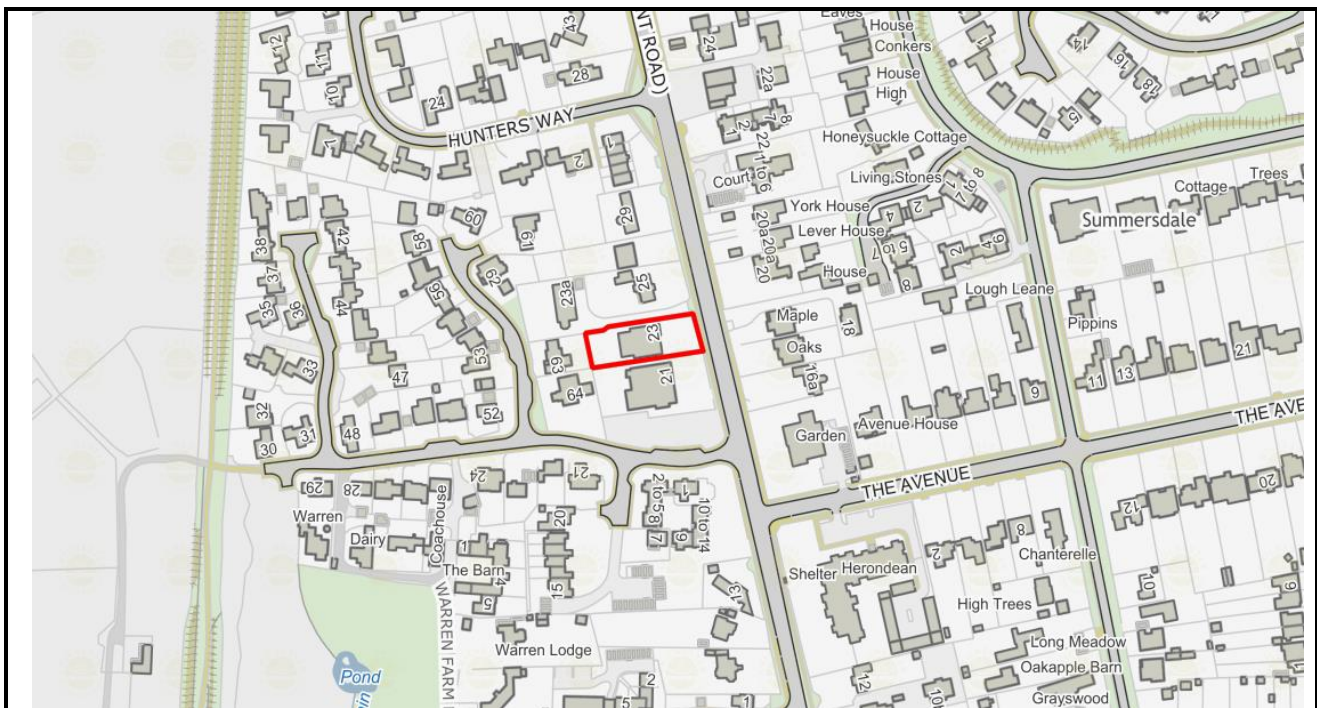


Parish: Chichester	Ward: Chichester North
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CC/22/02382/FUL

Proposal	Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 of permission 20/03226/FUL - retrospective alteration to entrance gates, landscaping, site layout fenestration alterations, timber detailing, additional roof light and alteration to balcony).		
Site	23 Lavant Road Chichester West Sussex PO19 5RA		
Map Ref	(E) 485764 (N) 106960		
Applicant	NorthStar 1 Ltd	Agent	Mrs Natalie McKellar

RECOMMENDATION TO DEFER FOR S106 THEN 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 Parish Objection – Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located on the western side of Lavant Road to the north of Chichester City, within the settlement boundary. The area is characterised by large residential dwellings set in good sized plots, with mature trees, set back from the main road. The application site recently accommodated a single detached dwelling. Planning permission reference 20/03226/FUL was granted on 29.06.2021 for “Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works”. Works commenced on the previous permission but what has been constructed isn’t in accordance with the approved plans. The current application retrospectively seeks to resolve this through this minor material amendment application.
- 2.2 Directly to the north and east are single residential properties and to the south there is a two-and-a-half storey development located on the corner of Lavant Road with Plainwood Close. There are also other examples of flatted development close to the application site on Lavant Road.

3.0 The Proposal

- 3.1 This application is for a part-retrospective minor material amendment to the permission granted under application 20/03226/FUL and seeks to vary the approved plans condition of that permission.
- 3.2 The differences proposed in the current application compared with the approved scheme are as follows:
- Alterations to hard and soft landscaping, including, altered planting, fencing and gates; the subdivision of the rear garden to provide private gardens to the two ground floor units; the provision of hardstanding to form a patio area; a revised parking area creating an additional parking space; and repositioned bin and cycle storage.
 - Alterations to the internal layout of the flats, including the Flat 1 on the ground floor being changed to a two-bed unit from a three-bed unit as previously approved, and Flat 5 to change from a three-bed unit to a two-bed unit. The overall housing mix remains the same as approved.
 - Externally there are changes to the painted timber, which have been revised during the course of the application to be painted black; fenestration size and position, including additional glazing in the gable of the front elevation; an iron porch; alterations to the scale of the bay and dormer on the front elevation; an additional door serving a ground floor flat on the northern elevation; and increased height of privacy screens to the first floor balconies.
 - Alterations to the roof to form five rooflights in the southern roofslope (compared with four approved), eight in the northern roofslope (compared with six approved) and three on the flat roof (compared with two approved).

4.0 History

00/03151/TPO	REF	To fell one Pine.Topping of Fir to 35 feet (From curent height of approx 55 feet).
02/00396/TPO	PER	To fell 1 no. Douglas Fir tree.
88/00906/CC	REF	To fell 1 Scots Fir and 1 Pine.
78/00389/CC	PER	Two storey extension.
75/00525/CC	PER	First floor extension.
98/00372/DOM	PER	Close boarded, 2 metre fence inside boundary hedge and enlarge existing enclosed part of rear veranda.
09/05029/DOM	PER	Demolition of sunroom, erection of garden room and entrance canopy.
18/03320/FUL	REF	Redevelopment of the site with a terrace of 2 no. 4-bed and 2 no. 3-bed dwellings, parking, landscaping and associated works.
19/02574/OUT	WDN	Demolition of existing dwelling replaced with a terrace of 3 no. dwellings, parking, landscaping and associated works.
19/03008/FUL	REF	Erection of 5 no. flats and parking, landscaping and associated works.
20/03226/FUL	PER106	Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works.
21/02110/FUL	REF	Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 for permission CC/20/03226/FUL - amendments to rear roof slope to create a concealed roof terrace).
21/02312/DOC	PER	Discharge of condition 4 to planning permission 20/03226/FUL.
21/03401/DOC	PER	Discharge of Conditions 5 (solar panels and air source heat pumps details) and 9 (boundary treatments) of planning permission CC/20/03226/FUL.

22/00290/DOC	REF	Discharge of Conditions 10 (landscaping) and 15 (lighting) of planning permission CC/20/03226/FUL.
01/00071/REF	DISMIS	To fell one Pine. Topping of Fir to 35 feet (From current height of approx 55 feet).
19/00041/REF	DISMIS	Redevelopment of the site with a terrace of 2 no. 4-bed and 2 no. 3-bed dwellings, parking, landscaping and associated works.
20/00032/REF	DISMIS	Erection of 5 no. flats and parking, landscaping and associated works.
21/00057/REF	DISMIS	Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works. (Variation of condition 2 for permission CC/20/03226/FUL - amendments to rear roof slope to create a concealed roof terrace).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Objection for the following reasons:

The application proposes (partly retrospective) changes to the approved scheme which aimed to integrate the new apartment building into the special character of Lavant Road, giving the appearance of a large, mock Tudor style, family home. The character and appearance of the approved building and the coherence of the approved design would be detrimentally affected by the alterations proposed. The window in the top floor gable would be replaced with full width glazing between the adjusted Tudor style beams. This is not in keeping with the design of the building itself or the character of the surrounding area and would appear incongruous. The painted wooden porch matching the Tudor design would be replaced by a cast iron porch. The timber (approved to be painted black, as is traditional), is proposed to be painted grey.

The ground floor flat, with direct access to a garden to the rear, is proposed to be 2-bed (rather than 3, as approved), and new double doors are proposed to access the side of the property from the main bedroom, close to the bin store. This may present a security issue. The proximity to the neighbour risks their amenity being affected.

A new third bedroom is proposed in the second floor flat, which has limited space for a three-bed property and no access to a garden or balcony, with consequent concern to the residential amenity of future occupants. A study would also be added within the formerly open space kitchen lounge area. A utility area and bathroom would be extended into the rear roof spaces. Consequently, additional rooflight windows are proposed on the side elevations, further eroding the character of the building itself and the local area.

The rear garden is proposed to be laid to lawn, with three trees removed and the wildflower meadow no longer provided, to the detriment of local ecology and biodiversity.

An extensive external lighting system is proposed to all elevations and the front gate pillars, which would harm the character and amenity of the area, having a significantly urbanising effect.

The drainage pipes to the rear elevation which served an unauthorised balcony (now removed) are proposed to be retained, giving an unfinished and poor quality appearance to the building.

The height and design of the front gates would change from 1.5m with an open top design to approx. 2m closed boarded style gates, preventing any natural surveillance of and interaction with the street, contrary to good urban design principles and to the significant detriment of the street's existing special character.

6.2 Natural England (summarised)

No objection – subject to appropriate mitigation being secured.

6.3 WSCC Highways

Original comments 21.10.2022

This proposal is for the redevelopment of the site to create five residential flats, with associated works. The site is located on Lavant Road, an A-classified road subject to a speed restriction of 30 mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

West Sussex County Council was consulted previously on Highway Matters for this location under planning applications no. CC/3226/22 to which no objections were raised.

Access and Visibility

The applicant proposes to utilise the existing vehicular access on Lavant Road for this

development. The access is proposed to be 4.2m in width, which is wide enough for two vehicles to pass one another when using this access. However, this is a reduction on the previously approved 4.8m wide access and would consider 4.5m to be the minimum given the number of parking spaces. The applicant has demonstrated suitable visibility for this access, with visibility splays of 2.4m x 43m achievable in both directions.

Pedestrian visibility splays of 2m x 2m have also been demonstrated either side of the access.

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 existing access is operating unsafely, or that the proposal would exacerbate an existing safety concern.

Gates

A sliding gate is proposed which is acceptable, however this appears to be set back less than a car length which will result in vehicles waiting for the gate to open and overhanging the carriageway. In addition, pedestrians and cyclist are also required to used the gate so an alternative pedestrian/cyclist access would be beneficial.

Parking and Turning

The applicant proposes eleven car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least nine car parking spaces. Therefore, the LHA consider the proposed parking provision to be sufficient. From inspection of the plans, the parking bays have been drawn to a suitable size and specification. There is space within the parking area for cars to turn on-site and exit onto the maintained highway in a forward gear.

Sustainability

The site is situated in a sustainable location within walking distance of shops and cycle distance from schools. Nearby bus stops on Lavant Road offer half hourly connections between Chichester and Midhurst. Chichester Train Station is approximately nine minutes from the site by cycle.

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 109), and that there are no transport grounds to resist the proposal. However, the applicant should consider making the following changes to the application:

- Widen access to a minimum of 4.5
- Set gates back further into the site to allow a vehicle, such as a delivery van to wait off the public highway
- Include a pedestrian/cycle access to the site

Further comments 02.05.2023

It is not clear as to how the plans have changed from the earlier application to the current one. The only obvious addition is the bike store to which we would not raise an objection.

6.4 CDC Environmental Protection – Environmental Strategy Unit

We are satisfied that our comments made on the 17.01.2021 as part of the previous application for this site are still valid and applicable for this site.

6.5 CDC Archaeology

No further comment

6.6 Third Party Representation

Six letters of objection were received concerning:

- a) Retention of the horizontal drainpipes in the tiled roof should not be allowed
- b) Landscaping plan does not show concrete hardstanding that has been constructed to the rear boundary of the northernmost ground floor flat.
- c) Noise and disturbance from the use of the concrete hardstanding
- d) Works remain to be completed
- e) Landscaping has been downgraded from the original submission
- f) Works have been undertaken which are not in accordance with the approved plans
- g) There is no justification for approving the changes
- h) The existing fence and high-level trellis to be retained is old and in poor quality, with part of the northern section having collapsed so it does not exist as shown on the plans
- i) The grey timber is out of character with the area
- j) Overlooking from first floor bathroom window in the north elevation
- k) Gates have not been installed correctly and are left open, showing the parking area

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

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

National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect on 19th December 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

7.4 Consideration should be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), 5 (Delivering a sufficient Supply of Homes), 8 (Promoting Healthy and Safe Communities), 9 (Promoting Sustainable Transport), 11 (Making Effective Use of Land), 12 (Achieving Well-Designed and Beautiful Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.5 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 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 (2023).

The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE19 Nitrate Neutrality
- Policy NE21 Lighting
- Policy H5 Housing Mix
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy T1 Transport Infrastructure
- Policy T4 Parking Provision
- Policy A1 Chichester City Development Principles

Other Local Policy and Guidance

7.6 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- West Sussex County Council Guidance on Parking at New Developments
- CDC Design Guidelines for Alterations to Dwellings and Extensions Planning Guidance Note 3

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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Trees
- vi. Biodiversity
- vii. Impact on the Chichester and Langstone Harbour SPA
- viii. Nutrient neutrality
- ix. Housing mix
- x. Other Matters

i. Principle

8.1 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. Residential development within this sustainable location is acceptable.

- 8.2 The application seeks to vary Condition 2 of the approved application (20/03226/FUL). The changes proposed would not be of a scale or nature that would result in a development which would be substantially different from the one which has been approved and the alterations proposed fall within what can be considered acceptable under a Section 73A application and therefore the principle of development and this application is acceptable.
- 8.3 Procedurally, permission would take effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. A new permission would sit alongside the original permission, which would remain intact and unamended.
- 8.4 The principle of the proposed alterations is considered acceptable and comply with policy.

ii. Design and impact upon character of the surrounding area

- 8.5 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. Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality. Paragraph 135 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.
- 8.6 The planning history is a material consideration which carries significant weight in this instance due to the similarities with the approved scheme under reference CC/20/03226/FUL.
- 8.7 The application site is not located within a designated landscape, not being within a Conservation Area or Area of Outstanding Natural Beauty (AONB). Previous appeal decisions at this site have described the site as being within an established residential area predominately characterised by its pleasant verdant and suburban feel, and recognising that development which appears as a substantial detached dwelling would not appear out of place given the spaciousness of the plot.
- 8.8 Officers consider that the changes proposed in this application would still result in a development which would read as a substantial detached dwelling within the streetscene and would retain the spacious character of the area.
- 8.9 The siting of the units remains the same as previously approved. The physical changes to the building are considered to be in-keeping with the character of the area. The proposed changes to the development permitted are minor in nature and largely relate to alteration of the permitted features rather than introducing significant new elements. Officers raised concerns with the grey timber detailing during the course of the application and sought revisions. The revised proposal now includes that this is painted black. It is considered that this would result in an improvement to the appearance of the building as built and would be secured by condition if permitted.

- 8.10 The alterations to the bay and dormer element are considered to be minor compared to the original permission, with the dormer still appearing modest within the roof slope. Similarly, the revised porch would appear subservient, sited between the gable and bay elements and is considered to be acceptable in appearance. Alterations to increase the height of the brick privacy screens to the side of the permitted rear balconies are considered acceptable, given the modest increase over the permitted screens and that there are limited wider public views of this from Plainwood Close, and seen in the context of the existing development.
- 8.11 Reference was made in comments received to horizontal drainpipes in the roof. These are of such a small scale that they would be considered to be de minimis and therefore not require planning permission.
- 8.12 The current application introduces a glazed gable at second floor level. Although this would be readily visible within the street scene due to its elevated position, it is considered to be in-keeping with the surrounding area. Within the wider area there are a variety of residential properties, which include glazed balustrades serving balconies and another property with a glazed gable, these features are visible on elevations facing Lavant Road and therefore it is not considered to be out of character. Additional rooflights and changes to fenestration would be in-keeping with the approved scheme and not detrimental to the character of the area.
- 8.12 The proposed gates and pillar are increased in height compared to the approved scheme. The pillars are approximately 0.2m taller than the approved scheme and the gate varies between 0.2-0.6m taller due to the curved design. Comments raising concerns about the gate being closed have been received that the revised gates would not provide for interaction with the street, and separate comments have also mentioned that the gates have been left open so that the parking area is on show. Large parking areas to the front can be seen within the area and the revisions to landscaping would still be in keeping with the verdant character of the area in the event that the parking area is viewed within the street scene. As well as the verdant character there are significant amounts of close boarded fencing along the street frontage, particularly on the eastern side of Lavant Road, means that the gate would be read in this context. The other revisions to the landscaping within the site area considered to be acceptable.
- 8.13 Taking the above considerations into account, it is considered that the development would retain an acceptable standard of design and appearance, and that it would be sympathetically incorporated into the surrounding area. On this basis, the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

iii. Impact upon amenity of neighbouring properties

- 8.16 The National Planning Policy Framework, in paragraph 135, states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

- 8.17 Given the changes from the previously approved schemes detailed earlier in this report, the main considerations with regard to the impact upon amenity of neighbouring properties would be from the additional rooflights and alterations to fenestration. The modest increase in balcony screen height is not considered to give rise to a significant detrimental impact on neighbouring amenity.
- 8.18 The application proposes additional rooflights in the flat roof element, as well as the northern and southern elevations. Given their high level position in the roof above the floor level, as with the approved scheme there would not be a greater impact with regard to overlooking of neighbouring properties outside of the site.
- 8.19 A third party comment objection refers to overlooking from the first floor bathroom window in the north elevation. This window is serving a bathroom in Flat 3, in the same location and serving the same room use as the permitted scheme. As with the permitted scheme this shall be conditioned to be obscure glazed and fixed shut and non-opening below 1.8m above the finished floor level.
- 8.20 The previous permission featured a communal garden to the rear of the site. The current application proposes private gardens for Flats 1 and 2 at ground floor. Flats 3 and 4 would each benefit from an elevated terrace area. Flat 5 would not have private garden space, however this is not uncommon or unacceptable in developments of flats and therefore no objection is raised in this regard. Furthermore there is public open space within reasonable walking distance of the site further to the south. The change to private gardens at ground floor mean that they would be overlooked by the flats above, but this is a common feature and occurrence in flatted developments.
- 8.21 Third party concerns have been raised about the introduction of an area of hardstanding to the rear boundary of the northernmost ground floor flat, and noise and disturbance from the use of the concrete hardstanding. The proposed plans have been updated to show this area. The third party concerns are noted, however the area is a modest area within a residential garden and the works do not constitute a change of use.
- 8.22 Subject to conditions, the proposal is not considered to adversely impact upon amenities enjoyed by neighbouring properties or future occupiers of the development. The proposal would therefore accord with the NPPF and Policy 33 of the CLP.

iv. Impact upon highway safety and parking

- 8.23 As with the permitted scheme, the development is to be served by an access onto Lavant Road. Lavant Road is an A-classified road with a 30mph limit at this point and includes a cycle lane in each direction. No objections were raised by the Highway Authority to the previously permitted scheme.

- 8.24 The current application proposes that the access is 4.2m in width, reduced from the approved 4.8m. WSCC Highways have suggested that this should be 4.5m given the number of parking spaces, however have raised no objection to the currently submitted proposals at 4.2m in width and state it would allow two vehicles to pass one another when using the access. They comment that suitable visibility splays of 2.4m x 43m are achievable in both directions and pedestrian visibility splays have also been demonstrated. They conclude that there is no evidence to suggest the existing access is operating unsafely, or that the proposal would exacerbate an existing safety concern.
- 8.25 The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least nine car parking spaces. The proposal shows 10 spaces to be provided and therefore parking provision is considered to be acceptable.
- 8.26 The Highway Authority 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 paragraph 115 of the NPPF, and that there are no transport grounds to resist the proposal.

vii. Impact on the Chichester and Langstone Harbours SPA

- 8.27 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The development would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. In accordance with Policy 50 of the Local Plan, a financial contribution towards the Bird Aware Solent scheme is required in order to mitigate recreational disturbance as a result of the proposal. This is to be secured through a s106 agreement.

viii. Nutrient neutrality

- 8.28 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram Wastewater Treatment Works (WwTW) and therefore the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.
- 8.29 Planning permission on the same application site was granted in 2021 for the redevelopment of the site with 5 residential units. The current application under consideration is for a minor material amendment to that scheme. Based on the nutrient neutrality calculations at the time of the previous application, it was calculated that the development would create a surplus of total nitrogen (TN) of 2.8 kg TN/year within the Chichester and Langstone Harbours Special Protection Area and the Solent Maritime Special Area of Conservation for which 0.11 hectares (ha) of mitigation land was taken out of production. This was secured through a S106 agreement.

- 8.30 In March 2022 Natural England recommend that Local Planning Authorities moved to using the updated generic Nutrient Neutrality Methodology and the updated catchment calculators in preference to the previous methodologies.
- 8.31 As the current application would be a new permission if granted, the applicant has commissioned a Nutrient Neutrality Report based on the updated methodology. This concludes that the development would create a surplus of total nitrogen (TN) of 3.18 kg TN/year within the Chichester and Langstone Harbours Special Protection Area and the Solent Maritime Special Area of Conservation for which 0.176 hectares (ha) of mitigation land would need to be taken out of production.
- 8.32 The surplus 2.8 kg N/year calculated for the previous permission has been mitigated by taking 0.11 ha of land at Manor Farm, Donnington out of cereal production (31.2 kg N/ha/year estimated losses) for perpetuity, and planting trees (5 kg N/ha/year estimated losses). The mitigation area has been planted to broadleaf trees at a density equivalent to 100 per hectare.
- 8.33 Results using the updated calculator demonstrate that given the land has been taken out of cereal production (21.13 kg TN/year) and planted to woodland (3 kg TN/year) 1ha of land will mitigate 18.13 kg TN/year therefore an additional 0.066ha of land are required to mitigate the development at this time. Therefore a total of 0.176ha is required to be taken out of production and planted with broadleaf trees. The Mitigation Strategy confirms that 0.19ha has been taken out of production and therefore the updated requirement is met at the same location.
- 8.34 Natural England have been consulted on an Appropriate Assessment and have commented that they have no objection subject to appropriate mitigation being secured. This is to be secured under a S106 Agreement and therefore the development would be acceptable with regard to nutrient neutrality.

x. Other Matters

- 8.35 The proposal does not materially impact other aspects of the approved scheme. The previously imposed conditions shall be amended where necessary in accordance with submitted details and re-imposed upon this recommendation.

Conclusion

- 8.36 Based on the above, it is considered the principle of the minor material amendment would be acceptable, and the scale, appearance and form of the proposal is acceptable in terms of the character of the area, impact to neighbouring amenity and there are no highway safety concerns. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore, the application is recommended for approval.

Human Rights

- 8.37 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

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

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

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

2) Within three months of the date of this decision the oak detailing shall be painted black in accordance with the approved plans, and shall be retained and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

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

3) Within three months of the date of this decision the following ecological enhancements shall have been implemented;

1. Installation of a bat brick/box to the property or within a tree sited within the grounds of the property, facing a south/south westerly and positioned 3-5m above ground.
2. Installation of a bird box to the property or within a tree sited within the grounds of the property.
3. Installation of a hedgehog nesting box within the site to provide future nesting areas for hedgehogs.
4. Provision of gaps within boundary treatments to allow small mammals to move freely

Once installed, the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

4) Within three months of the date of this decision the boundary treatments as detailed on drawing no. 1121/Figure 10 Rev 05 shall be provided and maintained as approved in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance

5) The landscaping scheme detailed on drawing no. 1121/Figure 10 Rev 05 shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after the date of this decision unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which 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 existing trees and to conserve and enhance biodiversity.

6) Within three months of the date of this decision the car parking shall be laid out in accordance with the approved plans 1121/Figure 10 Rev 05 and DP319. 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) Within three months of the date of this decision covered and secure cycle parking spaces shall have been provided in accordance with drawing no 1121/DP319, unless otherwise agreed in writing 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 and to ensure the adequate provision of onsite facilities in the interests of general amenity

8) 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), within 3 months of the date of this decision, the first floor window in the north elevation of the development hereby permitted shall be glazed with obscure glass if not already installed. It shall be retained at all times and shall not at any time be replaced by clear glazing. This window shall be fixed shut and non-opening below 1.8m above the finished floor level.

Reason: To protect the privacy of the occupants of the adjoining residential property

9) The development hereby permitted shall be carried out with strict accordance with the Bat Emergence and Re-entry Surveys, produced by ARBTECH (August 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity and protecting identified species on site.

10) The development hereby permitted shall be carried out with strict accordance with the Arboricultural Impact Assessment & Method Statement, produced by Trevor Heaps (December 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the health and protection of the trees within the site.

11) The solar panels and air source heat pumps hereby permitted shall be provided in accordance with the details and location approved in writing by the Local Planning Authority in application 21/03401/DOC. These sustainability measures shall be fully implemented within the proposed development and thereafter retained in perpetuity for their designated use.

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

12) The five Electric Vehicle (EV) charging points shown on drawing 121/DP319 to have been provided shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with the approved lighting scheme on drawing no. 1121/FIGURE 11 REV unless otherwise agreed in writing by the Local Planning Authority. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

14) The hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

15) The walls forming privacy screens on the north and south of each balcony for the balconies serving Flats 3 and 4 shall be retained and maintained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

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

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 FRONT EAST ELEVATION	1121/DP307	REV 04	19.12.2022	Approved
PLAN - PROPOSED SIDE SOUTH ELEVATION	1121/DP308	REV 04	19.12.2022	Approved
PLAN - PROPOSED SIDE NORTH ELEVATION	1121/DP310	REV 04	19.12.2022	Approved
PLAN - PROPOSED BLOCK PLAN	DP301	REV 04	27.01.2023	Approved
PLAN - PROPOSED CONTEXT PLAN	DP302	REV 04	27.01.2023	Approved
PLAN - PROPOSED SITE PLAN	DP303	REV 05	27.01.2023	Approved
PLAN - VISIBILITY SPLAYS	DP313	REV 05	27.01.2023	Approved
PLAN - PROPOSED SITE PLAN	DP319	REV 04	27.01.2023	Approved
PLAN - PROPOSED HARD AND SOFT LANDSCAPING PLAN	FIGURE 10	REV 05	28.11.2023	Approved
PLAN - PROPOSED EXTERNAL LIGHTING PLAN	FIGURE 11	REV 03	27.01.2023	Approved
PLAN - PROPOSED GROUND FLOOR PLAN	1121/DP304	REV 02	22.09.2022	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	1121/DP305	REV 03	22.09.2022	Approved
PLAN - PROPOSED SECOND FLOOR PLAN	1121/DP306	REV 03	22.09.2022	Approved
PLAN - PROPOSED WEST ELEVATION	1121/DP309	REV 03	22.09.2022	Approved

PLAN - PROPOSED STREETSCENE & GATES & PIER ELEVATION	1121/DP311	REV 03	22.09.2022	Approved
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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 Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RILPKTERLM800>