

Parish: Fishbourne	Ward: Harbour Villages
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FB/21/02509/FUL

Proposal	Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.		
Site	Black Boy Court, Main Road, Fishbourne PO18 8XX		
Map Ref	(E) 483155 (N) 104749		
Applicant	Greetland Ltd	Agent	Miss Chelsey Carter

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends permit.

2.0 The Site and Surroundings

- 2.1 The application site is located to the south side of Main Road, within the Parish of Fishbourne, outside of a defined settlement boundary and within the designated countryside. The site is located within the Fishbourne Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The application site is part of a private residential development, comprising of a number of dwellinghouses with a rear courtyard parking area.
- 2.2 The specific area to which this application relates currently forms a hard surfaced curtilage area to the front of a two storey block of flats, albeit it appears this area was previously laid to lawn. The site is separated from the public highway by timber post and rail fencing and ornamental hedging. The site sits adjacent to the original building known as Black Boy House (the former Blackboy Inn), which is grade II listed, but does not form part of the listing.

3.0 The Proposal

- 3.1 The application seeks planning permission to provide a parking area to the front of Black Boy Court with a new associated dropped kerb access from Main Road. The parking area would be large enough to accommodate 4 cars and would be surfaced with a hard permeable material. A single electric vehicle charging point would also be provided.
- 3.2 The proposal also includes the construction of a 0.5m high flint and brick wall to the front of the site as well as landscaping to the front and rear of the parking area, which would provide screening from the highway.

4.0 History

87/00022/FB	PER	Extension to provide 10 no. bedroom suites.
87/00024/FB	PER	Extension to provide 10 no. bedroom suites (LBC).
95/00122/LBC	PER	a) Convert and extend existing Inn to form 2 dwellings together with the demolition of assorted adjoining modern buildings. b) Convert existing reception building to form 1 dwelling. c) Convert existing hotel complex to form 4 dwellings.
95/00621/FUL	PER	Conversion of existing buildings to form 7 no. dwellings.
05/03636/FUL	PER	Extension and alterations to 4 no. existing flats to provide 8 no. 2 bed flats and 2 no. carports to provide 8 no. parking spaces.
21/00472/FUL	WDN	Construction of a 2 bay carport and the creation of car parking area for 4 no. cars to the north of the site.

5.0 Constraints

Listed Building	NO
Conservation Area	FB
Rural Area	NO
AONB	YES
Strategic Gap	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

5.1 Parish Council

OBJECTION: The Council is concerned that the parking area designated for four cars is very cramped. It will be impractical to park safely in such a confined space, particularly if a car is larger than average. There is concern over the safety of the access on to the A259, especially if the constricted space means that a car may need to reverse out onto the main road.

5.2 WSCC Highways

The applicant proposes a new vehicular access on Main Road, to serve the proposed parking area. From inspection of the plans and local mapping, visibility appears sufficient at the proposed point of access onto the maintained highway. The access will be subject to a vehicle crossover (VCO) licence obtained through the local area office and constructed to a specification agreed with the local area engineer.

The LHA notes that there appears to be a utility pole close to the proposed VCO on publicly maintained highway fronting the application site. If the utility pole is situated within 1.5m of the VCO, the crossover works will require the relocation of the utility pole. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the utility pole.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout 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.

From inspection of the plans, the parking bays appear to be suitably sized. There also appears to be sufficient space for on-site turning, allowing vehicles to exit the site in a forward gear.

5.3 Natural England

Natural England has no comments to make on this application

5.4 Portsmouth Water

We have no adverse comments to make on this application as it is low risk to groundwater quality.

5.5 Chichester Harbour Conservancy

Chichester Harbour AONB Unit Recommendation - No objection

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. The site is located within an urban settlement built-up location within the AONB.

Suggested considerations:

- schedule of materials to be as indicated on submitted application forms / agreed by LPA.
- Any and all external lighting shall be fitted with a suitable and effective cowl to focus the light beam and illumination downwards and prevent light spillage above the horizontal and into the night sky so as to comply with the Dark Skies approach and to limit disturbance to wildlife

.5.6 CDC Design and Conservation Officer (summarised)

Further Comments (17.12.21)

Now that the setting of the listed building has been defined, the neighbouring Black Boy Court application for the above will need to screen the Listed Building, The Black Boy Inn, with planting on the side boundary between the buildings sufficient to give a clear delineation between them. This should also include for screening any of the vehicle's parking in the proposed front car park of Black Boy Court and should form a barrier for vehicle headlight spill as well.

This will also be applicable to the frontage as well for the reasons of protecting the Conservation Area.

We would also require a condition that a good quality permeable brick paviour (Marshalls or similar approved complete with block paving drainage channels) are used for the car parking area instead of gravel or a stone chip base due to concerns over spreading of the material onto the road and deterioration of the surface over time.

Additional comments (9.12.21)

Due to changes in ownership and separation of the Black Boy Inn and the Black Boy Court over the last few years that we do not consider the wall or garden of Black Boy Court to be curtilage listed with Black Boy Inn any longer.

According to your research Black Boy Inn (Grade II Listed) owned and built Black Boy Court as it had been an extension used as a hotel and linked at ground floor level. It is clear that the original listed Building, Black Boy Inn has now been split into three dwellings and the former hotel that was attached is now several private apartments with a freehold ownership that is different to the three dwellings. The hotel, when it was part of the Black Boy Inn and associated with it would have been classed as curtilage listed but it is now separated in physical form and ownership and therefore we would not class it as curtilage listed now.

The front wall that has been removed was not in our opinion an historic wall as the historical mapping shows it in a slightly different position and the materials would more likely have been flint based and possibly taller.

Original Comments (25.11.21)

The works are not acceptable in listed building terms. There was an application to remove the original front wall boundary with the Main Road which was not approved in April of 2021.

There is no evidence that the wall was only 900mm high and therefore the reasons for removing it still have to be proven. The Planning application was not approved previously, and it had been requested by the Planning Officer and the Conservation and Design Officer that any new application for the car park and the removal of the wall was to be as a single purpose of operation. This has not happened and no allowance or opportunity for the Council's Officers was given to inspect and measure the wall. The application fails to preserve and enhance the Fishbourne Conservation Area and is in conflict with Policy 47 of the Chichester Local Area Plan which includes Fishbourne.

The setting of the Listed Building (The Black Boy Inn) which is Grade II listed could be compromised by the small car park at the front of Blackboy Court as it would add further interference to the setting even if screened.

Our recommendation therefore is a Refusal for this application on Listed Building Terms.

5.7 CDC Coastal and Drainage Engineer

We have no objection to the principal of additional parking in this location. However, to ensure no negative impact on local flood risk the new surfacing should be of permeable construction. Subject to the use of a porous sub-base such as MOT Type 3, the proposed surfacing "bound resin" should be permeable, and therefore acceptable.

5.8 Third Party Objections

Three representations have been received in objection to the proposed development. These representations raise concerns in relation to the following issues:

- a) The proposal would create highway safety issues,
- b) The additional parking is not needed,
- c) The proposed parking area would be detrimental to the character of the Conservation Area

5.9 Third Party Support

Two representations have been received in support of the application concerning the following issues:

- a) There is a lack of parking at Blackboy court
- b) The proposed additional parking would take parked vehicles off of the highway.

6.0 **Planning Policy**

6.1 The Development Plan

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, including the Fishbourne Neighbourhood Plan 2014 - 2029.

The principal planning policies relevant to the consideration of this application are as follows:

6.2 Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk and Water Management

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

Policy 47: Heritage and Design

6.3 Chichester Local Plan Review Preferred Approach 2016 - 2035

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 July 2022. 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 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

6.4 Fishbourne Neighbourhood Plan 2014 - 2029

Policy D1: Good design
Policy H1: Heritage Protection

6.5 National Policy and Guidance

Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021). 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:

- a) *approving development proposals that accord with an up-to-date development plan without delay; or*
- b) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas 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.*

Consideration should also be given to the following paragraph and sections: Sections, 4 (Decision-making), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

6.6 Other local Policy and Guidance

Consideration has also been given to:

- Fishbourne Conservation Area Character Appraisal

6.7 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:

- 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 the AONB and Heritage Assets
- iii. Impact upon the amenity of nearby properties
- iii. Parking and Highway impact
- iii. Drainage

Assessment

i. Principle of development

8.2 Policy 1 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, as the application site falls within the Fishbourne Settlement Boundary Area, the principle of the proposed development is acceptable, subject to compliance with the development plan and other material considerations. The impact of the proposed development on the character and appearance, and special qualities of the AONB, the Fishbourne Conservation Area and the adjacent listed building are considered in detail below.

ii. Design and Impact upon the AONB

8.3 Policy 43 of the Chichester Local Plan establishes that development proposals will be supported where it can be demonstrated that they will reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Chichester Harbour Conservancy has not raised an objection to the proposal, and it is considered that due to the nature of the proposal and its location within a built up area that no harm would be caused to the scenic beauty or special qualities of the AONB. The proposal therefore accords with the development plan in this respect.

iii. Impact upon heritage assets

- 8.4 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires the local planning authority (LPA) to have special regard to the desirability of preserving the setting of a listed building, whilst S.72 of the Act requires proposals to conserve or enhance the character of a designated conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. These requirements are reflected in both policy 47 of the Local Plan and policy H1 of the Neighbourhood Plan.
- 8.5 As noted within the Parish Council's comments, the application site lies adjacent to the former Black Boy Inn (now known as Black Boy House), which is a grade II listed building (now divided into 4 residential dwellings). The application property does not form part of the listed property, however it is recognised that it forms part of its immediate setting. Concerns have been raised that the removal of a former flint wall at the front of the site and the re-laying of the front curtilage area with hard surfacing to provide an access and driveway would be detrimental to setting of Black Boy House.
- 8.6 It is of relevance in this instance that planning permission was not required to remove the wall at the front of Black Boy Court as the works were permitted development under Part 11, Class C of the Town and Country Planning (General Permitted Development) Order 2015, as amended. This is because the 'Conservation Areas Direction (2015)' for the application of section 74 of the Planning (Listed Buildings and Conservation Areas) Act (1990) makes provisions for the removal of walls within Conservation Areas that are less than 1m in height without the need of prior consent. During the course of the application the remaining pier of the boundary wall has been assessed as measuring 0.9m, and therefore it has been established that the boundary wall was less than 1m in height and its retention was not within the control of the Local Planning Authority. Furthermore, the Council's Design and Conservation Officer has confirmed that as the site has been long separated from the former Black Boy Inn, it cannot be viewed as being curtilage listed. As such, the LPA is not in a position of being able to secure the re-instatement of the former wall, which in any event was not a historic wall.

- 8.7 As noted above, whilst the site's proximity to the neighbouring listing is acknowledged, the application property (Black Boy Court) is of limited architectural quality and does not share the detailed characteristics or historic qualities of the adjacent listed building. As such, it is considered that the site offers little in the way of contribution to the setting of the heritage asset, and that the opening up of the front curtilage area to provide an access and small area of parking with additional landscaping would lead to less than substantial harm of its immediate surroundings. This, coupled with the fact that the proposal would provide a public benefit through the provision of a parking facility that would take vehicles off the highway and supply designated electric vehicle (EV) charging points to improve the sustainability credentials of the property and encourage the use of sustainable modes of transport, ensures that the positives of the scheme would outweigh the loss of any previous landscaping. It should be noted that due to the spread-out nature of the existing parking area that serves Black Boy Court, the applicant has confirmed that it would be easier and more affordable to provide EV charging points within the proposed parking area than the existing area to the rear of the site.
- 8.8 Research of the history of the site has also established that the former flint wall, hedging and landscaping to the front of the wider Black Boy Court development was not original. At the time of the Black Boy Inn being listed in 1981, the front curtilage area was surfaced with paving slabs and open to the highway. As such, no historic fabric, layouts, or original features would be lost or affected by the proposals.
- 8.9 In terms of the effects of the proposal on the wider street-scene and Fishbourne Conservation Area; there are a number of properties within close proximity along Main Road that are served by parking areas that are open to the highway. As such, a small parking forecourt to provide parking for 4 vehicles would not appear out of place or out of character for the area within this part of the conservation area. Notwithstanding this, efforts have been made to reduce the impact and visibility of the proposal from the surrounding public realm through the incorporation of a landscaping scheme that includes planting at the front of the site (already in situ) and to the rear of the parking area in front of the building's windows as well as to its side borders. The proposed landscaping features would help to soften the site's frontage and would provide visual screening and separation from the highway. The reinstatement of a low-level flint boundary wall on one side of the access would also pay respect to the site's former frontage.
- 8.10 The applicant has commented that the parking area is required as the existing 8 flats within Black Boy Court are currently only served by 8 parking spaces, and as most flats are dependent upon more than one car, occupiers are required to park their vehicles on the highway. The proposed parking facility would therefore facilitate the removal of parked vehicles from the highway, which would be beneficial to the general appearance of the Conservation Area.

8.11 Notwithstanding the above comments, it is considered that the success of the proposed scheme would depend on the use of surface materials for the hardstanding that would be sympathetic to the neighbouring listed building and surrounding conservation area and the provision of landscaping. In accordance with the advice received from the Council's Conservation and Design Officer it is considered that the use of subtle coloured traditional pavers would be suitable, however the final material detailing could be secured via the recommended condition.

8.12 In conclusion, the loss of the former boundary walling or the manner in which it was removed prior to the submission of the current application is not material to the consideration of the proposal. On balance it is considered that; given there was hardstanding to the front of the site historically and landscaping would be provided to soften the appearance of not only the proposed parking area but also the appearance of the building on the site, which does not contribute positively to the character of the area, the less than substantial harm identified would be appropriately mitigated such that the development would not have an adverse impact upon the setting or status of the adjacent listed building, or to the character and appearance of the Fishbourne Conservation Area. The proposal would therefore accord with policy 47 of the Chichester Local Plan, policies D1 and H1 of the Fishbourne Neighbourhood Plan and Parts 12 and 16 of the NPPF.

iii. Impact upon the amenity of neighbouring properties

8.13 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.

8.14 The proposal would be relatively small scale in nature however the proposed parking area would be located in front of three windows that serve the two ground floor flats of Black Boy Court. In order to protect the privacy of the rooms that are served by these windows, the applicant has agreed to provide planting to the front of the building in the space between the hardstanding and front elevation of the building. This natural barrier coupled with the separation distance between the parking area and the windows would ensure that the scheme would not encourage any immediate or harmful views into the properties.

8.15 It is therefore considered that the proposal would not create a situation that would result in harm to the privacy or residential amenity of the occupiers of residential properties and as such is judged to be in accordance with the NPPF.

iv. Parking and Highway safety

8.16 The proposal would result in the introduction of a new dropped kerb crossover from Main Road and the formation of a vehicle parking area that would be large enough to accommodate 4 cars. One parking space would be provided with an electric vehicle charging point.

8.17 The Local Highway Authority has assessed the proposal and has confirmed that the visibility splays would be sufficient at the point of access onto the main highway and that the parking area would provide suitably sized bays and sufficient space for on-site turning to allow vehicles to enter and exit in forward gear. It has also been confirmed that Sussex Police collision data shows no incidents within the vicinity of the site over the past 5 years.

8.18 It is therefore concluded that the proposal would provide acceptably laid out parking and access provisions and that it would not have a detrimental impact on highway safety within the area. The application is therefore deemed to be in accordance with Policy 39 of the CLP.

v. Drainage

8.19 The resurfacing of the front curtilage area of the property would result in an area of a former lawn area being replaced with hard surfacing. Accordingly, the Council's Drainage Engineer has been consulted and no objection has been raised. It is however important that the new surfacing should be of permeable construction to ensure the risk of flooding is not increased. As such, a condition that requires the proposal to be a permeable surface with an MOT Type 3 porous sub-base is recommended. Subject to the recommended condition it is considered that the proposal would be acceptable in this respect.

Conclusion

8.20 The proposal is considered to be in accordance with local and national development plans in respect of its impacts upon heritage assets, residential amenity, highway safety and flood risk, and is therefore acceptable. The recommendation is therefore to permit the application subject to conditions.

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 permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) Prior to the creation of the new vehicular access, the proposed construction, materials and finishes of the hard standing hereby permitted shall be submitted to and agreed in writing with the local planning authority. At the time of submission, a sample of the proposed surfacing materials shall be made available to inspect on site. The development shall not be carried out other than in accordance with the approved details, and thereafter it shall be maintained as approved in perpetuity.

Reason: In the interests of drainage and visual amenity

4) 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. In addition, all existing hedgerows on the land shall be indicated including details of any to be retained. The works shall be carried out in accordance with the approved details and the approved scheme shall be carried out in the first planting season after practical completion of the hardstanding hereby approved 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 the existing hedging.

5) The use of the parking and turning area hereby approved shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved planning drawings.

Reason: In the interests of road safety.

6) The use of the access point shall not commence until the vehicle parking and turning spaces, and electric vehicle charging point have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To ensure that adequate on-site car parking and turning space is provided for the development.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended no external lighting shall be provided on the site, other than in accordance with a scheme that shall first be submitted to and approved in writing by the local planning authority. The scheme shall include details of the proposed luminance, siting and design of the lights, including measures to prevent light spillage. The lighting shall not be provided other than in accordance with the approved scheme and therefore the lighting shall be maintained as approved in perpetuity.

Reason: To protect the character of the surrounding 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 -	DPA - 04	A	27.09.2021	Approved
PLAN -	DPA - 01	A	29.09.2021	Approved
PLAN - EXISTING SITE PLAN AND ELEVATION	DPA - 02		17.08.2021	Approved
PLAN - PROPOSED SITE PLAN AND ELEVATION	DPA - 03		17.08.2021	Approved
PLAN - PROPOSED VISABILITY SPLAY AND DROPPED KERB SECTION	DPA - 05		17.08.2021	Approved

INFORMATIVES

1) 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.

For further information on this application please contact Luke Simpson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QXZ6BDERM1G00>