. The applicant's Habitat Regulations appropriate assessment has concluded no significant adverse effects and that the works are necessary to safeguard nature conservation interests.

6.11 It is noted that the Environment Agency and Natural England, as part of East Head Coastal Issues Advisory Group, have been involved throughout and that this is the third time since 2005 that this preferred adaptive management technique has been employed. The previous interventions produced no adverse effects. It is noted that the tonnage sought now is less than on previous occasions.

6.12 Viewed from the sea, the gradual removal of the breastworks between the groynes will leave the beach profile with a more natural appearance in the landscape and that the raising of the 'hinge' by 1 m will not have a significant landscape impact, behind the Tamarisk line. It has also been noted that an element of sand bank at the north end of East Head, proximate to where the excavation will take place has recently naturally eroded along a 20m stretch in recent time, indicating the dynamic nature of this geomorphological coastal feature.

CDC Environmental Strategy

6.13 Agree with Natural England's comments that it is a measure necessary to the management of the SPA / SAC and therefore screened out from the need for Appropriate Assessment. So with measures in place to mitigate potential impacts on protected species (any vegetation clearance to be done outside of bird nesting season) during the work we would support the application.

6.14 No third party comments received.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for Chichester District comprises the Chichester Local Plan Key Policies 2014-2029 and all made neighbourhood plans and Development Plan Documents (DPD).

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 22: Integrated Coastal Zone Management for the Manhood Peninsula

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty

Policy 44: Development around the Coast

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraphs 6-13 (sustainable development principles), 17 (core planning principles), 94, 99, 105-107, 109, 113-115, 117-119 (natural environment), decision taking and implementation.

7.5 National Planning Practice Guidance is a material consideration, including sections ID4, ID6-ID8.

Other Local Policy and Guidance

Chichester Harbour AONB Management Plan 2014-2019: Policies LS1-LS3, NC1-NC2, NC4, BD1-BD2, WW2, CD1 & CD3

Chichester Harbour Conservancy Planning Guidelines: B6, B8, E5, E7 & E8c

7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are:

B1 - Managing a changing environment

B3 - Environmental Resources

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- (i) principle and justification for the works
- (ii) construction impacts
- (iii) environmental impacts

Principle and justification

8.2 Policy 22 of the Local Plan recognises the manhood peninsula is at significant risk from coastal erosion and flooding, which needs to be managed and mitigated in the face of climate change. Paragraph 13.3 references the Council document 'Towards Integrated Coastal Zone Management on the Manhood Peninsula', a spatial plan suggesting management options for the coastal zone. Policy 22 supports proposals and initiatives that, amongst other objectives, address proposals for the coastline and coastal communities set out in Coastal Defence Strategies and Shoreline Management Plans (criteria 2), contribute to greater safeguarding of property from flooding/erosion and/or enable the area to adapt to

change (criteria 3), and provide resources to improve the process of harbour and coastal management (criteria 4). This policy sits directly with paragraph 105 of the NPPF, which encourages Integrated Coastal Zone Management practices.

8.3 The Pagham to East Head Coastal Defence Strategy (PEHCDS) recommended the policy for this frontage should be 'Adaptive Management' and the strategy was adopted by the Council in 2009. The same policy was also confirmed under the North Solent Shoreline Management Plan adopted by the authorities in 2010.

8.4 The East Head Coastal Issues Advisory Group, a group of key stakeholders including CDC, Natural England, the Environment Agency, Chichester Harbour Conservancy, have defined adaptive management as actions to: "preserve the social, economic, environmental, navigation and amenity value of East Head to the community for the life of the Strategy. The emphasis will not be on trying to lock the feature in its present size, shape and location, nor should it be encouraging orientation in a pre-determined direction". The Advisory Group have prepared an 'Action Plan for the Continuing Implementation of the Adaptive Management Policy' dated May 2015. This document forms part of this application.

8.5 The works subject of this application directly affect the southern end of East Head spit, in a location known as 'The Hinge'. Here, sediment amounts are limited, and shingle and finer sediments are unable to stabilise and protect the underlying geology below from erosion. If this process continues, the underlying clay will be further eroded, resulting in the need for more substantial defensive structures.

8.6 In order to implement the policy objectives set out above, the Advisory Group recommend that further beach recycling should be undertaken in the area of the hinge. Effectively, this is a relocation of shingle from the north to the south of the spit, from an area where there is excess sediment, to an area where sediment is needed to protect the spit from further erosion.

8.7 The proposed works are similar in kind but smaller in scale to the recycling operations carried out in 2005 (05/00837/REG3) and 2009 (09/00273/REG3). The 2005 and 2009 applications together involved an excavation area of around 18,000sqm to the north of the spit, with the material deposited across three areas to the south of the spit. The 2005 project relocated 13,000 tonnes and the 2009 works recycled 9,000 tonnes.

8.8 This application seeks the recycling of just 3,000 tonnes. Excavation will take place in an area of around 1,800sqm to the western edge of the northern part of the spit, with deposits allowing the creation of a shingle and sand bund to the immediate east of groynes C21 to C24 with an approximate footprint of 1,200sqm. This relocation and formation of a bund is deemed necessary to reduce the risk of a tidal breach and loss of access following the timber breastworks failure. The provision of this additional material will facilitate the change towards more natural processes of coastal change while minimising the risk of a breach or loss of access to East Head.

8.9 The engineering works are therefore deemed necessary to ensure the stability of the spit, and will support policy objectives set out in the Local Plan and supporting documents.

Construction impacts

8.10 The material used for the construction of the bund will be sourced from the extraction area at the north end of East Head. This is the same area as used in both 2005 and 2009 and there have been no reported adverse effects. The supporting information demonstrates there are sufficient deposits in the northern part of the spit.

8.11 Material will be loaded on to 3 No 10 tonne dumper trucks by a small 360 degree excavator and driven south along or seaward of the Mean High Water (MHW). The volume of material excavated will require 300 full dumper movements (600 two way movements) along this 850m (approx.) route. These movements will take place along the beach. There will be a need for signage and clear route demarcation to ensure minimum disruption to the beach or beach users, including those using the public rights of way. The haulage route will avoid any impact on the existing dunes and will leave sufficient space above MHW for safe access. Once the plant has been delivered to site there will be no requirement for additional lorry movements until contract completion.

8.12 The bund will be constructed immediately behind The Hinge over the area of beach recycling completed in 2009 using a small 360 degree excavator to place and shape. The location where the material is going to be moved to holds no designated features (i.e. saltmarsh, sand dunes and vegetated shingle). The public will be kept clear of the construction area during the works and public rights of way will be maintained. It is anticipated that works will take approximately 2 weeks. Once the material is in place, it will be monitored and managed under normal beach management protocols.

Ecological impacts

8.13 The application site is a highly sensitive ecological area, designated as part of a Nature 2000 site, the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA), the Chichester and Langstone Harbours Ramsar site, Chichester Harbour Site of Special Scientific Interest (SSSI) and Chichester Harbour Area of Outstanding Natural Beauty (AONB). Works within these areas therefore has the potential to affect the features of interest within these designated areas. Policies 43, 49 and 50 of the Local Plan and section 11 of the NPPF apply.

8.14 One of the primary reasons for the designation of East Head is the sand dune system and the coastal geomorphology. It is therefore important to ensure these special features are protected. A Habitat Regulations Assessment has been submitted by the applicant which demonstrates the proposal is necessary for the conservation management of the site as:

- 1) The recharge is an important part of the more comprehensive works to minimise erosion and help facilitate natural coastal processes which will result in a more sustainable position and improved natural evolution in the longer term
- 2) The application has demonstrated that all SAC, SPA and Ramsar features will not be detrimentally affected through the HRA which assesses construction and operational phases.
- 3) The removal and placement of this sediment is based on strong evidence and expert opinion that demonstrates that the transfer of material from East Head will not lead to the loss of any interest features now or in the future.

8.15 It is on this very specific basis, and in the context of the detailed evaluation and justification provided in the application, that Natural England has agreed the proposal complies with the Habitat Regulations and the need for Appropriate Assessment has been screened out. These conclusions are supported by CDC's Environment Officer provided that measures are in place to mitigate potential impacts on protected species during the construction and relocation processes.

8.16 Due to the short programme of construction (2 weeks) and the time of year (late November/early December) construction is likely to take place, no further ecological mitigation is required. The proposal therefore complies with Local Plan policies 43, 49 and 50 and the NPPF on this issue.

Other matters

8.17 The height of the beach, currently at 3.5m Above Ordnance Datum (AOD) is 0.2m above the current 1:200 year flood level which means that overtopping will only occur during extreme weather events. The height of the new bund at 4.5m AOD means that overwashing is very unlikely to have an adverse effect in the medium term. By 2115 the 1:200 year flood level will be 4.5 AOD which matches the proposed height. There is no need for positive drainage as the material is porous. The proposal complies with policy 42 of the Local Plan.

8.18 Public rights of way cross East Head, including routes on the beach near the area of deposition and the southern part of the haulage route. The northern part of the spit is free from formal rights of way. During the fortnight's programme of construction, there may be some localised disruption of the rights of way close to the southern part of the spit depending on the finer details of the construction management plan, however the public access will be fully restored thereafter.

Environmental Impact Assessment

8.19 The proposal has been assessed against the criteria within the Town and Country Planning (EIA) Regulations 2011. The site lies within a 'sensitive area' under the regulations. Schedule 2 category 10 (m) applies to "Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works". This project is considered to comprise the "reconstruction of such works" given the location and nature of the project being the construction of a bund in the location of the 2009 approved works.

8.20 While the indicative thresholds do not apply in a sensitive area, they are a guide as to when a project may be considered significant. Here, the indicative threshold for coastal defence works is 1ha. The proposed areas of beach to be recycled comprise 0.3ha. The statutory consultees have confirmed there will be no discernible negative impacts on the designated areas, indeed the proposed works will allow more natural flows of sediment and reduce the rate of erosion of these important sand dunes. Accordingly, no Environmental Statement was required with this application.

Significant Conditions

8.21 The proposed works must be undertaken in full accordance with the submitted detailed documents and plans, and a detailed method statement.

Conclusion

8.22 Based on the above assessment, it is considered the proposal complies with development plan and national policy and specialist environmental advice and therefore the application is recommended for approval.

Human Rights

8.23 In reaching this conclusion the Human Rights of all parties concerned have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION PERMIT

- 1 A02F Time Limit - Variable
- 2 U97587 - Plans and documents
- 3 U97588 - Method statement

INFORMATIVE

- 1 W44F Application Approved Without Amendment

For further information on this application please contact Naomi Langford on 01243 534734

Agenda Item 16



Working in Partnership



Agenda Item

Report PC

Report to Planning Committee

Date of Committee 11 November 2015

By Head of Planning Services

Local Authority Chichester District Council

Application No: SDNP/15/02781/CND

Validation Date 4 June 2015

Target Date: 30 July 2015

Applicant:

Proposal: Variation of Condition 2 of SDNP/13/05945/FUL to accommodate the minor change in the siting of Plot 1 relative to southern boundary together with a minor increase in the width of Plots 1 and 4.

Site Address Fuel Care, 10 Midhurst Road, Fernhurst, Midhurst, West Sussex, GU27 3EE

Purpose of Report The application is reported to Committee for a decision

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

Executive Summary

Reason for Committee referral: Parish objection - Officer recommendation to PERMIT

Planning permission has previously been granted for the redevelopment of this site for the erection of 4 detached dwellings together with two covered parking areas comprising six spaces and four uncovered spaces following demolition of existing buildings and hard surface. The application is retrospective in that it seeks to regularise the discrepancies identified from the previously approved scheme with respect to a marginal increase in the overall width of the dwellings and the siting of Plot 1, which is between 0.3 and 0.5 metres closer to the south boundary. It is concluded that the development as built remains sympathetic to the character and appearance of the surrounding area and that these minor changes are not considered to have had an adverse impact on the living

conditions of occupiers of nearby properties or on the future health of the protected Horse Chestnut in the front garden of the adjoining property.

1. Site Description

1.1 The application site is located on the west side of Midhurst Road (A 286) close to the centre of Fernhurst village, just south of the junction with Vann Road. The site formerly operated as a fuel depot, providing a distribution service for customers in the local area. Planning permission was granted for the redevelopment of the site with four detached dwellings, garaging and turning and new landscaping and planting. A significant amount of remediation of the site was required to be undertaken in view of the potential contamination in connection with the former use and the extent of built development and concrete hardstanding within the site.

1.2 To the north of the site is the Fernhurst Club, a detached part two storey/part single storey building. The rear single storey section extends westward along the majority of the common boundary with the application site. There are no windows or other openings in the elevation facing the application site. The Fernhurst Club is largely screened by a 2.3 metre high close boarded fence. To the south of the application site is The Coach House, a detached two storey dwelling. The south boundary is defined by existing and replacement fencing of varying heights and the presence of a line of mature conifer trees along the majority of its length. On the opposite side of the road the prevailing character is a mixture of residential and commercial premises.

1.3 To the rear (west) of the application site is a public car park, beyond which is further C20th residential development.

2. Relevant Planning History

FH/11/04716/PENP - Residential development of 4No. 3 bed semi-detached houses and 4 No. 2 bed apartments. Pre-application advice given 07.03.2012.

SDNP/13/05945/FUL - Erection of 4 detached dwellings together with two covered parking areas comprising six spaces and four uncovered spaces following demolition of existing buildings and hard surfaces. PERMIT 28.04.2014

SDNP/14/02760/DCOND - Discharge of Condition Nos. 3 and 5 from permission SDNP/13/05945/FUL. APPROVE 26.08.2014

SDNP/14/03822/DCOND - Discharge of conditions 1, 2, 4, 6, 7, 8 and 9 from permission SDNP/13/05945/FUL. APPROVED (SPLIT DECISION) 28.11.2014

SDNP/14/04501/DCOND - Discharge of conditions relating to 13/05945/FUL, conditions 10, 11. APPROVED 13.11.2014

SDNP/15/03550/DCOND - Discharge of condition 7 of permission SDNP/13/05945/FUL. APPROVED 29.09.2015

3. Proposal

3.1 The application seeks retrospective planning permission to regularise the variation in the siting of Plot 1 1.7 metres from the south boundary, which is 0.3 metres closer than approved under planning permission SDNP/13/05945/FUL. The application also addresses the marginal increase in width of Plots 1 and 2 from 7.575 metres to 7.64 metres (0.065m). All other aspects of the development have been carried out in accordance with the previously approved plans and various discharge of conditions consents.

4. Consultations

Parish Council Consultee

Fernhurst Parish Council recommends objection to this application on the following grounds:

Upon a site visit undertaken by the the Parish Council, it was noted that there may be more than one deviation from the dimensions stated in the original planning consent.

We ask that the Planning Enforcement team satisfy themselves that the 'as-built' dimensions of the dwellings on Plot 1 and Plot 4 correspond to those permitted.

If there should be multiple discrepancies, this will be at the detriment of the rest of the village and may create a precedent.

In addition, the Parish Council requests that formal confirmation be sought from the CDC Tree Officer that the now reduced distance between the TPO'd Horse Chestnut and the south elevation of Plot 1 still poses no threat to the long-term future of the tree.

Tree Officer - CDC

The adjacent site to the trees is slightly lower ground level than the trees. The boundary fence is still in situ but a small retaining wall has been removed and I understand some concrete bases have been removed when the site was an oil store.

The installed piling work would have limited/less impact on the trees as the area dug would be a lot smaller than a strip foundation and as shown on the plan only 3 pile holes were dug adjacent to the trees.

It wasn't clear but it seems unlikely that roots from the TPO'd Horse Chestnut tree have been damaged, possibly the Cypress trees (even though they are closer and in raised ground) might have had a little damage but again not clear.

The Cypress trees have been topped and there was one stump from one Cypress tree on the eastern end which had been felled. This in the long run could benefit the Horse Chestnut tree which has been greatly suppressed by the Cypress trees to the north of it.

My only concern was the cement lying on the ground to the north of the trees. This has toxic chemicals in it and I asked if it could be cleared as soon as possible to prevent leaching into the ground.

5. Representations

2 representations received.

2 Third Party objections

Plot 1 slightly wider and closer to south boundary by 300mm

May not be worth effort of pursuing

Possible impact of original excavation works on future health of boundary trees, including protected Horse Chestnut.

Tree Officer comments should be sought on possible impact

Property devalued

Causes shadowing of frontage

Require Plot 1 to be re-sited 2.0 metres from boundary, as original plans, roof to be fully hipped and boundary fence to a height of at least 2.4 metres, new planting on my side of fence and repair of damaged fence.

Applicants comments

I confirm measured dimensions as follows. I have pasted the Parish Council's measurements in, to make reference easier.

I took these measurements on Saturday 26 September.

The width of the footprint of Plot 1 - Parish Council comment: approx. 7900 mm.
Permitted width: 7575 mm. Actual width: 7640

The width of the footprint of Plot 4 (the other dwelling facing the road) - Parish Council comment: approx. 7900 mm. Permitted width 7575 mm. Actual width 7640

The distance between flank walls of Plots 1 and 4 (permitted as 5700 mm) where the access road runs. Measured width: 5700

The reason for the discrepancies on plots 1 & 4 is due to brick course sizes with 7640 being the nearest upward size to 7575.

The dimension from plot 1 to the south boundary is 1700 mm as per the amended plan and from plot 4 to the north boundary is 1000 mm as per the original plan.

I would also add that I met Wade Sowman of the Enforcement section on site to check the dimensions to the side boundary on 5th May 2015 and again with the Tree Officer on 10 June 2015 who had no issue with regard to the TPO'd tree.

6. Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester Local Plan First Review (1999). The relevant policies to this application are set out in section 7, below.

National Planning Policy Framework (NPPF) and Circular 2010

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the National Parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

6.3 Relationship of the Development Plan to the NPPF and Circular 2010

6.4 In addition to the above, the following paragraphs and sections are considered relevant to the determination of this application:

Paragraphs 14, 17, 58, 183, 184
Sections 2, 6, 7, 11

6.5 As of March 2014, Fernhurst Parish Council has published a pre-submission draft Neighbourhood Plan (May 2014) for review by the SDNPA. This is at an early stage in its preparation and as such can only be afforded limited weight.

Policy MH1 recognises capacity within Fernhurst Parish to accommodate further market housing, although the emphasis is on the provision of smaller units (1-2 bedrooms). Policy SA1 of the Neighbourhood Plan identifies the application site as being suitable for residential redevelopment of at least 3 units. Other policies of note include DE1 (style of residential development and DE2 (building materials)

6.6 The draft South Downs Local Plan Preferred Options 2015 was approved by the South Downs National Park Authority on 16 July 2015. The public consultation

on the document will take place in September and October 2015. The document and the policies contained therein are now a material consideration when determining planning applications within the National Park, however at this stage the policies will carry limited weight.

The following policies are considered relevant to this application:

SD6 - Design

SD23 - Housing

SD37 - Trees, hedges and Woodland

SD43 - Public Realm and Highway Design Local Guidance

6.4 The South Downs Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

General Policy 1

Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

General Policy 50

Housing and other development in the National Park should be closely matched to the social and economic needs of local people and should be of high design and energy efficiency standards, to support balanced communities so people can live and work in the area.

7. **Planning Policy**

The following policies of the Chichester Local Plan First Review (1999) are relevant to this application:

- BE1 (CH)Settlement Policy Areas
- BE11 (CH)New Development
- BE13 (CH)Town Cramming
- BE14 (CH)Wildlife Habitat, Trees, Hedges And other Landscape features
- TR6 (CH)Highway Safety

8. Planning Assessment

8.1 The development as a whole has been subject to a detailed compliance check by Officers as a result of a complaint and the matters that represent a departure from the previously approved plans are confirmed as being an increase in the overall width of the individual dwellings on the road frontage (Plots 1 and 4) and the finished distance between the flank wall of Plot 1 and the southern boundary of the site with 12 Midhurst Road. The remainder of the development can be confirmed as having been built in accordance with the plans approved under planning application SDNP/13/05945/FUL.

8.2 In terms of the increased width of the dwellings on the road frontage (Plots 1 and 4), this amounts to 65 mm and can be accounted for through a technical requirement when bricklaying. Ordinarily, this would be considered well within normal build tolerances and would be treated as being de minimis. It has been the detailed setting out of plots 1 and 4 that has given rise to the discrepancy in the distance to the south boundary.

8.3 The main issues with this application are considered to be whether the development as built has a materially harmful effect on the character and appearance of the area, the living conditions of nearby occupiers or the future health of the protected Horse Chestnut tree within the front garden of the property to the south of Plot 1.

The impact of the development on the character and appearance of the area

8.4 The development of the site is now substantially completed and final landscaping is being carried out. The proposal comprises the four houses, central access, carports and turning area set out as originally permitted under reference SDNP/13/05945/FUL. The two dwellings fronting the main highway preserved the linear rhythm of the built form through this central part of Fernhurst. Their scale, form and appearance reflect the established but varied character of existing residential development nearby. Good quality materials have been used for the dwellings, which again ensures that the development will be quickly assimilated into the street scene. The pair of houses to the rear of the site are adjusted to suit the original fall in levels across the site from east to west and are not considered to be unduly prominent when viewed from the public car park to the west of the site.

8.5 It is concluded that on this issue, the effect of the relatively minor differences between the approved scheme and the development as built on the character of the surrounding area are considered to be negligible and do not result in material harm to the character and appearance of the area.

The effect on the living conditions of nearby properties

8.6 The Coach House (No. 12 Midhurst Road) is a two storey dwelling with a gabled roof facing the south boundary of the application site, attached to which is a timber lean-to outbuilding. In addition to a new 2.1 metre high close boarded fence along the length of the boundary, there is a line of substantial conifer trees approximately 6 metres in height on the neighbours side of the boundary.

Approximately 2.0 metres further south of the common boundary and within the front garden of No. 12 is a Horse Chestnut, which is protected by a Tree Preservation Order.

8.7 Plot 1 is - as was always the case - sited forward of the front elevation of No.12 Midhurst Road. The flank wall to Plot 1 has been constructed with a half-hipped gable as was originally approved and is set at a lower level than No. 12. The frontage of No.12 comprises access, turning and parking areas for the dwelling and can be partially viewed from Midhurst Road. The line of conifer trees and Horse Chestnut existing along No. 12's side of the boundary continues to provide effective physical screening and itself produces a greater shading effect than the new development because of their proximity to that dwelling. The measurements taken show that the distance between the flank wall of Plot 1 and the new boundary fence varies between 1.5 metres at the front corner of the dwelling and 1.7 metres at the rear corner. This is due to the fact that the position of new boundary fencing varies along its length and has been erected inboard of the conifer trees. Whilst there is a minor variation in the distance from the boundary, this is considered to remain a reasonable distance from the common boundary and in the context of the existing boundary treatment (including the new 2.1 metre fencing) it is concluded that the siting of the dwelling marginally closer to the common boundary does not result in an overbearing form of development and therefore does not have a materially harmful impact on the living conditions of the occupiers of No. 12 Midhurst Road.

8.8 The occupant of No. 12 Midhurst Road has requested that the dwelling is re-sited to its original position to restore the 2.0 metre gap to the common boundary with his property and that the roof to Plot 1 is redesigned with a full hip on the south side. It is considered that the reduction in the distance to the south boundary by 0.3 - 0.5 metres does not have a materially harmful impact on the living conditions of the occupier of No. 12. The height of the flank wall to eaves level measures 7.4 metres, at which point the roof then pitches away from the boundary, softening the presence of this elevation. The position of Plot 1 some distance forward of the dwelling at No. 12 and adjacent to the access and turning area means that Plot 1 does not have an overbearing relationship with the adjoining property. Although marginally closer to the boundary than previously approved, this elevation also remains effectively screened by the existing vegetation along this boundary and it is not considered that the substitution of the half hipped roof with a hipped roof would result in any significant material difference or impact on No. 12 Midhurst Road.

The effect of the revised siting on the protected Horse Chestnut

8.9 The Council's Tree Officer has assessed the impact of the development on the adjacent protected tree. It was noted the piled foundation design was less intrusive than traditional strip foundations would have been and unlikely to have resulted in harm to the rooting system of the Horse Chestnut. This tree has also been heavily suppressed on its north side in any event by the close proximity and dense foliage of the Leylandii trees and therefore much of its canopy spread is toward the south. The Tree Officer also noted that some minor pruning of overhanging branches of both the leylandii and Horse Chestnut had been carried out but that this was necessary in order to carry out the development and would not therefore have required consent.

8.10 The Tree Officer goes on to conclude that in view of the foundation design for Plot 1, it is unlikely that there is damage to the rooting system of the Horse Chestnut and other trees as a result of the development. In addition, the minor pruning works to the trees surrounding the Horse Chestnut are likely to benefit this protected tree in the longer term because its growth is not longer suppressed by the Leylandii to the same extent.

9. Conclusion

9.1 Officers have identified two discrepancies from the previously approved scheme, which are the marginal increase in the overall width of the dwellings, and the siting of Plot 1 between 0.3 metres and 0.5 metres closer to the south boundary than previously approved. Even when taking into account these aspects, the development of the former Fuel Care site has been carried out in a manner sympathetic to the character and appearance of the surrounding area and other than these matters, in accordance with the terms of the original planning permission and associated conditions. Furthermore, these minor changes are not considered to have had an adverse impact on the living conditions of occupiers of nearby properties or on the future health of the protected Horse Chestnut tree.

10. Recommendation

It is recommended that the application be approved subject to the conditions set out below

1. The development hereby permitted shall be carried out in accordance with the following plans:

Plan Type	Reference	Version	Date on Plan	Status
Plans - 1:250 Site layout	1321/PL.02	E	02.06.2015	Approved

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

02. All planting, seeding or turfing comprised in the approved scheme of landscaping under reference SDNP/15/03550/DCOND and shown on Drawing No. 486-01 Rev D shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

03. Notwithstanding the provisions of Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no windows or other openings

other than those shown on the plans hereby approved shall be formed at first floor level in the north wall(s) of Plots 3 and 4 or the south wall(s) of Plots 1 and 2 without a grant of planning permission from the Local Planning Authority.

Reason: To protect the amenities of adjoining residential properties.

11. Crime and Disorder Implications

It is considered that this planning application does not raise any crime and disorder implications.

12. Human Rights Implications

This planning application has 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.

13. Equalities Act 2010

Due regard, where relevant, has been taken of the National Park Authority's equality duty as contained within the Equalities Act 2010.

Case Officer Details Name: Derek Price Tel No: 01243 534734

Appendix 1

Site Location Map



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Chichester District Council

Planning Committee

Wednesday 11 November 2015

Report of the Head of Planning Services

Schedule of Planning Appeals, Court and Policy Matters

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).

- WR – Written Representation Appeal
- H – Hearing
- I – Inquiry
- () – Case Officer initials
- * – Committee level decision

1. NEW APPEALS

Reference/Procedure	Proposal
BO/15/00953/DOM WR (ANMI)	Reef Cottage Bosham Lane Bosham West Sussex PO18 8HT - Extension to existing property to provide first floor bedroom and shower room.
CC/15/01099/FUL WR (PKN)	21 Whyke Lane Chichester West Sussex PO19 7US - Change of use from a 4 bedroom semi-detached house to two no 2 bedroom self-contained flats including two storey rear extension, internal and external alterations.
CC/15/01245/DOM WR (MT)	30 Brandy Hole Lane Chichester West Sussex PO19 5RY - Garage conversion with bay window and new open bay garage with first floor gym and shower.
CH/15/00151/CONDWE WR (RWH)	Cockleberry Farm Main Road Bosham West Sussex PO18 8PN - Retention of The Chalet
CH/11/00538/CONBC H (RWH)	Five Oaks Newells Lane West Ashling Chichester, West Sussex PO18 8DF - Height of building in excess of that permitted under 10/01925/FUL
CH/15/01250/DOM WR (MT)	La Traite Chidham Lane Chidham West Sussex PO18 8TH - New porch and loft extension.
CH/15/01956/DOM WR (CABO)	Dene Cottage Broad Road Hambrook Chidham PO18 8RG - Loft conversion including replacement roof.

Reference/Procedure	Proposal
EWB/14/03986/FUL WR (NAM)	Stables North East of Marula Cottage Church Farm Lane East Wittering West Sussex - Change of use from stables to small holiday let.
SDNP/15/02426/HOUS FERNHURST WR (RHJO)	Fernwood Cottage Bell Road Kingsley Green Fernhurst GU27 3LQ - Remove existing front flat roof and porch. Construct a two storey rear extension, New pitched roof over existing front extension, new dormers (resubmission of SDNP/15/00212/HOUS).
FU/15/00237/CONTRV WR (SCA)	Land South of The Stables Newells Lane West Ashling West Sussex - Engineering Ops and Use of Lane as a Gypsy Site.
PS/14/03983/FUL H (RHJO)	Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex, RH14 0BF - Retention of existing mobile home as a permanent dwelling.
SY/15/00881/FUL WR (MT)	82 East Street Selsey West Sussex PO20 0BS - Elevation changes to convert shop to flat.
SB/11/00022/CONDWE I (SCA)	R B S Nurseries Thornham Lane Southbourne Emsworth Hampshire PO10 8DD - Use of a building as a dwellinghouse
WE/15/00134/CONACC	Hambrook Car Wash Common Road Hambrook Westbourne West Sussex - Creation of an access and removal of trees. Linked to WE/15/01814/FUL
WE/15/01814/FUL WR (FJST)	Hambrook Car Wash Common Road Hambrook Westbourne West Sussex - Use of the land for hand car washing. Linked to WE/15/00134/CONACC
SDNP/15/01791/LDE WEST HARTING WR (RHJO)	2 Ryefield Barns Killarney to Goose Green Road West Harting Petersfield West Sussex GU31 5PE - Existing domestic curtilage extension requested in line with garden boundaries on land between house and driveway.
WW/15/00353/FUL WR (PKN)	Land to the Rear of Tanglewood, Briar Avenue East Wittering West Sussex - Temporary retention for a period of three years of eight no lorry containers for storage purposes. Linked to WW/15/00363/FUL
WW/15/00363/FUL WR (PKN)	Land to the Rear of Tanglewood Briar Avenue East Wittering West Sussex - Proposed six pitch static caravan site with wardens caravan for holiday proposes only. Linked to WW/15/00262/FUL

Reference/Procedure	Proposal
WR/15/00038/CONMHC WR (RWH)	1 Newfields Newpound Wisborough Green Billingshurst West Sussex RH14 0AX - Stationing of two mobile homes.
WR/15/00498/ELD I (CABO)	Beech Farm Roundstreet Common Loxwood Wisborough Green West Sussex RH14 0AN - The siting of a mobile home for the purposes of human habitation independently to Beech Farm House

2. DECISIONS RECEIVED

Reference/Decision	
BO/14/03168/COUPJ WR (C Boddy) DISMISSED	The Mill Ham Farm Main Road Bosham Chichester West Sussex PO18 8EH - Part 3 Class J: Change of use from B1(a) office to C3 residential.
<p>...The appeal is dismissed.... Following the Council's decision, the Town and Country (General Permitted Development) Order 2013 (as amended) was superseded by the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), which came into effect in April 2015. In terms of the section which is relevant to this appeal, Class O has replaced the old Class J. However, in respect of the issues relating to this case the content of the GPDO is not materially different.... The provisions of the GPDO at paragraph O.2 set out that there are three matters on which prior approval may be required; these are transport and highways, contamination risk and flooding. The Council have indicated that these do not apply in this case..... refused the application on the basis that condition 4 attached to the original planning permission¹ removes permitted development rights rendering the prior approval regime not applicable in this case. This argument is made in the light of Article 3(4) of the GPDO which states that 'nothing in this order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part III of the Act otherwise by this order'....Condition 4 reads 'The premises shall be used only for the purposes within Use Class B1 as defined in the Town and Country Planning (Use Classes) Order 1987. The reason for the condition is given as 'to comply with the terms of the application and protect the amenities and character of the area'.... The appellant argues that there are appeal decisions and High Court judgements that indicate condition 4 does not withdraw permitted development rights. I have been referred to the 'Dunoon' Court of Appeal case 3 which relates to the operation of the Use Classes Order. However, it is not clear what the context of this judgement was or what matters were considered... The Council refer to the findings of the 'Royal London Mutual' judgement⁴. This relates to a case involving a condition limiting the types of goods to be sold from a retail park. The judgement refers to the use of the word 'only' in the condition as making it clear that uses apart from retail trade are excluded... Based on the evidence before me, I consider there are clear parallels between the Royal London Mutual judgement and the case before me.... The Council has provided appeal decisions⁵ for change of use from offices to dwellings at Tangmere within the District. In these cases there was a similar condition attached to B1 uses although the reason for the condition is worded slightly differently. The Inspector concluded that the condition was effective in removing permitted development rights.... The appellant refers to an appeal decision in Chiltern District⁶ relating to a condition which was also similarly worded to condition 4. I have been provided with an extract of that appeal. The extract states that as there is no reference to the operation of the GPDO in the condition its operation was not prevented.... The extract from the Chiltern appeal indicates that the Inspector took a different view from the Inspector in the Tangmere decisions and the previous Inspector for the appeal site. Consistency between decision makers is important. However, I have not been provided with a full copy of the decision or the other considerations taken into account. Nor am I aware of the arguments that were put to that Inspector. Therefore the weight I give to it has to be tempered accordingly.... The Council accept that the wording of the condition is not in a form which they would use today. Nevertheless, by the use of the word 'only' this clearly means 'solely' or 'exclusively'. This is supported by the preceding words 'shall be used'. On this basis, I consider that the wording is precisely</p>	

defined and that there is a clear restriction against any other use.... I turn now to consider the reason for the condition. In this respect, the Council refer to the need to protect the intrinsic rural quality of the area. The location of the appeal site is slightly away from other residential properties with fields to the east and west.... only small clusters of house to the south on Main Road. The Council submit that the presence of domestic paraphernalia would need to be controlled in this rural area and I agree that this would be the case. Both parties refer to the need to consider planning permission in its full context. Therefore, when the condition and the reason are read as a whole it is clearly effective in restricting the use of the building to Class B1.... I conclude that condition 4 of the original planning permission is effective in removing the permitted development rights under Schedule 2, Part 3, Class O of the GPDO. The proposal would be contrary to the GPDO under Article 3(4). The prior approval regime is therefore not available in this case and planning permission would be needed for the proposed change of use. For the above reasons I conclude that the appeal should be dismissed....

[SDNP/15/00982/HOUS](#)

Rogate
WR (M Mew)
ALLOWED

Mottistone Cottage Terwick Hill Rogate Petersfield West Sussex GU31 5EJ - Replacement of a 4ft fence and 8ft Leylandii with 6ft fence and Laurel bush.

...At the time of my visit the Laurels were equivalent in height to the fence and had matured sufficiently to give fairly comprehensive screening along its length. Although the fence could be seen it was not clearly distinguishable and did not stand out as a prominent feature, neither from close quarters nor from views further afield. Instead I saw that the combination of the naturally coloured timber fence and foreground planting merged fairly seamlessly with the roadside enclosures of the site's wider setting.... given the intensely mixed vegetation of the surroundings the planting stands out as neither incongruous nor alien.... For the reasons given I am satisfied that there has been no harm to the area's landscape quality and scenic beauty....

[WI/15/00896/DOM](#)

WR
(M Tomlinson)
DISMISSED

Little Court Itchenor Road West Itchenor West Sussex PO20 7DD - Change in fenestration of first floor rear windows and change first floor rear balcony balustrade from timber to glass.

Although I have identified two ostensibly separate elements in the main issue above, they are closely inter-related. This is because the planning history of the building demonstrates that from the outset the Council has sought to achieve a building that through its design and external materials would be in keeping with the AONB.... This is illustrated by the refusal of the original application 10/03402/FUL for reasons including the large expanse of glazing and a glazed balcony balustrade to the first floor rear elevation and the subsequently negotiated approved scheme 11/00049/FUL, as amended by 11/02777/FUL. The Council later granted permission for a larger single area of glazing on the ground floor under approved application 13/03577/DOM and as I saw on my visit that this has been implemented.... The larger glazing panels now proposed for the first floor would be in keeping with the altered ground floor but in my view they would diminish the high quality of the original design and harm the appearance of the building. This harm would be further increased by the replacement of the traditional timber balcony balustrade handrail and spindles with the frameless fully glazed balustrade.... Although I understand from the appellant's point of view that in terms of making the most of the views and light the increased glazing would be an enhancement to the enjoyment of the dwelling, it is an overtly modern feature that would be at odds with the more traditional and restrained original design, negotiated to ensure that the building would not be intrusive in the AONB landscape.... In this context I note that the Section 6 'Windows and Glazing' of the General Guidelines section of the 'Design Guidelines for New Dwellings and Extensions Chichester Harbour AONB Revised August 2010' says that the visual impact of glazing, in particular the issue of reflection, is a key concern in the AONB. The Guidelines encourage the breakup of glazing and states that 'Disproportionately large expanses of glazing or picture windows can have a very unsympathetic appearance and will tend to draw the eye from the wider landscape'. This is exactly the fear of not only the Council, but also the Chichester Harbour Conservancy and the West Itchenor Parish Council in this case and I consider that there is a reasonable basis for their views.... Of particular relevance in this case is that the Design Guidelines explain that 'Generally, dwellings should be designed with proportionate windows; there should be more building than window. The visual impact of larger windows can be reduced by the vertical subdivision of frames, which helps to reduce the window proportions'. I acknowledge that the appeal scheme does not increase the overall ratio of window to building, but it does remove the vertical subdivision at an elevated level, and it is clear from the officer report that the Council has had some regrets in terms of its decision to permit application 13/03577/DOM for the amendments to the ground floor of the east elevation.... With these factors in mind I consider that there would have to be exceptional reasons to now take a decision directly contrary to the Guidelines, which either in themselves or their objectives were clearly an important consideration in the negotiated approvals of 2011.... However I also note the Council's point as regards a photograph submitted with the application demonstrating the reflective nature of the existing ground floor glazing, whilst there is no detailed evidence in terms of the visual impact of the fully glazed and frameless balustrade, which in my view could be significant in high summer.... Overall in terms of the degree of visual impact I consider that there remains an element of doubt, but perhaps the salient point is that even if I were to give the appellant the benefit of that doubt, this does not alter or overcome my concerns that the proposed alterations are directly in conflict with the Design Guidelines and would harm the architectural integrity of the building....

3. OUTSTANDING APPEALS

Reference/Status	Proposal
BI/15/00194/CONTRV WR (R Hawks) In progress	Land North West of Premier Business Park Birdham Road Appledram West Sussex - Use of land as a Traveller Site
BI/14/23356/PLD WR (F Stevens) In progress	Martins Lea Martins Lane Birdham Chichester PO20 7AU - Construction of driveway to Lock Lane, in connection with additional hard surfacing.
BI/15/01287/FUL I (R Hawks) In progress	Birdham Road Birdham West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/01288/FUL
BI/15/01288/FUL I (R Hawks) In progress	Birdham Road Birdham West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/01287/FUL
SDNP/14/04865/FUL BURY I (D Price) In progress	Land North of Junction with B2138 Bury Road Bury West Sussex - Change of use from agricultural land to a Gypsy and Traveller's site. Linked to SDNP/15/00336/COU
SDNP/15/00336/COU BURY I (R Hawks) In progress	Land North of Junction with B2138 Bury Road Bury West Sussex - Stationing of two caravans for human habitation. Linked to BI/15/01288/FUL, BI/15/01287/FUL and BI/15/00194/CONTRV
CC/14/02201/FUL WR (P Kneen) In progress	Garage Compound South of 39 to 45 Cleveland Road Chichester West Sussex - Proposed residential development to form 3 no 3 bedroom detached houses with associated gardens and garages.
CC/14/03359/PDE WR (H Chowdhury) Awaiting decision	18 Juxon Close Chichester West Sussex PO19 7AA - Single storey rear extension (a) rear extension - 4.0m (b) maximum height - 3.7m (c) height at eaves - 2.3m.
CC/15/01122/DOM WR (A Miller) In progress	28 Westgate Chichester West Sussex PO19 3EU - Single storey rear extension. Linked to CC/15/01123/LBC
CC/15/01123/LBC WR (A Miller) In progress	28 Westgate Chichester West Sussex PO19 3EU - Single storey rear extension. Linked to CC/15/01122/DOM

Reference/Status	Proposal
CC/15/01245/DOM WR (M Tomlinson) In progress	30 Brandy Hole Lane Chichester West Sussex PO19 5RY - Garage conversion with bay window and new open bay garage with first floor gym and shower.
CH/14/00181/CONMHC I (S Archer) In progress Public Inquiry to be held 10 December 2015 at 10am, Bourne Leisure Centre	Field West of Five Oaks Newells Lane West Ashling West Sussex - Stationing of mobile home.
CH/14/01342/FUL I (N Langford) Awaiting Decision	Buildings B C and D Lion Park Broad Road Hambrook Chidham Chichester West Sussex, PO18 8RG - Development of 25 no dwellings (4 no 1 bed and 21 no 2 bed) with associated parking and amenity space, in place of commercial blocks B, C and D approved under 09/04314/OUT and 11/01764/REM (resubmission of 13/00984/FUL).
CH/14/02138/OUT I (J Bell) Awaiting Decision	Land East Of Broad Road Hambrook West Sussex - Residential development of 120 single and two storey dwellings comprising 48 affordable homes and 72 market price homes, garaging and parking together with retail unit, sports pavilion, community facility, new vehicular and pedestrian access to Broad Road, emergency and pedestrian access to Scant Road West, sports facilities, two tennis courts, football pitch and four cricket nets, children's play area, public open space and natural green space on a site of 9.31 ha.
SDNP/15/00662/HOUS DUNCTON WR (M Mew) In progress	The Corn Store Dye House Lane Duncton Petworth, West Sussex GU28 0LF - External alterations and construction of raised platform. Linked to SDNP/15/00663/LIS
SDNP/15/00663/LIS DUNCTON WR (M Mew) In progress	The Corn Store Dye House Lane Duncton Petworth West Sussex GU28 0LF - External alterations and construction of raised platform. Linked to SDNP/15/00662/HOUS
E/15/01149/DOM WR (C Boddy) In progress	95 First Avenue Almodington Earnley PO20 7LQ - Two storey erection of ancillary domestic building comprising garage, workshop, gym, storage and home office.
SDNP/15/02367/HOUS EBERNOE WR (R Grosso Macpherson) In progress	Sparkes Farm Ebernoe Road Balls Cross Ebernoe GU28 9JU - Proposed demolition of various extensions to the rear and east sides of the house and their replacement with new extensions.

Reference/Status	Proposal
SDNP/14/06393/FUL EASEBOURNE WR C (Cranmer) In progress	Ilex House Upperfield Easebourne West Sussex GU29 9AE - Construction of a new dwelling.
SDNP/15/00299/ADV EASEBOURNE WR (C Cranmer) In progress	A286 Kings Drive to Henley Old Road Easebourne West Sussex - To erect and keep for the licence period two signs of a similar size and style to that shown on the attached illustration in positions shown on the attached location plan on Kings Drive.
EWB/14/01806/OUT I (F Stevens) In progress Public Inquiry to be held 8 and 9 December 2015 at 10am, Bracklesham Barn	Land East of Barton Way Clappers Lane Earnley West Sussex - The erection of 110 residential dwellings, new vehicular access, open space, and other ancillary works.
EWB/14/03986/FUL WR (N McKellar) In progress	Stables North East of Marula Cottage Church Farm Lane East Wittering West Sussex - Change of use from stables to small holiday let.
SDNP/14/05057/LIS HARTING WR (M Mew) In progress	Old Manor House West Harting Petersfield GU31 5PA - Replacement of five timber single glazed windows on the rear 1930s extension with new timber double glazed units.
SDNP/15/01301/HOUS FERNHURST WR (R Grosso Macpherson) In progress	32 Vann Road Fernhurst West Sussex GU27 3JN - Single storey and first floor extension.
LX/13/03809/OUT I (N Langford) Awaiting Decision	Land South of Loxwood Farm Place High Street Loxwood – erection of 25 no residential dwellings comprising of 14 no private residential dwellings and 11 no affordable residential dwellings, associated private amenity space and parking.
SDNP/14/02271/HOUS Midhurst WR (M Mew) In progress	The Old Cottage Bepton Midhurst GU29 0JB – Conservatory Linked to SDNP/14/02272/LIS
SDNP/14/02272/LIS Midhurst WR (M Mew) In progress	The Old Cottage Bepton Midhurst GU29 0JB - Conservatory Linked to SDNP/14/02271/HOUS
SDNP/14/00373/OPDEV WR (R Hawks) Petworth In progress	Stillands Shillinglee Road Shillinglee Northchapel Godalming West Sussex GU8 4SX - Creation of a bank. Appeal against enforcement notice.

Reference/Status	Proposal
PS/14/03665/FUL WR (P Kneen) In progress	Oakley Grange Plaistow Road Kirdford Billingshurst West Sussex RH14 0JY - Proposed track across paddock adjoining Oakley Grange, Kirdford.
PS/14/04100/FUL H (F Steven) In progress	Little Springfield Farm Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TS - Demolition of existing industrial buildings and erection of 3 no detached dwelling houses with associated landscaping, surfacing, car parking provision and access works.
SDNP/15/01349/HOUS ROGATE WR (R Grosso Macpherson) In progress	Lower House Durleighmarsh Rogate Petersfield West Sussex GU31 5AX - Oak framed glazed garden room extension to side. Linked to SDNP/15/01351/LIS
SDNP/15/01351/LIS ROGATE WR (R Grosso Macpherson) In progress	Lower House Durleighmarsh Rogate Petersfield West Sussex GU31 5AX - Oak framed glazed garden room extension to side and insertion of roof light on south elevation. Linked to SDNP/15/01349/HOUS
SDNP/14/04194/HOUS Rogate WR (M Mew) In progress	Tollgate Cottage Durleigh Marsh Petersfield Hampshire GU31 5AX - Single storey rear extension and various works. Linked to SDNP/14/04195/LIS
SDNP/14/04195/LIS Rogate WR (M Mew) In progress	Tollgate Cottage, Durleigh Marsh, Petersfield, Hampshire GU31 5AX - Single storey rear extension and various works. Linked to SDNP/14/04194/HOUS
SY/15/00905/COUPMB WR (N McKellar) In progress	Ferry Farm Chichester Road Selsey West Sussex - Proposed change of use from agricultural building to 1 no dwelling (C3 Use Class).
SY/15/00320/FUL Hearing (F Stevens) Awaiting Decision	Student Accommodation Home Farm Chichester Road Selsey Chichester West Sussex PO20 9DX - Variation of condition 3 of permission SY/14/01758/FUL. Change need to retain these buildings in agricultural occupancy.
SI/14/04249/ELD WR (P Kneen) In progress	Magnolia Cottage Cloverlands Chalder Lane Sidlesham Chichester West Sussex PO20 7RJ- To continue use of building as a single dwelling.

Reference/Status	Proposal
SI/15/00157/CONMHC H (R Hawks) Hearing to be held 9 February 2016 at 10am, Chichester District Council	Field South of Green Lane Piggeries Ham Road Sidlesham West Sussex - Stationing of a mobile home engineering works.
SDNP/15/00136/OPDEV WR (A Simpson) In progress	Manor Farm A286 Town Lane to the Grove Singleton Chichester West Sussex PO18 0EX - Earth works.
SB/15/00113/FUL WR (F Stevens) In progress	Land between Meadowsweet and Appletrees Lumley Road Southbourne West Sussex - Construction of a dwelling.
WE/14/00911/FUL I (J Bushell) Awaiting Decision	Land on the North Side of Long Copse Lane Westbourne West Sussex - Erection of 16 no dwellings, vehicular and pedestrian access, car and cycle parking and landscaping
WE/14/01217/FUL H (J Bell) Awaiting Decision	Land West of Harwood Cemetery Lane Woodmancote Westbourne West Sussex - Provision of five Gypsy and Traveller pitches incorporating the re-design of an existing pitch (including the removal of stables granted in permission WE/13/03867/FUL) and the use of land for the stationing of caravans for residential purposes for an additional 4 no gypsy pitches, together with the formation of additional hard standing and utility/ dayrooms ancillary to that use.
WW/13/00232/CONCOM WR (S Archer) In progress	Bramber Plant Centre Chichester Road West Wittering – Portacabins being used as office – appeal against enforcement notice.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land at Premier Site Birdham Road	Stable and other preparatory works in the AONB without planning permission.	Contempt proceedings have been lodged. Crown Court has given a hearing date of 5 October 2015. Due to ongoing breaches and further works injunctions against further parties are being sought in addition to further enforcement action taken.
Land at Scant Road East	Preparation to convert use to residential without planning permission.	Investigations ongoing and injunction being prepared if other methods of enforcement prove not to prevent the planning harm identified. Planning application now made. Court proceedings suspended.
Prosecutions		
Site	Breach	Stage
Nell Ball Farm Plaistow	Failure to comply with planning enforcement notices	(i) Prosecution authorised and papers passed to Legal Services (containers on the land). (ii) Prosecution proceedings to be recommenced in relation to the stationing of mobile homes.
Dean Ale and Cider House West Dean	Failure to comply with planning enforcement notice	Planning application has been received. Matter is listed to 25 September 2015 but likely to be adjourned and will be withdrawn if planning permission for relevant enforcement notice is granted. 25.09.15 – Court hearing adjourned until determination of the application.

Site	Breach	Stage
12 Second Avenue Emsworth	Failure to comply with s 215 notice.	Matter withdrawn as compliance with notice largely achieved. Notice remains in effect and site will be monitored.
Kellys Farm, Bell Lane Birdham	Failure to comply with planning enforcement notice	Certificate of lawful use granted. Matter therefore withdrawn from court as requirements of enforcement notice now satisfied.
The Barnyard	Display of unauthorised adverts.	Defendant found guilty at hearing and given absolute discharge. Further action review 1 November 2015.
High Court		
Site	Matters Prohibited by the Order	Stage
Planning injunction		
NONE		
Magistrates Court		
NONE		

7. POLICY MATTERS

NONE

Agenda Item 18

Chichester District Council

Planning Committee

Wednesday 11 November 2015

Land North West of Decoy Farm House Decoy Lane Oving West Sussex

03/00173/CONMHC

Non-Compliance with Two Enforcement Notices Issued under Section 172 of the Town and Country Planning Act 1990

1. Contacts

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2. Recommendation

- 2.1. That direct action be taken under section 219 of the *Town and Country Planning Act 1990* to secure compliance with two enforcement notices as set out at paragraphs 4.6 and 4.7 below; and
- 2.2 That the Planning Committee recommends to the Cabinet that contractor (ii) is instructed to undertake the specified actions in the enforcement notices and that a budget of £20,000 be approved to fund this work

3. Background

- 3.1. This matter relates to non-compliance with the requirements of two formal notices that have been issued under s 172 of the *Town and Country Planning Act 1990*, regarding unauthorised developments at the above property.
- 3.2. The investigation arose following an enquiry made to the Council in April 2003 with respect to the stationing of a mobile home, building materials, scrap vehicles, waste timber and the construction of buildings on the land.
- 3.3. A Planning Contravention Notice (PCN) was served under s 171C of the *Town and Country Planning Act 1990* on 8 October 2003 on Mr M J Smith of Decoy Farm Decoy Lane Aldingbourne Chichester PO20 3TR with respect to the suspected breach of planning control of, "Unauthorised storage of vehicles and sundry (*sic*) materials and the stationing of a mobile home". The PCN response confirmed that the owners of the land were M J Smith and C A Smith of 14 Tatchells Forest Road Midhurst.

- 3.4. The investigation concluded that the following development had taken place upon the land without the benefit of planning permission:
- i) The (partial) construction of a brick and flint building measuring approximately 6m x 20m.
 - ii) The change of use of the land to use for the storage of motor vehicles, vehicle parts, building materials, wood, and metal including, wheels, scaffolding, lorry/van bodies, a freezer, plastic piping, wire caging, tyres, plastic crates and buckets, trailer bodies, dismantled wooden structures, a forklift truck, a flatbed lorry, a horse box, a skip, rubble/hardcore, metal angle posts and the stationing of a caravan for use as a rest room.”
- 3.5. The matter was reported to the Area Development Control Committee (South) on April 27 2005, requesting authority to take enforcement action.
- 3.6. Following committee authorisation the Council served Enforcement Notices (References: O/11 and O/12) with respect to the above developments at the land on the landowners on 1 July 2005. The requirements of the notices were to:
- EN O/11** “Demolish the partially complete building and remove the resulting rubble and debris from the land,”
- EN O/12** “i) Discontinue the use of the land for the storage of motor vehicles, vehicle parts, building materials, wood, metal, wheels, scaffolding, lorry/van bodies, a freezer, plastic piping, wire caging, tyres, plastic crates and buckets, trailer bodies, dismantled wooden structures, a forklift truck, a flat bed lorry, a horse box, a skip, rubble/hardcore, metal angle posts and the stationing of a caravan for use as a rest room.
- ii) Remove all of the items listed in (i) above.”
- The time given for compliance with the above requirements was 6 months from the date the notices came into effect.
- 3.7. Mr and Ms Smith lodged appeals on 14 September 2005 with respect to the enforcement notices. The appeals were made under Ground (d) of s174(2) of the *Town and Country Planning Act 1990*; ‘*that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by (the matters stated in the notice)*’
- 3.8. The appeal was heard at a public inquiry held on 24 to 25 January and 9 March 2006. The appeal against enforcement notice O/11 was dismissed and the appeal against enforcement notice O/12 was dismissed with minor corrections and variations made to the text of the notice, by way of written decision dated 22 May 2006.
- 3.9. The notices therefore came into effect on 22 May 2006 and were due for compliance on 23 November 2006.
- 3.10. Throughout the investigation, Council officers have regularly visited the site to monitor and seek compliance with the notices. It is notable from these inspections that little has materially changed on the land. The vast majority of

the items listed in the change of use enforcement notice [O/12] have remained insitu and on many occasions have been added to with additional items such as wooden pallets, plastic barrels, buckets, and various building materials.

- 3.11. Due to the continued failure of the owners to comply with the requirements of the enforcement notices, the matter has been referred to the courts for prosecution of the offence of failure to comply with an enforcement notice as stated in s 179 of the *Town and Country Planning Act 1990*.
- 3.12. The first trial was held on 10 December 2008 and resulted in a conviction with conditional discharge where the magistrate required that Mr and Ms Smith agree with the Council which items on the land were neither ancillary nor incidental to the lawful use of the land for agriculture.
- 3.13. Discussions and meetings failed to achieve any significant removal of items as required by the enforcement notices and Mr Smith has been unable to agree that any items were unnecessary for the agricultural use of the land. Additionally, more items and material had been imported to the land. The matter was therefore referred back to the courts for a second prosecution.
- 3.14. The second trial was held on 13 March 2015 and resulted in a conviction and fine of £7,240 plus £2,342.09 in costs awarded to the Council. It was agreed that the fine and costs would be paid at £100 per month and to date £750 has been paid.
- 3.15. Subsequent to the second conviction, a letter was sent to Mr and Ms Smith requesting a timetable for compliance with the requirements of the notice. The letter also stated that the Council would consider undertaking works in default/direct action should the notices not be complied with within a reasonable period of time. A subsequent visit to the site on 25 June 2015 established that no significant progress had been made to comply with the notices and further visits carried out in August 2015 show that more items have been brought onto the land.

4. Option for future Enforcement Action

- 4.1. Both enforcement notices are now overdue for compliance by a significant period with only extremely limited steps taken to comply in the intervening 9 years. Furthermore, following successful court action on 2 occasions, Mr Smith has failed to carry out meaningful compliance.
- 4.2. Options now available to the Council are:

- i. Further prosecution for continued failure to comply with the notices

In light of the failure of the previous prosecution to either encourage compliance with the notices, or settle the court costs, it is considered unlikely that an additional conviction in this matter would be any more successful in achieving compliance.

- ii. Injunction – The Council could petition the Courts for an injunction under s 187B of the *Town and Country Planning Act 1990*. This could specify a requirement for the land to be cleared as per the requirements of the two enforcement notices. This would specify a further period for compliance

and failure to comply would be considered contempt of court with a potential custodial sentence.

It is considered that the pursuance of an injunction would not result in the achievement of the Council's objective of securing full compliance with the enforcement notices. The courts may consider that an injunction adds no further to the enforceability of the notices, and the sanction of a custodial sentence would be unlikely to encourage the land owner to comply and may well reduce their financial resources and ability to comply.

- iii. Third prosecution. Apply to the Crown Court for an indictment for the failure to comply with the enforcement notices. This can incur an unlimited fine rather than the £20,000 maximum under summary conviction in the Magistrates Court.

An indictment may result in a substantial fine, reduce the land owner's financial resources and incur significant legal costs to the Council, as well as the time taken to undertake such proceedings.

- iv. Do nothing – it may be considered that further formal action and the associated costs to the Council, are not in the public interest and therefore the committee may conclude that no further action should be taken. This would not discharge the requirements of the notices and they would remain enforceable in the future.

Choosing to cease or postpone the formal enforcement of the notices would save the Council the expenditure associated with the options for further action but would carry the risk of undermining public confidence in the planning system. Also, in the context of the longevity of the investigation, this may send a message that perpetrators of breaches of planning control can benefit from carrying out works without permission; it would also make seeking compliance with the notices more difficult to justify in the future.

- v. Undertake works in default (direct action) under powers granted by s 219 of the Act,

This is considered to be the most appropriate option as it enables the local planning authority to:

- (a) enter the land and take the steps required by the notice, and.
- (b) recover from the person who is then the owner of the land any expenses reasonably incurred by them in doing so.

The *Public Health Act 1936* (power of local authorities to sell materials removed in executing works under that Act subject to accounting for the proceeds of sale) is also applicable in relation to any steps required to be taken by a notice under section 215.

- 4.3. Where direct action is to be taken, the Council will appoint contractors to carry out the work required by the Notice(s) having regard to their expertise and costs for undertaking that work. The Council will carry out a risk assessment and will have regard to the contractors own risk assessment for undertaking such works on site. Access to the site will have to be secured which may require the

removal of overhanging tree branches to enable heavy plant and machinery to pass over the access way. In addition, the Police will be notified in case of a breach of the peace.

- 4.4. Prior notice of such action will be given to the landowners so that they may finally carry out the works of compliance before the Council proceeds. Execution of the work by an approved contractor on behalf of the Council will secure compliance and overcome the harm to the character of the countryside and the amenities of the neighbouring property as identified in the notice(s). On balance therefore, having taken all other matters into consideration, this option is favoured by officers.

Works to achieve compliance

- 4.5. These will involve undertaking the remaining works as follows:

- 4.6. **The 1st Notice EN O/11:**

- i) "Demolish the partially complete building and remove the resulting rubble and debris from the land,"

- 4.7. **The 2nd Notice EN O/12:**

- i) "i) Discontinue the use of the land for the storage of motor vehicles, vehicle parts, building materials, wood, metal, wheels, scaffolding, lorry/van bodies, a freezer, plastic piping, wire caging, tyres, plastic crates and buckets, trailer bodies, dismantled wooden structures, a forklift truck, a flatbed lorry, a horse box, a skip, rubble/hardcore, metal angle posts and the stationing of a caravan for use as a rest room.

- 4.8. Upon completion of the above, the authority is then entitled to recover all reasonable costs of so doing from the owner of the property. This may be achieved by placing a charge on the land or via an agreed payment schedule.

5. Update on the Planning Considerations

- 5.1. The Council has considered all the relevant planning issues in relation to this matter. It remains the view of officers that the part built barn and the use of the land for the storage of the significant number and amount of items listed above, results in significant harm to the character of the local area and has a detrimental impact the amenity of the neighbouring dwelling and the nearby holiday accommodation. It therefore remains expedient to pursue this matter to achieve the matters required in the enforcement notices.

6. Quotes received

- 6.1. Quotes, to secure compliance with the requirements of the notices in default, have been obtained from 3 contractors approved for use by the Council having regard to the type of business that they operate and their experience in the clearance and disposal of waste.
- 6.2. Each contractor was provided with a copy of the enforcement notices and visited the site with an officer to appraise the current state of the land and to assess

what works are necessary to secure compliance with the requirements of the enforcement notices.

7. Proportionality, Human Rights and Equalities Impact

Human Rights

- 7.1. The human rights issues with respect to this matter were considered in the assessment made for issuing the original enforcement notices and again for the prosecutions for failure to comply with those notices.
- 7.2. To reiterate, it is noted that, in assessing the implications of the *Human Rights Act 1998* (HRA 1998) on proposed enforcement action, the HRA does not impair the right of the state or local authorities to enforce laws in the public interest. While the works required by the notice relate to privately owned property and therefore may invoke Article 1 of the 1st Protocol (“Protection of property including a right”), the requirements of the notices require the removal of a substantial amount of material owned by the land owners and the demolition of their part constructed building. This will clearly invoke their human rights under the 1st Protocol. However, it is considered that compliance with the requirements of the enforcement notices, which have been tested and upheld at appeal and in the courts is in the public interest and that the protection of property under the 1st Protocol is insufficient to override this.

Proportionality

- 7.3. In applying the test of proportionality, it is clear from the planning considerations outlined above that serious harm to amenity has occurred and continues to be a problem that if not apprehended will lead to further harm via the importation of further materials to the site. It is also recognised that prosecutions have failed to secure compliance and so enforcement has not succeeded in its aims to date. In undertaking direct action, rather than leaving the land to further deteriorate, the Council would be taking responsibility to achieve the steps that have been identified in the service of the notices as necessary to address these matters. It is noted however that actions to date have shown that the owners of the land have neither the ability, means or willingness to carry out works of compliance or the funds to pay the fines imposed.
- 7.4. Taking all matters into consideration, officers are of the opinion that the actions to be taken, are not in conflict with the requirements of the HRA and that the recommended action is proportionate to the breach and offence identified.

8. Conclusion

- 8.1. The authority has taken action under section 172 (issued enforcement notices) and section 179 (prosecutions) of the *Town and Country Planning Act 1990* but these actions have not secured the cessation of the breach of planning control. In addition, attempts to negotiate with the owner and identify items that can be removed from the land have failed to result in any meaningful discussion or improvement in the condition of the land. The owner considers that all of the goods are necessary and will one day be used as part of a viable agricultural undertaking. However, there is no evidence that this will ever happen and there

is no demonstrable justification for the amount and type of goods kept on the land or for the retention of the partial constructed building.

- 8.2. There is no prospect of compliance being achieved or of works being carried out to improve the amenities of the locality and so the future of the land and its long term upkeep remains uncertain.
- 8.3. The recommended action is therefore considered to be a proportionate response to the breach of planning control and the offence identified.

9. Recommendation

- 9.1 On the basis of the considerations above, it is considered to be both necessary and expedient that the authority undertakes direct action through the appointment of a contractor to carry out the requirements of the notices referred to in section 4, above and to seek to recover the costs incurred in executing the powers set out in s219 of the Act.
- 9.2 Given the information made available to the contractors, the variation between them in the cost of the work is notable. It is nevertheless recommended that following the appropriate procedures, that a contractor be appointed to carry out the required work but that to allow some flexibility in relation to unquantified costs at this stage, that a budget of £20,000 is made available. This amount can be met from reserves.

10. Appendix

- 10.1 Exempt financial information

11. Background Papers

- 11.1 Enforcement notices O/11 and O/12

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

Document is Restricted