

Parish:  
Chichester

Ward:  
Chichester South

**CC/18/03180/FUL**

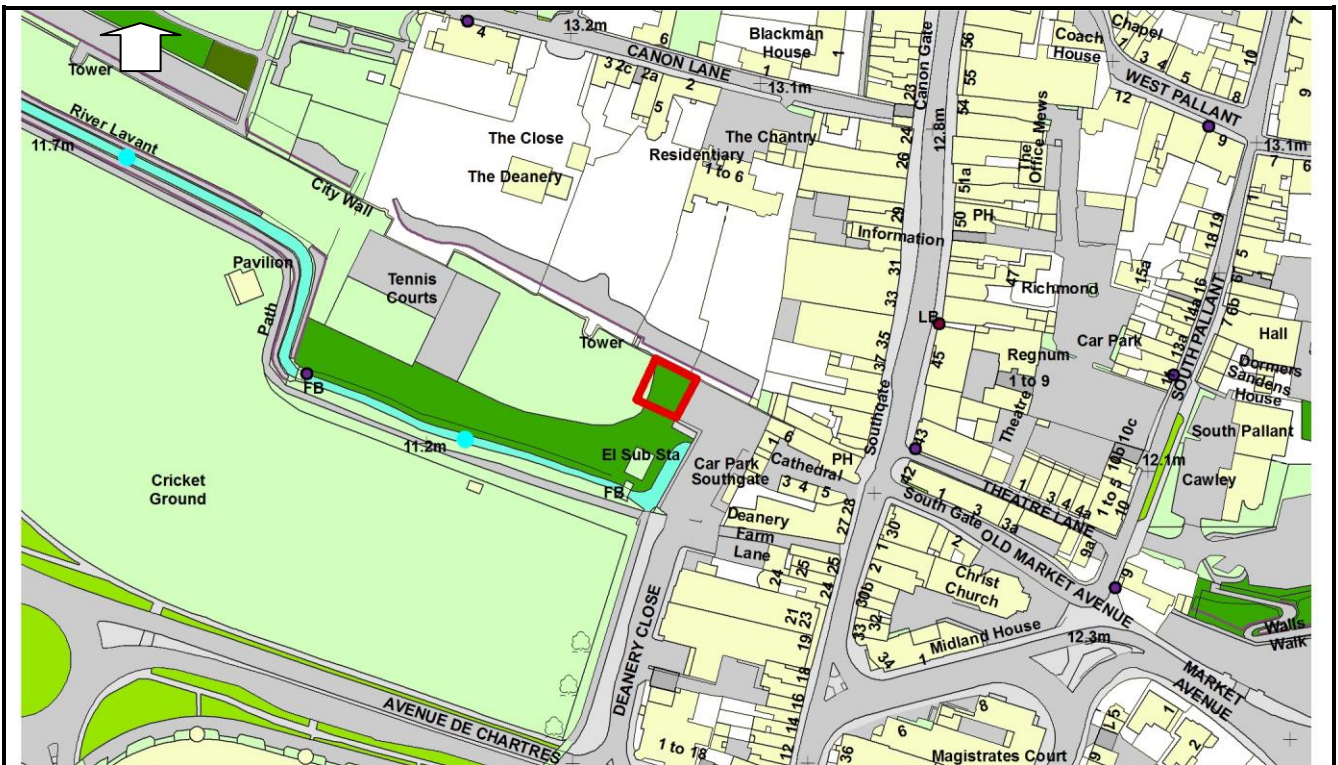
**Proposal** Change of use of land to extend existing adjacent car park increasing capacity by approximately 12 spaces.

**Site** City Walls Car Park Southgate Chichester West Sussex

**Map Ref** (E) 485971 (N) 104561

**Applicant** Mr Fynamore (Southgate Car Park Management Ltd)

**RECOMMENDATION TO REFUSE**



**NOT TO SCALE**

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## **1.0 Reason for Committee Referral**

- 1.1 The application has been red carded by Councillor Macey who has information or an opinion which he wishes to raise in debate.

## **2.0 The Site and Surroundings**

- 2.1 The application site is a small section of land immediately to the west of an existing car park known as 'City Walls Car Park' or 'Southgate Car Park', accessed from Avenue De Chartres. The existing car park comprises an asphalt surface with marked spaces for 54 vehicles. The car park is an approximate 'T' shape and lies directly south of a section of the Roman City Walls and to west of South Street. The site of the proposed car park extension is currently part of a field which contains shrubs and young trees.
- 2.2 There are a number of heritage assets in the immediate vicinity; the city walls are a Scheduled Ancient Monument and Grade I Listed, the site falls within an 'Archaeological Priority Area' and the Chichester Conservation Area, and there are a number of Grade II Listed buildings a short distance to the east.
- 2.3 A Public Right of Way (PROW) runs parallel to the city walls and cuts across the existing car park onto Deanery Farm Lane before joining South Street. Pedestrian access is also available via Cathedral Courtyard. The River Lavant runs alongside the PROW, and where the main river line meets the western edge of the existing car park it splits into two culverted sections; running to the south alongside the car park and east beneath the car park. Flood zones 2 and 3 fall to each side of the river, however these areas do not extend into the application site.

## **3.0 Proposal**

- 3.1 The application proposes to extend the existing privately owned car park to the west in order to provide an additional 12 car parking spaces. The proposed surface material would be asphalt to match the existing.
- 3.2 The application has been amended to include a viewing area for the city wall adjacent to the car park with informational boards about the wall to provide members of the public with an opportunity to learn about and appreciate the historic wall. This additional small area would be at the western end of the proposed extended area of car park and is intended to allow for better understanding and appreciation of the adjacent Roman Walls by members of the public.

## **4.0 History**

17/03482/PREOT	ADVGIV	Extension to existing car park to increase capacity by 12 spaces. [ <i>concerns raised by officers</i> ]
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## 5.0 Constraints

Listed Building	YES adjacent
Conservation Area	YES Chichester Conservation Area
Archaeological Priority Area	YES
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone 2 or 3	NO
Historic Parks & Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

Strong objection due to the detrimental impact upon the amenity of the Conservation Area

### 6.3 Historic England

Thank you for your letter of 11 December 2018 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### 6.4 Environment Agency

Comments awaited.

### 6.5 WSCC Highways

The Southgate Car parking area is not public highway nor is Deanery Close. Those using the car park will enter and exit the public highway via the left in/left out junction onto Avenue de Chartres.

The additional 12 spaces are unlikely to have a significant impact on the public highway. No highway objection.

#### *Additional WSCC Highways Response*

The proposed heritage board may increase footfall, however I would say this is common place in this area as the existing car park is used as pedestrian 'cut-through' by users of the multi-story car park. Pedestrians are therefore expected and commonplace as with any town centre car park. With all that said the public highway ends some distance from the car park and therefore not a Highway Authority issue.

## 6.5 CDC Conservation Officer

In general terms, I object to the scheme, as it would lead to an erosion of the setting of the Grade 1 Listed City Wall, the Conservation Area, and the amenity of the present green space/City Walls Walk. The Walk is intended to be an immersive experience, allowing the appreciation of the Heritage assets and important archaeology of this section of the walk. The present arrangement allows the appreciation of a long length of wall, and the introduction of car-parking spaces would interfere with this, and would introduce hard landscaping/lighting etc in what is currently 'without the walls'. I also have some concerns about the works adjacent to the wall itself.

I would therefore not support this application.

## 6.6 CDC Archaeology

I agree that the below-ground archaeological potential of the area immediately in front of the city walls should be investigated prior to determination of this application in order that the likely impact on deposits of interest that are present might be properly considered. I also agree that physical impact on the upstanding (Scheduled) wall could be avoided by leaving a suitable margin at its base.

The real issue is whether or not the beneficial effect on the setting of the Scheduled Monument brought about by improved views along the wall towards the Residentiary Bastion would offset the negative impact of the introduction of hard surfaces and parked cars. In my opinion the extension of public access to this particular part of the City Walls could bring a very important opportunity to appreciate this significant heritage resource: the Residentiary Bastion is the best-preserved of Chichester's Roman bastions and is the tallest surviving Roman built structure in West Sussex; a decent close-up view of this remarkable building would be very positive thing.

However, any improvement in aesthetic and communal value would only outweigh the negative impact if public access is real and permanent. Therefore I could only support the application if it were to include the provision of a properly accessible public viewing area, preferably including appropriate interpretation such as via the information boards and plaques used elsewhere around the City Walls, and a view unencumbered by unsuitable fencing.

## 6.7 CDC Tree Officer

I carried out my site visit on 30 January 2019 to review the vegetation on the western (north-west side of the car park) boundary.

The landscaped boundary treatment - planted linear line to create a vegetative screen on the western side of the car park. It is formed mainly of Hawthorn but also includes Bay, Walnut, Sycamore (probably self-set) and shrubbery and they all suppress each other. Slightly to the west are some Elder and Poplar trees set further back. All seemed of average quality/condition, low amenity value and not really worthy of TPO status. Their loss would have limited loss/impact on the character of the area.

## 6.8 CDC Environmental Health

No comments received to date.

## 6.9 CDC Environment Officer

Due to the distance of the proposal to the river Lavant an 8 metre buffer must be put in place with no works taking place within this area to help protect this habitat. Precautionary measures will also be required to ensure there is no transfer of any demolition or construction related pollutants into the river. A condition should be included to ensure this takes place.

Bats - Current proposals show that no works will need to take place to the three poplar trees to the east of the site, however if this needs to change then further emergence surveys will be required for these trees.

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

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

### Enhancements

There are a number of enhancements we would like to see onsite including:

- Bat boxes installed on retained trees
- Bird Boxes installed on retained trees including a barn owl nest box]
- Any grassland areas managed to benefit reptiles
- Log piles onsite
- Any trees removed should be replace at a ratio of 2:1

## 6.10 CDC Drainage Officer

Flood risk- the proposed development is within flood zone 1 and we have no records of historic flooding. However, due to the applications close proximity to Main River I would recommend that the Environment Agency are consulted. No construction should take place within 8m of the top of bank of the river.

Surface water drainage- Due to the scale of development I have no conditions to request. However, permeable surfacing should be implemented.

## 6.11 CDC Economic Development

No objection.

## 6.12 CDC Car Parks

I have looked at the planning application and from a parking perspective have the following comments to make...

- Chichester District Council's existing Parking Strategy 2010-2020 for council owned-car parks across the district includes objectives which seek to improve the economic well-being of the district, assist in improving the efficiency of the road network and should be compatible with the local environment. The introduction of an additional 12 spaces in a car park in a route into the city could assist with these objectives. However, car parks owned by CDC are not currently at full capacity.
- The District Council owns and manages car parks close to the location of the proposed extension. One of these car parks is potentially part of the Sothern Gateway scheme (Basin Road) which, if this goes ahead, could result in a reduction of parking spaces in the area. The additional 12 spaces proposed could help to support the parking provision in this area if that is the case.

## 6.13 CCAAC

The Committee objects strongly to this application. This development will result in the loss of trees and green space in the setting of the City Walls.

## 6.14 Third Party Representations

One letter of objection has been received concerning:

- a) The loss of green space abutting the Roman City Wall spoils the setting of this ancient landmark in the Conservation Area.

One letter of support has been received concerning:

- a) proposal would provide additional, needed parking for the city centre
- b) will help with competitiveness in terms of Chichester as an economic/cultural hub
- c) considers the proposal would have a small but positive impact
- d) considers the proposal would have little impact on the area

## 7.0 Planning Policy

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 Chichester at this time.

### Chichester Local Plan: Key Policies 2014-2029

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 & Settlement Hierarchy
- Policy 8: Transport and Accessibility
- Policy 10: Chichester City Development Principles
- Policy 13: Chichester City Transport Strategy

- Policy 39: Transport, Accessibility & Parking
- Policy 40: Sustainable Design & Construction
- Policy 42: Flood Risk and Water Management
- Policy 47: Heritage & Design
- Policy 49: Biodiversity

### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2018.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

*"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."*

*"...For decision-taking this means:*

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

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*

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

7.5 Section 16 of the NPPF relates to 'Conserving and enhancing the historic environment' and paragraphs 193, 194, 196, 200, 202 are relevant. Consideration should also be given to sections 4 (Decision making), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), 12 (Achieving well designed places) and 15 (Conserving and enhancing the natural environment).

7.6 The Listed Building and Conservation Area Act 1990 (as amended) forms part of the national policy relating to heritage assets, and is a consideration in the assessment of this application; in particular sections 66 and 72.

### 7.7 Other Local Policy and Guidance

- Chichester Conservation Area Character Appraisal

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

- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## 8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of development
- ii) Design, scale, character and heritage impact
- iii) Impact on amenity of neighbouring properties
- iv) Highways, Parking and Safety
- v) Ecological impacts
- vi) Impact upon trees of significance
- vii) Drainage and flood risk
- viii) Other matters and material considerations

i) Principle of development

8.2 The application site is within the settlement boundary and abuts an existing car park, to which an extension is proposed. Local Plan Policy 10 relates to development principles within the city centre and supports development which enhances the city's role as a sub-regional centre and visitor destination, meets local needs, and conserves and enhances the city's character and heritage. Policy 10 also states that proposals should 'support and strengthen the vitality and viability of the city centre and its role as a shopping/visitor destination and place to live', 'support and enhance the city's existing heritage, arts and cultural facilities' and 'support and promote improved access to the city and sustainable modes of transport..'. Local Plan Policy 13 relates to the city centre transport strategy and outlines proposed transport measures; including 'reviewing car parking provision, including encouraging use of peripheral car parks to reduce traffic in the city centre...'.

8.3 The Council's Car Parks team has advised that the existing Council car parks are not currently at full provision, however in the future the amount of available parking close by may be reduced and the proposal could therefore support the parking provision in the area if this is the case. A modest extension to an existing car park would provide additional parking close to the centre would support vitality and viability principles within Policy 10 and the NPPF, and the Council's Economic Development team have not raised any objections to the proposal.

8.4 On balance it is considered that due to the small scale of the car park extension, which would not have a material impact upon the highway network, a proposal of this nature would be acceptable in principle, however its overall appropriateness and acceptability would be subject to compliance with other development plan policies and assessment of material considerations; in particular heritage and highway impacts, which are assessed below.

ii) Design, scale, character and heritage impact

8.5 The site abuts a section of the City Walls, which is a Scheduled Ancient Monument and Grade I Listed structure. Additionally, the site is within the Chichester Conservation Area and there are a number of other nearby listed buildings. The assessment of the proposal therefore needs to carefully consider the impact of the development on all of these designated heritage assets. The main considerations relate to the impacts upon physical archaeology, the setting of the city walls and surrounding listed buildings, and the potential public benefits that a public viewing area with information boards would bring.



- 8.6 Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 of the Act similarly requires regard to be had to the desirability of preserving the conservation area.
- 8.7 The NPPF 2018, as outlined above, states that great weight should be given to the heritage asset's conservation - and the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to a heritage asset, including their setting, should be clearly and convincingly justified; and that justification should be 'wholly exceptional' whereby the heritage asset(s) in question are Grade I Listed or Scheduled Monuments. Local Plan Policy 47 states that permission will only be granted where it can be demonstrated that the proposal conserves and enhances the special interest and settings of the designated heritage assets.

#### *Archaeology*

- 8.8 The site is next to a Scheduled Ancient Monument and within an Archaeological Priority Area. The Council's Archaeology Officer was consulted and raised no objections to the proposal, but did suggest that investigation works should be carried out to establish the below-ground archaeological potential, and that a buffer area should be ensured between the site and the wall. The proposal would involve new surfacing rather than any substantial digging, with the need for only limited foundations. It is therefore considered sufficient that investigation works could be conditioned as a pre-commencement requirement, rather than prior to determination; although it is understood that this process has already begun. The proposal would provide for a 50cm buffer area of no development between the site and the wall, which is greater than the relationship between the city wall and the existing car park and could be the subject of a condition. The proposal is therefore considered to be acceptable in terms of archaeological impact.

#### *Impact upon setting of listed buildings*

- 8.9 It is considered that the proposal would significantly alter the setting of the City Walls adjacent to the site by introducing further parking directly in front. At present, the site is undeveloped and the existing car park comes to an appropriate stop at the end of the developed area without encroaching into the adjacent open land. This green and open land contributes to the setting of the Roman Walls and allows an unrestricted view and full appreciation of this section of the monument; especially from the south where there is a PROW when approaching the city centre with longer distance views from the main arterial road into the city, and raised platforms in the form of the multi-storey car park at the opposite side of the road. The introduction of any further development in front would affect the Wall's setting; fettering the quality of these views with the provision of hardstanding, fencing and vehicles to the foreground of the walls. This erosion of the setting of such an important heritage asset, including the loss of contrasting natural landscape, is considered to result in clear and significant harm and would fail to preserve the character of this important part of the Chichester Conservation Area. The proposed scheme is not considered to impact on the setting of the nearby listed building to the east, by virtue of the separation distance and existing parking area between.

- 8.10 The NPPF states that where development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The public benefits would include the provision of the car parking close to the city centre which would support the economic function of the city and also the provision of a viewing area with information boards adjacent to the city wall. The applicant has argued that the site is currently overgrown and contains gardening waste such as grass cuttings; and that the proposal would improve the site. However, there is nothing preventing the site from being better maintained as it stands and therefore it is considered that this does not represent a public benefit.
- 8.11 The Council's Economic Development Officer has not raised any objection to the scheme, however neither have they identified the additional parking as having a significant benefit to the economic performance of the city centre. The Council's Car Parks Officer has identified that Council's public car parks in the city centre are not at capacity, whilst they advise that in the future there maybe some loss of public parking as part future development in the area, this would be a matter for consideration of the relevant application at that time. It is therefore considered that whilst additional parking close to the main shopping areas may be attractive to shoppers, there is currently other parking available and it has not been demonstrated that the proposal would have a significant positive impact upon the city centre such that would outweigh the harm to the statutorily protected heritage asset .
- 8.12 With regard to the proposed public viewing area; it would provide members of the public with an undisrupted (albeit oblique) view of the Residiary Bastion. The Residiary Bastion is the best-preserved of Chichester's Roman bastions and is the tallest surviving Roman built structure in West Sussex, and therefore providing the public with the opportunity to see the building in close quarters and also to access information about the structure would constitute a public benefit. The Council's Archaeology Officer is supportive of the scheme due to this public benefit, whilst the Council's Principal Conservation and Design Officer has raised an objection due to the impact of the car park extension upon the setting of the listed wall.
- 8.13 The primary consideration is whether the benefits of the proposed viewing area outweigh the detrimental impact in providing a hard surfaced parking area close to the wall, and the impact this would have, in addition to the visual impacts of the vehicles and other paraphernalia that would be located in this area. It is considered that a viewing area or informational boards could be installed adjacent to the existing car park without the addition of the proposed car parking or from the public footpath to the south where a more distant but direct views could be provided. It is also important to note that the viewing area would only be reachable across a private car park, to which access could be denied at any time. No measures for securing public access in perpetuity have been provided by the applicant. Therefore, on balance, it is considered that given that this would be the only significant public benefit of the proposed development this would not outweigh the harm to the setting of the heritage asset.
- 8.14 Due to the limited public benefits it is considered that the resultant harm to the heritage assets is not outweighed by the public benefits, and the proposal would not preserve or enhance said heritage assets; but rather would cause harm to them and lessen their value. The proposal therefore conflicts with Local Plan Policy 47, the principles of the NPPF, and the Listed Buildings and Conservation Areas Act, and is not acceptable in terms of its heritage impact.

iii) Impact on amenity of neighbouring properties

8.15 The proposal would provide a relatively modest extension to an existing car park, and is sufficient distance away from neighbouring dwellings and other uses. The uplift in number of vehicles using the site is not considered to generate an unacceptable level of additional vehicle movements or resulting noise or nuisance; particularly given the city centre location. The proposal is therefore deemed to preserve neighbouring amenity in accordance with paragraph 127 of the NPPF.

iv) Highways, Parking and Safety

8.16 The access to the car park would remain unchanged. The Highway Authority has raised no objection to the scheme on the grounds of highway safety or additional movements. The proposed viewing area would be provided at the far end of a car park, and whilst this could lead to increased conflict between pedestrians and vehicles it is considered that vehicle speeds are likely to be low as they manoeuvre through the car park, and this could be reinforced by a speed limit and/or signage should the operator consider necessary under its own health and safety responsibilities, and pedestrians would be aware of moving vehicles and it is reasonable to expect they would cross the car park with care as a result and therefore it is considered that this would not result in harm to public safety. The increase in parking capacity is therefore not considered to impact on the safety of users of the car park and provides an adequate parking layout. The proposal is considered acceptable in terms of highway safety and parking; thus according with Local Plan Policy 39.

v) Ecological impacts

8.17 The site is within the bat home network and immediately adjacent to the water vole habitat and network. The Council's Environment Officer has been consulted and raised no objection to the proposal, provided a number of enhancements are implemented; which could be conditioned. The proposal is therefore acceptable with regards to biodiversity and accords with Local Plan Policy 49.

vi) Impact upon trees of significance

8.18 The proposal would result in the loss of eight trees, which are protected by virtue of their siting within a conservation area. However, these trees, all rated as Category C, are not mature, and provide limited amenity or ecological value. Furthermore, they partially obstruct some views of the Walls. The Council's Tree Officer was consulted and has raised no objection to their removal. The Council's Environment Officer suggests that trees should be replaced on a 2:1 ratio; however, this is not considered necessary due to the aforementioned reasons. The proposal is therefore considered to be acceptable with regards to tree impact.

vii) Drainage and flood risk

8.19 The site is within Flood Zone 1, although the River Lavant is a short distance to the south and within 20m of the site. The site is also within close proximity to land within Flood Zones 2 and 3 which encompass the immediate area surrounding the river. The Council's drainage engineer has not raised any objections to the scheme, although comments have

not yet been received from the Environment Agency. An update on this matter will be provided at the Planning Committee.

viii) Other Matters and Material Considerations

- 8.20 Advice given within the pre-application response for the same scheme is a material consideration in the assessment of this application, and supports refusal of planning permission.

Conclusion

- 8.21 The proposal is considered to cause significant harm to the setting of the Scheduled and Grade I Listed City Walls and detrimentally impact on the special character and appearance of the Chichester Conservation Area; thus failing to preserve and enhance these designated heritage assets. The suggested public benefits are deemed to be minor and do not outweigh the harm which would be caused by the proposed development. The proposal therefore conflicts with Policies 1, 10 and 47 of the Chichester Local Plan 2014-2029, Section 16 of the National Planning Policy Framework, and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Human Rights

- 8.22 In reaching this conclusion the Human Rights of all affected individuals have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

**RECOMMENDATION:**

**REFUSE** for the following reasons:-

- 1) The proposal, by reason of its siting, obstruction and fettering of open and uninterrupted views, including the introduction of hardstanding and associated parking paraphernalia, would fail to preserve and enhance the special interest and setting of the designated heritage assets, the 'City Walls'; a Grade I Listed structure and Scheduled Ancient Monument, and the character and appearance of the Chichester Conservation Area. As such, the proposal would fail to comply with Policies 1, 10 and 47 of the Chichester Local Plan 2014-2029, Section 16 of the National Planning Policy Framework, and Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

**INFORMATIVES**

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

- 2) This decision relates to the following plans:  
255/01 Rev A; Block Plan & Location Plan  
255/02 Rev A; Proposed Plan

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PIWULOERMGP00>