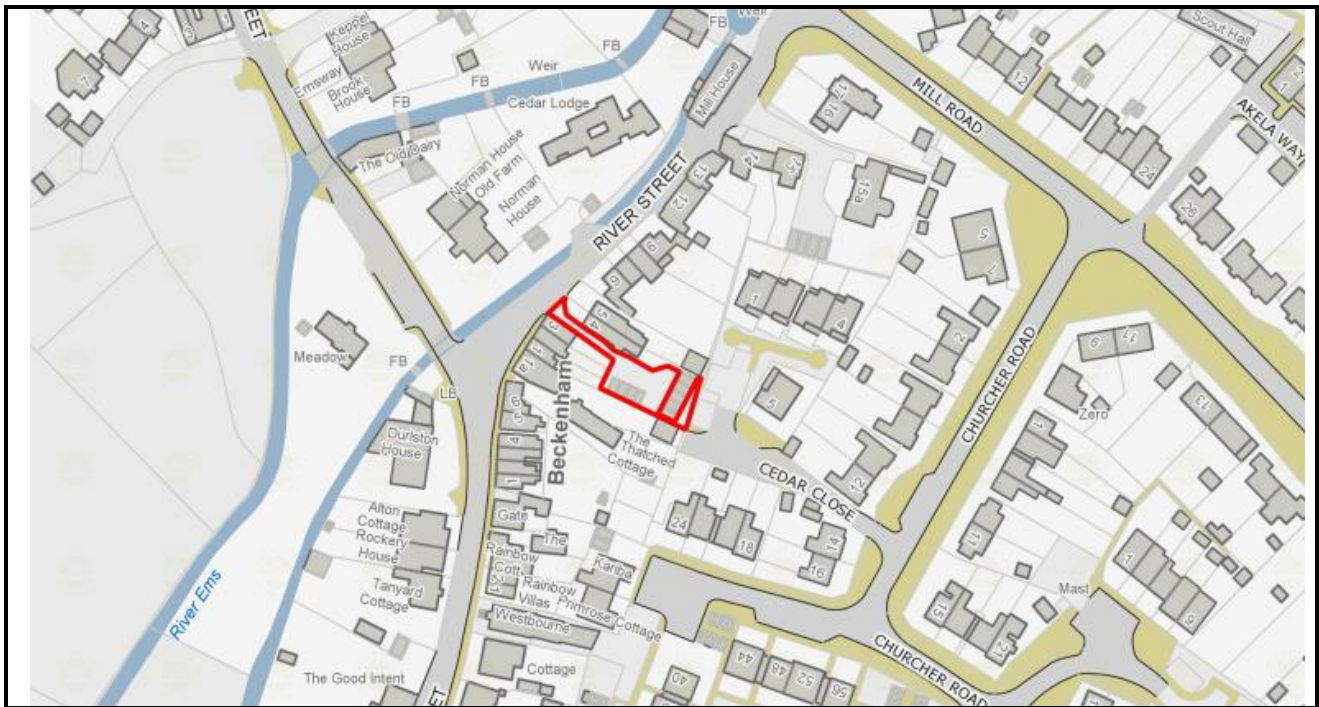



Parish: Westbourne	Ward: Westbourne
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**WE/21/02985/FUL**

<b>Proposal</b>	Demolishment of row of 4 no. garages, replaced with new garage building including solar panels.		
<b>Site</b>	River Street Garages River Street Westbourne West Sussex		
<b>Map Ref</b>	(E) 475777 (N) 107783		
<b>Applicant</b>	Mr Whitehouse	<b>Agent</b>	Mr Jonathan Spivey

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	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
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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 consists of a building containing 4 no. garages sited within the south west section of the site. The existing garage building is constructed from concrete with a corrugated Fibre Roof Sheet. There is another building to the south east of the site which consists of 5 no. additional garages. The existing garages are accessed from River Street via an access road between 3 and 4 River Street. The application site is located within the Westbourne Settlement boundary and is within the Westbourne Conservation Area.

## **3.0 The Proposal**

3.1 Planning permission is sought for the demolition of the row of 4 no. garages, replaced with new garage building containing 3 no. garages including solar panels.

## **4.0 History**

None relevant

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

*Further Comments (14.02.22)*

Westbourne Parish Council objects to the planning application as it deprives local residents the opportunity to park in what is a congested area of the village where there is little available parking space.

*Original Comments (22.12.21)*

Westbourne Parish Council objects to the planning application. The Council recommends that the application is refused unless more information is provided, including about the ownership of the garages and the need for solar panels. The Council would like to know if the garages are to be used for parking residents' cars, as parking is scarce in this part of the village, and not for commercial use which could put more pressure on local roads.

## 6.2 WSCC Local Highway Authority

This proposal is for the demolition of an existing garage block and erection of a replacement garage block. The site is located on River Street, an unclassified road subject to a speed restriction of 20 mph.

The existing garage block has parking provision for four cars, with the proposed garage block providing provision for three cars: a loss of one car parking space. However, from inspection of the plans, the existing garage block has internal dimensions of 9.5m x 4.8m, which does not meet the minimum internal dimensions for garages as set out in Manual for Streets (MfS). Therefore, the LHA does not consider the existing garage as parking provision, as it is likely only large enough for a small car to be parked inside. It is not unreasonable for the LHA to believe they may be being used for other purposes (e.g. storage).

Notwithstanding the above, the LHA does not anticipate that the loss of one parking space will give rise to a highway safety concern or parking capacity issue. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

It should be noted that the proposed garage block has approximate internal dimensions of 7.5m x 6.3m, which also does not meet minimum MfS specifications. To be considered for parking provision, the LHA would expect a three-bay garage to have internal dimensions of at least 9m x 6m. Therefore, the LHA advises the applicant to widen the garage to meet these specifications. However, the LHA acknowledges that the proposed garage bays will be larger than that of the existing.

From inspection of the plans, on-site turning appears achievable, allowing vehicles to exit the site in a forward gear. Access to the maintained highway will be unaffected by the development, although the LHA advise a condition securing a Construction Site Set-Up Plan to ensure that access remains unobstructed during the construction phase of the development.

In 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 111), and that there are no transport grounds to resist the proposal.

## 6.3 Environmental Agency

We have no objection to the proposal as submitted

## 6.4 CDC Environmental Strategy

### Bats

Following submission of Preliminary Ecological Appraisal (May, 2021), we are happy that the lighting mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that if a bat is found then works will need to stop immediately and Natural England consulted.

### Nesting Birds

As noted in the Preliminary Ecological Appraisal (May, 2021) the garages have low nesting potential. A precautionary approach should be used and the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. A condition should be used to ensure this.

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).

### Hedgehogs

Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

## 6.5 CDC Drainage

Flood Risk: The site of the existing and proposed garages is wholly within flood zone 2/3 (moderate/high risk). Because the risk (vulnerability) remains unchanged we have no objection to the proposed use, scale or location based on flood risk grounds.

The proposal involves no change to the existing surface water drainage, but with a reduction in impermeable area which is acceptable in principle. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

## 6.6 Third party objection comments

Six letters of objection has been received concerning

- a) Require confirmation of the waste materials being removed as being non hazardous and how the waste materials will be removed from site.
- b) Require commitment from the developer to restore and make good any damage to the driveway and or our property.
- c) There is no indication of any timescale for the proposal.
- d) The proposal would encroach on land owned by 1, 2 and 3 River Street.
- e) The proposed pitched roof of the garages and increased in height of the roof would reduce light level within the adjacent gardens and impact the outlook from the adjacent gardens.
- f) The area behind the existing garages is used as a walkway and bin store. The proposal would reduce this walkway and would taper at one end. Which would effect the wheeling of bins for the properties to collection points.
- g) The proposed pitched roof would result in increased surface water run off and could result in flooding. Drainage provisions are unclear.
- h) There are currently no provisions for any large commercial vehicles to safely park whilst building work is ongoing to this proposed development. This could result in safety issues for pedestrians and could block access to other garages.
- i) The site of this proposed development is near two listed properties. The proposal stating two significant pitched roofs with solar panels adjoined would impact the overall visual from each of the neighbouring properties.
- j) The property's surrounding the garage area are of traditional build and are sympathetic to the area. The build methods described In the plan are not of this nature ie solar panels.
- k) The proposed footprint is twice as large as existing structure making access difficult down what is already a hard access point.
- l) The proposal is not parallel with the existing rear boundary of the site.
- m) The increase in height and area of the garages would affect the local environment.
- n) The current buildings have trees and shrubs along one side, and are used by nesting birds.
- o) There is a pond within 30 metres of the development which contains newts.
- p) The existing roof of the garage consists of corrugated panels and is not a felt roof.

## **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. The Westbourne Neighbourhood Plan was made in September 2021.
- 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 6: Neighbourhood Development Plans  
Policy 33: New Residential Development Plans  
Policy 39: Transport, Accessibility and Parking  
Policy 42: Flood Risk and Water Management  
Policy 47: Heritage  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### Westbourne Neighbourhood Plan

OA1 - Sustainable Development  
LD1 - Local Distinctiveness  
LD2 - Heritage  
BD2 - Natural Environment Policy

### 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 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.

## National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), 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 2 (achieving sustainable development), 4 (decision making), 12 (achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), and 16 (Conserving and enhancing the historic environment).

## 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

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:

- 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 the amenity of neighbouring properties
- iv. Impact Upon Heritage Assets
- v. Ecological Considerations
- vi. Impact upon highway safety and parking
- vii. Drainage

## **Assessment**

### **i. Principle of development**

8.2 The site is located within the Westbourne settlement boundary area. Policy 2 of the Chichester Local Plan (CLP) and Policy OA1 of the Westbourne Neighbourhood Plan (WNP) includes a presumption in favour of sustainable development within settlement boundaries. Therefore, the principle of the demolition of the existing garages and construction of replacement garages is considered acceptable, subject to other material planning considerations.

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

8.3 Policy LD1 of the WNP requires new development to integrate into the existing surroundings, reflecting the local vernacular and character, whilst providing appropriate means of enclosure, planting and provision for sustainable means of travel.

8.4 The proposal by reason of its size, scale and detailed design is considered to be an appropriate form of development. The proposal would represent an overall improvement compared to the existing garages in terms of design and materials. Plus, the pitched roof design includes PV Panels. The incorporation of 2 pitched roofs would reduce the mass and bulk of the roof and its pitch or angle facilitates the installation of PV panels. The proposed PV Panels would be located on the south west roofslope of the garages and therefore would not be readily visible from the street scene of Westbourne Conservation Area. It is noted that the siting and orientation of the proposed garage differs from the existing. This repositioning allows for improved vehicular access and manoeuvring to and from the proposed garages. In summary the proposed design scale and position would not have a detrimental impact upon the character of the surrounding area or accessibility of the other garages.

### **iii. Impact upon the amenity of neighbouring properties**

8.5 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. Additionally, Policy 33 of the CLP includes a requirement to protect the amenities of neighbouring properties.

8.6 A number of concerns have been raised by local residents concerning the impact of the proposal upon neighbouring amenity and upon the existing walkway to the rear of dwellinghouses. The proposed garage would be parallel with the walkway that third parties have advised is used for bin storage and movement of bins to bin collection points. Concerns have been raised that the proposed garage would result in the narrowing of this walkway to the north. The existing walkway measures approximately 1.42m in width, while the proposed walkway would be tapered and slightly narrower towards to north, the proposed floor plans show that walkway would be approximately 1.32m in width at the narrowest end. It is considered that this would likely be acceptable and should be sufficient to allow for the storage and movement of bins.



- 8.7 It is noted that the proposed garages would represent an increase in height compared to the existing garage (approximately 1.34m). While this would have some impact on the outlook of the adjacent gardens, it is considered that this would not result in overbearing impacts. In addition, it is considered that the proposal due to its orientation and roof form consisting of two pitched roofs would not have result in an unacceptable loss of light.
- 8.8 Overall, it is considered that the development complies with policy 33 of the CLP and paragraph 130 of the NPPF.

iv. Impact upon Heritage Assets

- 8.9 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of a 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. Furthermore, policy 47 of the CLP requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets, whilst policy LD2 of the WNP seeks to ensure the historic environment of the parish is preserved or enhanced.
- 8.10 The proposal has been referred to the Council's Conservation and Design Officer during the course of the application. It is considered that the proposed garage building would not adversely impact upon the setting of the nearest listed buildings due to a reasonable separation from the application site. In addition, the proposal would replace an outworn building which would contribute to the character of the Westbourne Conservation area, due to its siting. In fact, it is considered that the proposal would represent an improvement in overall materials and design compared to the existing building. Overall, there are no issues of impact upon listed buildings or Westbourne Conservation Area arising from the proposal. The proposal therefore complies with national and local planning policy in this respect.

v. Ecological Considerations

- 8.11 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced.
- 8.12 A number of concerns have been raised by local residents regarding ecological impact of the proposal. A Preliminary Ecological Appraisal was submitted as part of the application and stated that the garage has a 'negligible' potential for bats and low potential for nesting birds. Following consultation with the Council's Ecology Officer, there is no objection to the proposed lighting mitigation and if evidence of bats is found all works should cease and Natural England should be consulted. Plus, that a precautionary approach should be taken with the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged. In addition, any brush piles on the site must be removed outside of the hibernation period for hedgehogs mid-October to mid-March inclusive and a hedgehog nesting box should be installed on site.
- vi. Impact upon highway safety and parking
- 8.13 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment. The WNP seeks to mitigate the impact of parking within Westbourne and the level of parking provision should be in accordance with current West Sussex County Council guidance.
- 8.14 The proposal would utilise the existing vehicular access to the application site. The existing garage block has parking provision for 4 no. cars. Whereas the proposed building would provide parking for 3 no. cars. Therefore, it would result in the loss of 1 no. parking space. WSCC Highways have advised that the loss of 1 no. garage parking space would not give rise to a highway concern or parking capacity issue. It is also noted that the proposed garages would be larger than the existing on the site. In addition, it is advised that on-site manoeuvring appears more achievable, allowing vehicles to exit the site in a forward gear. It is therefore considered that whilst there would be a loss of 1 parking space, it is likely that the garages would be more useable and as such may secure use in the longer term, which in turn may have a positive impact upon parking with Westbourne. The existing vehicular access to the highway would be unaffected by the proposal. A construction management condition is recommended to ensure that access remains unobstructed during the construction phase of the development and to control hours of work in order to protect local residential amenity.
- 8.15 Overall, this proposal does not constitute a significant change in the current level of parking on the site and therefore would not adversely impact upon highway safety or have cumulative impacts on the operation of the highway network. Therefore, there is no objection on highway grounds it complies with the National Planning Policy Framework (paragraph 111), plus the Council's Local Plan.

vii. Drainage

- 8.16 Policy 42 Flood Risk and Water Management of the Chichester Local Plan requires that developments will be safe, including access, without increasing the risk of flooding elsewhere.
- 8.17 A number of concerns have been raised by Third Parties regarding ecological impact of the proposal. The application site is located within Flood Zone 2/3 (moderate/high risk). The Council's Coastal and Land Drainage Engineer has been consulted and has advised that the risk would remain unchanged for the site and they would have no objections to the proposed use, scale or location on flood risk grounds. In addition, the Environment Agency were consulted during the course of the application and advised that they have no objection to the application. The proposal involves no change to the existing surface water drainage, but with a reduction in impermeable area which is acceptable in principle. No conditions would be required in relation to surface water drainage due to the scale of the proposal. It should be noted that surface water drainage should be designed and constructed to meet building regulations.
- 8.18 Overall, there are no issues of drainage arising from the proposal.

Conclusion

- 8.19 Based on the above it is considered that the proposal complies with development plan policies 1, 2, 6, 33, 39,42,47,48 and 49 of the Chichester Local Plan and OA1, LD2 and BD2 of the Westbourne Neighbourhood Plan. The design of the 3 garages is more compatible with the character of the Conservation Area and would benefit from improved access to the new garages within the courtyard area. It replaces an existing garage block which is in poor condition and sub-standard in terms of internal parking space. Therefore, the application is recommended for approval subject to conditions.

Human Rights

- 8.20 In reaching this conclusion the Human Rights of the applicants and affected parties have been taken into account and the recommendation is considered to be justified and proportionate. The application has been assessed, upon its own merits in line with National and Local Planning Policy and the recommendation is to permit.

**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) No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors' vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

4) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

a. the installation of a hedgehog nesting box within the site.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

5) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal, prepared by ecosupport (May 2021) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

6) The following ecological mitigation measures shall be adhered to at all time during construction;

a. A precautionary approach should be used and the demolition of the garages undertaken outside of bird nesting season, which takes place between 1st March - 1st October. If this is not possible then a suitably qualified ecologist must check the buildings no more than 24 hours before demolition of the garages. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

b. Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Reason: In the interests of protecting biodiversity and wildlife.

7) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority. Any hard surfacing shall be constructed to ensure that it is permeable and it shall thereafter be maintained as such in perpetuity.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments and in the interests of the amenity of the area.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external lighting 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 full details of the proposed location, level of luminance and design, including measures to prevent upward light spillage. Thereafter the lighting shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of the area and the habitats of wildlife.

## 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 - THE LOCATION AND BLOCK PLAN	2000	a	11.10.2021	Approved
PLAN - EXISTING AND PROPOSED FLOOR PLANS	2100	a	11.10.2021	Approved
PLAN - PROPOSED ELEVATIONS	2210	a	11.10.2021	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.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R0P7GUERGE300>