

Parish: West Wittering	Ward: West Wittering
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WW/18/03254/FUL

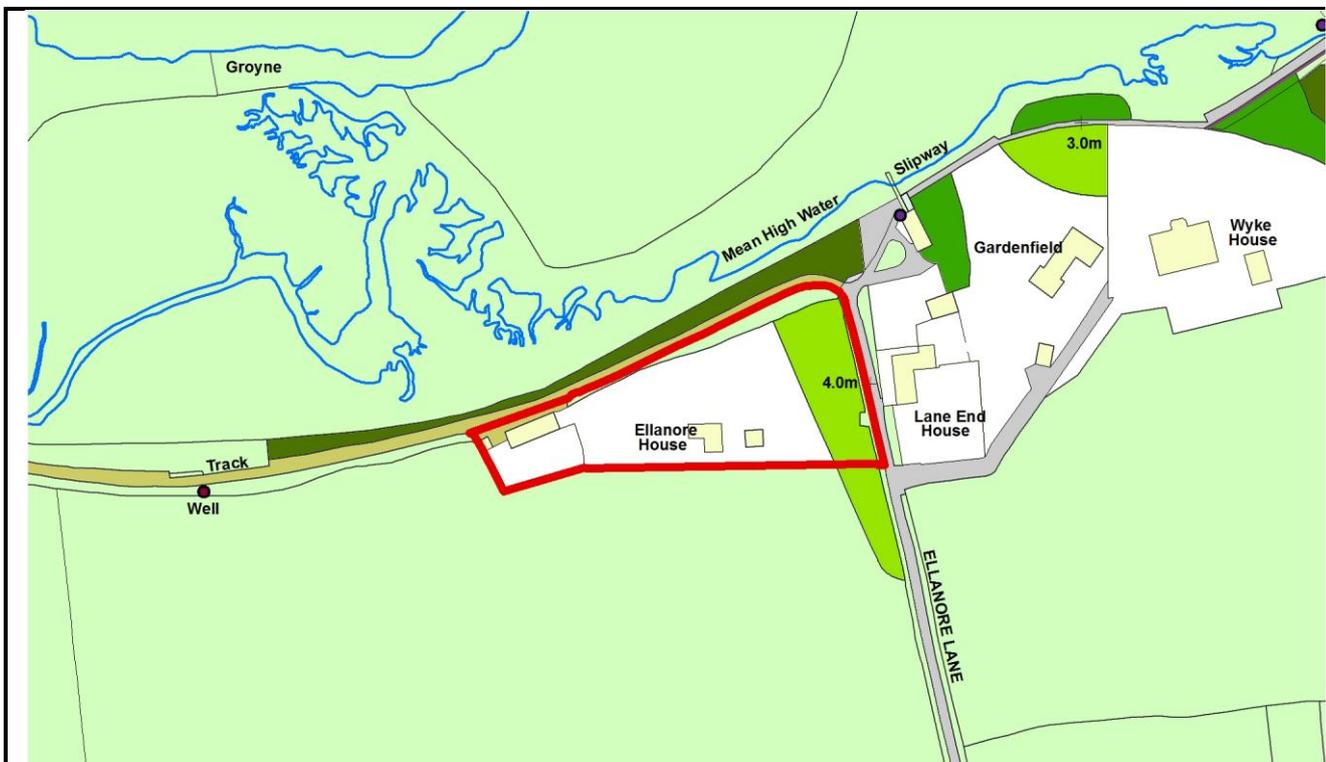
Proposal Demolition of the existing property and the construction of a two storey dwelling with basement.

Site Ellanore House Ellanore Lane West Wittering Chichester West Sussex PO20 8

Map Ref (E) 477790 (N) 99385

Applicant Mr Mark Morgan

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

1.0 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the northern, coastal end of Ellanore Lane, in West Wittering. It is situated outside any settlement boundary and falls within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The shoreline which bounds the property to the north is part of the Chichester Harbour Ramsar Site, Solent Maritime: Special Area of Conservation and Priority Habitat for Coastal Salt Marsh.
- 2.2 The existing property is a 1960s style 1.5/2 storey brick built dwelling. The western half of the building features gabled front and rear elevations, with concrete brick walls to the ground floor and tile hanging to the upper floor. The eastern part of the building is two storeys with the ground floor external walls constructed from brown/red brick. The first floor accommodation is partially in the roofspace and has a lower ridge height subservient to the western parts of the building and features prominent dormer windows. The footprint of the dwelling is 136sqm.
- 2.3 To the north of the dwelling is the residential amenity space, laid to lawn, with mature trees to the east and western boundaries. The coastal footpath crosses the site to the north. To the east are three detached residential properties of varying architectural styles. To the south and west is agricultural land.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of the existing dwelling and construction of a 2 storey dwelling with basement. The proposed dwelling would be reflective of the Georgian character in the area, where it would have a double pitched slate tiled roof and red facing brickwork. A single storey side extension is proposed, at an angle to the main house. Internally there would be provision for 6 bedrooms spread across two floors and at ground floor a large kitchen/diner and utility room, with offices and two reception rooms. A basement is also proposed providing a cinema room and gym.

4.0 History

93/00457/DOM	PER	Two storey extension.
94/00592/DOM	PER	Further alterations to garage from approved planning application no. WW/93/00457/DOM.

94/01488/DOM	PER	Form studio over garage.
08/00453/FUL	PER	Change of use and alteration of outbuilding into a holiday let accommodation.
13/04128/FUL	PER	To construct a raised bank of 11m x 1m x 1.5m faced with stone revetment to realign a section of coastal public footpath at Ellanore, West Wittering.
15/03000/FUL	PER	Demolition of the existing property and the construction of a two storey and basement dwelling.
15/03001/FUL	WDN	Formation of a lake in association with Ellanore Farmhouse.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

The Parish Council objects to this application. The proposal does not comply with countryside policies in particular policy DM19. The proposal is too prominent and too high in a very sensitive area of the AONB and is overdevelopment. The impact of this development coupled with 2 very large houses which have recently been built in close proximity has an adverse effect on the amenity and rural landscape of the Harbour.

6.2 **Natural England**

No comment

6.3 Chichester Harbour Conservancy summarised

No objection, subject to;

- No works of demolition, other than in accordance with the previously approved bat emergence survey report recommendations;
- All ecological mitigation summarised in the Greengage Biodiversity Strategy (November 2018) to be fully implemented prior to first occupation of the replacement dwelling;
- Implementation within 1 year not 3;
- Agreement of all external facing and roofing materials/implementation with agreed materials;
- Removal of permitted development rights for any form of further extension, roof alteration or outbuilding;
- Agreement of a construction environment management plan and adherence to its principles during the build process;
- Agreement of a soft planting and hard surfacing design, implementation of the agreed scheme in first available planting season and replacement of any planting which dies or is removed within 5 years of being first planted;
- No alteration of site levels other than may be shown on the approved plans and trees to be retained to be protected during the build process by fencing to be agreed with the local planning authority, in accordance with the submitted arboricultural report;
- Details of all foul and surface water drainage being agreed with the local planning authority; and,
- No external lighting without the further granting of planning permission by the local planning authority.

6.4 Environment Agency summarised

No objection

- Pragmatic view taken that an FRA is not required

6.5 WSCC Highways summarised

No objection

- Sufficient space on site for turning and parking
- The proposal would not result in a severe impact on the operation of the Highway Network.

6.6 CDC Coast and Drainage Engineer

No objection. Full infiltration should be investigated with winter groundwater monitoring and infiltration testing, secured by condition.

6.7 CDC Environment Officer summarised

No objection

- Mitigation proposed is acceptable subject to conditions
- Lighting scheme to take into presence of bats
- Any clearance to take place outside the bird breeding season.

6.8 Third Party Representations

2 letters of objection has been received concerning:

- a) Visual Impact
- b) Loss of trees and hedgerows
- c) Disruption during build process
- d) Impact on lane surfacing.

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 West Wittering 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 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 44: Development around the Coast

Policy 45: Development in the Countryside

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,

For decision-taking this means:

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

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

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

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

7.4 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Design and Impact upon Visual Amenity and Locality
- iii. Impact upon Neighbouring Amenity
- iv. Highway Safety
- v. Ecological Considerations

Assessment

i) Principle of Development

8.2 Policy 45 states that within the countryside, development will be granted where it requires a countryside location and meets the essential, small scale and local need which cannot be met within settlements. The site is an existing dwelling within the countryside and therefore the principle of its replacement would be acceptable subject to the material considerations as set out below.

8.3 The application is a resubmission of a recently expired planning permission (WW/15/03000/FUL) for the demolition of the existing dwelling and construction of a larger replacement dwelling. That permission forms a material consideration in the determination of this application as the main thrust of local and national policy have not changed significantly since the grant of this planning permission.

ii) Design and Impact upon Visual Amenity and Locality

8.4 The application site lies within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) where new development should conserve the features of the AONB and reinforce and respond to the distinctive character of the area. Paragraph 172 of the National Planning Policy Framework seeks to ensure that new development is strictly controlled in the interests of protecting the scenic beauty and character of internationally important landscapes.

8.5 Permission WW/15/03000/FUL was subject to detailed pre-application advice with the Chichester Harbour Conservancy and underwent a series of negotiations prior to determination to secure a high quality replacement dwelling which would not give rise to undue harm to the Chichester Harbour AONB.

8.6 The Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document, sets out that the footprint of the built form of the site should not increase more than 50% and the silhouette should not be more than 25%.

8.7 The replacement dwelling has been designed to appear as a smaller dwelling that has been the subject of a series of additions, the main dwelling would appear as an asymmetric double gabled building. The ridge height of the main building would be 9m, with the accommodation at second floor level contained within the roofspace. The second part of the replacement dwelling has been designed as a series of single storey extensions that have been added to the property over time. The height of these would be 5.8m, setting below the eaves of the main house retaining the subservience. These wings would be set back within the site, to reduce the visual prominence when viewed from the water itself. The increase in silhouette above the existing dwelling would be approximately 20%

8.8 The proposal would combine the use of traditional materials, with darker materials and matt finishes, which would be subject to condition to ensure their high quality. These materials would ensure the building does not have an incongruous visual impact when viewed from the water or the surrounding footpaths.

8.9 The proposal would seek to retain the mature trees and landscaping to the east and west of the site, providing soft landscaping to the replacement dwelling. The landscaping scheme proposed, includes a raised terrace combined with planting which will assist in softening and framing the building from the wider area. Full details regarding hard surfacing and plant species types have not been provided with the application and therefore it is considered proportionate to condition these details to ensure appropriate native species and densities are achieved.

8.10 The Parish Council have raised concern about the proliferation of larger replacement dwelling on this part of the harbour front, with two larger replacement dwellings having been approved on sites to the east of the application site. Whilst it is acknowledged that there has been some change to the character of the area, these have taken into the consideration the Chichester Harbour AONB Guidance regarding silhouette and footprint. The proposal does not breach this guidance and has not resulted in an objection by the Harbour Conservancy. Therefore whilst there has been an increase in the scale of the properties on the waterfront, these fall within the stipulations of the design guidance and the changes are not considered to be detrimental. Furthermore, due to the curve of the shoreline, the separation from the larger neighbouring properties of over 100m and the set back of the replacement dwelling within the site from the shoreline, it is not considered there would be any cumulative adverse impacts on the special character of the protected landscape.

8.11 Overall it is considered that the proposal would provide a high quality design that respects its harbour front location and surrounding development. The combination of heights and form of the building, alongside the palette of materials and landscaping, would ensure the mass and bulk of the building would meet the requirements within the Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document.

iii) Impact on Neighbouring Amenity

8.12 Policy 33 of the Chichester LP seeks to ensure that proposals represent a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. Due to the distance, orientation and boundary screening it is not considered the proposal would result in any adverse impacts on neighbour amenity through overlooking, overbearing or amenity concerns in terms of the intensification of the use of the site.

8.13 A third party comment has been raised about potential for disruption during the construction of the replacement dwelling. It is considered proportionate to condition the provision of a construction management statement and hours of construction to assist in mitigating against any potential disruption which may occur, as was the case when planning permission was granted previously.

iv) Highway Safety

8.14 Policy 39 of the CLP seeks to ensure that proposals have safe and adequate means of access and internal circulation/turning arrangements for all modes of transport relevant to the proposal. The existing access point onto Ellanore Lane would be retained, and this would lead to the east of the property, providing sufficient turning space and parking for residents. The Highways Authority has raised no objection to the application. Overall the proposal is considered to comply with policy 39 of CLP.

v) Ecological Considerations

8.15 Policy 49 of the CLP refers to ensuring the biodiversity of a site has been safeguarded and that any proposal incorporates features that enhance biodiversity. The site is located within the Chichester Harbour AONB which is designated as a Ramsar site, Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest. The accompanying biodiversity survey sets out mitigation measures for the proposal, which include; protection during the construction phase through the Construction Environmental management plan; external lighting scheme to take into consideration presence of bats; demolition outside bird nesting; opportunities to recreate any bat roost in the new dwelling following the demolition of the existing house; landscaping details to be agreed. Natural England raise no objection to the proposal and the Councils Environment Officer recommends the mitigation measures as set out within the report are conditioned. The proposal would therefore accord with policy 49 of the CLP.

vi) Other Matters

8.16 The Chichester Harbour Conservancy raise no objection to the proposal subject to a number of conditions. One of these includes implementation of the proposal within 1 year not the standard 3 year time limit. In some instances it may be appropriate to condition a shorter implementation time period, for example bringing forward the construction of new dwellings. This proposal is however a replacement dwelling, subsequently there is no net gain in dwellings and it is not considered that implementation within 1 year would be reasonable and comply with the conditions guidance set out within the Planning Practice Guidance.

Conclusion

8.17 Overall it is considered the proposal, subject to conditions, would conserve and enhance the natural beauty and locally distinctive features of the Chichester Harbour AONB. It is considered the proposal complies with development plan policies 1, 33, 43, 45, 48 and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall be carried out in accordance with the approved plans:

848/00, 848/01 REV B, 848/03 REV B, 848/04 REV B 848/05 REV A 848/05 REV A

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including 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.

4) **No development shall commence on site**, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) **Prior to development above slab level** 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. The strategy shall demonstrate a water efficiency standard of 110 litres or less per person per day. 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.

6) Notwithstanding any details submitted **prior to development above slab level** a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs, including fascias, soffits, guttering, doors and windows of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

7) Notwithstanding the approved plans, no windows or doors shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the windows and doors; in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area, which lies within the Chichester Harbour Area of Outstanding Natural Beauty.

8) No external lighting shall be installed either on the building or anywhere within the site without consent from the Local Planning Authority. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity of this rural location, situated in a prominent position on the Harbour side which forms part of the Chichester Harbour Area of Outstanding Natural Beauty.

9) Prior to the installation of any boundary treatments, details shall first be submitted to 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 protection of the visual amenity of the Chichester Harbour Area of Outstanding Natural Beauty.

10) Notwithstanding the details on the approved plans **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

11) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

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

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

13) 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.

14) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the mitigation recommendations sections of the submitted Biodiversity Survey December 2018 by Greengage Environmental Ltd.

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

15) 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.

16) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area. To ensure the protection of the Chichester Harbour Area of Outstanding Natural Beauty.

17) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the elevations or roofslopes of the development hereby permitted without a grant of planning permission.

Reason: To ensure the protection of Chichester Harbour Area of Outstanding Natural Beauty by allowing control over additional glazing and resultant glare.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

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

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJ9QG5ERMQM00>