



Parish: Chichester	Ward: Chichester North
-----------------------	---------------------------

CC/22/00033/FUL

Proposal	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works. (Variation of condition 2 of permission CC/20/03342/FUL -amendments to include roof lanterns, roof lights and mezzanine levels within the approved roof space).		
Site	10 Lavant Road Chichester West Sussex PO19 5RQ		
Map Ref	(E) 485884 (N) 106757		
Applicant	Elberry Properties Ltd	Agent	Mrs Kerry Simmons

RECOMMENDATION TO PERMIT WITH S106



	<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>
---	----------------------------	--

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 within the settlement boundary of Chichester and is located to the east side of Lavant Road, the main thoroughfare between Lavant and Chichester City Centre to the south. The site lies within the Summerdale area of Chichester, which is residential in character with large, detached properties with traditional vernacular and verdant frontages.
- 2.2 The site is currently under construction, with works to the walls and roof of the new flatted block well underway. In addition, there is permission for the construction of a detached property to the rear of the site, however, works to this are yet to commence.

3.0 The Proposal

- 3.1 The proposal seeks permission to vary the approved plans (approved under grant of permission ref 20/03342/FUL). The amendments including:
- Introduction of two roof lanterns within the set down crown roof of the eastern roof section of the building, in lieu of four rooflights previously approved (19/00181/FUL) but subsequently omitted (20/03342/FUL).
 - The relocation of the automatic opening roof vent to the crown roof section.
 - The repositioning of four roof lights (two per north and south elevation) higher within the roof slope (cill height of 2.1m) and introduce a further rooflight to each elevation.
 - Introduction of a mezzanine floor, measuring 3.5m by 3.3m including the area with restricted ceiling height, serving the 2-bedroom flats within the roof space (flats 5 and 6).

4.0 History

19/00181/FUL	PER106	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works.
19/02831/FUL	REF	Demolition of 3 no. flats and associated garages and replacement with erection of 8 no. flats and 2 no. dwellings and associated works.
20/01414/FUL	REF	Demolition of 3 no. flats and associated garages and replacement with 6 no. flats and 2 no. dwellings and associated works.
20/03342/FUL	PER106	Demolition of 3 no. flats and associated garages and erection of 6 no. flats and 1 no. 3-bed dwelling and associated works (Variation of condition 2 or permission CC/19/00181/FUL - alterations to fenestration and roof including lowering the eaves, increase to the rear footprint, omission of basement level storage and revised external cycle storage.

21/00344/DOC	PER	Discharge of condition 4 of permission 19/00181/FUL.
21/00823/DOC	PER	Discharge of conditions 3 and 5 of permission CC/19/00181/FUL.
21/01354/FUL	PER106	Construction of 1 no. dwelling, detached garage and associated works (alternative to part of planning permission CC/19/00181/FUL).
21/01767/DOC	PER	Discharge of Conditions 3, 4, 5, 7, 12 & 13 of planning permission CC/20/03342/FUL
21/03449/NMA	REF	Non-material amendments to planning permission CC/20/03342/FUL - Alterations to add roof lanterns, roof lights and mezzanine level within approved roof space.
21/03684/NMA	PER	Non material amendment for permission CC/21/01354/FUL - alterations to 1 no. dwelling: revised dormer roof design, additional velux window on south elevation, change position of kitchen window on west elevation, casement doors to replace bi-fold doors on north elevation and iron railing for balustrade to replace glaze version.
22/00454/DOC	PCO	Discharge of Condition 3 (Construction and Environmental Management Plan) of planning permission CC/21/01354/FUL.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further Comments 22.02.2022

The City Council's planning objection still stands as the amended plans do not sufficiently address the City's concerns. Although not formally a bedroom, the mezzanines still offer additional living space which the site cannot accommodate without harm to residential amenity and the character of the area

Original comments

Objection as the additional living space, the consequent levels of activity and intensity of use of the site and the ratio of living space to outdoor amenity space would harm the existing special character of this low density, sylvan, edge of settlement area.

6.2 WSCC Highways

The proposal above is for a variation of condition 2, this is not a change to any highway aspect of the development, no objection.

6.3 Third party objection comments

Ten third party representations of objection have been received concerning the following matters:

- a) The work has already been constructed
- b) The lanterns shall be prominent
- c) Light spill
- d) Increased occupancy of the dwellings
- e) Overlooking
- f) Overdevelopment of the plot
- g) Roof lanterns out of character
- h) The proposal is being built not in accordance with the approved plans
- i) The original scheme didn't have roof lanterns
- j) The roof level has been raised
- k) A fourth floor will result
- l) Extensive glazing to east elevation
- m) Loss of amenity, noise and pollution
- n) The developers lack of regard to the planning process
- o) Intensify the use of the site

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 key 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 10: Chichester City Development Principles
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 47: Heritage
- 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 through to 2036 is progressing. 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 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 2021), published on the 21 July 2021. Paragraph 11 of the NPPF states

- 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 In addition, consideration should also be given to Sections 1, 2, 5, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been considered.

Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

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

7.7 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:

- Support communities to meet their own housing needs
- 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 e.g light spillage overlooking
- iv. Recreational disturbance
- v. Other matters

Assessment

i. Principle of development

8.2 The application site lies within the settlement of Chichester and is identified under Policy 2 of the CLP as a sub-regional centre, a location where new development is supported due to its range of services and amenities. The revised application seeks to vary condition 2 (approved plans) of the recently approved application (20/03342/FUL) dated 21 May 2021, which itself was a variation of the original consent (19/00181/FUL) which established the principle of the redevelopment of the site.

8.3 The minor alterations proposed fall within what can be considered acceptable under a S.73 (variation of condition) application. There has been no significant amendment to planning policies or the circumstances on site since permission was granted and therefore the principle of the development and proposed amendments are considered acceptable.

ii. Design and impact upon character of the surrounding area

8.4 Paragraph 130 of the NPPF requires development to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. Policy 33 of the Local Plan 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.

- 8.5 The revised proposal, by reason of its size, scale and detailed design is acceptable when regarding the previously approved schemes, the site constraints and the character and appearance of the surrounding area. The proposal retains a high standard of design and appearance, and although a number design changes are proposed, they are generally minor. Given the concentration of design amendments to the rear and side roof slopes of the building, their visual impact would be minimal and not adversely impact upon the character of the area.
- 8.6 The roof lanterns, unlike the previously approved roof lights will protrude above the height of the crown roof. However, they would not exceed the height of the front ridge and would not be overtly visible from within the site or its surroundings. Therefore the proposal would be detrimental to the visual amenity or character of the property, or its surroundings. The addition of two roof lanterns would not cause unacceptable levels of light spillage, relative to the skylights and would not adversely impact upon the character of this residential area. The repositioned and additional skylights to the north and south side elevation and the relocation of the automatic roof vent represent minimal changes to the external appearance, which would not materially impact the overall quality of the scheme.
- 8.7 The introduction of a mezzanine floor within the existing roof space of the flatted block has been achieved without altering the external appearance of the building reducing the visual changes to the development.
- 8.8 There has been concern raised by the Parish Council and neighbouring residents in respect of the provision of this additional floorspace, on what would effectively be a 'four' floor and the additional intensification of the use of the site. However, as the mezzanine would be formed within the existing roof space, the external appearance of the building would continue to read as two storeys, with accommodation within the roof slope. Additionally, as the mezzanine is not proposed as a bedroom, flats 5 and 6 will remain two-bedroom units, albeit with approximately 12sqm of additional floorspace provided by the mezzanine which is sought to enhance the layout of the flats and provide a further modest area of living space. This additional floorspace is not substantial and would not constitute a material intensification of use and would therefore not have a detrimental impact upon the character of the area.
- 8.9 Taking the above considerations into account, the development would retain a high standard of design and appearance, that would be compatible with its surroundings. On this basis, the development would accord with the contents of Policy 33 and 47 of the Chichester Local Plan and Section 12 of the NPPF.

iii. Impact upon amenity of neighbouring properties

- 8.10 The proposed revisions would not materially alter the proposal with regards to neighbour impacts, with the roof lanterns or roof lights set high within the roof slope of the building, minimising overlooking. The roof lights are set with an internal cil height of 2.1m reducing opportunities for overlooking.
- 8.11 A section drawing forms part of the application which demonstrates that the introduction of a mezzanine would not afford any additional opportunities for overlooking, as a result of the restricted internal line of sight. Finally, it is considered that the additional floorspace provided by the mezzanine would not result in a significant intensification of the use of

flats 5 and 6 or the site overall. Therefore, the proposal retains an acceptable level of amenity for the future occupants of the development and the surrounding properties within this city centre location.

iv. Recreational disturbance

8.12 An updated Unilateral Undertaking has been completed by the applicants, which secures the previously paid recreational disturbance contribution, to this application ensuring it is legally binding on either the Original Permission or the subsequent Permission, depending on which one is implemented

v. Other matters

8.13 The proposal would not materially impact other aspects of the approved scheme. It is proposed that the previously imposed conditions be amended where necessary and re-imposed.

Conclusion

8.14 In considering the above, the proposal would result in a high-quality design that would integrate into the surrounding area, without detriment to the character of the area or neighbour amenity.

8.15 The proposal therefore accords with the relevant national and local planning policy and associated supplementary planning guidance. Having regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been considered and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT WITH S106 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) **No part of the development hereby permitted shall be first occupied** until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for Environmental Zone and take into consideration the presence of bats in the local area. The lighting shall thereafter be retained as approved.

Reason: In the interest of residential amenity and ecology.

3) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in 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 dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

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

4) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) prior to the first occupation of the development hereby approved the rooflight windows (serving the kitchen/dining area of flats 5 and 6) hereby permitted in the north and south roof plane, shall be constructed, with a cill height of not less than 1.7 metres above internal floor height; or if constructed with a cill height of less than 1.7 metres above internal floor height, shall be glazed with obscure glass and fixed shut. Thereafter, they shall be subsequently retained in that condition in perpetuity.

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

5) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with the approved plans. The gate on the pedestrian access should have a sufficient width to allow for the bins to pass through (The handles on an 1100 litre bin are on the ends therefore will be pulled out by two operatives at either end of the bin. Bin dimensions are as follows: Height (cm) 137 Depth (cm) 100 Width (cm) 128.). Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

6) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

7) **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.

8) The development shall be undertaken with strict accordance with the Ecological Enhancements agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

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

9) The development shall be undertaken with strict accordance with the information provided detailing how the proposed services shall be laid into the site, which were agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: To ensure that trees are adequately protected from damage to health and stability.

10) The development shall be undertaken with strict accordance with the Materials Schedule Rev P01 - 1/6/21, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

11) The development shall be undertaken with strict accordance with the boundary treatments, as per drawing DD499L01 REV A, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

Reason: In the interests of protecting the amenity of neighbours.

12) The development shall be undertaken with strict accordance with the landscaping scheme, as per drawing DD499L01 REV A, agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC.

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

13) The development shall be undertaken with strict accordance with the balcony screens, as per Materials Schedule Rev P01 - 1/6/21 agreed in writing by the Local Planning Authority, under Discharge of Condition application reference 21/01767/DOC and elevations drawings 126 REV P12 and 18-029 127 REV P15.

Reason: To safeguard the privacy of neighbouring occupiers.

14) The development hereby permitted shall be carried out with strict accordance to the Construction and Environmental Management Plan (revision B dated 22.02.2021) approved under Discharge of Condition (DOC) application reference 21/00823/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

15) The development hereby permitted shall be carried out with strict accordance to the Sustainable Construction Supplementary Planning Statement (dated March 2021) approved under Discharge of Condition (DOC) application reference 21/00823/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change.

16) The development hereby permitted shall be carried out with strict accordance to the Hedgerow Protection, as detailed within drawing no. 1869-02-B and the Tree Protection Details (submitted and held on file 04.02.2021) approved under Discharge of Condition (DOC) application reference 21/00344/DOC, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area.

17) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

18) The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in the approved Arboricultural Impact Assessment & Method Statement in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations' Project Ref 1859 Rev-05 dated 04 September 19 produced by Owen Allpress. The necessary protective ground (lifting of current surfaces and temporary and permanent cellular confinement systems) and fencing measures shall be put in prior to the demolition of the existing buildings on site and thereafter retained through-out the construction period. Notwithstanding the details contained within paragraph 3.3 of the submitted Arboricultural Method Statement, there shall be no works to T21, the pedunculated oak (identified as T2 in

the submitted Ecological Impact Assessment), unless otherwise agreed in writing by the Local Planning Authority.

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

19) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed other than those approved under discharge of condition reference 21/01767/DOC.

Reason: In the interest of visual amenity and the character of the area.

20) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the roof area above the bay windows on the front elevation of the flats hereby permitted, shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In the interest of visual and residential amenities.

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 - FLATS 1-6 BASEMENT, GROUND AND FIRST FLOOR PLANS AND ELEVATIONS	126	P12	07.01.2022	Approved
PLAN - Proposed Block Plan - non material amendment - S73	18-029 104	P19	18.02.2022	Approved
PLAN - Proposed Site Plan - non material amendment	18-029 105	P19	18.02.2022	Approved
PLAN - Flats 1 - 6 Second Floor and Mezzanine plans and elevations - non material amendment - S73	18-029 127	P15	18.02.2022	Approved
PLAN - Flats 1-6 Roof Plan - Non Material amendment - S73	18-029 128	P03	18.02.2022	Approved

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 Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5CL9ZERJUB00>