



CHICHESTER CITY COUNCIL

PLANNING ADVISER'S REPORT FOR THE PLANNING AND CONSERVATION COMMITTEE ON 26 OCTOBER 2016

- (i) CC/16/02541/FUL
4 Bognor Road
Chichester

Introduction

This application refers to 4 Bognor Road a detached property located on the north side just south east of the junction with Whyke Road. The site was previously used as a men's hairdressers with a residence above and the grounds are laid out with tarmac for parking.

The application proposes "Additional use to include (D1) Non – residential Institutions (day nurseries)." This is for children aged 0 – 5 years with daily operating times of 7.30am – 6.00pm Monday – Friday utilising both floors of the property. It is proposed to cater for up to 27 children (11 under 3 years old and up to 16 x 3-5 year olds) with 9 FT (equivalent) staff.

Outdoor play will depend upon will depend upon weather and time of year, but children can be outdoors any time during opening hours, but unlikely all at once. Both the open play areas will be enclosed by 1.8m high fencing/walls that will reduce the noise impact upon the neighbouring properties. Minimal alterations are proposed to the building, on the ground floor a new door is to replace a window.

Vehicular and pedestrian access is principally from Bognor Road with a pedestrian access to Blackberry Lane. Drop off and pick up times vary for different ages but peak times tend to be 8.00 – 9.00 for drop off and noon – 12.45 for pick up and afternoon pick up 14.00 – 18.00.

Within the site two staff parking spaces are provided, a visitor space and two drop off spaces. The vehicle crossover extends the full width of the site frontage.

Planning Adviser's Comments

The application site is situated in a primarily residential area with elements of commercial uses on a busy main road. Policy 10 of the Local Plan supports the provision of improved facilities for education, health and other social and community needs. However, the impact upon the amenity of the area and highways safety, are important issues. The site appears to be flanked to the north and northwest by commercial activity, the main residences which are likely to be affected lie to the north and south east, particularly where the children's play area adjoins the boundary. However, in view of the limited number of children involved, opening hours, the nature of the location and previous commercial activity, it is considered on balance, that the use is unlikely to have a significant adverse impact upon neighbouring properties.

In terms of highways safety, it is not clear how the vehicular access is going to work in practice, but this will need to be addressed by the highway authority.

Recommendation: No objection subject to conditions addressing opening hours, numbers of children and access and parking arrangements.



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**PLANNING ADVISER'S REPORT FOR THE
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- (ii) CC/16/02966/ADV
Pizza Hut (UK) Ltd
Pizza Hut Portfield Way Chichester West Sussex

This advertisement application relates to the Pizza Hut restaurant at Portfield Way, to the south of Sainsbury's Supermarket and proposes:

- 1 no. illuminated menu unit (0.8m x 0.4m) on two poles
- 1 no. non-illuminated 'menu messaging' pelmet panel (10.9m x 2.8m) red background with white lettering on south elevation.
- 1 no. non-illuminated 'menu messaging' awning (2.7m x 0.7m) red background with white lettering.
- 1 no. externally illuminated pole sign 5.3m high (sign 1.75m x 1.4m) externally illuminated by overhead LED lighting to west of building on roadside.
- Restaurant & takeaway sign (1.6m x 0.9m) non illuminated flat aluminium panel with vinyl display – red background with white lettering on west elevation.
- 2 x Pizza Hut lettering signs (0.96m x 4m) red and white internally illuminated on roof of south and west elevations.

Previously the Committee considered a proposal for:

Replacement signage scheme incorporating 2 no. lettering fascia signs, 1 no. lettering 'Come on in' sign, 1 no. hanging 'takeaway' sign, 1 no. menu box unit, 1 no. menu messaging panel, 1 no. pole sign incorporating arrow head and pole mounted lozenge sign. (3 fascia signs and 5 others) (CC/15/02154/ADV).

The Committee resolved to Object as the number and nature of the signs is considered to be harmful to this prominent locality which is an important gateway to the City.

Permission was subsequently refused and an Appeal was dismissed, The Inspector commented:

Whilst I appreciate there has been previous signage consents for the premises, the size, the amount and extent of the proposed signage along with its positioning, would be an overbearing and visually intrusive feature within the area. The bright red livery of the company would be particularly startling especially when illuminated at night. Moreover the large size of the roof text and the height and size of the pole sign would be clearly visible from some distance away. The cumulative impact of the proposal would be unacceptably intrusive and would significantly harm the visual amenity of the area.

Compared to the dismissed adverts:

- the roof Pizza Hut text signs (0.96m x 4m) are smaller(1.5m x 6.9m) by about 0.5m x 3m.
- the externally illuminated pole sign 5.3m high (sign 1.75m x 1.4m) formerly 6.5m high (sign 0.1m x 1.75m) is 1.2m lower with a more subdued and slightly smaller sign.

Overall it is considered that the scale and impact of the signage has been reduced in this application to an acceptable degree.

Recommendation: No objection



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- (iii) CC/16/03077FUL
Whyke Grange,
146 Whyke Road

Introduction

The application site is approximately 0.29 hectares and comprises of Whyke Grange; a Grade II listed 2 storey property, a former stable block outbuilding, and rear garden associated with Whyke Grange. The property has a frontage onto Whyke Road and backs onto Old Bakery Gardens. The main access to the property is from the east, at Whyke Road where there are two timber gated entrances, the northern most being a larger timber cart entrance. A vehicular access to the rear garden is to the south western corner, adjacent to the recent development at Old Bakery Gardens.

The Proposal

The current application seeks permission for "Construction of 2 no. pairs of semi-detached dwellings (alternative scheme to planning permission ref: CC/15/01300/FUL)"- this comprises 4 x 3 bed semi-detached houses on the grounds of Whyke Grange.

Background

An earlier application for the conversion of Whyke Grange into 1 no. five bed house (including converted stables forming a one-bed annex) and 1 No. three-bed house; erection of 2 no. detached four-bed cottages, with parking and external works within the grounds (CC/15/01300/FUL) was considered by committee which resolved:- *No objection subject to condition on hours of construction and contractors access from Old Bakery Gardens only.*

In the event CDC refused permission on the grounds of scale, design and detrimental impact on the setting of the Grade II Listed Building.

The accompanying listed building application for proposed "demolition of existing recent single storey extension and roof terrace, and replacement with a 1.5 storey extension; and conversion of existing Whyke Grange into 1 No. five-bed house (including converted stables forming a one-bed annex) and 1 No. three-bed house" (CC/15/0301/LBC) was however, permitted.

An appeal was submitted in respect of the planning refusal which was allowed in June 2016. The Inspector considered that 'The retention of some open space should set the building apart from the suburban development to the rear and should retain space either side along the road and as seen above the wall'. 'The new buildings would become part of the Old Bakery Gardens street-scene, and may be visible from Whyke Road above the wall, as is the terrace to the south, but only as a recessive structure at some distance and among trees and other structures. From within the site, where the listed building is appreciated for its own interest, there would be sufficient separation and open space, albeit domestic in style commensurate with the use, and the height and detailing of the proposed dwellings would not be unduly dominant of the scene'.

A new planning application (CC/15/03626/FUL) showed that the development had been scaled back given the comments from the Historic Buildings Officer regarding the setting and the space afforded to the house. This amended scheme therefore introduced a number of changes to the earlier refused application:

- A reduction in size of the two new dwellings in the grounds to 3 bed cottages from 4 beds.
- The new dwellings are located further away from the listed building
- Conversion – 1 x 3 bed and 1 x 4 bed with 1 x bed in annexe.

It was considered that this is a suitable location for a limited form of residential development because of the location within a built up area and the availability of services. The impact upon the setting of the listed building following the construction of two dwellings and the associated works has been improved within the amended submission.

The Committee raised No Objection subject to conditions on hours of construction and contractors access from Old Bakery Gardens only. The application has been permitted.

An accompanying listed building application (CC/15/03627/LBC) for the conversion of the listed building into two dwellings also generated a No Objection, but the application has not been determined.

Planning Adviser Comments

In effect the site has the benefit of planning permission (albeit on appeal) and a listed building consent for the original plans involving erection of 2 no. detached four-bed cottages, with parking and external works in the grounds.

The current planning application for the housing within the grounds of The Grange now show that 4 units are proposed – 2 pairs of 3 bed semi detached houses with a new double garage situated to the north east of Whyke Grange. They would be sited 14 metres from the rear of the existing building, facing each other across an open area and utilise the existing gated rear access from Old Bakery Gardens. Existing mature vegetation would be retained and enhanced with further planting and large gardens for each dwelling would retain the landscaped character of the site.

The proposed dwellings are two storey, with stepped roofs and hipped ends which help to reduce the bulk. The material palette includes multi-brick and clay tiles including tile hanging to the upper floors, painted timber fenestration and oak front doors. Juliette balconies are proposed to the rear elevations.

Clearly the proposed development proposes four 3 bed houses instead of two 4 bed houses as allowed on appeal and this is reflected in an increase in scale of the units, the subdivision of the curtilages and provision for additional parking and access. Furthermore, some of the design features of the approved scheme have been lost such as the projecting gable and porch, gablets and window details.

Overall it is considered that that, whilst the site can accommodate some residential development, the increase in scale and usage will have a significant adverse affect upon the setting of the listed building and reduction in the quality of the design.

Recommendation: Object on the grounds of the increase in scale and usage and the reduction in the quality of design (compared to previous schemes) and will have a significant adverse impact upon the setting of the Grade II Listed building.



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- (iv) CC/16/03151/FUL
16 The Hornet
Chichester

Introduction

This application refers to a site at the rear of 16 The Hornet known as Drapers Yard and proposes "Retention of 13 retail chalets and the siting of a mobile coffee van".

Background

The main building comprises a terraced two storey building which traded for many years as The Bush Inn public house; this use ceasing in 2015. The ground floor formed the pub trading area whilst the upper floor was used as ancillary accommodation including the manager's living quarters. To the right of the building is an arch which has first floor accommodation oversailing an access to the rear.

The application site principally involves the former small pub car park and is hardstanding and included a smoking shelter and other ad hoc structures.

The applicants submit that the whole site was a Class A4 Public House use and have changed to the existing mixed A1 and A3 retail use without the need for planning permission. The existing main building along with two large outbuildings thus benefit from A1 retail use and the scope of this planning application is the retention of the 13 chalets and the siting of a mobile coffee van within the rear courtyard area only.

Proposal

The chalets which form the subject of this application are arranged in a central area with others located around the edge, all the chalets are the same and comprise a wooden shed like structure with a central glazed door and windows either side. They have been painted a dark matt grey colour which matches the fenestration of the main building. The proposals therefore amount to an extension to the retail floor area of the existing mixed A1/A3 retail use albeit in the form of a series of 13 individual chalets each with a floor area of 4.5 sq.m. and a cumulative floor area of 58.4 sq.m.

The chalets which for the subject of this application are all let on short term leases and the occupiers are generally small scale arts and crafts type occupiers who require a small space and would otherwise not be able to have a commercial presence within such close proximity to the retail centre of Chichester. All chalets are currently let and in combination with the main building combine to form a craft centre which trades as Drapers Yard. The coffee van is however slightly different as that is typically located on site at most times but moves and operates away from this site. The main building is in the process of having the original pub kitchen upgraded which in turn will allow a café to operate from within the main building. The use will therefore operate on a mixed A1/A3 basis and that has always been the applicant's intention not to fully extinguish any A3 rights.

The cumulative effect of the proposed development is the creation of an attractive and vibrant space which offers visual interest to an otherwise unremarkable and underutilised area.

Planning Adviser Comments

The site is located on the edge of the city centre within a secondary retail area, and also falls within the Chichester City Centre Conservation Area.

Policy 10 of the Local Plan sets out the general Chichester City Development Principles including those developments which enhance the city's role as a sub-regional centre and visitor destination, contribute to meeting local needs, and conserve and enhance the city's historic character and heritage.

Policy 27 identifies this side of The Hornet as being within the Secondary shopping frontages, where up to 75% of non retail uses will be permissible. However, the site is set back from the road frontage within the rear yard to the main building which is now occupied by "Clothkits" an A1/A3 use.

It is considered that the proposal would add to the retail attractiveness of the and the amount of floor area is considered modest in the context of the amount of existing floor space, and will not be harmful to the established retail function. The views of the rear area are very limited and are restricted to glimpses from The Hornet through the arch and as such would not detract from the conservation area.

Recommendation: No objection to a temporary permission for 3 years in view of the temporary nature of the buildings.



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- (v) CC/16/03149/FUL
39-45 Cleveland Road
Chichester

Introduction

This application refers to land to the rear of 39-45 Cleveland Road, Chichester and seeks to demolish 18 existing single storey garages on the site to make way for the construction of 2 x 1 bedroom dwellings and 4 x 2 bedroom dwellings with communal courtyard spaces.

This 0.08ha site is located on the south side of Cleveland Road, Chichester, and runs along the rear of property numbers 39-45 with the railway line along the southern boundary of the site. It is accessed by a private lane located between numbers 45 and 46 Cleveland Road. The existing garages on the site are arranged into 3 separate and the garage at the rear of house numbers 44 is to remain, it is not part of the site and the access rights remain with the current owners.

Background

An application in 2013 for: Demolition of garages and redevelopment of site to provide 3 x 3 bedroom terraced houses and 1 x 2 bedroom flat over new garages to serve the dwellings. (CC/13/02061/FUL) was dismissed at an appeal against non determination. The Inspector concluded:

“The proposed development would unacceptably harm the living conditions of nearby residents with regard to outlook..... The proposed development would fail to provide acceptable living conditions for future occupiers, with regard to private amenity space.... The Council has stated, that based upon a response it received from the Highways Authority (West Sussex County Council), it would not have objected to the proposal on highway grounds. Whilst I note the many local concerns expressed, including in relation to the comments made by the Highways Authority, based upon the evidence before me I am not persuaded to come to a different view”.

A further application in 2014 for **Residential Development comprising 3 x 3 bed detached houses** (CC/14/02201/FUL) was refused planning permission on the grounds of overdevelopment and out of keeping but was allowed on appeal. The Inspector concluded:

“In terms of the main issues, I conclude that there would be a significant enhancement rather than a harmful effect on the character and appearance of the area and that the living conditions for future and existing occupiers as regards outlook would at a minimum be satisfactory.....The development of three dwellings on the site would not result in significant highway safety or parking problems, albeit on occasion there could be some inconvenience”.

The Proposal

The applicants submit that the design of the proposal is inspired by the concept of the use of courtyard spaces. The proposed 6 new units are a maximum of two storeys high which is in keeping with the properties surrounding the site. The design incorporates planted flat roofs which help to keep overall height of the proposal significantly lower than existing houses surrounding the site. The height of the proposal alternates along the boundary between two and one storey segments. The upper storey of the proposal is divided into three distinct parts to break the overall form on the skyline and allow views through between and reduce overshadowing. The proposal has been set back from the neighbouring houses to the west with a forecourt serving the development and gardens. The outside courtyard spaces are private from neighbouring gardens and separated visually and acoustically from neighbours by the single storey parts of the development and by an access lane to the north edge of the site.

The development has been designed to maximise the daylight and sunlight from the south east and west of the site. The upper floor windows and outdoor spaces are predominantly arranged to maximise south aspect and to minimise the chance of overlooking the neighbouring houses. To the north and west boundaries on the upper floor the windows have been designed as 'blind bays' extended outwards to allow windows to be placed on either flank of the arrangement to allow light in, but to restrict the views to the neighbouring properties on to the north and west of the site.

The material palette comprises sand coloured render for the ground floor with vertical timber cladding above and large format porcelain tiles covering the outdoor terraced areas that will extend into the interior spaces of the units. Windows will be grey powder coated aluminium and front doors solid vertical boarded timber.

The roofs of the houses will be planted with sedum, adding to the biodiversity and character of the area. The horizontal planted roofs will significantly reduce the visual impact of the proposal and reduce water-runoff from flat roofs.

A car turntable for cars and delivery vehicles has been incorporated to keep the amount of trafficable landscape surface to a minimum and give as much of the site to landscape amenity.

Planning Advisor Comments

The site has the benefit of a planning permission for residential development comprising 3 x 3 bed detached houses. However, there are significant differences from the residential scheme which was allowed on appeal:

- The appeal decision was for 3 x 3 bed detached houses (9 bedrooms in total) whereas the current proposal is for 6 dwellings 4 x 2 bed and 2 x 1 bed (10 bedrooms).
- The current layout shows the units to be sited in two U shaped configurations and are between 1.7m and 2.4m closer to the northern boundary whilst being 5m further away from the west boundary.
- The design of the units are single and two storey flat roof units (max height about 6.2m) compared with the permitted scheme with pitched roofs at between 6.6m – 7.6m in height.
- The amount of visible first floor mass facing north on the appeal scheme is 27.5m, which is reduced in the current proposal to about 23.8m, however, this is closer to the boundary. On the west it increases from 5.8m to 13.5m, but is further from the boundary.
- The amount of amenity space for the appeal scheme of 3 dwellings is about 225 sq.m. whereas the current proposal for 6 units is about 164 sq.m. as 3 of the units comprise flats.
- The total floorspace for the accommodation is the same for both schemes.
- The appeal scheme showed provision for 3 garages whereas the current proposal indicates 5 spaces and a garage with a car turntable for manoeuvring.

The appeal Inspector's comments appear to identify the key issues as amenity space for future occupiers and the impact on neighbouring properties, with little weight given to highways concerns. The current application clearly has some positive aspects such as the improved design and reduced visual impact of the buildings and the lack of overlooking from first floor windows. However, there are 6 units instead of 3 but only one additional bedroom and there is significantly less amenity space available for future occupiers albeit the overall floorspace is about the same.

On balance it is considered that the proposal is an acceptable alternative to the approved scheme because of the improved design and reduced visual impact.

Recommendation: No objection



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- (vi) CC/16/03264/FUL
"Comme Ca"
67 Broyle Road

Introduction

This application refers to the former "Comme Ca" premises at 67 Broyle Road which is unlisted but lies within the extended conservation area and a settlement boundary. It proposes "Change of use of existing building to form 3 no. residential units with associated alterations/additions and the erection of 4 no. new residential units with associated access, parking and landscaping".

Background

An application for "Renovations and extension to existing restaurant building with 6 guest bedrooms and staff accommodation at first floor, and new gateway entrance off Broyle Road" was refused (CC/13/02322/FUL).

A further application for Renovations and extension to existing restaurant building with 6 guest bedrooms and staff accommodation at first floor and new gateway entrance off Broyle Road was permitted and partially implemented. (CC/14/00329/FUL).

The P & C Committee resolved to raise: *No objection..... but if planning permission is granted it would also be appropriate to require the retention of the established evergreen hedge on the western boundary of the site in the interests of the privacy and amenities of adjacent residential properties.*

A further application for amendments to the permission was not objected to and permission was granted (CC/15/01565/FUL).

The Proposal

This application can be distinguished from the earlier applications insofar that it removes the restaurant use and proposes the conversion of the existing building to 3 residential units in addition to 4 new residential units within the curtilage of the site. The existing building will contain 2 x 3 bed units in the main core of the building and 1 x 2 bed unit in the single storey element.

Plot 1 of the 4 new units comprises a 2 storey 3 bed detached dwelling to be located in the north west corner of the site flanking onto the public footpath to the north and west. Plots 2-3 are three 3 x bed houses in an L – shaped terrace, located adjacent to the southern and western boundaries.

The applicants submit that it is proposed to create an informal news type of arrangement with the existing building flanking the landscaped shared access and the new residential dwellings closing the site to the south and west boundaries. Both the refurbished and new dwellings look into the site with rear gardens and gable ends facing adjacent neighbours.

The overall design seeks to maintain the dominance of the original Georgian host building, whilst enhancing its setting and providing a uniform and cohesive approach to the redevelopment of the site as a whole. The new family dwellings to the rear of the site will compliment the style of the existing building and whilst the overall envelope of the proposed dwellings is similar to that approved, they are significantly lower in height and mass. The applicants maintain that the new residential dwellings are sited to be subservient to the existing building and to their immediate neighbours on Little Breach, in scale, height, mass and footprint. Orientation of the new dwellings has been considered in relation to existing building frontages and rear gardens. The view is obscured from Broyle Road by the retained tree and as such it is considered to have little impact on the street context of Broyle Road.

The proposed layout is modelled on the extant permission to contain the new building form to the southern part of the site off the western boundary and to offer a more spacious layout around the original building. Importantly this arrangement maintains a large gap on the western boundary and so alleviates any potential impact on the amenity of the neighbouring property (no 87). The proposed building footprint has been sited parallel to the 87 Little Breach and generally in line with its rear building line with a gap of 8m between the flank elevation of no 87 and the side elevation of plot 2.

The rear of plots 2-4 run along the southern boundary which backs on to the communal parking areas serving the houses on Little Breach. Number 93 Little Breach is closest to the proposed terrace but where its front garden and drive is parallel with the rear of the new houses it is considered that the proposals would not give rise to significant or harmful levels of overlooking.

The perception of overlooking from the terrace has also been considered and the fenestration has been designed sensitively by incorporating high level roof lights and reducing the size of the openings at first floor level this has been achieved by purposely designing the first floor accommodation with two bedrooms across the width of the house so that main windows overlook the courtyard and windows to the rear are obscure glazed serving en-suites and narrow windows providing additional natural light to the stairwell and secondary window to the bedrooms.

The existing palette of materials will be maintained and any new doors and windows will be in painted timber to match. It is proposed to use slate for the roofs and a good quality buff or London stock facing brick for the main elevations. Doors, windows and rainwater goods will be in powder coated aluminium. Features to the front entrances will be in vertical timber painted grey to match the windows. Dormers and roof lights will be of an appropriate conservation type and will be formed from traditional lead work.

Parking along the shared surface access will be screened by both the existing hedgerow to the north and new landscaping splitting the bays. The shared surface will be of high quality materials, in keeping with the conservation area, with areas defined for parking, soft landscaping, pathways and access. It is proposed to include a number of new trees to the north, south and west boundaries. These will be native species appropriate to the setting and lime trees between parking bays.

Parking will be provided on site at the following rates – 12 car parking bays serving 7 dwellings and 2 visitor parking bays.

Cycle parking will be provided on site and will be in the form of either secure storage to the front of the properties or within rear garden sheds.

Planning Adviser Comments

The Local Plan has a Policy 38, seeks to protect “Local and Community Facilities” which is a service described as “meeting daily needs” including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Whilst pubs have been considered as community meeting places, the same approach has not generally been applied to restaurants, which tend to be more exclusive. In any event, the loss of one restaurant in the City is unlikely to affect the level of provision. In addition, the contribution of a further 7 dwellings to the housing supply in a sustainable location weighs in favour of the proposal.

In terms of the layout, this appears to have taken account of the amenity of adjacent residents and the main block of new dwellings is in alignment with properties in Little Breach. The detached dwelling to the north

will be visible from the adjacent footpath but against the backcloth of the existing buildings. The new properties are located close to the site boundaries, with small rear gardens, and whilst this will result in a degree of prominence, it should not result in unacceptable overlooking. The height of the new dwellings has also been reduced from the approved scheme and appears more subservient to the existing building and the design takes account of neighbouring properties and the main building.

On balance, there will be significant changes to the appearance of the site within the conservation area and the view from adjacent public footpaths and roads but this has to be considered in the context of the existing extant permission and the merits of the scheme.

Recommendation: No objection subject to conditions on hours of construction working, withdrawing permitted development for extensions and garden outbuildings.