

Parish: Oving	Ward: North Mundham And Tangmere
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O/23/01313/REM

Proposal	Application for the Approval of Reserved Matters following Outline Planning Permission O/11/05283/OUT (as varied by O/18/02326/FUL) - relating to the site layout, scale, appearance and landscaping for 13 dwellings - Variation of Condition 1 of Reserved Matters approval O/19/01983/REM (as varied by O/22/02344/REM) for position changes to Plots 4, 7 and 8 alongside alterations to Plot 13.		
Site	Land On The North Side Of Shopwhyke Road Shopwhyke West Sussex		
Map Ref	(E) 488007 (N) 104890		
Applicant	Mr Andrew North (BRiCS Chichester Ltd)	Agent	Mrs Natalie Fellows (Fellows Planning Ltd)

RECOMMENDATION TO PERMIT

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

1.0 Reason for Committee Referral

- 1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The Shopwyke Lakes site lies approximately 2km north east of Chichester City Centre. The overall site comprises approximately 31.6 hectares. It was originally approved for 500 dwellings and a range of other facilities and associated infrastructure under reference 11/05283/OUT. This was later amended, and permission was granted for an additional 85 dwellings within the site, under outline permission 15/03720/OUT.
- 2.2 Both schemes have since undergone various amendments to their conditions (including the 500-dwelling scheme, under planning reference 18/02326/FUL and the 85-dwelling scheme under 18/02329/OUT) in relation to trigger dates for highway infrastructure delivery. Subsequent Reserved Matters providing the detailed designs for each phase have been submitted and approved as detailed in the Planning History section of the report. The majority of the development has now commenced, with many of the properties already occupied. This application seeks to alter the Reserved Matters approval relating to 13 dwellings of the 500 originally approved. A large proportion of this part of the site is being implemented by Taylor Wimpey and is currently being built out. This last phase of 13 dwellings was initially being progressed by the Shopwyke Lakes landowner Hanbury Properties but has now been acquired by the applicant as developer (BRiCS Chichester Ltd). Work has commenced on the 13 dwellings which are at various different stages of construction. None are yet habitable or ready for occupation.
- 2.3 The application site, the subject of this S.73 application, forms an inverted L-shaped parcel of land of approximately 1 hectare within the larger masterplan development area and wraps around the pronounced deflection at the eastern boundary of Shopwyke Lakes. It is bounded to the south and west by the Taylor Wimpey development and in part on the west boundary by the line of 5 no. dwellings which form a separate parcel which has its own approval. The east site boundary has a wooded belt of natural self-seeded semi-mature and mature trees with some understorey growth. The wooded belt is of variable width - approximately 7m to 12m - along its length and forms the shared boundary with the scatter of existing properties to the east at Coach Road. These properties include Shopwyke Manor, a grade 2 listed building and 1 and 2 New Cottages. The wooded belt forms part of the proposed Strategic Wildlife Corridor which is identified in draft policy NE4 and associated policies proposal map of the emerging Chichester Local Plan.

3.0 The Proposal

- 3.1 The application, submitted under S.73 of the 1990 Town and Country Planning Act, seeks a variation of planning condition 1 (the schedule of approved plans) attached to Reserved Matters Approval for 13 Dwellings at Shopwyke Lakes (Planning Reference 19/01983/REM) as amended by S.73 application 22/02344/REM (approved 7th December 2022).
- 3.2 The previous S.73 (22/02344/REM) allowed changes to four of the previously approved dwellings only. The application approved changes to two plots from a 2-bedroom house to a 3-bedroom house (Plots 2 and 8), removed the car port associated with a 3-bedroom house (Plot 3) and added a chimney to Plot 6.

- 3.3 The current application seeks to slightly alter the position of 3 houses and alter the front elevation on one house.
- Plot 4 is proposed to move slightly south by approximately 910mm,
 - Plots 7 and 8 are proposed to move slightly back towards the east by approximately 800mm and 150mm respectively.
 - Plot 13 proposes to remove a small dormer window at the front and replace this with a gable on one side and add a central roof light. The overall height of the dwelling at Plot 13 would remain the same. The ground floor internal arrangements are also proposed to be altered to enable the inclusion of a utility room by removing the downstairs ensuite. A ground floor window is proposed to be added to the rear elevation. The approved garden curtilage boundaries are not impacted and remain as approved.
- 3.4 The application also proposed an updated landscaping scheme with a variation to the proposed tree species on the east site boundary within the wooded belt which borders onto Shopwyke Manor. The changes to the proposed planting are as follows:
- On the site boundary adjacent to the northern boundary of Shopwyke Manor, 8 x 550-600cm evergreen *Quercus ilex* (Holm Oak) trees as originally proposed and approved are proposed to be replaced with the following 11 trees:
 - 3 x 400-450cm *pinus sylvestris* (Scots Pine) evergreen
 - 1 x 500-550cm *fagus sylvatica* (Beech)
 - 2 x 350-400cm *prunus avium* (Wild Cherry) deciduous
 - 4 x 400-450cm *quercus robur* (English Oak) deciduous
 - 1 x 350-400cm *populus alba* (White Poplar) deciduous
 - On the east site boundary with Shopwyke Manor the 11 x 550-600 Holm Oak trees as originally proposed and approved are proposed to be replaced with the following 11 trees:
 - 6 x 400-450cm Scots Pine
 - 4 x 350-400cm Wild Cherry
 - 1 x 400-450cm Rowan (*sorbus aucuparia*)

4.0 History

11/05283/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.
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14/02826/REM	PER	Construction of spine road and associated site levelling and re-profiling works
14/03560/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces - Variation of condition 17 regarding Shopwhyke Road access.
15/03720/OUT	PER106	Additional 85 dwellings on land with outline approval for 500 dwellings under reference O/11/05283/OUT.
15/03964/REM	PER	Proposed 398 dwellings together with commercial and community use floorspace. Application for approval of reserved matters following outline planning permission O/11/05283/OUT in respect of appearance, layout, landscaping (phase 1A and spine road) and scale.
16/01785/FUL	REF	Removal of conditions 9 and 11 from planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.
18/02326/FUL	PER106	Variation of Conditions 7, 10, 11 and 13 and the removal of Condition 9 of planning permission O/11/05283/OUT - Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.
18/02329/OUT	PER106	Variation of conditions 4, 7, 8 and 10 and removal of condition 6 of existing permission O/15/03720/OUT in respect of additional 85 dwellings on land at Shopwyke Lakes with outline approval for 500 dwellings under reference O/11/05283/OUT.
19/01234/REM	PER	Application for the approval of Reserved Matters following Outline Planning Permission 11/05283/OUT in respect of appearance, layout,

landscaping and scale for 89 dwellings.

19/01235/REM	PER	Application for Approval of Reserved Matters following outline planning permission O/15/03720/OUT (as varied by O/18/02329/OUT) in respect of appearance, layout, landscaping and scale for 80 dwellings. This forms part of the wider outline permission for 500 dwellings (585 in total) under planning reference O/11/05283/OUT.
19/01959/REM	PER	Application for the Approval of Reserved Matters following Outline Planning Permission O/11/05283/OUT relating to landscaping (part) of the north east sector of the development around the Eastern Lake and provision of neighbourhood equipped area of play (NEAP)
19/01983/REM	PER	Application for the Approval of Reserved Matters following Outline Planning Permission O/11/05283/OUT (as varied by O/18/02326/FUL) - relating to the site layout, scale, appearance and landscaping for 13 dwellings.
21/01535/NMA	PER	Non material amendment for permission O/15/03964/REM - to swap 10 no. market units to affordable and 10 no. affordable units to market.
21/01625/REM	PER	Application for the approval of Reserved Matters following Outline Planning Permission 11/05283/OUT in respect of appearance, layout, landscaping and scale for 89 dwellings. (Application seeks the Variation of condition 2 of permission O/19/01234/REM - to amend the timing requirements of Condition 2 regarding landscaping to the eastern site boundary).
22/02344/REM	PER106	Application for the Approval of Reserved Matters following Outline Planning Permission O/11/05283/OUT (as varied by O/18/02326/FUL) - relating to the site layout, scale, appearance and landscaping for 13 dwellings - Variation of Condition 1 of reserved matters approval O/19/01983/REM to change two plots from 2-bedroom houses to 3-bedroom houses (Plot 2 and 8), remove the car port associated with a 3-bedroom house (Plot 3) and add a chimney to Plot 6.

22/02394/NMA	PER	Non-material amendment to planning permission O/19/01984/REM - Remove ground floor rear projection from Plot 3.
22/02507/NMA	PER	Non material amendment for permission 19/01984/REM - tenure amendment providing 2 additional shared ownership dwellings at Plots 2 and 3 in place of the 2 approved market dwellings with corresponding amendment to plans listed in Condition 1.
22/02511/NMA	PER	Non-material amendment to planning permission O/19/01983/REM - Tenure amendment to provide 6 no. additional shared ownership dwellings in lieu of approved 6 no. market dwellings.
23/00907/NMA	PER	Non material amendment for permission 19/01984/REM - tenure amendment to 2 no. dwellings from shared ownership to shared equity dwellings.
23/00908/NMA	PER	Non-material amendment to Planning Permission O/22/02344/REM to amend tenure to 4 no. dwellings from shared ownership to shared equity dwellings.
23/01531/NMA	PER	Non material amendment for permission 19/01984/REM - relocation of the plots.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Oving Parish Council**

Comments received 23.02.2024

Oving Parish Council met to discuss planning application 23/01313/REM and unanimously resolved to object to the application due to the change in species, the reduction in density, and the reduction of evergreens, to the buffer that backs onto the existing houses in Coach Road.

Should the District Council be of the mind to approve this application, Oving Parish Council request that the following be taken into consideration.

- That there should be no encroachment of properties/gardens into the buffer area.
- That there should be planned maintenance of the buffer.
- That access to the buffer area be maintained.
- That there should be no time limit to the ongoing maintenance of the buffer, that it should be in perpetuity.

Oving Parish Council would like it noted that they do not object to the introduction of a gable end to the northern most property or the minor movements of plots 7 and 8.

Comments received 11.07.2023

Oving Parish Council would like to OBJECT to the above-mentioned application due to a lack of detailed information regarding the elevations, the effect of the proposed car parking spaces to plot 4 and whether there is a proposed change to the curtilage of the plots.

6.2 CDC - Tree Officer

(Summary)

Site visit carried out to assess impact of the development from within Shopwyke Manor's grounds/garden in the context of the enhanced screening which now part surrounds this property's north and west boundaries and which includes extra heavy standards and semi-mature Holm Oak trees, Ornamental Pear trees, Birch trees planted within Shopwyke Manor's grounds along the northern and western boundaries with Laurel hedging (which currently attains up to 4-5m in height).

The developer has proposed an updated landscape scheme with 22 no. trees instead of the 19 no. Holm Oak trees due to the limited supply of this species with the required specific sizes with a variation to the proposed tree species on the northern and eastern boundaries of the site within the wooded belt which borders onto Shopwyke Manor.

The copse/belt of trees is within undulating ground bordering Shopwyke Manor to the east which mainly consist of deciduous trees - Sycamore, Wild Cherry, Ash, Poplar and with the odd Scots Pine tree and a mixed understorey. The existing understorey planting on the site's east boundary is establishing well but limits opportunities for additional tree planting to grow and reach maturity without being unduly suppressed.

The main area of concern expressed by the neighbour at Shopwyke Manor is around the rear of plots 5 and 6 and is particularly concerned with the impact in the winter months due to the absence of foliage which results in exposure of the property rooflines on the adjacent development being more obvious. Plot 5 behind the rear garden in addition will have 1 no. Sorbus Aucuparia, Rowan tree and 1 no. Ornamental Pear tree (internally). This is due to the limited planting area and close proximity to this Plot's small garden. Plot 6 behind the rear garden in addition will have 1 no. Prunus avium, Wild Cherry tree, 1 no. Pinus sylvestris, Scots Pine tree and 1 no. Ornamental Pear tree (internally).

The amended proposal in the section adjacent to plots 5 and 6 shows the planting of 3 no. external trees (1 no. Sorbus Aucuparia, Rowan tree, 1 no. Prunus avium, Wild Cherry tree, 1 no. Pinus sylvestris, Scots Pine tree and 2 no. internal Ornamental Pear trees - instead of the 4 no. Holm Oak trees and is more likely to result in their successful establishment. However, the original approved planting [of the 4 x Holm Oaks] would have been of limited benefit or sustainability due to the restricted planting area and limited room to enable long term development.

The proposed rest of the new/additional planting scheme seems to be reasonable to plant up gaps, enhance wildlife sustainability and soften the development with the adjoining/neighbouring properties (including Shopwyke Manor).

6.3 CDC - Environment Officer

We are happy to accept the change in species which are being planted, however we would like to see more English oak incorporated into the scheme.

(Planning Officer: subsequent amended plans now show 3 additional English Oaks)

6.4 1 Third Party Objection

Changes to the houses are minor and are all acceptable, subject to showing that there has been no enlargement of the plots into the eastern boundary.

Significant changes to the landscape plans on the eastern boundary, which are to the detriment of the setting of Shopwyke Manor Farm (Grade 2 listed property). No explanation why these changes are required, although suspect it is because mature quercus Ilex trees have now become more expensive due to ban on imports from the continent in 2020 due to oak moth disease. Revised plans swap a significant number of evergreen trees with smaller and less dense evergreen and deciduous trees. Under Condition 2 of the decision notice, the planting is conditioned to be put in place by the end of the current planting season (March/April 23), any delay would be a serious detriment to the setting of the Shopwyke Manor Farm. To support a change in the landscape plans there needs to be a considerable increase in the number, scale and diversity of evergreen trees planted on the Shopwyke Manor Boundary in order to ultimately afford the same level of screening that the 19 quercus Ilex would have delivered, and must be delivered in this planting season (next 2-3 months).

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 and all made neighbourhood plans. There is no made neighbourhood plan for Oving Parish at this time.

7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this section 73 application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 7: Masterplanning Strategic Development
Policy 16: Shopwyke Strategic Development Location
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 40: Sustainable Design and Construction
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure

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

The Chichester Local Plan 2021-2039: Proposed Submission completed its 'Regulation 19' consultation on 17 March 2023 and is to be submitted for examination to the Planning Inspectorate in Spring 2024. In accordance with the Local Development Scheme and with Examination Hearings in Autumn 2024, it is anticipated that the new Plan will be adopted by the Council in Spring 2025. Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of paragraph 48(a) of the NPPF and consequently could be afforded moderate weight in the decision making process. At this stage, the Local Plan Proposed Submission 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 objections attributed to any relevant policy, commensurate with government policy in the NPPF.

7.4 The policies of the Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) specifically relevant to consideration of this application include:

Policy S1 Spatial Development Strategy
Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE8 Trees, Hedgerows and Woodlands
Policy H2 Strategic Locations/Allocations 2021-2039
Policy H4 Affordable Housing
Policy H5 Housing Mix
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P4 Layout and access
Policy P5 Spaces and Landscaping
Policy P6 Amenity
Policy P8 Materials and Detailing
Policy P14 Green Infrastructure
Policy A7 Land at Shopwyke (Oving Parish)

Other Local Policy and Guidance

7.5 The following documents are also material to the determination of this planning application

- Planning Obligations and Affordable Housing SPD (December 2018)
- Surface Water and Foul Drainage SPD (September 2016)

National Policy and Guidance

- 7.6 Government planning policy comprises the National Planning Policy Framework (NPPF December 2023). The relevant sections of the NPPF pertinent to the assessment of this application include:
- o Section 2 Achieving Sustainable Development
 - o Section 4 Decision Making
 - o Section 5 Delivering a Sufficient Supply of homes
 - o Section 11 Making effective use of land
 - o Section 12 Achieving well designed places
 - o Section 15 Conserving and enhancing the natural environment
 - o Section 16 Conserving and enhancing the historic environment
- 7.7 The relevant paragraphs of the National Planning Practice Guidance and the National Design Guide (January 2021) have also been taken into account.
- 7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

- 8.1 This section will assess the application against the Development Plan and any relevant material considerations. The main issues arising from this proposal are:

- i. The principle of development
- ii. Impact of design and layout amendments
- iii. Amendments to landscaping
- iv. Heritage Impact
- v. Other Matters
- vi. Conclusion and planning balance

i. The principle of development

- 8.2 The proposals entail relatively minor changes to the design and/or position of 4 of the 13 dwellings already approved at plots 4, 7, 8 and 13 in this part of the Shopwyke Lakes development as detailed in paragraphs 3.3 and 3.4 above, plus an amendment to the approved planting scheme on the east site boundary. The principle of development has therefore already been accepted by the Council in granting previous approvals for reserved matters and associated amendments. No additional housing is proposed to that already approved. The principle of development is therefore acceptable. The issue is whether the nature of the proposed changes to four of the 13 no. dwellings and the changes to the tree planting specification on the east site boundary are acceptable.

ii. Impact of design and layout amendments

- 8.3 The proposed changes to the approved positioning of the dwellings at plots no. 4, 7 and 8 are considered to be relatively minor in the context of the development of this part of the Shopwyke Lakes site. Plot 4 is moved south by approximately 910mm to ensure that it meets Lifetime for Home requirements in respect of ensuring sufficient access to the car parking spaces. Plots 7 and 8 are moved eastwards by approximately 800mm and 150mm respectively, in order to make the service margin accessible after construction. For all plots the subject of this application, the approved position of the rear garden boundary fence remains as approved i.e. it does not encroach into the approved tree and landscaping belt wrapping around the east site boundary. The depth of the rear gardens for plots 7 and 8 as a result of the proposed changes will be at 10 metres. The depth of the rear garden to plot 4 is unchanged. There is no change to the approved rear elevations of plots 4, 7 or 8 (or the other elevations of the dwellings on these plots). Whilst the change to plot 13 at the extreme north-east corner of the site will be more apparent because of the introduction of a full height front facing flint-faced gable feature replacing a small dormer window, the overall roof ridge height is unchanged as is the building's ground floor footprint. The building remains a 4 bedroom dwelling as approved.
- 8.4 The Committee will note that neither the Parish Council nor the single objector to the proposals raise any objection to the changes to the dwellings. Indeed, officers are of the opinion that the changes to plots 4, 7 and 8 are very modest and could have been determined favourably under an NMA application i.e., an application for a 'non-material amendment' under S.96A had the applicant chosen that route. It is only because of the amendments to plot 13 plus the revised tree planting details that mean procedurally and collectively the proposals comprising this application constitute a minor material amendment (MMA) through which the route to determination is via a S.73 application, i.e. this application.

iii. Amendments to landscaping

- 8.5 In addition to the changes to the appearance of plot 13 and the amendment to the positioning of the 2 storey dwellings on plots 4, 7 and 8, the application also seeks to vary part of the approved mix of soft landscaping along the eastern edge of the development, including that part of the eastern boundary which wraps around the northern boundary of Shopwyke Manor. Specifically the proposals seek to replace the 19 no. evergreen Holm Oak trees originally proposed as part of reserved matters approval 22/02344/REM with an alternative mix of trees as set out in paragraph 3.4 above. The Holm Oaks as originally proposed were to be planted as semi-mature trees at a height of 5.5m to 6m tall with a girth of 25-35cm. In addition to replacing the 19 Holm Oaks, the revised proposals include 3 additional trees (all English Oak) compared with the reserved matters approval.
- 8.6 The applicant's reasons for replacing the Holm Oaks with a mix of alternative species both evergreen and deciduous are several fold. Whilst Holm Oak trees can be imported, imports are severely limited by UK regulations around the presence of Oak Processionary Moth (OPM). This has led to most EU importers simply not allowing movement of these trees into the UK, which is currently clear of OPM. Any tree which has a girth of 8cm or more at 1.2m above the root collar is subject to this restriction. This means that in the UK whilst it is possible to purchase smaller Holm Oak trees, trees of the significant size originally specified for the development are not readily obtainable. The applicant maintains that having approached 11 nurseries, including Hilliers, there are sourcing issues with regard to the larger trees. The planting of smaller Holm Oaks is not a particularly realistic

option given that they grow at a slower rate compared with native tree species and are therefore likely to be out-competed by them in what is an already well-planted and established landscaping belt.

- 8.7 Some of the previously approved Holm Oaks (notably to the rear of plots 5/6, the rear of plot 8 and those nearest to plot 11) were also proposed in such close groupings that it is likely they would have suppressed each other and thereby failed to thrive and achieve their full potential. The siting of a line of 4 no. Holm Oaks directly beyond the rear garden fence of plot 5 is also likely, on reflection, to have resulted in pressure to have the trees felled given the close and potentially harmful impact on the neighbours garden and future amenity.
- 8.8 Following a site visit by the Council's Tree Officer and discussion with the applicant, an amended planting plan has been submitted replacing the previously proposed 19 Holm Oaks with the mix shown in paragraph 3.4 above. The existing copse/belt of trees is within undulating ground sandwiched between the eastern site boundary and the curtilage boundary of Shopwyke Manor to the east. It mainly consists of deciduous trees - Sycamore, Wild Cherry, Ash, Poplar with some Scots Pine trees and a mixed understorey. The existing understorey planting on the site's east boundary is establishing well but limits opportunities for additional tree planting to grow and reach maturity without being unduly suppressed. The understorey planting is important from a wildlife benefit perspective and the Committee will note that the corridor forms part of the proposed Strategic Wildlife Corridor in the soon to be submitted Regulation 19 Local Plan. Whilst the proposal to designate this as a wildlife corridor is not yet a confirmed policy, the 7 to 12 metre wide corridor has existing and lasting value for wildlife and ecological purposes. The substitution of the 19 Holm Oaks with 4 x Scots Pine and the remaining balance comprising a mix of deciduous planting is considered to be more beneficial from an ecological perspective and the Committee will note that the Council's Environment Officer has confirmed that she is happy to accept the change in species which are being planted with a comment to include more English Oak which the current iteration of the drawing shows. Within the available space it is considered that the objective of achieving a mix of planting beneficial to wildlife and bio-diversity and reinforcing the corridor would be delivered by the proposals. From an arboricultural perspective the Tree Officer raises no specific objection to the proposals noting the challenges associated with infilling an already well-established planting belt. On-going future management of this landscaping belt will be the responsibility of the Management Company (the 'Shopwyke Lakes (Chichester) Management Company Limited') set up through the S.106 agreement associated with the outline planning permission to look after the landscaped areas of the Shopwyke Lakes estate.

iv. Heritage impact

- 8.9 The heritage impact relates specifically to the proposed planting changes on the east site boundary in terms of the setting of Shopwyke Manor. As part of the original reserved matters approval (O/19/01983/REM) for the erection of 13 dwellings along the eastern boundary of the Shopwyke Lakes site, the issue of the setting of the listed building was considered in terms of the degree to which the existing tree planting on the shared boundary mitigated that impact. The Council's Principal Conservation and Design Officer at that time considered the existing situation together with the enhanced planting scheme to supplement the existing landscape buffer. The conclusions reached then in 2020 hold equally good now and are that the historic character of the Shopwyke hamlet has been

almost totally obscured by modern development which includes that around Shopwyke Manor. The view of the Council's expert in 2020 was that when considered in combination, the severance of Shopwyke Manor from its historic wider agricultural hinterland to the west and north in the early and mid-twentieth century, the significant vegetative border and the existing modern development that typifies this part of the hamlet, the proposals effect on the setting of Shopwyke Manor is negligible.

- 8.10 The proximity of a line of dwellings on the eastern boundary of Shopwyke Lakes to the curtilage of Shopwyke Manor is therefore accepted and approved for planning purposes. The minor changes to the positioning of 4 of these 13 dwellings proposed under this application is negligible in terms of the impact of that built form on the listed building's setting. The revised planting scheme still results in a mixed evergreen and deciduous content to the landscaping belt on the eastern site boundary. The existing and previously approved changes to the planting belt were never intended as a complete green screen to hide the Shopwyke Lakes development from Shopwyke Manor. During the summer months the existing planting does provide a strong vegetative cover. During the leafless winter months the extent of this cover is less complete with the vertical profile of the tightly packed trees providing filtered views from the curtilage of Shopwyke Manor back towards the development. The neighbour at Shopwyke Manor has carried out significant tree planting within the curtilage of that property comprising Holm Oak trees, Ornamental Pear and Birch planting with Laurel hedging (up to 4-5m in height) which enhances the boundary screening effect and the sense of seclusion.
- 8.11 The neighbour's insistence on the use of Holm Oak is not a pre-requisite for ensuring that the setting of Shopwyke Manor is protected. The alternative trees to the 19 no. Holm Oaks still deliver an evergreen alternative to break up the mainly deciduous boundary screen with a better spacing of the trees than the approved scheme to ensure they have better space to grow. It is considered that the proposals do not compromise or cause harm to the setting of the listed building.

v. Other matters

- 8.12 *Habitat Regulation issues* - The approved dwelling mix in terms of the size and number of bedrooms is not impacted by the application proposals. There is therefore no additional implication in terms of a likely significant effect on the Chichester Harbour SPA regarding the recreational pressure issue and no need to provide mitigation towards the Bird Aware Solent scheme additional to that already secured for the 13 dwellings. The site also lies within the 12km buffer zone for the Singleton and Cocking Tunnels SAC where potentially there is an HRA issue regarding the presence of protected barbastelle and bechstein bats for which the SAC is so designated. However, as a response to the *People over Wind and Sweetman* court case, the implications of the proposals on the protected bat species have already been considered as part of other applications relating to that overall plan or project at the Shopwyke Lakes development. The Council has concluded through previous Appropriate Assessments (AA) and through an agreed scheme of mitigation incorporating controls over the impact of external lighting, that there will not be an adverse effect on the SAC. From previous applications comprising the Shopwyke Lakes 'project' and in consultation with Natural England regarding the Council's position on the AA for the Singleton and Cocking Tunnels SAC, Natural England has returned 'no comment' in terms of any likely significant effect on the SAC. In respect of the current application the Council can thereby agree to the proposals under regulation 63 of the Conservation of Habitats and Species Regulations 2017 in that they form part of the plan or project and it can

conclude no likely significant effect on the integrity of the SAC as a consequence of this application.

8.13 *Residential amenity* - The existing reserved matters approval for the 13 no. dwellings implicitly accepted the relationship of the development with the existing properties to the east - 1 and 2 New Cottages and Shopwyke Manor - and that relationship is not considered to be impacted by the changes to this application. The form of the approved dwellings remains unchanged with the wooded edge on the eastern site boundary providing an effective screen. The small movements proposed in the positioning of plots 4, 7 and 8 would not result in new overlooking of neighbouring properties and the previous condition preventing additional first floor windows being inserted on the rear elevations of plots 1-8 is re-imposed on the recommendation to ensure this restriction remains.

8.14 *Surface water drainage* - The approved drainage scheme for the development remains unchanged from that approved at reserved matters stage and subsequently discharged by condition. There is actually a reduction in the total amount of hardstanding as a result of the proposals. There will not be an increased flood risk either on the site or elsewhere.

vi. Conclusion and planning balance

8.15 The changes the subject of this application are minor. Both the Parish Council and the single third party objector have no objection to the minor amendment to the positioning of the approved dwellings at plots 4, 7 and 8 and had the amendments in respect of these dwellings been submitted as a standalone proposal officers are of the view that this could have been dealt with as a non-material amendment (NMA) application under S.96A. The inclusion in the application of the changes to plot 13 which are material mean that the proposals as a package affecting all 4 plots have to be considered as a MMA (minor material amendment) or S.73 application. That said, the elevation changes to plot 13 are acceptable. The reason why the application is therefore before the Committee is solely because of the changes to the landscaping belt in respect of the substitution of the previously proposed and approved 19 Holm Oak trees with alternative species. The reason for this is set out above i.e. the difficulty in obtaining semi-mature Holm Oaks because of the restriction on imports caused by the Oak Processionary Moth and the lack of availability of similar sized specimens in the UK. Following a site meeting with the Council's Tree Officer which included viewing the site from the curtilage of Shopwyke Manor, the mix of trees in the landscaping belt has been reassessed and an amended mix of trees including evergreen semi-mature Scots Pine, English Oak and Rowan is now proposed. No objection to the alternative mix is raised by the Council's Environment Officer which will deliver biodiversity benefits to what is being proposed as a Strategic Wildlife Corridor in the new Local Plan.

Significant Conditions

8.16 The application is subject to all those conditions attached to the reserved matters application O/22/02344/REM with the exception of those which have subsequently been discharged and have no ongoing compliance requirements. A specific new landscaping condition is also recommended requiring compliance with the amended landscaping plan and the carrying out of that planting no later than the end of the next available planting season (November 2024 - March 2025).

Human Rights

8.17 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 carried out in accordance with the following plans:

S301-13; 22.089_P112; 22.089_P101 REV P1; P323-13 REV B; P324-13 REV B; P333-13 REV B; 20014678-AC-001 REVC; 20014678-LD-001 REV C; 22116 - P310-13; 22116 - P328-13; 22116 - P308-13; 22116 - P309-13; 22116-P327-13; 06-874-702 REV J; 06-874-703 REV K.

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

2) No dwelling on the site hereby permitted shall be first occupied unless and until the car parking and/or garaging provision for that dwelling and the road access to it - including where shown visitor/unallocated spaces - have been constructed in accordance with Proposed Site Plan 1-13 drawing no. 22.089_P114. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking spaces for the development in accordance with the terms of the application, adopted guidance and in the interests of road safety.

3) No dwelling shall be first occupied until covered and secure cycle parking spaces for that dwelling have been provided in accordance with adopted standards. Once provided the cycle parking spaces shall be retained thereafter for that use.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

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), the dwelling at plot 1 hereby permitted shall not be first occupied until the first floor landing and bathroom windows in the east facing elevation of the dwelling hereby permitted have been glazed with obscure glass which has been rendered obscure as part of the manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer). Once installed the obscure glazing shall be retained at all times and shall not at any time be replaced by clear glazing.

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

5) The dwelling at Plot 3 shall be fitted with solar PV panels in accordance with the details submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02870/DOC dated 5 February 2024. The dwelling at Plot 3 shall not be occupied unless and until the approved solar PV panels have been installed and are ready for use.

Reason: To ensure an energy supply from renewable resources and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

6) The development hereby permitted shall be carried out in complete compliance with the details previously approved and discharged under discharge of condition reference 21/003304/DOC dated 17 December 2021 in respect of conditions 3, (CEMP), 4 (Drainage Strategy) and 6 (SUDS Management and Maintenance) from reserved matters approval O/19/01983/REM.

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

7) The development hereby permitted shall be carried out in full accordance with the measures set out in the 'Sound Advice Environmental Noise Impact Assessment Report' report reference SA-7309 (November 2022) submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC and approved 22 December 2023 in respect of ensuring that sound levels within all external amenity areas do not exceed 55dB LAeq,16hours (07:00-23:00).

Reason: To secure satisfactory external sound levels for the occupants of the new dwellings.

8) The protective fencing currently erected at the time of this permission alongside all trees, shrubs and other natural features on the east boundary of the site in accordance with the recommendations of BS5837:2012 shall be retained for the duration of the works the subject of this permission, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained on the east and south boundaries are adequately protected from damage to health and stability during construction in the interests of amenity and biodiversity.

9) The landscape planting details hereby approved shall be carried out along the eastern boundary of the site as shown on drawing nos. 06-874-702 Rev J and 06-874-703 Rev K permitted under this reserved matters permission O/23/01313/REM during the next available planting season in 2024-2025 unless otherwise first agreed

in writing by the Local Planning Authority. Any trees or plants which 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 and residential amenities of the locality.

10) Roof verge details for all roofs (main roofs, garages and pitched roof porches) shall be carried out in full accordance with the details submitted to and approved by the Local Planning Authority under discharge of condition reference 23/01495/DOC dated 22 December 2023.

Reason: To ensure the finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

11) The development hereby permitted shall be carried out in full accordance with the 'Sound Advice Environmental Noise Impact Assessment Report' reference SA-7309 (November 2022) submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC dated 22 December 2023 and detailing measures to secure internal sound levels within all habitable rooms to not exceed 35dB LAeq,16hours (07:00-23:00); internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max that is not exceeded on a regular basis (10 times) during nighttime (23:00-07:00) within bedrooms.

Reason: To secure a satisfactory internal sound levels for the occupants of the new dwellings.

12) The development hereby permitted in respect of the provision of Electric Vehicle (EV) charging facilities shall be carried out in accordance with the details in the Covering Letter, produced by Fellows Planning (06.09.23), External Works Layout Sheet 1 of 2, drawing no. 3300 Rev P1 (02.12.22) and External Works Layout Sheet 2 of 2, drawing no. 3301 Rev P1 (02.12.22) all submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC dated 22 December 2023. No dwelling which is to be provided with an active charging facility shall be first occupied until the approved EV charging facility for that dwelling have been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

13) The development hereby permitted shall be carried out in accord with the materials schedule submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC dated 22 December 2023.

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.

14) The flintwork detailing for plot 13 shall be carried out in accordance with the details submitted to and approved by the Local Planning Authority under discharge of condition reference 23/01495/DOC dated 22 December 2023.

Reason: To ensure the materials and finishes to be used are appropriate in order to maintain the architectural interest of the building.

15) The fire hydrants for the development hereby permitted shall be located, installed and thereafter maintained in accordance with the details submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC dated 22 December 2023.

Reason: In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.

16) Before first occupation of the last dwelling hereby permitted the developer shall carry out the wildlife/ecological mitigation measures as set out in sections 6 and 7 of the Updated Ecological Impact Assessment submitted under reserved matters approval 19/01983/REM (by Castle Hill Ecology - July 2019) unless any variation is specifically agreed in writing by the Local Planning Authority.

Reason: To support and encourage biodiversity in accordance with the submitted information and policy 49 of the Chichester Local Plan: Key Policies 2014-2029.

17) Street lighting for the development hereby permitted shall not be carried out other than in accordance with the details submitted to and approved by the Local Planning Authority under discharge of condition reference 23/02111/DOC dated 22 December 2023. All street lighting once installed shall thereafter be maintained in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to reduce light pollution.

18) Other than the east boundary landscape planting details, the hard and soft landscaping proposals for the remainder of the development hereby approved shall be carried out in full no later than the first planting season after practical completion or occupation of the last dwelling whichever is earlier unless otherwise first agreed in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Boundary fencing shall include gaps underneath to enable the passage of small mammals (hedgehogs). 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 amenity and to ensure the provision and establishment of a reasonable standard of landscaping in accordance with the approved designs.

19) Notwithstanding the provisions of Part 1 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 first floor window(s) other than those shown on the plans hereby approved shall be inserted into the east facing (rear) elevation of the dwellings at plots 1 to 8 inclusive without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

20) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B and C of Part 1 Schedule 2 shall be erected or made in respect of plots 1 to 8 inclusive on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

INFORMATIVE

1) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.

For further information on this application please contact Jeremy Bushell on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVS49PERKW100>