


Parish: Chichester	Ward: Chichester Central
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CC/23/01214/FUL

Proposal	2 no. additional doors, installation of defibrillator and water fountain to south east elevation with associated alterations and repairs.		
Site	Priory Park Public Conveniences Priory Lane Chichester West Sussex PO19 1LA		
Map Ref	(E) 486197 (N) 105170		
Applicant	Chichester District Council	Agent	Mr Craig Taylor

RECOMMENDATION TO PERMIT



	NOT TO SCALE	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 Chichester District Council is the applicant.

2.0 The Site and Surroundings

- 2.1 The application site is located within the Chichester Settlement Boundary and the Chichester Conservation Area. The application site comprises public conveniences, located within the northwest section of Priory Park.
- 2.2 The toilet building is sited next to a footpath within Priory Park between an existing cafe and other buildings to the north. The toilet building has a pitched roof, a footprint of approximately 10m x 6.4m and ridge height of approximately 4.9m.

3.0 The Proposal

- 3.1 To install two additional doors, a water fountain and defibrillator on the south east elevation of the toilet building. The proposed alterations to the existing elevations include the installation of a ridge tile vent, replacement of fascias, soffits and guttering and the replacement of the existing external doors with timber doors to match the existing.

4.0 History

No relevant history.

5.0 Constraints

Listed Building	NO
Conservation Area	YES
Rural Area	NO
AONB	NO
Strategic Gap	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

No objection, however, consideration should be given to the materials as UPVC is not appropriate in the Conservation Area.

6.2 CCAAC

The Committee has no objection to this Application.

6.3 CDC Archaeology Officer

It is unlikely that works associated with the proposal would affect archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.4 CDC Environmental Strategy Officer

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 building / trees facing south/south westerly positioned 3-5m above ground.

Hedgehogs

Any brush piles, compost and 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.

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 site.

6.5 Third party other comments

None 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.

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 38: Local and Community Facilities

Policy 47: Heritage and Design

Policy 49: Biodiversity

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from September 2023. 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 sections: 1, 2, 8, 12, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.6 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 and empower communities and people to help themselves and develop resilience
- 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. Ecological Considerations

Assessment

i. Principle of development

- 8.2 The proposal involves refurbishment of the toilet facilities for members of public. Whilst the internal works do not need planning permission, the upgrading of the baby change facilities, additional toilets, replacement internal doors, insulation and heating system, new tiles/decorative finish and repair of the ceiling are all welcome enhancements which will be of benefit to all members of the visiting public.
- 8.3 Although the proposal does not result in the loss of an existing community facility, Policy 38 of the Local Plan requires new or replacement community facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community. The public conveniences are well related and located within a public park. As such, they are easily accessible to the local community.
- 8.4 The proposals are considered to meet the objectives of both Policy 38 and the NPPF and the principle of the development is therefore supported.

ii. Design and impact upon character of the surrounding area

- 8.5 The NPPF states in paragraph 130 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment.
- 8.6 The proposals consists of external alterations to the existing building consisting of the installation of 2 no. new external doors, the installation of a water fountain, the installation of a defibrillator, the replacement of the existing fascias, soffits and guttering and the installation of a ridge tile vent in the roof of the building. The proposal also includes the replacement of the existing external timber doors to match the existing and alterations to an existing wall in front of the building. The new external doors would also match the existing doors. A low-level door swing protector rail will be installed outside the new external door which serves the disabled toilet.
- 8.7 Policy 47 of the Chichester Local Plan and Section 16 of the NPPF set out that proposals should conserve or enhance heritage assets. While, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires proposal to preserve or enhance the character of conservation areas. The application site is located within Chichester Conservation Area within Priory Park. The proposed external alterations are considered to have a minor impact on the external appearance of the building and would have a minimal impact on the character of the surrounding area and Conservation Area. As such, it is considered that the proposal would comply with Policy 47 of the Chichester Local Plan, Section 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

8.8 The general refurbishment of the public conveniences including the replacement of the existing doors to match existing would be considered to be an overall improvement to the visual amenity of much-used public conveniences.

iii. Ecological Considerations

8.9 The application needs to be carefully assessed in terms of potential impact on bats and other protected species. A Phase 1 and Phase 2 survey was submitted as part of the application and states that no bats emerged from the building and bat activity within the area was low. The report recommends that any new lighting should be hooded or baffled to ensure minimal light spillage from the site and lamps of greater than 2000 lumens must not be installed. A condition will be added for the application to ensure that the works are carried out with the recommendations detailed within the Phase 2 survey.

8.10 Following consultation with the Council's Ecology Officer, they have stated that any lighting scheme should take into consideration the presence of bats within the surrounding area. They have also stated that a bat box and bird box should be installed on site. 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. It is considered that given the nature and scale of the proposals, it would not be reasonable to provide a bat box, bird box and hedgehog box.

8.11 The proposal is therefore considered to be acceptable in ecological terms and would not cause harm to any protected species, thus complying with Local Plan Policy 49 and Section 15 of the NPPF.

Conclusion

8.12 Based on the above it is considered that the proposal is acceptable. The proposal therefore complies with development plan Policies 1, 2, 38 and 49 and Paragraphs 94 and 130 of the NPPF and therefore the application is recommended for approval.

Human Rights

8.13 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) 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.

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

4) The development hereby permitted shall be carried out in strict accordance with the Phase 2 Bat Emergence Survey, prepared by Dr Jonty Denton (August 2023) 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.

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 - PROPOSED PLAN	130	10	05.07.2023	Approved
PLAN - PROPOSED ELEVATIONS & SECTIONS	140	5	05.07.2023	Approved
PLAN - SITE LOCATION PLAN	100	3	10.07.2023	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) 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=RV7O2RERKOF00>