

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/17/03547/FUL

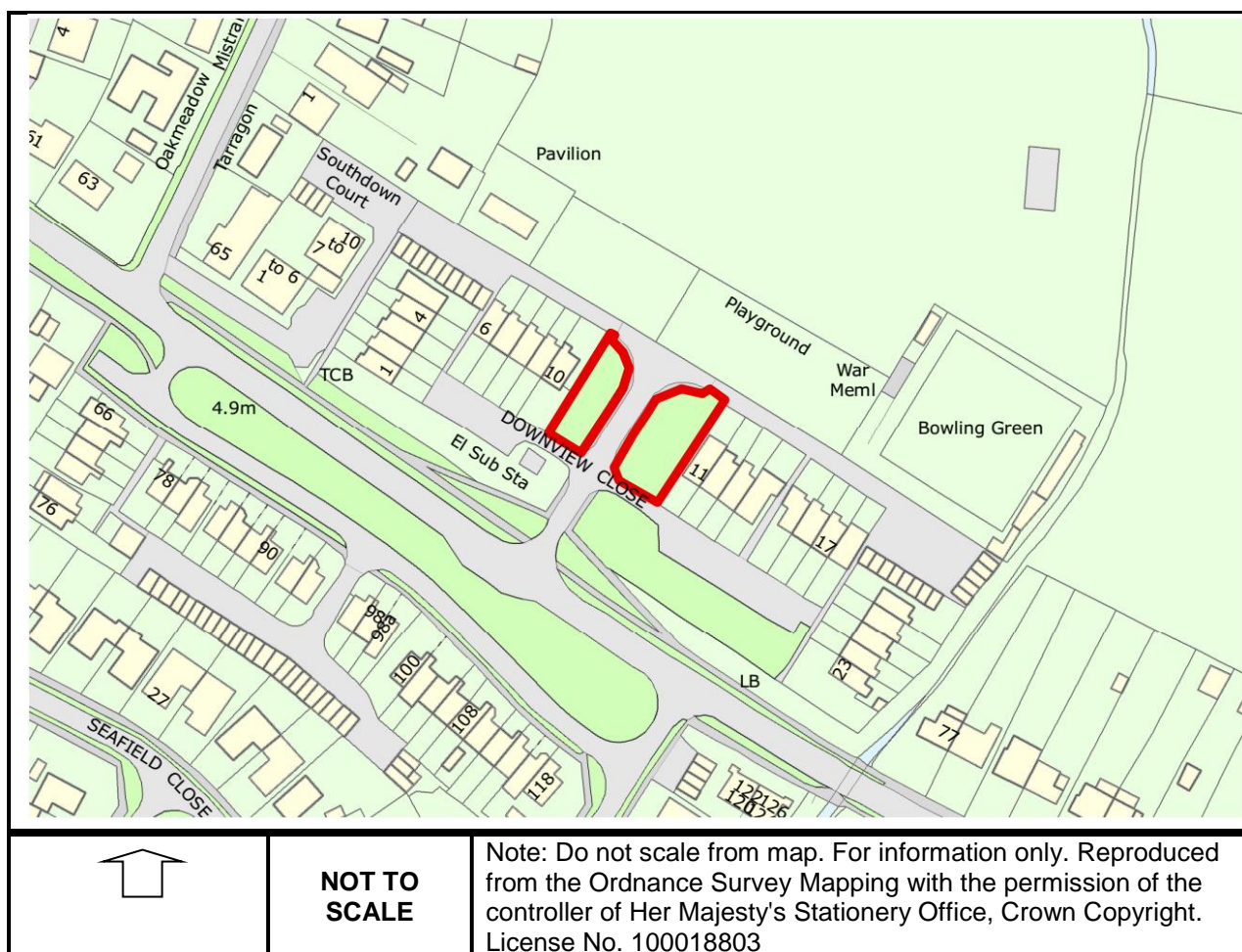
Proposal Construction of 1 no. 3 bedroom detached dwelling and 2 no. semi-detached, 3 bedroom dwellings.

Site Land East Of 10 Downview Close East Wittering PO20 8NS

Map Ref (E) 480164 (N) 96974

Applicant Mr Simon Cobden

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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SCALE**

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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in the settlement of East Wittering, situated to the east of the central hub of services and amenities, in an area characterised by residential properties of a terraced 1950s style.
- 2.2 The site comprises two parcels of land between no. 10 and no. 11 Downview Close, with an access road leading to the recreation ground to the north subdividing the site. The land is laid to grass; with a pedestrian footpath alongside side each part of the application site. The bowls club, football ground and children's play park is located to the north and garaging compounds associated with the properties at Downview Close to the north east and west. To the east and west are the terrace properties forming Downview Close. To the south is an area of open landscaped space, which separates Downview Close from Stocks Lane.

3.0 The Proposal

- 3.1 The application follows withdrawn applications EWB/16/01593/FUL and EWB/17/00374/FUL and seeks to address the concerns raised as part of these applications. The proposal seeks full planning permission to erect a pair of semi-detached dwellings to the eastern plot and a detached dwelling to the western plot.
- 3.2 Each plot would retain the footpaths which lead to the recreation ground to the north. The dwelling on Plot 1 would be positioned 2.5m from the eastern boundary and 1m from the western boundary. The dwelling on Plot 2 would be stepped off the western boundary by 2.65m and the dwelling on plot 3 would be positioned 1.25m from the eastern boundary. The proposals would follow the slightly staggered frontage which exists in Downview Close. Plot 1 would be detached, measuring 6.6m x 11m, with an eaves height of 5m and a ridge height of 6.9m. Plots 2 and 3 would be semi-detached, measuring 5.4m wide and 11m deep. They would also have an eaves level of 5m and a ridge height of 6.9m.
- 3.3 Internally the proposals would comprise an entrance porch and W.C, leading into a kitchen/diner and lounge to the rear. At first floor each plot would follow the same layout; three bedrooms and a bathroom to the rear. Each dwelling would have off road parking for two cars to the front and a cycle and bin store the rear garden. They would be constructed of brick, with weatherboarding at first floor level and a tile pitched roof.

4.0 History

16/01593/FUL	WDN	4 no. semi-detached 3 bed houses with associated parking and landscaping.
17/00374/FUL	WDN	4 no. semi-detached houses with associated parking and landscaping.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	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**

OBJECTION: The location of this site is situated either side of the narrow approach road to Downview Public Open Space which has a children's playground and is also home to the Bowls Club and the thriving Junior Football Club and Youth Club.

Although there is a small area of grass where the Bowls Club, Junior Football Club and Youth Club can park, there is a lot of roadside parking by park users, particularly on match days, which would be rendered impossible if this application is permitted. The open aspect to Downview Open Space allows a free view into the park and playground making it easy to monitor by police and easily accessible by emergency vehicles and the general public. The proposed houses and fencing would obscure the view and effectively close off the park to the detriment of the amenity of the area and give an unacceptable sense of enclosure. We believe that this development could contravene policy 33 of the Chichester District Local Plan.

The approach road and the footpath (which is the only access) is constantly used by children and other members of the public coming and going to the park, some of whom are elderly, and their safety must be a priority. In order to address incidents of anti-social behaviour, and which could possibly re-occur in the future, there is a need for a clean line of sight to enable efficient monitoring. The narrow private access road from Stocks Lane to Downview Public Open Space is the responsibility of the Parish Council and has suffered no significant damage for over seventeen years during its normal use.

Should this application be permitted, then during the construction period, this road and pavement must remain open and safe for pedestrians and vehicles to use the Open Space and any damage to the pavement or road must be made good as a condition of development. There must be no parking of vehicles associated with the construction on this access road, we also ask that this be made a condition if permission is granted. It is imperative that the access road be maintained as a safe place without restricted views or hazards of any kind.

The Council understands the desire of the developer to build on these plots, but thinks that one house each side, with open plan gardens would preserve the aspect and character of the area. The current application is cramming and over development

6.2 WSCC Highways (summarised)

The principle of residential development on this site been established as being acceptable in highways terms under 17/00374/FUL. Downview Close is a private road; consequently these comments are for your advice only.

Developer is advised to contact and gain approval from the proprietor of Downview Close

Two off road parking spaces per dwelling considered adequate to meet the needs of the development. There would be need for visitor parking, but it would not be unreasonable to accommodate this off road. It would be difficult to substantiate that a development with a small shortfall in car parking space would result in, or materially exacerbate, any on street car parking issues within the immediate vicinity. The Local Planning Authority would be advised to consider any amenity implications of the parking provision may cause.

The Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

6.3 Third Party representations

4 third party letters of objection have been received concerning the following:

- a) Loss of trees;
- b) Limited car parking; and
- c) Visibility concerns.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for East Wittering Parish 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 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 29: Settlement Hubs and Village Centres
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
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 paragraph 17 (Core Planning Principles), and sections 6 and 7 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 Documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Impact on amenity of neighbouring occupiers
- iii) Impact upon visual amenity and character of the area
- iv) Highway safety
- v) Housing mix
- vi) Recreational disturbance
- vii) Ecology
- viii) Other matters

Assessment

- i) The Principle of development

8.2 The application site lies within the East Wittering Settlement Boundary as defined by policy 2 of the Local Plan, where new development will be permitted provided it is otherwise in accordance with the Local Plan. East Wittering benefits from a range of services and facilities and is a settlement hub as designated in Policy 2 of the CLP. The principle of development in the settlement boundary is acceptable, depending upon its integration and visual relationship with the character and appearance of the area.

- ii) Impact on amenity of neighbouring occupiers

8.3 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 protect the amenities of neighbouring properties. The proposal would be located to the flank walls of either side of properties 10 and 11 Downview Close, in which there are no existing side windows. The porch elements to plots 2 and 3 would be set in line with the neighbouring properties principal elevations and would follow a similar build line to the rear. Plot 1 would be set forward of no.10 with the front build line level with the neighbours porch and the proposed porch projecting forward of this. The siting of the proposal would follow a slightly staggered frontage, which would be in keeping with the character of the area. As such it is not considered there would be any adverse overbearing impacts on neighbouring properties in this regard. The proposal would be set in excess of 65m from neighbouring property to the south and there is open recreation ground to the north. Due to the distance, orientation and design of the proposals there would not be any loss of light or oblique overlooking to the immediate neighbouring properties. Overall it is not considered the proposals would cause harm to neighbouring occupier's amenity.

iii) Impact upon visual amenity and character of the area

- 8.4 The proposal would, in part, infill the gap between numbers 10 and 11 Downview Close. The Parish Council are concerned that infilling this gap would erode the spatial qualities of the area and cause harm to its visual amenity, a concern echoed within a third party comment. Both properties adjacent to the access road would be set back at least 2.5 metres from their boundary with the access and both footways either side of the access, which lead to the recreation ground to the rear, would be retained and there would be soft landscaping to the front elevations. Details of the boundary treatment can be secured through planning condition, ensuring that the character to the front of the property reflects the more open character of the street scene. The recreation ground to the rear would also remain visible through the maintaining of the access road and the stepping of the properties from the boundaries. As a result there would be a gap of 8.8m for visibility through to the recreation ground.
- 8.5 When viewed as part of the existing terrace (Nos11-14) Downview Close the semi-detached properties, whilst separated from the terrace, would continue the form of linear development on the close. By way of their proximity to the existing built form in the street and their overall design which is reflective of the existing properties in the street, it is not considered the proposed dwellings would appear out of character with the visual amenities of the area. The proposal would therefore accord with the NPPF and policy 33 of the CLP which seeks to secure high quality design.

iv) Highway Safety

- 8.6 The hardstanding fronting each property would provide 2 off street car parking spaces per dwelling, providing a total of 6 parking spaces. The WSCC Car Parking Demand Calculator indicates a demand for 6.8- 7 spaces, which includes 1 visitor space. WSCC Highways have been consulted on the application and they advise that it would be extremely difficult to substantiate that a development with a shortfall of one car parking space would result in or materially exacerbate any on street car parking issues in the locality.
- 8.7 Third parties have raised concerns about the displacement of parking through the provision of the three dwellings and the ability to park on road when accessing the recreation ground to the rear. It is acknowledged that on-street car parking can be restricted during match days or events at the recreation ground. To the south of the site, this part of Downview Close narrows and there is existing insufficient space to provide on street parking without encroaching onto the grass landscaped areas, which are not delineated for parking. Furthermore, this part of the road is private and not publicly available for parking of users of the recreation ground and therefore at present there is no provision for parking to the south of the application site. There would be provision for two off road parking spaces for each of the three proposed dwellings. As outlined above there would be a shortfall in the provision of one parking space for the development, there is however unrestricted on street parking available on the surrounding roads away from Downview Close and connecting public footpaths would not be affected as part of the development. It is considered this would be an acceptable arrangement even during times the immediate access road to the recreation ground may be at capacity. The site is not currently used for car parking and the on street parking on the main service road leading to the recreation ground, to the east and west of the proposed properties would

be retained. It is therefore considered the proposal would be afforded an acceptable level of parking that would ensure the proposal would not harm highway safety. The proposal would accord with policy 39 of the CDLP which seeks to ensure that new development does not create residual impacts which are severe.

vi) Recreational Disturbance Mitigation

8.8 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate against this, the applicant has agreed to enter into an agreement and provide a financial contribution to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

8.9 It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

vii) Ecology

8.10 The site is laid to grass and fenced off from the wider area. Some years prior to the submission of the application the trees on site were removed. These were not covered by tree protection orders. The grass is kept and due to the sites location it is not considered that there are high possibilities of protected species.

viii) Other matters

The Parish Council have raised concerns about development during the construction period, and wish to ensure that the road and pavement are left clear of parking and any damage is made good. It is considered proportionate to condition a Construction Environmental Management Plan and details regarding parking and storage would be secured as part of this.

Section 106 Agreement

8.11 This development is liable to pay the Council's CIL charge because it results in the construction of three new dwellings.

8.12 As noted above in section v) the proposal is liable to a contribution in the form of a Unilateral Undertaking and mitigation, to offset harm created to protected bird species in the Chichester and Langstone Harbour Special Protection Zones.

Conclusion

8.13 Based on the above assessment it is considered the proposal by reason of the size, design, form and location of the four proposed dwellings on the plots, would comply with development plan policies 1, 33, 39, 40, 49, 50 of the CDLP and therefore the application is recommended for approval.

Human Rights

- 8.14 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 subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 001A, 064/04, 064/03, 064/02

Reason: To ensure the development complies with the planning permission.

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

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,

- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

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

5) No Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage. Attenuation will be designed to accommodate the 1 in 100 year event +40%. Thereafter no building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

6) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

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

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

8) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

(a) scaled plans showing the location of the boundary treatments and elevations, and

(b) details of the materials and finishes.

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

13) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

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

INFORMATIVES

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

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

2) The attention of the developer is respectfully drawn to the requirement to contact the owners of the private road.

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