

Parish: Selsey	Ward: Selsey South
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SY/19/02962/FUL

Proposal	Erection of 1 no. dwelling.		
Site	Land West Of Tidewall Cottage 85 East Street Selsey Chichester West Suss PO20 0BU		
Map Ref	(E) 485913 (N) 93029		
Applicant	Messrs N.P.T.P Kimber, Grocott, De Dean	Agent	Douglas Briggs Partnership

RECOMMENDATION TO REFUSE



**NOT TO
SCALE**

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1.0 Reason for committee Referral

- 1.1 Red Card: Cllr John Elliott - Important information/opinion to raise in debate (Incorrect information regarding the front wall)

2.0 The Site and Surroundings

- 2.1 The application site is located within the Selsey settlement boundary and within the Conservation Area. The site lies on the northern side of the road and comprises a rectangular parcel of land with dwellings and their gardens to the east and west. To the rear (north) lies a garage compound accessed via Gainsborough Drive. The application site appears to have been separated off from the surrounding properties, although historic aerial photographs indicate that it may have once formed part of the garden land of 85 East Street.
- 2.2 The surrounding residential properties have a close connection to the road and there is a close tight knit character to the locality. There is a pavement to the south side of the road only, and on-street vehicular parking is restricted to the southern side of the road only by double yellow lines to the northern side of the road. The properties on the northern side of the road benefit from off-street parking, in the form of private driveways and shared parking courts.
- 2.3 The area encompasses a wealth of historic properties and features, including the front boundary tide walls which are important features of this section of the Conservation Area and therefore they contribute to its character and significance. Within close proximity of the site on East Street there are 10 buildings identified as positive buildings which includes 85 East Street, directly to the east of the application site. There are also five grade II listed buildings. The front boundary stone and brick walls to the properties in East Street also make a strong contribution to the historical character of the area.

3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of 1no. dwellinghouse, with associated parking and landscaping. Alterations to the front gardens of number 85 are also proposed including the demolition and rebuilding of the wall to the front of 85 East Street and the provision of a pedestrian access.
- 3.2 The proposed building would measure approximately 9m (w) x 10m (d) x 7m (h) whilst the underside of the eaves height would measure 4m at the front and 5.3m at the rear. The rear garden would measure 8.7m deep and there would be approximately 1.3m between the side elevations of the house and the boundary of the site. The proposed external materials and finishes are proposed to include; clay tiled roof, brick walls with imitation stone sills and the dormers would include zinc walls and cheeks. The dwelling would include a kitchen, utility, dining room, lounge, bathroom and bedroom at ground floor with three bedrooms and a bathroom at first floor level.

3.3 A private garden is proposed to the rear of the new building and lay-by parking for two cars is also proposed to the front of the site. The existing wall in front of 85 East Street is proposed to be demolished and rebuilt in a setback position to provide space for the lay-by and the necessary visibility spays. A new brick and stone 1m high wall would be constructed in front of the new dwelling.

4.0 History

11/04176/PE	CLOSED	Erection of 3 bed detached house with integral garage.
15/04116/FUL	WDN	Erection of house.
16/00373/FUL	REF	Erection of 1 no. dwelling.
19/01824/FUL	WDN	Proposed 1 no. dwelling.
16/00077/REF	DISMIS	Erection of 1 no. dwelling.

5.0 Constraints

Listed Building	No
Conservation Area	Selsey Conservation Area
Rural Area	No
AONB	No
Tree Preservation Order	No
EA Flood Zone	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Selsey Town Council OBJECT to this application on the basis that the demolition of the tidewall is contrary to the old Selsey Conservation Area CACA.

6.2 WSCC Local Highway Authority

Additional comments (06/02/2020)

I did undertake a site visit to East Street on 30/01/2020 with a colleague. During the visit, it was observed that the road was lightly trafficked and typical speeds were around 20 mph. Whilst the issue regarding 3rd party land is acknowledged, we were comfortable that the proposed arrangement which would result in vehicles exiting the layby would be foreseen by drivers. This is aided by forward visibility to the layby in both directions being achievable. Whilst on-site I drove the locality a number of times and was comfortable with this approach.

On the basis of the above, the LHA considers the demonstrated visibility to be sufficient for this proposal. Other considerations include the presence of street lighting on East Street, which will assist in maintaining visibility for drivers and pedestrians exiting their cars during times of darkness.

Finally, the LHA does note that a similar application was submitted in 2015 (15/04116/FUL), which also proposed a layby parking arrangement. At that time, the LHA also raised no objections. As such, the principle of a layby parking arrangement in this location has already been established. It would be very difficult for the LHA to justify an objection based on the issues raised. As such, our original comments remain valid.

Original comments (23/12/2019)

Summary:

This proposal is for the erection of a four-bedroom residential dwelling. The site is located on East Street, a C-classified road subject to a speed limit of 30 mph. WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application SY/19/01824/FUL. The LHA raised no objections to this proposal. The applicant withdrew the application.

Access and Visibility:

Access to the site will be via a private layby parallel to the carriageway. The applicant has submitted a highway visibility report with speed survey data to support this application. The seven-day survey on East Street from 2016 found that 85th percentile dry weather speeds were 26 mph westbound and 29 mph eastbound; therefore, this shows that typical speeds on East Street are lower than the posted speed limit.

The applicant has demonstrated vehicular visibility splays of at least 43m in both directions from the driver's viewpoint. The visibility splays do cross third party land and therefore cannot be secured in perpetuity. However, the LHA appreciates that East Street does have good forward visibility and that drivers would anticipate vehicles indicating and exiting the layby.

Furthermore, an inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning:

Two car parking spaces are proposed parallel to the carriageway on the private layby. The parking area demonstrated in the plans has approximate dimensions of 2.4m x 12.1m, which meets the minimum specifications for parallel parking bays for two parking spaces as set out in Manual for Streets (MfS).

The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 3 car parking spaces. Consequently, any overspill parking would have to be accommodated on-street. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highway safety. The LHA does not anticipate that highway safety would be detrimentally affected through this proposal. The Planning Authority may wish to consider the potential impacts on on-street parking from an amenity point of view. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, the Local Highways Authority (LHA) request that developers provide all new homes with electric vehicle (EV) charging points. Based upon current EV sales rates within West Sussex, the applicant should provide a minimum of 20 % of all proposed parking spaces with active charging points, with ducting in place for the remaining 80% to provide 'passive' provision for future upgrades. Due to the small-scale nature of this proposal, the anticipated provision of active EV spaces for this development would be one space, in accordance with the above WSCC guidance and Chichester Local Plan policy.

In terms of cycle parking, WSCC parking standards require at least two cycle parking spaces for dwellings with three or more bedrooms. The plans have demonstrated a cycle store to the rear of the site, which would be able to store a number of cycles. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

The layby layout of the parking area will allow vehicles to exit the site onto East Street in a forward gear.

Sustainability:

The site is situated in a sustainable location within walking distance of shops, schools and other amenities. Bus stops on East Street offer regular connections between Selsey and Chichester. Cycling is viable option in the area.

Conclusion:

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative should be applied:

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

6.3 CDC Conservation and Design

The application site is located next to a non listed building in the Old Selsey Conservation Area. The principle of development on this plot is not opposed in principle but the current proposals present multiple challenges to the character and appearance of this part of the conservation area.

In order to facilitate a dwelling in this location a large parking bay is proposed at the front of the property. This necessitates the relocation of a large section of flint tidewall. This tidewall is referred to in the conservation area character appraisal and forms a key part of the historic interest of the immediate streetscene and the wider character of the conservation area. The tidewall historically functioned as a defence against rising high tides and is an interesting and characterful addition to the local built form. Its position hard up against the road is an important part of its function, demarcating the historic front boundary of traditional properties that were much closer to the highway and thus forming a key part of its historic interest. This position is maintained remarkably consistently along the length of East Street, even on other modern developments, and throughout the conservation area. The relocation of this large section of wall some distance back would harm its material significance and the historical importance of its location hard up against the highway. The wall would be read more as a modern garden wall than as the important piece of historic streetscape that it currently is.

The location of the new wall behind the overtly modern parking bay is also problematic. The parking bay is an incongruous modern street form which in itself causes harm to the conservation area. East Street is narrow with buildings close up to the highway. This forms part of its historic character and the imposition of the modern parking bay disrupts this historic rhythm. Locating the wall behind this modern intervention exacerbates the already established harm of removing it from its historic location.

Overall, the issues around the creation of a modern parking bay and the removal of the tidewall from its historic location fail to preserve or enhance the character of the Old Selsey Conservation Area. The harm to the heritage asset is less than substantial and must be weighed against any clear public benefits of the proposals.

6.4 Third party objection comments

7 x third party representations of objection (from 6 households) have been received concerning the following matters:

- a) Narrow section of East Street with on road parking to the south side only.
- b) This is already a dangerous street for traffic, cyclists and pedestrians.
- c) The wall along the front of the property was demolished after a vehicle drove into it.

- d) The proposal for parking on the north side, will cause highway safety concerns.
- e) Route for the 51 bus which passes in each direction every 15 minutes during weekdays.
- f) The house is located in the centre of the new Conservation Area which was confirmed in September 2017.
- g) This part of the conservation area has a number of listed buildings (6) on a small section of East Street alone as well as its historical significance.
- h) There are also a number of older house noted as contributing 'positive features' to the heritage of the street in the Conservation Area documentation.
- i) One of the specific grounds for designating this part of East Street as a Conservation Area is the presence of old tide walls which are distinctive to the region. The proposed demolition of one of these to allow for the new development goes against the letter and spirit of heritage conservation and protection.
- j) New builds need to be proportionate in scale and appropriate to their location, which is not the case for this proposed dwelling.
- k) 81a East Street; are very concerned at size of new property being proposed at 85, being far too large for the plot and road.
- l) Parking layout result in car doors opening onto the road.
- m) The proposed building appears to be too large for the plot and will be built too close to 83A.
- n) Loss of light to 83A
- o) The rear part of the building will extend beyond the building line removing all privacy currently enjoyed by 83A, 83, 81A and 81 East Street.
- p) Justification for the size and appearance of the proposed building is based on the premise that approval was given "recently" for the development at 81/83. This approval was given some 10 years ago, 7 years before the creation of the Conservation Area.
- q) Development would be out of character with the area.
- r) Loss of front boundary wall and rebuilding 4m back from its current position and obstruction form the street scene with the parking arrangement would be harmful to character of conservation area.
- s) Common route for parents and children from East Selsey to go to both the primary and secondary schools.
- t) Visibility splays are drawn inaccurately and are not achievable.
- u) The pavement outside 83A, 83 and 81 East Street is privately owned in its entirety. Visibility for vehicles attempting to exit the layby could be further reduced as that pavement is not under local authority control.
- v) Vehicle knocked and damaged by passing vehicles on two separate occasions since moving here three years ago.

2.25 Applicant/Agent's Supporting Information

The applicant has provided the following support information during the course of the application:

- a) The tide walling will not be lost.
- b) 3 parking spaces are not required.
- c) The ground floor bedroom could be used for other purposes.
- d) Sweeping down tops are proposed to the top of the new wall which are characteristic of the local area.

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 Selsey 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 (CLP)

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 8: Transport and Accessibility
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 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.*
- 7.5 Consideration should also be given to Sections 4 (Decision-Making), 5. (Delivering a sufficient supply of homes), 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) and 16 (Conserving and enhancing the historic environment).
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following 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
 - Selsey Conservation Area Character Appraisal

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

- 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. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon heritage assets
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Recreational disturbance

Assessment

i. Principle of development

8.2 The application site is located within the designated Settlement Boundary Area of Selsey. Within the development strategy and settlement hierarchy, contained within policy 2 of the Chichester Local Plan (CLP), Selsey is designated as a settlement hub. Policy 2 of the CLG states that new development that meets identified local needs will reinforce the role of the settlement hubs as centres providing a range of homes, workplaces, social and community facilities.

8.3 The settlement hubs are areas that provide suitable levels of services and facilities and can also limit the need to travel and are capable of supporting sustainable modes of transport and encouraging users to seek alternative to the private motor car as required by CLP policy 8. Therefore a new dwelling in this location is supported by the development strategy and the proposal would be acceptable in principal.

ii. Design and impact upon character of the surrounding area

8.4 High quality design is seen as a key part of sustainable development within the 2019 NPPF and Policy 33 of the CLP sets out that each proposal must meet the highest standards of design and a high quality living environment in keeping with the character with the surrounding area and its setting in the landscape. Policy 33 of the CLP also requires that the scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.5 The character of this part of the road includes a mix of architectural styles, whilst some are modern, most are historic cottages and the buildings for the most part form a tight knit arrangement. The lack of front gardens and low stone boundary walls also contribute towards the character of the streetscene, and this is considered important to the character and appearance of the locality, which forms part of a conservation area.

8.6 It is considered that the proposed lay-by parking arrangement, which would introduce a large area of hardstanding alongside the road and would necessitate the loss of a historic flint wall, results in a contrived form of development that would be at odds with the important established historic character of the streetscene. By reason of the siting and appearance of the proposed front walls they would detract from the visual amenity and character of the streetscene. Although the design and architectural detailing of the proposed dwelling would not be considered unacceptable in principle, it is as a result of the size and scale of the proposed dwelling that insufficient space can be provided for on-site parking, and this is also indicative of a cramped and contrived form of over-development.

8.7 It is therefore considered that due to the design of the development, which would not accommodate on-site parking and instead would result in the loss of a flint wall and the provision of a wide lay-by parking area, the proposal would fail to maintain the strong sense of place and local distinctiveness, and it would not be sympathetic to the surrounding built environment. Rather, the proposed development would detract from the visual amenity and character of the locality. The proposal would therefore conflict with section 12 of the NPPF and policy 33 and 47 of the CLP.

iii. Impact upon heritage assets

8.8 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In addition section 16 of the NPPF states heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to the significance and policy 47 of the CLP states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

8.9 In order to facilitate a dwelling in this location a large parking bay is proposed at the front of the property to facilitate space for parking two vehicles. This necessitates the relocation of a large section of coursed stone tide wall. This tide wall is referred to in the Selsey Conservation Area Character Appraisal and it forms a key part of the historic interest of the immediate street scene and the wider character of the conservation area. The tide wall historically functioned as a defence against rising high tides and is an interesting and characterful part of the built environment. The demolition of this wall would result in the total loss of the remaining section of historic fabric that in itself is irreplaceable. Furthermore, the relocation of this large section of wall some distance back from the road would harm its material significance and the historical importance of its existing location hard up against the highway. The wall would be read more as a modern garden wall than as the important piece of historic streetscape that it currently is.

8.10 The proposed parking arrangement would also result in an incongruous modern street form, which would cause harm to the conservation area. East Street is narrow with buildings close up to the highway. This forms part of its historic character and the provision of a wide modern parking lay-by would disrupt the existing historic pattern of development. Locating the replacement wall behind this modern intervention exacerbates the already established harm of removing it from its historic location. It is important to note that the conservation area appraisal does not support the loss of front boundary walls to provide off street parking, and this is a material consideration.

8.11 The Council's Historic Buildings Advisor has raised concerns regarding the loss of the front tide wall and its replacement in a setback position with a modern intervention in the form of the parking layby and the appearance due to the regularity and amount of quoins and stone infill panels. The applicant has provided a letter dated the 8th January 2020 stating that the wall would not be lost. Based on the submitted plans it is clear that the proposal includes the demolition of the remaining section of tide wall to the front of 85 East Street and that this would be replaced by a wall of a similar height but different appearance, in a setback position. Officers are of the opinion that such a proposal would result in the loss of the remaining historic section of tide wall and rebuilding walls in a different position, and this would not respect the distinct traditional character of the tide walls abutting the road. The new walls, as show on the submitted plans, would also be of a modern appearance.

8.12 The site lies in a prominent location within the conservation area; however, notwithstanding the issues raised above, there is no objection in principle to the provision of a dwelling on the application site. The gap between the buildings is an anomaly within this part of the street scene and a new dwelling on the site could respond positively to the existing close knit relationships between buildings. In respect of the design and appearance of the proposed dwelling, although it would result in a cramped and contrived form of development that more widely would impact on the character of the area due to the issues with the provision of parking, the proposed dwelling itself would not result in harm to the character or appearance of the conservation area.

8.13 It is considered that the proposed loss of the remaining section of tide wall would result in harm to the significance of the conservation area and would not preserve or enhance the character of the conservation area. The less than significant harm identified would not be outweighed by any identified public benefits, and therefore the proposal would be contrary to the policies contained within the NPPF and the CLP.

iv. Impact upon amenity of neighbouring properties

8.14 The NPPF states (paragraph 127) that planning should ensure a good quality of amenity for existing and future users of places, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.15 Officers have assessed the impact of the proposed property and parking on the amenities of the neighbouring properties. The proposed dwelling would be closely related to the properties and gardens on both sides. If the scheme were otherwise acceptable and being recommended for approval overlooking could be prevented by ensuring first floor windows to the side walls were obscure glazed and fixed below 1.7m from finished floor level. Due to the siting of the proposed dwelling it would comply with the Council's design guidance in respect of the relationships with neighbouring properties. It is therefore considered that the proposal would not be overbearing or oppressive or otherwise harmful to living conditions, including in respect of loss of light, outlook and private amenities.

8.16 Overall, the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties and gardens, in particular to their outlook and privacy. Therefore, it is considered that the development complies with CLP policy 33 and 127 of the NPPF.

v. Impact upon highway safety and parking

8.17 The road is relatively narrow with parking permitted on its southern side, and due to a narrowing of the road close to the application site vehicles have to slow to give way to oncoming traffic, as there is only space to pass in single file. The proposed parking arrangement has been given careful consideration due to the narrow and active nature of this C class road, which is also a bus route, combined with on road parking, double yellow lines (to the north of the road) and pedestrian and cycling activity. The Local Highway Authority (LHA) visited the site during the course of the application and it does not raise a highway safety objection. Conditions have been requested concerning vehicle and cycle parking and visibility splays

8.18 Based on the above it is considered that the access and parking arrangement would accord with policy 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway, although this does not outweigh the concerns regarding this parking arrangement as set out in section ii and iii of this report.

vi. Recreational Disturbance

8.19 The development lies within the 3.5km zone of influence upon the Pagham Harbour Special Protection Area (SPA), where increases in net residential development are likely to have a significant effect on the SPA. An appropriate assessment has been carried out by the Local Planning Authority, and it was concluded that the development may have an adverse impact because there have been no appropriate avoidance and/or mitigation measures submitted that would enable the Local Planning Authority to ascertain that the permanent use would not adversely affect the integrity of the SPA. No mitigation measures or contributions have been provided and, therefore, the proposed dwelling is contrary to paragraph 177 of the 2019 National Planning Policy Framework, policy 51 of the Chichester Local Plan: Key Policies 2014-2029, and Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) July 2016.

Conclusion

8.20 Based on the above assessments, it is considered the proposal would detract from the visual amenity of the locality and would result in harm to the conservation area which is a designated heritage asset contrary to sections 12 and 16 of the NPPF and policies 33, 40 and 47 of the CLP, and there are no other considerations that would outweigh the identified harm.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

- 1) The proposed layby parking arrangement to the front of the site combined with the construction of a new boundary wall would, by reason of their siting, design and appearance result in a departure from the established historic character of the streetscene which would detract from the visual amenity character of the locality. Furthermore, the resultant demolition of the remaining section of stone tide wall would result in the total loss of a historic tide wall which contributes significantly to the distinct character of the conservation area, and this would cause less than substantial harm to the significance of the heritage asset which would not be outweighed by any public benefits. As such the proposal would be contrary to sections 12 and 16 of the National Planning Policy Framework, policies 33, 40 and 47 of the Chichester Local Plan: Key Policies 2014-2029 and the Selsey Conservation Area Character Appraisal.
- 2) The development lies within the 3.5km zone of influence upon the Pagham Harbour Special Protection Area (SPA), where increases in net residential development are likely to have a significant effect on the SPA. There have been no appropriate avoidance and/or mitigation measures submitted that would enable the Local Planning Authority to ascertain that the permanent use would not adversely affect the integrity of the SPA. No mitigation measures or contributions have been provided and, therefore, the proposed permanent use is contrary to paragraph 177 of the 2019 National Planning Policy Framework, policy 51 of the Chichester Local Plan: Key Policies 2014-2029 and Planning Obligations and Affordable Housing Supplementary Planning Document July 2016.

INFORMATIVES:

- 1) This decision related to plans: 6218.001 G, 6218.002 F & 6218.003.
- 2) The applicant is advised, in the event of an appeal against this refusal of planning permission, that on receipt of a Unilateral Undertaking under S.106 of the Town and Country Planning Act 1990 (as amended) and the payment of the contribution towards the joint mitigation strategy outlined in the Bird Aware Solent Disturbance and Mitigation Project reason for refusal 2 would be withdrawn by the Local Planning Authority. Full details of the Unilateral Undertaking and the contribution requirements are available upon request.

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

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1OT42ER0SR00>