

Parish: Chichester	Ward: Chichester South
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CC/19/01286/FUL

Proposal	Demolition of existing care home and detached bungalow, construction of new 55 bed care home.		
Site	Abbas Combe Nursing Home 93 And 94 Whyke Road Chichester West Sus PO19 8JF		
Map Ref	(E) 486928 (N) 103723		
Applicant	Mr Gant	Agent	Mr Conrad Quast

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Red Card: Cllr Sarah Sharp - Exceptional level of public interest

Chichester City Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the Settlement Boundary on the southern edge of Chichester City. The application site is set in a prominent location on the corner of the Whyke Road roundabout, with the A27 to the south and Whyke Road (B2145) to the west.
- 2.2 The site comprises numbers 93 and 94 Whyke Road. Number 94 (Abbas Combe) is a detached 2 storey, red brick building with a single storey rear extension. The building is currently unoccupied; however its lawful use is as a care home (use class C2) providing 25 bed spaces for the elderly. Number 93 is a detached, residential bungalow (use class C3) of no particular architectural merit. There are two vehicular accesses from the Whyke Road serving each of the units. There are a number of small trees within the application site, separating the two buildings. The boundaries of the site comprise close board fencing, brick walls and mature vegetation.
- 2.3 When viewed from the A27, the current built form on the site is well screened by existing landscaping and mature vegetation along the southern and western boundaries. The site is bound by residential properties to the north and east.
- 2.4 The wider surrounding area has a loose knit suburban form, with mostly inter-war semi-detached 2 storey residential properties in generous plots, with the A27 marking the boundary of the suburban edge of Chichester. To the south of the A27 there are agricultural fields, the Chichester Free School and Ivy Lake.

3.0 The Proposal

- 3.1 This proposal is for the demolition of the existing care home and the detached dwelling and the construction of a 55 bed care home. The proposed replacement building would be 3 storeys in height with a basement and with single storey elements on the northern and eastern elevations.
- 3.2 The proposed building would have a maximum width of 40m, a depth of 32m and height of 12.5m. The building would have a combination of half-hip and gable features with a central flat roof behind. The principal elevation would face Whyke Road to the west. Whilst the building would be predominantly taken up with individual en-suite bedrooms, the floorplans also show communal lounges and dining areas, a function room, a hairdresser, staff rooms, drug stores, offices, plant room, a kitchen and laundry room.

- 3.3 The access for the existing care home (Abbas Combe, number 94) would be altered to improve alignment and increased in width to 6.4m to allow for two way traffic. The vehicle access currently serving 93 Whyke Road would be closed and replaced with hedgerow and railings, with parking provision behind and a footpath adjacent the enhanced vehicular access. The railings would continue along the site frontage adjacent Whyke Road with hedgerow and 3no. trees planted behind, replacing the existing boundary treatment. Adjacent to the northern boundary of the site there would be a new footpath measuring 1m in width from Whyke Road. Within the site the footpath would split to provide pedestrian access to the main entrance of the building and would continue stepped in from northern boundary by approximately 2m to provide access to cycle storage, service access to the building and gates to the rear garden.
- 3.4 The proposal includes 18 vehicle parking spaces to the front of the site including 2 disabled spaces. There would be a store for 10 cycles in the north-western corner of the site, enclosed by a 1.8m high close-boarded timber fence.
- 3.5 A bin store is proposed on the western part of the site, close to the site access point. This would be enclosed by 2m high brick wall with 1.6m high gates.
- 3.6 The submitted block plan shows a garden area for the residents in the north-eastern corner of the site.

4.0 History

09/02018/FUL	REF	Demolition of existing residential bungalow and construction of extension to nursing home.
APP/L3815/A/09/21 14195	ALLOW	Demolition of existing residential bungalow and construction of extension to nursing home (appeal).
11/00433/FUL	REF	Variation of condition no. 2 on planning permission CC/09/02018/FUL for demolition of existing bungalow and construction of extension to nursing home to the following extent only; to provide 4 no. dormer windows instead of 4 no. rooflights previously approved.
APP/L3815/A/11/21 52160	DISMIS	Variation of condition no. 2 on planning permission CC/09/02018/FUL for demolition of existing bungalow and construction of extension to nursing home to the following extent only; to provide 4 no. dormer windows instead of 4 no. rooflights previously approved (appeal).
11/01732/FUL	PER	Variation of condition no. 2 of CC/09/02018/FUL (demolition of existing bungalow and construction of extension to Nursing Home) to allow construction of 2 dormers on west elevation.

12/04353/EXT	PER	Extension of time of extant planning permission CC/09/02018/FUL. Demolition of existing residential bungalow to allow and extension to present nursing home.
16/00927/FUL	PER	Demolition of existing residential bungalow and construction of extension to nursing home.
18/01240/FUL	WDN	Demolition of existing care home and detached bungalow, construction of new 55 bed care home.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES – at the entrance of the site.
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Chichester City Council**

Objection. The proposal would cause unacceptable harm to the privacy and amenity of the neighbouring residence to the east and overshadowing to the neighbouring residence to the north. A daylight calculation should be provided in respect of the impact on the dwelling to the north. It does not appear that the proposal would be fit for dementia sufferers due to the design of the building including long corridors.

6.2 **Environment Agency**

The technical note submitted with this application makes reference to the Surface Water and Foul Drainage Supplementary Planning Document - September 2016 and not the current position statement on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment; which states the need for this development to demonstrate no net increase in flows. However, the applicant has been able to show that the new care home would provide lower flows than existing. We therefore have no objection subject to a condition requiring higher standards of water efficiency.

6.3 Southern Water

Additional comments (12/09/2019)

Further information was provided by the developer relating to the existing foul flows in to the public sewerage system. Foul water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows. A section106 application under the Water Industry Act is required for the new connection.

All other comments in our response dated 07/06/2019 remain valid.

Original comments (07/06/2019)

Southern Water has undertaken a desk study of the impact on additional foul sewerage flows from the proposed development will have on the existing sewer network, which indicated that there is an increased risk unless any network reinforcement is provided by Southern Water, funded by the New Infrastructure Charge and Southern Water's Capital Works Programme. A condition is recommended requiring the occupation of the development to be implemented in line with the delivery of such reinforcement.

Southern Water has no identified public surface water sewers in the area to serve the development and as such alternative means of draining surface water will be required.

A detailed design of the proposed basement should take into account the possibility of the surcharging of the public sewers. This should be added as an informative should permission be granted.

Oil trap gullies or petrol/oil interceptors should be used where there is general hardstanding that may be subject to oil/petrol spillages.

A condition is recommended to secure details of both foul and water sewerage disposal to be submitted to the LPA and approved in consultation with Southern Water.

6.4 Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

While we do not entirely agree with the content of the Transport Assessment, having undertaken our own assessment, we are satisfied that the development proposals can be achieved, subject to a condition securing a Construction Management Plan. We therefore consider that, subject to the required condition, the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13, particularly paras 9 & 10, and DCLG NPPF, particularly para 109), in this location and its vicinity.

6.5 Natural England

Additional comments (23/08/2019)

As the residents will not have cars or pets, and as there will be no staff accommodation on site, I can confirm that there is no need for a financial contribution to mitigate bird disturbance, and no need for an appropriate assessment.

Original comments (04/06/2019)

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

6.6 WSCC Highways

Additional comments made in response to third party comments (02/07/2019)

The tracking of the waste vehicle does show some overhang upon entry, however, this is common-practice and other highway users generally respect this. It is noted that the A27 exit lane is close to the access. However, the intervisibility between the driver and drivers coming-off the A27 meets Manual for Streets criteria. The risk of conflict is considered low as waste collection is anticipated to be occasional visits per week. Finally, the proposed change to the access provides an improvement compared to the present arrangement because of its alignment and greater width. This will also assist movement of vehicles when entering and leaving.

The parking on local roads by staff and parents in association with the Free School is unrelated to the proposal and therefore the proposal has no bearing on this.

Parking guidance quotes maximum numbers. The site provides for 18 car parking spaces which will see regular turnover throughout the working day. As such, the number is considered acceptable. Access by other sustainable modes (e.g. walking, cycling, public transport) is very good which will help to reduce car use associated with the development.

With regard to the request for bollards from the neighbours at No. 92, the actual objection appears to suggest that the occupiers have concerns with the relationship of part of the car park where deliveries are proposed within the site - not on the highway. As long as any bollards don't impact negatively on the turning space required for such vehicles (and refuse trucks) within the site, the CHA has no objection in principle to this/these additions within the site.

A new boundary wall and railing appears to be shown encroaching on land that is either within and/or dedicated to be for highway purposes. Either way, no structure should be shown any further forward than the existing wall in order to maintain visibility (and the status-quo) for users of No. 92. The 'Cyclists Dismount' sign will need to be carefully re-located as part of any final scheme (to be considered as part of the S38/278 highway works).

Original comments (04/06/2019)

From a highways point of view, the current planning application appears to largely replicate previous planning application CC/18/01240/FUL. The additional information requested under C/18/01240/FUL has been submitted with the current application. Conditions are recommended and the applicant will need to enter into a legal agreement, to cover works on the highway and any off-site highway works.

Further advice should be sought directly from the Fire and Water and Access Officer prior to determination of the planning application.

6.7 WSSC Fire and Rescue Service

Comments received 19/11/2019

Based on the statement submitted that a suitable and sufficient sprinkler system will be fitted as part of the development construction, dry risers will not be a requirement in the design of the building.

Comments received 29/07/2019

There are concerns over access to rear of the building. Although these will be dealt with under building regulations, they may affect the design submitted under planning. Dry risers need to be installed, unless mitigated by installation of sprinklers.

6.8 WSSC Lead Local Flood Authority

Current surface water flood risk based on 30year and 100year events - Low Risk
Modelled groundwater flood hazard classification - High
Watercourses nearby? - No
Records of any historic flooding within the site? - No

6.9 CDC Housing Enabling Officer

Chichester has an older than average population and this trend is set to increase. While there is limited quantifiable information and research on older people's needs in Chichester city and district, it is widely recognized that this is an increasingly important demographic sector.

Consequently, I am pleased to see the redevelopment of outdated care home into a modern facility which will provide a greater number of bed-spaces.

No affordable housing quota is applicable in a C2 development, whereas there would be for older persons' C3 units. The proposals seem to be a C2 scheme, with the accommodation provided as en-suite rooms and care provided. If however it is considered that it is C3, I would be happy to calculate the required quota.

6.10 CDC Drainage Engineer

Flood risk

The proposed development is within flood zone 1 and we have no records of historic flooding. It should be noted that there are areas in close proximity to the site that are within flood zone 2 and at risk of surface water flooding.

Surface water drainage

It is proposed that surface water will be disposed of via soakaway. This is acceptable in principle. Some infiltration testing has been carried out, however it is not clear when this testing was completed. And there is a lack of groundwater monitoring results.

Further data collection is required in order to inform an appropriate drainage design. Winter groundwater and infiltration rate monitoring should be undertaken and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with the appropriate standard or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. The design must also ensure capacity in the system to contain below ground level the 1 in 100 year event plus 40%, as an allowance for climate change.

Conditions are recommended to secure the required information and ensure that the site is adequately drained now and in the future.

6.11 CDC Environmental Health Officer

Comments received 19/11/2019

Providing there are no garden areas to the south or west of the site (facing the A27 noise and air pollution source) there is no need for additional mitigation to external areas. The predicted noise level in the outdoor courtyard should meet the following criteria: sound levels, within any external amenity areas, should not exceed 55dB LAeq, 16hours (07:00-23:00).

Comments received 05/07/2019

Air quality

An Air Quality Assessment has been submitted produced by SLR consulting dated May 2019 and covers potential constraints from road vehicle emissions from the adjacent A27, and potential construction dust and road vehicle emissions during operation.

The data used within the modelling for the Air Quality Assessment is considered appropriate.

The predicted annual mean NO₂ concentrations were assessed against the Air Quality Objective (AQO) of 40ug/m³. A total of seven bedroom facades on the ground floor are predicted to have NO₂ concentrations greater than 36ug/m³. Concentrations of NO₂ at the remaining residential and non-residential areas on the ground floor are predicted to be below the AQO of 40ug/m³ and at upper floors, the concentrations are below the annual mean AQO.

Mitigation measures are considered to be required to reduce the significance of effects of NO₂ from vehicle emissions.

It is noted that there is already an extant planning permission for redevelopment of the care home. These proposals represent an opportunity to improve living conditions at the site location due to the following factors:

- the new building has a façade set further back from the A27 than the existing building
- additional mitigation can be designed in to the new development to improve indoor air quality.
- The windows of all affected units can be conditioned to be non-opening and an effective method of mechanical ventilation can be conditioned to draw air from the non-A27 direction (ie the leeward side) in order to reduce the exposure of occupants to polluted air.

We agree with the Consultants conclusions in respect of construction impacts and it is recommended that effective dust mitigation measures are implemented in order to control dust impacts.

An assessment has been made of the operational phase vehicle emissions predicted by the Transport Consultants. An additional 55 vehicle movements per day are predicted of which 2 would be HGVs and the rest light vehicles. In accordance with guidance, potential air quality impacts need consideration where additional trips are in excess of 500 Annual Average Daily Traffic (AADT) outside an Air Quality Monitoring Area. Given that the predicted vehicle movements are well below these criteria, the impacts from operational vehicle emissions can be considered to have an insignificant effect on local air quality.

In order to encourage the use of sustainable transport, a condition should be applied to require cycle parking to be provided at the site.

Noise

Consideration has been given to Noise Solutions Ltd's External Building Fabric Assessment (Ref: 87416, 6-4-18) revised 11 April 2019.

The report specifies glazing specifications for various facades of the proposed development. Our department is satisfied that suitable internal sound levels can be attained through design, but the design has not been provided fully at this time. A condition is therefore recommended.

Where it is evident that windows shall be required to be closed to meet the aforementioned criteria, adequate ventilation shall be specified. Details of the proposed ventilation system shall be submitted to the LPA prior to development for approval and this shall be secured via a condition.

The report has indicated that attenuated mechanical ventilation should be provided for the worst affected rooms. We are assuming this includes Mechanical Ventilation with Heat Recovery (MVHR). Our department would favour this option as it negates the need for trickle vents or mechanical wall vents.

A further condition is deemed necessary for all outdoor amenity areas to ensure sound levels do not exceed 55dB LAeq, 16hours (07:00-23:00). The courtyard approach will ensure the condition is adhered to for the central gardens. Safeguards are required to ensure that gardens are not positioned to the south and west of site, where elevated and inappropriate noise levels are experienced.

6.12 CDC Environmental Co-ordinator

Policy 40 Sustainable Construction.

These comments are based on the Sustainability Statement prepared by Edmund Williams Architects and dated October 2019.

Policy 40 has various requirements contained in its numbered paragraphs.

Policy 40 (2). 110l/person/day water consumption. The stated intention is to meet this requirement, which is more difficult to achieve in nursing home compared to a standard domestic property, but no firm target has been set

Policy 40 (4). Building techniques and use of sustainable materials. The current sustainability statement does not give full details of the materials or techniques to be used other than a commitment to use triple glazing, heat recovery on mechanical ventilation and “thicker than usual” insulation

Policy 40 (5). Minimisation of energy consumption and maximisation of renewable energy. The applicants propose to use a Combined Heat and Power (CHP) plant for heating and hot water. Given the high heating and hot water demand of a care home this approach is to be supported and encouraged. In effect the electricity generated by the CHP plant derives from energy that would be wasted in a conventional gas boiler installation, so saving carbon. The statement does not quantify the saving in carbon compared to Buildings Regulations minimum from the additional insulation, glazing, heat recovery and CHP. This information has been requested and is awaited.

Policy 40 (6). Adaption measures for climate change. The application proposes the use of a SuDS system of drainage. The outdoor spaces are designed for morning sun, going into shade from mid-day as this is an important medical consideration for occupants as well as an adaptation measure for avoiding over-heating.

Policy 40 (10). Air quality and Electric Vehicle (EV) charging points. This is not directly addressed in the sustainability statement, other than to refer to a separate traffic assessment and travel plan. The main consideration will be provision for staff and visitors

6.13 CDC Environmental Strategy Officer

Additional comments (03/07/2019)

Following the answers given for this use of this nursing home we are happy that a contribution to the bird aware scheme will not be required.

Original comments (05/06/2019)

Bats - As a precautionary approach demolition should be undertaken by hand (in the presence of a suitably qualified ecologist). If a bat is found all works must stop and Natural England consulted. A tool box talk should also be given by the ecologist to the contractor regarding bats.

The lighting scheme should be sensitive to bats and birds in the local area

Reptiles - to ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

Nesting Birds - any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season.

Enhancements – enhancements to be incorporated within the scheme:

- Any trees removed should be replace at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site

Recreational Disturbance – SPA contribution maybe required.

6.14 CDC Contract Services (Waste)

To enable our freighter to enter the site we would need to cross over the other side of the carriageway. There is concern for vehicles exiting the A27 which may come into conflict with our freighter.

The car park layout is acceptable.

6.15 Third Party Representations

Amended plans

4 letters of objection have been received on the following grounds:

- Comments have not been addressed.
- The amendments will not change amount of traffic or parking in local area or pedestrian safety.
- Unconvincing drawing to show the light paths onto 92 Whyke Road - does not take into account winter solstice.
- Overbearing impact
- Overdevelopment
- Harm to neighbours
- Sight line quoted in road safety audit inaccurate
- Highway safety risks
- Insufficient space for vehicles to manoeuvre within the site

Original plans

14 letters of objection, including a letter from Whyke Residents Association, have been received concerning:

a. **Highways**

- There is now a new Free School open since the previous applications
- There are school drop offs/ collections and staff parking on local roads
- Kids walking to the school
- Dangerous crossing location
- Poor visibility at the roundabout with A27
- Under provision of parking, requirement for 21 spaces to meet WSCC guidance, not enough parking for increase in staff required, likely result in increase in parking on the roads.
- Dangerous junction
- Risk of vehicle collision with Number 92
- Cyclist safety
- Where would construction vehicles park
- Already a nursing home opposite with not enough parking (Whyke Lodge)

b. **Visual impact**

- Incompatible scale to surrounding residential properties
- Visual impact from the A27 and Longdale Avenue
- Nothing domestic about appearance

c. **Residential amenity**

- Loss of light
- Disruption to neighbours
- Currently eastern wall on boundary provides privacy and security to 9 Longdale Avenue - removal would result in loss of this, request that retained or replaced immediately
- Correct boundary line with 9 Longdale Avenue should be reinstated

- Overbearing on Number 92
- 2m higher than permitted scheme
- Tallest part adjacent to Number 92, the Design and Access Statement is incorrect
- Long blank wall extends the entire length of garden of Number 92
- Contrary to Policy 33
- Will require access for maintenance of wall of Number 92, fence panels should be removable
- Condition to ensure that removal of leylandii trees do not result in damage to Number 92
- Footpath close to Number 92 - loss of privacy
- No mention of lighting, lightings should be designed to minimise disruption to neighbours
- There should be a no-smoking zone in northern part of the site
- Overshadowing of properties

d. **Standard of accommodation**

- Poor outlook
- Small garden
- Couldn't open windows due to noise of bypass

e. **Other**

- Query consultations - fewer residents notified compared to previous applications
- Fire safety - no comments from WSCC F&RS
- Air quality
- Request for Officer SV to Longdale Avenue

6.16 Applicant/Agent's Supporting Information

- The existing home can accommodate up to 25 residents but the facilities are no longer fit for best modern practice.
- The property has been subject to proposals to increase capacity and standards by a significant extension by planning application CC/09/02018/FUL and subsequent appeal ref: APP/L3815/A/09/2114195. That proposal increased the number of resident rooms to 50. Retaining part of the existing, and adding accommodation, would result in inefficient internal layouts on all floors and compromises in operational function and residents' amenities.
- The footprint of the proposed building is 963m², which is 40% of the site area. As a comparison the existing care home (plus the bungalow) have a footprint of 696m² (27% of the site area) and the permitted scheme a footprint of 1179m² (45% of the site area).
- Noise generating spaces such as kitchen, laundry and plant rooms are set in a basement.
- The new building aims to be more energy efficient than the Building Regulation requirements.
- The need to provide housing for older people is described in the PPG as 'critical' as people are living longer lives and the proportion of older people in the population is increasing" (paragraph 001).
- The proposal addresses a pressing need for specialist care accommodation for older people in the local area

- It would contribute towards the Council's housing supply, freeing up other sectors of the housing market by releasing family housing accommodation.
- Creation of local employment opportunities
- Supports the creation of a mixed and balanced community that addresses inter-generational needs and aspirations
- Regeneration of a currently derelict site and optimising the use of the land to create a new area of productive and attractive townscape.
- It would fulfil the social, economic and environmental strands to sustainable development as set out in the NPPF and the local development plan.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester 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 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 10: Chichester City Development Principles
 Policy 12: Water Resources in the Apuldram WwTw Catchment
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

7.4 Consideration should also be given to the following sections: Sections 2, 4, 5, 6, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD
CDC Waste Storage and Collection Guidance
CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions (Officer note only applicable as guidance in the assessment made in section v. of this report)

7.6 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:

- Maintain low levels of unemployment in the district
- Promoting and developing a dementia friendly district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Background
- ii. Principle of development
- iii. Design, visual amenity and character of area
- iv. Highway safety and parking provision
- v. Residential Amenity
- vi. Standard of accommodation and amenity space
- vii. Flooding, surface water and foul drainage
- viii. Ecology
- ix. Impact on Trees
- x. Sustainable Design and Construction

Assessment

i. Background

- 8.2 The most relevant planning history for the application site is set out in Section 4 of this report. An extension to the care home to increase the number of bedrooms to 50 following the demolition of the existing residential bungalow (Number 93) was originally allowed on appeal in 2009 (ref: APP/L3815/A/09/2114195). The time limit for the implementation of this permission was extended for 3 years under application 12/04353/EXT and permission for the scheme was re-granted under 16/00927/FUL. All of these permissions have now lapsed and therefore currently there is no fallback position for an enlarged care home on the site. Nonetheless, some weight can be given to the planning history of the site when considering the merits of the current application.
- 8.3 With regard to changes in planning policy and changes in material planning considerations since the last approval, application 16/00927/FUL was granted on 11/08/2016 and therefore was considered against the policies of the current Local Plan. The Chichester Local Plan: key policies 2014-2029 remains the starting point for the determination of this planning application. Since the determination of application 16/00927/FUL the NPPF has been updated (in July 2018 and February 2019), nonetheless there are no significant changes to the NPPF that are directly relevant to the assessment of this application, apart from paragraph 118 (d) that requires planning decisions to support the development of under-utilised land and buildings. The Council adopted the Surface Water and Foul Drainage SPD on the 20th September 2016 and a position statement was issued for Apuldram WwTW in 2019 which has altered the way in which major developments are assessed in terms of foul drainage. With regards to the change in site circumstances there has been a two storey rear extension to number 92 Whyke Road to the north of the application site.
- 8.4 The current application differs from the expired permissions as it seeks the re-development of the entire site to provide a new care home with 55 bedrooms, it would have a smaller footprint measuring approximately 975sqm and would be predominantly 3 storeys in height. Whereas, the previous scheme proposed an extension to the existing care home around a central courtyard. The previously approved extension comprised a 3 storey wing measuring approximately 490sqm in area with 2 storey and single storey extensions. The cumulative footprint of the extended care home would have been approximately 1200sqm.

ii. Principle of Development

- 8.5 The site is located within the Settlement Boundary of Chichester City on its southern edge, wherein the principle of development is acceptable in accordance with Policy 2 of the CLP, subject to it satisfactorily meeting other policies of the Local Plan and the NPPF.
- 8.6 Policy 10 of the CLP sets out the development principles for Chichester City, which includes, inter alia, the provision of improved facilities for health and other social and community uses. This is amplified at paragraph 61 of the NPPF that seeks LPA's to plan for a mix of housing for the needs of different groups in the community, including older residents.

8.7 The proposal, to provide a replacement care home (use class C2), with improved facilities and communal areas for residents, is in accordance with these policies and is therefore acceptable in principle.

iii. Design, Visual Amenity and Character of Area

8.8 Policy 10 of the CLP states that all development will be required to have special regard to the city's historic character and heritage. Further to this, Policy 47 of the CLP requires proposed developments to demonstrate that the individual identity of a settlement is maintained.

Design

8.9 With the above policy requirements in mind, it is acknowledged that the proposed building would be substantially larger than the surrounding properties. However, three storey development has been considered acceptable in the past in the determination of the expired planning permissions. Whilst there would be a greater footprint of three storey development, there would be less sprawl of the two storey and single storey development across the site, and as such, the cumulative footprint of the development would be reduced compared to the previous scheme. Furthermore, the care home would be set back further into the site than the previously permitted scheme and therefore would be less prominent when viewed from Whyke Road.

8.10 The scale, bulk and mass of the building necessitates a central flat roof, however this would be adequately concealed when viewed in the streetscene by peripheral half-hip and gable features. The front elevation would feature a variety of roof heights and forms, providing interest. The front entrance would comprise a gable end with column features around the entrance door and would provide a focal point on this elevation.

8.11 The submitted plans show that bedrooms 11-15 inclusive would have patio doors. It is considered reasonable to impose a condition requiring details of any boundary treatment for private patios to be submitted to the Local Planning Authority for approval, to prevent harm to the amenities of future occupiers and visual amenity by way of inappropriate artificial subdivision of the garden area.

Visual amenity and Character of the Area

8.12 The building would include traditional features and detailing such as dormer windows, tile hanging and brick string courses. The proposed windows have generous proportions and would have a regular pattern on all elevations. The proposed materials would comprise red/brown brick, tiles and white render; these materials would reflect the character of the surrounding area. A condition is recommended to secure the submission and approval of materials. This would ensure that the proposed materials would be of an appropriate quality, appearance, texture and tone.

- 8.13 The site would be seen within the context of the A27. The proposal includes a single bellmouth vehicular access, increased parking provision, relocation and provision of a bin store and the loss of some trees from the site boundaries. Although, these proposed changes are considered to have a more urbanising impact they would also create a more active frontage with Whyke Road. This change in character would not result in harm to the character and appearance of the area.
- 8.14 The applicant has submitted an indicative landscaping scheme which shows replacement trees proposed along the site frontage. This shows 3 trees and hedgerow between the proposed railings on the front boundary and the parking spaces behind. There would also be additional tree planting and hedgerow along the south-western and southern boundaries of the site. This would help to soften the appearance of the development when viewed from the street scene. A detailed landscaping scheme is recommended to be secured by condition.
- 8.15 Third party comments have been raised concerning views from Langdale Avenue, situated to the rear of the application site. In this respect it is noted that the building would likely be visible in the foreground and effect the backdrop of properties along Langdale Avenue. However, given the separation distance between the proposed building and the street frontage of Langdale Avenue, the proposal would not appear unduly prominent and therefore would not materially harm the character of the streetscene.
- 8.16 In light of the above the proposal is considered to have an acceptable design and appearance, it would not result in material harm to visual amenity and would be in keeping with the character of the area. The proposal would therefore accord with Policies 10 and 47 of the CLP.

iv. Highway Safety and Parking Provision

- 8.17 Policy 39 of the CLP seeks to ensure that developments have safe and adequate means of access and turning for all modes of transport, and that any residual cumulative impacts are not severe.
- 8.18 The Local Highway Authority (LHA) has assessed the proposal and raises no objection. The submitted Transport Statement states that the number of daily vehicle trips generated by the proposed development would have a negligible impact on the local road network in terms of highway capacity and safety. The proposed access would be through a bellmouth entrance in the same position as the existing Abbas Combe access point with improvements to the visibility splays and footpath on the northern side. There would also be a pedestrian access point from Whyke Road on the northern side of the site frontage also with adequate visibility splays. The proposed railings on the front boundary along Whyke Road would not be any further forward than the existing boundary wall that it would replace (as shown on plan 1838/PA/009 Rev. A). Furthermore, the amended plans show that there would be no structure any further forward than the existing boundary wall between numbers 92 and 93, in order to maintain visibility for users of number 92. A condition is recommended to ensure the access points will be provided in accordance with the submitted drawings and all recommendations in the road safety audit.

- 8.19 The proposal includes provision for 18 car parking spaces including 2 disabled spaces. The provision of the car parking spaces and turning space is recommended to be secured by condition. Electric car charging points are also recommended to be required to be agreed by condition. Officers note that third parties have raised objection on the grounds that this would be insufficient and, consequently, further comments were sought from the LHA in that respect. The LHA subsequently confirmed that it considered that the site would be likely see regular turnover of vehicles throughout the working day and as such the number of spaces is acceptable. In addition the LHA confirmed the site has very good access by other modes (walking, cycling and public transport) which will help reduce car use associated with the development. The 10 cycle spaces proposed will be secured by condition.
- 8.20 Conditions are also recommended to prevent surface water draining onto the public highway and to secure a Construction Management Plan and a Travel Plan. Further to this, an informative is recommended advising the applicant that they will need to enter into a S38/278 agreement with WSCC for the off-site highway works and to ensure that an existing Cyclist Dismount sign is repositioned.
- 8.21 The site is adjacent to the A27, Highways England were therefore consulted and have undertaken their own transport assessment and are satisfied that the proposed development would not materially affect the safety, reliability and/or operation of the Strategic Road Network.
- 8.22 Whilst it is acknowledged that a number of representations have been received regarding highway safety due to traffic, parking and pedestrians associated with the Free School, the County Highway Authority is satisfied that the proposal would not materially exacerbate traffic or increase highway safety risks.
- 8.23 In view of the above, the proposal is acceptable in terms of highway and parking considerations in accordance with Policy 39 of the CLP.

v. Residential Amenity

- 8.24 Paragraph 127 of the NPPF 2019 requires developments to contribute to places with a high standard of amenity for both existing and future users.
- 8.25 In general terms the proposed use of the site as a care home is compatible with a residential area. Furthermore, it is acknowledged that the existing care home has been operating on the site for many years.
- 8.26 Whilst the proposed development would result in a three storey building, the development would be sufficiently separated from the neighbouring properties to prevent material harm by way of any potentially overbearing impact. Third parties have raised concerns that the northern side flank elevation would extend the length of the garden of number 92 Whyke Road. As part of the officer negotiations during the course of the application, this elevation has been amended and the three storey element has been moved further away from the side boundary with 92 Whyke Road.

As amended the three storey element would be 9.2m from the closest boundary with no.92 with the single storey element being 6m from the boundary. Eaves have also been reduced in height from 5.5m to 2.8m. Given this separation distance and the reduced eaves height of the built form closest to this neighbouring occupier, the proposal would not result in material harm to these occupiers' living conditions by way of overbearing impact.

- 8.27 The applicant has submitted site sections with indicative sunlight/shadow lines, which show that shadows cast by the proposed building would be contained within the application site itself. Notwithstanding this, whilst it is acknowledged that the replacement care home would not constitute an extension officers are still satisfied that the proposal would accord with the guidance contained within the Council's Planning Guidance Note for extensions. A rear conservatory to no.92 has recently been demolished and replaced by a 2 storey rear extension (reference 18/00716/DOM). The proposed development would intersect a 45 degree line taken from the centre of the closest ground floor window at approximately 13m, with the first and second floors intersecting this line at 18m. Whilst the Council's Planning Guidance Note for extensions, does not specify a specific length that the 45 degree line should be taken to, 13m is considered a reasonable distance. Officers are therefore satisfied that the proposal would not result in a material loss of light to or aspect from no.92.
- 8.28 On the proposed northern side elevation there would be 4 rooflights in the roofslope facing no.92. These would be elevated approximately 3m from the finished floor level and as such would not result in overlooking. Conditions are recommended to ensure that these windows are installed at high level and that no mezzanine floors can be erected without agreement of the Local Planning Authority, in order to safeguard the privacy of the occupiers of no.92.
- 8.29 There would be bedroom windows on the northern elevation contained within a courtyard. Whilst these may result in some glimpsing views of neighbouring properties to the north and east, given the separation distances to the boundary to the north and the oblique angle to the boundary on the east, these would not result in a material loss of privacy to neighbouring occupiers.
- 8.30 On the proposed eastern elevation, which faces Longdale Avenue, there would be a number of first and second floor windows and balconies. The closest first and second floor windows to Number 9 Langdale Avenue are those serving the lounge and dining rooms which are 12-15m from the boundary. A condition is recommended requiring these to be obscure glazed to prevent overlooking. Likewise, the proposed balconies would have obscure glazing screens to restrict views to the east. The proposed bedroom windows in the eastern elevation would be 17m from the site boundary, which would exceed the 15m separation distance recommend in the Council's Planning Guidance Note for Alterations to Dwellings & Extensions. As such, the proposed development would not result in a material loss of privacy to Number 9 Langdale Avenue.
- 8.31 The windows on the southern and western elevations would overlook the A27 and Whyke Road respectively, and as such, would not result in material harm to neighbouring occupiers.

8.32 Concern has been raised by a third party that the proposed footpath adjacent the northern boundary would result in a loss of privacy to Number 92. Views from the path to the rear garden of Number 92 would be blocked by the 1.8m close board fencing, whilst the views from the footpath to the front garden of Number 92 would not be significantly greater than that can be achieved from Whyke Road. Furthermore, landscaping along this boundary would be secured by a landscaping condition.

8.33 A condition to secure a Construction and Environmental Management Plan is recommended to mitigate and minimise harm to residential amenity during the course of the construction works.

8.34 In light of the above, the proposal would not result in material harm to nearby residential amenity and would accord paragraph 127 of the NPPF in this regard.

vi. Standard of accommodation and amenity space

8.35 Paragraph 127 of the NPPF 2019 also requires developments to promote health and well-being, with a high standard of amenity for future users.

8.36 The care home would provide communal areas including lounges and dining areas, a function room and hairdressers. This is considered to be appropriate for the intended use of the site. Further to this there are communal garden areas to the north-eastern part of the site which, to a large extent, are shielded from the traffic of the A27 by the proposed building.

8.37 The proposed bedrooms would measure approximately 17.5m² and would have en-suites. All bedrooms would have adequate outlook. This is considered an improvement to the existing accommodation on the site.

8.38 Although not within a designated Air Quality Management Area, the site is immediately adjacent to the A27. The Council's Environmental Protection Officer has considered the submitted Air Quality Assessment and is satisfied with the air quality modelling and has recommended a condition to require the submission of details of the proposed window design and mechanical ventilation prior to works above ground level, in order to ensure that indoor air quality will be acceptable for future occupiers.

8.39 The submitted noise report states that all bedrooms on south and west elevations will require acoustically treated mechanical ventilation. The Council's Environmental Protection Officer has also stated in his consultation response that safeguards are required to ensure that gardens are not positioned to the south and west of site, where elevated and inappropriate noise levels are experienced. As such, amended plans have been submitted showing the patio doors removed from bedroom numbers 6-10. A condition is also recommended removing permitted development rights for the alteration of windows on the southern and western elevations without the prior permission of the Local Planning Authority.

8.40 The proposal would therefore provide an acceptable standard of accommodation and amenity space, subject to conditions. The proposals therefore accords with paragraph 127 of the NPPF in this regard.

vii. Flooding, surface water and foul drainage

8.41 The application has been supported by a Flood Risk Assessment and Drainage Design Strategy Report. The entrance to the site is located within Flood Zone 2, however the proposed replacement care home would entirely be within Flood Zone 1.

8.42 The Council's Drainage Engineer is satisfied that surface water could be disposed via soakaways and conditions are recommended to require winter ground water monitoring and to ensure a suitable SuDs scheme to adequately drain surface water from the site.

8.43 The site is located within the Apuldram waste water treatment catchment area. The joint Southern Water and Environment Agency's Position Statement states that for major development prior to approval applicants will need to demonstrate no net increase in flows to the sewer network of the Apuldram WwTW. The applicant's drainage engineer's technical note states that the new 55 bed care facility with modern, efficient sanitary provision and water management will have comparable or lesser foul water flows than the existing care home with dated internal infrastructure, and calculations have been provided to demonstrate this. Southern Water and the Environment Agency have been consulted on this and are satisfied with its conclusions and raise no objection to the proposal subject to a condition. As outlined in section x. below, a condition is recommended requiring details to be approved to ensure a higher standard of water efficiency.

8.44 In light of the above, the proposal would accord with Policies 12 and 42 of the CLP.

viii. Ecology

8.45 The application is supported by an Ecological Assessment which does not identify any protected species on site. Nonetheless, a precautionary approach to the demolition of the existing buildings on the site is recommended to be secured by condition to ensure that there would be no material harm to bats. A condition is also recommended to require a scheme of ecological enhancement with particular provision of ecological enhancement to be submitted to and approved by the Local Planning Authority.

8.46 Given that the residents will not have cars or pets, and as there will be no staff accommodation on site, the Council's Environmental Strategy Officer and Natural England are both satisfied that there would be no increase in recreational pressure on the Chichester and Langstone Harbour SPA. As such, an appropriate assessment is not required in this instance. As there would only be 18 vehicular parking spaces within the site it would not be necessary for the Local Planning Authority to restrict residents from having cars by way of planning condition or legal agreement. Furthermore, the accommodation is unlikely to be unsuitable for residents with dogs, as such, it would be unreasonable to impose a planning condition to restrict this.

8.47 In light of the above, the proposal would accord with Policies 49 and 50 of the CLP.

ix. Impact on trees

8.48 The application is supported by an arboricultural report. This sets out a number of trees that will need to be removed from within the site, however these are considered to be of low quality. The landscaping scheme will propose replacement trees along the boundaries. The arboricultural report sets out precautions are recommended to safeguard retained trees within and outside the application site, however this omits details of method of the installation of the proposed fence near to the trees on the southern boundary. As such, it is considered reasonable to impose a pre-commencement condition requiring the submission of an updated Arboricultural Method Statement

8.49 In light of the above, the proposal would accord with Policy 52 of the CLP.

x. Sustainable Design and Construction

8.50 The submitted addendum to the design and access statement dated October 2019 states that the new building would be better insulated than the Building Regulation requirements and will have triple glazing. All mechanical ventilation will be using heat exchangers to maximise the energy efficiency. The building services would also include a combined heat and power plant (CHP). The CHP would supply the hot water and heating and as a by-product electricity would be produced, reducing the energy consumption of the building. The applicant's main argument for a CHP is that generally care homes need more hot water and heating than they need energy. Therefore renewables such as solar PV are usually counterproductive with regards to energy savings. The Council's Environmental Co-ordinator has no objection to the use of CHP to reduce energy consumption and carbon emissions, subject to final confirmation of the saving in carbon compared to Building Regulations.

8.51 With regards to water consumption the Council's Environmental Co-ordinator notes that the submitted Sustainability Statement sets out that it is the applicant's intention to meet 110l/person/day however it is more difficult to achieve in nursing homes compared to standard domestic properties. The submitted Technical Note on foul drainage by Arc Engineers sets out a comparison with another care home with facilities to optimise water consumption and usage efficiency. This report estimates that the care home could achieve a cumulative water consumption rate of 9,500l/day (this equates to 172.7l/person/day).

8.52 A condition has been recommended to secure a final scheme for sustainable design and construction and water efficiency to ensure high standard of environmentally sustainable design, in accordance with Policy 40 of the CLP. This includes the requirement to provide full details of the savings in carbon compared to Building Regulations. With regards to water efficiency measures the recommended condition requires full details of the scheme to secure a high standard of water efficiency to be submitted to and approved in writing to the Local Planning Authority. An informative is also recommended setting out that officers would expect the developer to achieve water efficiency as close as possible to 110l/person/day and not exceed 9,500l/day cumulatively.

Other Matters

- 8.53 Third parties have requested conditions to restrict lighting and prevent smoking in the garden area. A scheme for external lighting is recommended to be secured by condition to take into account the impact on neighbouring amenity and ecology. However, it would be outside the scope of the planning regime to restrict smoking in the northern part of the site and would not be enforceable by means of a planning condition.
- 8.54 With regards to access for the maintenance of Number 92 and any damage through the course of the construction works or lifetime of the development this is outside the scope of the planning regime and would be a private matter. Following third party comments the applicant has shown bollards adjacent the flank wall of Number 92 on plan number 1838/PA/020 Rev. B. Whilst the bollards are not necessary to make the scheme acceptable on highway safety grounds, the County Highway Authority has confirmed that they have no objection to bollards in this location.
- 8.55 With regard to comments about publicity for the application, this has been done via a press advertisement, display of a site notice and notification letters which were sent to properties adjoining the application site, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).
- 8.56 With regards to the comments provided by WSCC Fire and Rescue Service the applicant has confirmed in their email dated 29/07/2019 that the building would have a sprinkler system and no amendments to the design are required.
- 8.57 This proposal would not be CIL liable as the proposed care home would be use class C2.

Significant Conditions

- 8.58 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include a Construction Management Plan, noise mitigation, air quality, sustainable construction, landscaping, highway conditions, obscure glazing of windows and balcony screening and removal of specific permitted development rights.

Conclusion

- 8.59 Based on the above it is considered the proposal complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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 Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority and Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the method of access and routing of vehicles during construction,
- (c) the parking of vehicles by site operatives and visitors,
- (d) the loading and unloading of plant, materials and waste,
- (e) the storage of plant and materials used in construction of the development,
- (f) the erection and maintenance of security hoarding,
- (g) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (h) details of public engagement both prior to and during construction works.
- (i) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and any other measures recommended in the submitted Air Quality Assessment report prepared by SLR Consulting dated May 2019.
- (j) measures to control the emission of noise during construction,
- (k) 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,

Reason: In the interests of highway safety and prevent avoidable congestion on the A27. Also 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. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) **No development shall commence** until the full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and Percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. The care home shall not be occupied until the complete surface water drainage system serving the care home 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.

5) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site and the timing/phasing of its provision have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. 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.

6) Notwithstanding the submitted Arboricultural Report prepared by Andrew Day dated May 2019, **no development/works shall commence**, until an updated Arboricultural Method Statement (AMS), including a program for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of methods for installing the proposed fencing on the southern boundary. Thereafter the development shall be implemented fully in accordance with the approved details.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value. 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.

7) **No development shall commence above ground level** until a scheme for the mitigation of internal noise levels has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail measures to secure internal sound levels within all habitable rooms to not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms to not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F] max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms. The development shall be carried out in strict accordance with the permitted details prior to the occupation of the development and thereafter the mitigation shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard to the future occupiers of the site from inappropriate levels of noise. This is a pre-commencement condition as it goes to the heart of the permission.

8) **No development above ground level shall commence** until details of the proposed window design, glazing specification and attenuated mechanical ventilation including heat recovery have been submitted to and approved by the Local Planning Authority. The windows of all affected units identified in Section 5.2 and appendix AQ6 of the submitted Air Quality Assessment report prepared by SLR Consulting dated May 2019 and the submitted External Fabric Assessment (Ref: 87416, 6-4-18) revised 11 April 2019 prepared by Noise Solutions Ltd, shall be non-opening. The ventilation system shall be located within the building so as not to cause a noise impact to occupiers. The development shall be carried out in strict accordance with the approved details prior to the occupation of the development. Thereafter, the mechanical ventilation shall be maintained in good working order and the approved windows shall be retained as non-opening in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that indoor air quality will be acceptable for future occupiers and to safeguard to the future occupiers of the site from inappropriate levels of noise.

9) Notwithstanding any details submitted **no development/works shall commence above ground level** 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.

10) No development shall commence on the Sustainable Urban Drainage System until full details of the maintenance and management of the SUDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

11) No development shall commence above ground level until a strategy outlining details of the sustainable design and construction for all new buildings, including: (1) building for life standards, (2) sustainable building techniques and technology including the Combined Heat and Power (CHP) system (including full details of the savings in carbon compared to Building Regulations minimum), (3) water efficiency measures to achieve higher standards of water efficiency including external water use, (4) how a reduction in the impacts associated with traffic or pollution will be achieved and (5) provision of electric car charging points, 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 and WSCC Guidance on Parking at New Developments. 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.

12) Prior to the demolition of the existing buildings on the site a tool box talk shall be given by a suitably qualified ecologist to the contractor(s) carrying out the demolition. During the demolition of the buildings, all features that are suitable for the roosting of bats (including roof tiles, cladding and weather boarding) shall be removed by hand and in the presence of a suitably qualified ecologist. If a bat is found during the course of the demolition all works must stop and Natural England must be consulted.

Reason: In the interests of safeguarding bats.

13) No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

14) **Prior to the occupation of the care home**, a scheme for ecological enhancements, including timescales for implementation shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be complied with in full. The scheme of ecological enhancements shall give consideration should be given to the following;

- Any trees removed should be replaced at a ratio of 2:1
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps at the bottom of the fences to allow movement of small mammals across the site

Reason: In the interest of conserving and enhancing biodiversity.

15) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the rooflight windows hereby permitted in the **northern** roof plane shall be constructed, in accordance with the submitted plans, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

16) Notwithstanding the indicative landscaping scheme, **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 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. It shall also include details of planting to soften the site frontage and replacement trees on the boundaries. 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.

17) **No part of the development shall be first occupied** until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highway Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation and/or recommendations as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

18) **No part of the development shall be first occupied** until covered and secure cycle parking spaces and bin storage have been provided in accordance with the approved plans and details submitted.

Once installed, they shall be maintained in good order in perpetuity for their intended purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure adequate bin storage is provided within the site.

19) No part of the development shall be first occupied until the car parking and turning has been constructed in accordance with the approved site plan 1838/PA/009 Revision A. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

20) The development shall not be occupied until access to the site (vehicular and pedestrian) and associated highway works (including 'KEEP CLEAR' marking on Whyke Road, amendments to corduroy paving and provision of a bollard in the pedestrian-only access and appropriate visibility splays) have been constructed in accordance with drawings 1838/PA/009 Rev. A, 2018-4191-001 Rev. F and 2018/4191/002 Rev. E, including all recommendations in the submitted Road Safety Audits.

Reason: In the interests of road safety.

21) **The development hereby permitted shall not be first occupied** until a 2m high obscure glazed screening panel has been erected on the eastern sides of the first and second floor balconies, of the building hereby permitted, as shown on drawing number 1838/PA/61 Rev. A. The screening panel shall have been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer). The obscure glazed screening panel shall be retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

22) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, the care home shall not be first occupied until the first floor windows and second floor windows on the eastern elevation serving the lounge/diners of the development hereby permitted shall be permanently;

- (i) glazed with obscure glass with a glass panel which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and
- (ii) non-opening below 1.7 metres from the finished floor level of the room in which the window is installed. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

23) Prior to first occupation of the care home hereby permitted boundaries of any private patios, 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 future occupiers of the site and visual amenity.

24) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any other statutory instrument amending, revoking and re-enacting that Order, the building hereby permitted shall be used as a care home; and for no other purpose (including any other purpose in Class C2; only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

25) 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.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) at no time shall any mezzanine floor be inserted into the building hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To accord with the terms of the application and with the policies of the Council, and to safeguard residential amenity.

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no alterations to the windows or doors on the southern and western elevations of the care home hereby permitted without the grant of further specific permission from the Local Planning Authority.

Reason: To safeguard to the future occupiers of the site from inappropriate levels of noise and air quality.

28) Notwithstanding the GPDO there shall be no external lighting on the development hereby permitted other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of safeguarding biodiversity and the amenities of the area.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN -	1838/PA/004	A	24.07.2019	Approved
PLAN -	1838/PA/009	A	24.07.2019	Approved
PLAN -	1838/PA/010	A	24.07.2019	Approved
PLAN -	1838/PA/020	B	19.11.2019	Approved
PLAN -	1838/PA/021		24.07.2019	Approved
PLAN -	1838/PA/030	A	24.07.2019	Approved
PLAN -	1838/PA/040	A	24.07.2019	Approved
PLAN -	1838/PA/050	A	24.07.2019	Approved
PLAN -	1838/PA/060	B	19.11.2019	Approved
PLAN -	1838/PA/061	A	24.07.2019	Approved
PLAN -	1838/PA/070	A	24.07.2019	Approved
PLAN -	1838/PA/071		24.07.2019	Approved

PLAN -	1838/PA/080		24.07.2019	Approved
PLAN -	1838/PA/081		24.07.2019	Approved
PLAN - Landscape General Arrangement (A1)	816_001	C	17.05.2019	Approved
PLAN - Landscaping Sections (A1)	816_002	B	17.05.2019	Approved
PLAN - Site Location and Block Plan (A3)	1838/PA/001		17.05.2019	Approved
PLAN - Existing Site Plan (A3)	1838/PA/002		17.05.2019	Approved
PLAN - Block Plan - Comparison (A3)	1838/PA/003		17.05.2019	Approved
PLAN - Visibility Splay and Refuse, Turning and Egress (A2)	2018-4191-001	F	17.05.2019	Approved
PLAN - Highways Overview and Private Car Swept Path Analysis (A2)	2018/4191/002	E	17.05.2019	Approved
PLAN - Existing Floor Plans and Elevations - 93 Whyke Rd (A1)	5366-01		17.05.2019	Approved
PLAN - Existing Ground Floor Plan - 94 Whyke Rd Sheet 1 of 3 (A1)	5366-02		17.05.2019	Approved
PLAN - Existing First Floor Plan - 94 Whyke Rd Sheet 2 of 3 (A1)	5366-03		17.05.2019	Approved
PLAN - Existing Elevations 94 Whyke Rd Sheet 3 of 3 (A1)	5366-04		17.05.2019	Approved

INFORMATIVES

1) The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover works on the highway and any off-site highway works. The applicant should contact The Implementation Team Leader (0330 2225704) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works might be the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

3) The applicant is advised to contact Highways England (and West Sussex County Council) to establish whether a 'Licence to Maintain' (foliage) can be obtained to assist with maintaining visibility on the northbound approach to the proposed vehicular access to the development.

4) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

5) The applicant is advised that if required, the erection of temporary directional signage should be agreed with the WSCC Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

6) The applicant is advised that with regards to Condition 5, the applicant should liaise with Southern Water.

7) 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).

8) The applicant is strongly advised to maintain the grassland within the application site at a height of 5cm or less to prevent a suitable habitat for reptiles establishing prior to the commencement of the development hereby permitted. If this is not possible then a precautionary approach should be taken to clearing the site with regards to reptiles when the work commences.

9) Where any of the conditions of this permission requires approval, agreement or acceptance by the Local Planning Authority of any matter detail or plan, the applicant should note that formal written approval will be required, making specific reference to this permission. "Approval" which is not written or is made under legislation other than Town and Country Planning (e.g. Building Regulations) is not sufficient. Where conditions require submission of further details etc before construction commences, or the development is begun, it is essential that you obtain the necessary approval. Failure to do this could invalidate this whole permission.

10) Southern Water requires a Section 106 application under the Water Industry Act required for any new connection to the public sewerage system.

11) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works including relocation of the cyclists dismount sign. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

12) With regards the submission of details pursuant to Condition 11 above, the Local Planning Authority would expect the development hereby permitted to be designed to ensure the consumption of wholesome water by persons occupying the development achieves as close as possible to the requirement of 110l/person/day and does not exceed 9,500l/day cumulatively.

For further information on this application please contact Kayleigh Taylor on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRADEBERKS200>