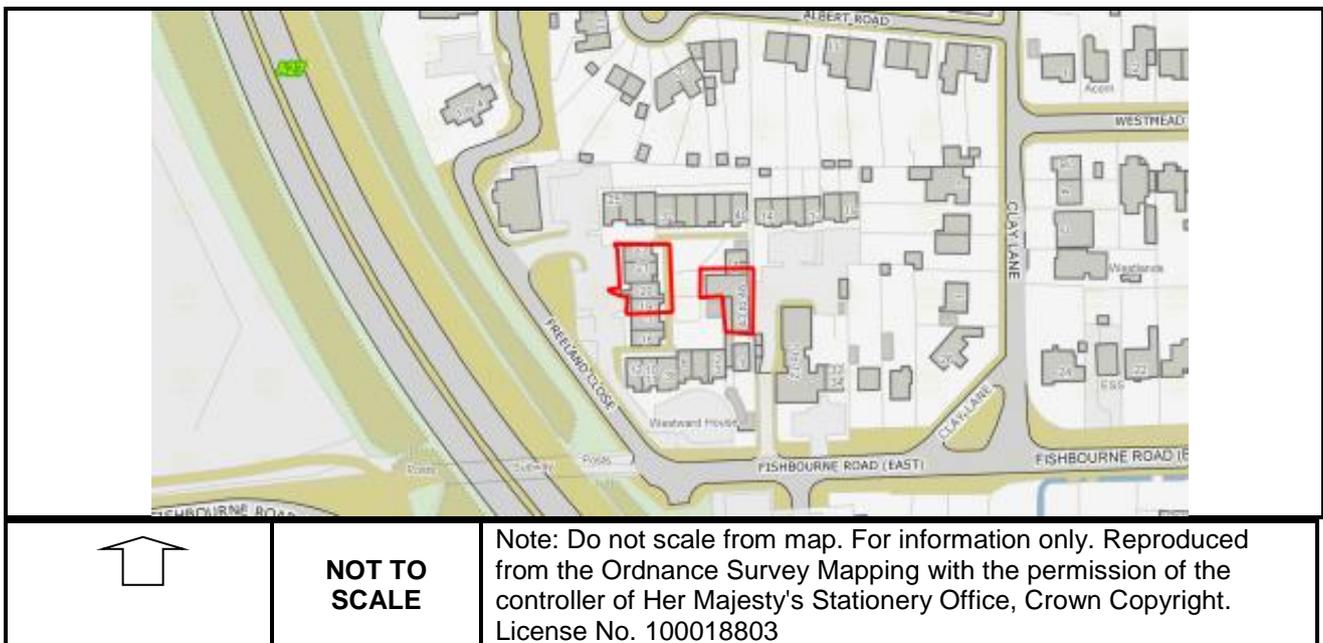


Parish: Chichester	Ward: Chichester West
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**CC/19/03147/FUL**

<b>Proposal</b>	Change of use from existing short stay accommodation into 3 no. 1 bed flats and refurbishment of existing office space.		
<b>Site</b>	Westward House 38 Fishbourne Road East Chichester West Sussex		
<b>Map Ref</b>	(E) 484257 (N) 104769		
<b>Applicant</b>	Chichester District Council	<b>Agent</b>	Mr Jonathan Moore

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND REGARDING THE APPROPRIATE ASSESSMENT**



**1.0 Reason for Committee Referral**

1.1 The District Council is the applicant and the application site is on land owned by the Council.

**2.0 The Site and Surroundings**

2.1 The application site is located to the west of the settlement boundary of Chichester and to the east of the A27. The application site adjoins the settlement boundary and forms part of Westward House.

2.2 Westward House is laid out around a courtyard with a management office on the western side and the remaining being residential. Parking for the development is located to the west and south of the courtyard, which is accessed of Freeland Close. The centre of the courtyard features a playground, footpaths and grass areas. The buildings surrounding the courtyard are all two storey, brick built with pitched tile roofs.

### **3.0 The Proposal**

3.1 The application seeks planning permission for the refurbishment of the existing Westward House office and the conversion of the existing 6 no. single bedsit units with common kitchen areas, to 2 no. 1 bed flats and 1 no. wheelchair accessible unit. The application also proposes to remove an existing porch and window and insert two windows and three doors. Internal alterations are proposed to the office to create a reception area, working space and additional meeting rooms.

3.2 Each flat would have a living/kitchen room, bathroom and bedroom. The internal walls of the building would largely be removed and new internal walls constructed to form the three flats. The only external alteration is the addition of a door.

### **4.0 History**

11/02516/REG3	PER	Change of use of existing accommodation from a vacant childrens nursery to form 6 bedsits (non-self contained) with communal kitchens.
19/03139/FUL	PDE	Demolition of existing single storey building housing 3 flats and construction of 17 new flats, with associated external work; and extension to existing bin store.

### **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

### **6.0 Representations and Consultations**

#### **6.1 Parish Council**

No comments have been received

## 6.2 West Sussex County Council (WSCC) - Local Highway Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

### Site Background:

The proposal is for the change of use of short stay accommodation to three no. one bedroom flats.

The application site is located on Fishbourne Road East a publicly maintained, low trafficked, unclassified road subject to a 20 mph speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

The Local Highways Authority (LHA) has viewed the submitted plans and documents, taking a view that the applicant has not submitted clear enough details to assist in the LHA's recommendation for the Local Planning Authority (LPA). The LHA has provided comments below outlining the issues. These amendments will allow the LHA to make a thorough decision on highways safety grounds.

### Vehicle Parking and Cycle Parking:

The applicant has not provided any details to the existing or proposed parking measures of the site. The LHA does consider the weight of the existing use and the need for parking generated. However, the LHA seeks clarity on the parking situation before writing our complete response.

### Conclusion:

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

## 6.3 CDC Environmental Strategy

### Bats

Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the

trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

#### Nesting Birds

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

We would like a bird box to be installed on the building and / or tree within the garden of the property.

#### 6.4 CDC Drainage

We have considered the proposed alterations, and are satisfied that the proposed change of use, and alterations will not have a significant impact on existing surface water drainage / flood risk. Therefore we have no objection to the proposal.

#### 6.5 Third party comments

No Third party comments have been received.

### 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 4: Housing Provision

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

## 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 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 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. It is anticipated that the new Plan will be adopted by the Council in 2022. 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 the following paragraph and sections: Sections 2, 4, 5, 12 and 14. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

- 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:

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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:

- Maintain low levels of unemployment in the district
- Develop a local workforce that meets the needs of local employers
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Sustainability
- vi. Ecological considerations
- vii. Nitrates
- viii. Drainage

### Assessment

#### i. Principle of development

8.2 The application site falls just outside, but adjacent to, the defined Settlement Boundary of Chichester City, as identified within Policy 2 of the Chichester Local Plan. The proposal seeks for the change of use from 6 no. bed sits to 3 no. 1 bedroom self-contained flats. The proposal is adjacent to the settlement boundary and would result in a reduction in the number of bedrooms and occupants of the building. Therefore the principle of 3 no. flats in this location is considered acceptable in principle.

#### ii. Design and impact upon character of the surrounding area

8.3 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.4 The alterations to an existing office building proposed are to remove an existing porch and window and proposes the insertion of two windows and three doors. The external alterations to create the 3 no. flats are limited to a new door. The alterations are considered to be in keeping with the character of the existing building and are therefore considered to be acceptable. The proposal therefore accords with Policy 33 of the Chichester Local Plan.

iii. Impact upon amenity of neighbouring properties

8.5 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.6 The office and residential use are established. The application proposes the insertion of a number of new windows, which look onto public space. Given the distance to neighbouring properties and the intervening public realm, it is not considered the proposal would have a harmful impact to neighbouring amenity. The proposal therefore accords with policy 33 of the Chichester Local Plan.

iv. Impact upon highway safety and parking

8.7 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

8.8 The sites current parking capacity allows for approximately 32 vehicles. However, parking provision is not limited to this number as the site also benefits from on road parking along Freeland Close to the west. The compositions of residents at Westward House are those found to be statutorily homeless and in need of temporary accommodation, many of whom do not have a car, and the number of occupants would not increase as a result of the proposed change of use. Since providing comments on this application, WSCC have considered the cumulative impact of the scheme as part of the planning application at 22 Freeland Close (19/03139/FUL) and is satisfied that cumulatively, across the two sites, there will be no adverse impact.

8.9 Therefore, the proposal 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.

v. Ecological and Sustainability considerations

8.10 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km Zone of Influence, where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.

8.11 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2020. For residential development within the Chichester and Langstone Harbours Special Protection Area (SPA) Zone of Influence buffer zones, fees are based on the number of bedrooms. In terms of SPA mitigation, bed sits with communal kitchens are analogous to student accommodation, where 5 rooms are equivalent to one house. Therefore 6 rooms would be equal to 2 self-contained Dwellings and as such a change to 3 self-contained dwellings would result in an additional one unit. The charge for 1 x 1 bed flat £356, for which the applicant has agreed to pay and is in the process of completing the legal agreement. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance. An appropriate assessment has been carried out and the mitigation proposed is acceptable

8.12 Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met.

8.13 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The existing site has an area of grass to the centre with landscaping around the wider site. As such there is the opportunity to improve biodiversity on the site that can be secured via condition. This could include bird boxes, hedges and further soft landscaping. It is therefore considered the proposal would comply with policy 49 of the Chichester Local Plan

vi. Nitrates

8.14 Natural England has provided guidance advising that increased residential development is resulting in higher levels of nitrogen and phosphorus input to the water environment in the Solent with evidence that these nutrients are causing eutrophication at internationally designated sites including Chichester Harbour. A sub-regional strategy for the nitrates problem is being developed, by the Partnership for South Hampshire, Natural England, and various partners and interested parties. This application would not result in an increase in the occupants of the building and therefore would not result in an increase in nitrogen from the development.

vii. Drainage

8.15 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposal would discharge to the main sewage for foul sewage and surface water.

8.16 The Coastal and Drainage Engineer has considered the application and are satisfied that the proposed change of use and alterations will not have a significant impact on existing surface water drainage / flood risk and as such had no objections to the proposal. It is considered the proposal would not result in a net increase of surface water runoff. The application therefore accords with policy 42 of the Chichester Local Plan.

## Conclusion

8.17 Based on the above it is considered the proposal is acceptable and therefore complies with the relevant local to development plan policies and therefore the application is recommended for approval.

## Human Rights

8.18 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account 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 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.

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

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

3) Prior to the commencement of development hereby approved a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures:

- a) any trees removed should be replace at a ratio of 2:1
- b) filling any gaps in tree lines or hedgerows with native species
- c) bat and bird boxes installed on the site, and
- d) provision of gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details within 12 months of the date of this permission

Reason: In the interests of protecting the environment

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

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

5) Notwithstanding any details submitted the external materials to be used shall match, as closely as possible, in type, colour, and texture those of the existing building unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

6) The residential units hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new unit must not exceed 110 litres per person per day, as set out in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The development hereby permitted shall not be first occupied until the requirements of this condition for that unit have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the units and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029

7) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests 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 - Existing Site Plan	0101	P01	18.12.2019	Approved
PLAN - Existing Plans and Elevations	0102	P01	18.12.2019	Approved
PLAN - Existing Plans and Elevations	0103	P01	18.12.2019	Approved
PLAN - Site Location Plan	0110	P01	18.12.2019	Approved
PLAN - Proposed Site Plan	0111	P01	18.12.2019	Approved
PLAN - Proposed Plans and Elevations	0112	P01	18.12.2019	Approved

PLAN - Proposed Plans and Elevations	0113	P01	18.12.2019	Approved
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## INFORMATIVES

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

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2PVP1ER0SR00>