



## Chichester City Council

### PLANNING ADVISER'S REPORT FOR THE PLANNING AND CONSERVATION COMMITTEE MEETING ON 2 MARCH 2023 AT 2PM

#### **Week 4**

No committee items.

#### **Week 5**

CC/22/03028/FUL - Case Officer: Rebecca Perris

Xavier House Old Broyle Road Lavant West Sussex

Demolition of existing two storey dwelling and replacement with a new detached dwelling, with detached covered hydrotherapy pool and equipment storage.

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RM41L9ERGF700>

#### Key issues:

- The proposal is for a replacement two-storey detached dwelling with a small building to the front of the plot housing a hydrotherapy pool.
- The site is on the outer edge of the settlement of West Broyle, an area with a semi-rural character predominated by detached dwellings on large plots. The plot is surrounded by mature vegetation on all sides and the existing dwelling is set back some distance from the main road, with the replacement dwelling proposed on a similar footprint.
- The increased proportions of the proposed dwelling remain proportionate to the scale of surrounding dwellings and would not harm the character of the area.
- The single storey hydrotherapy building is modest in size. Although forward of the house, it would be sited behind a mature hedge and no closer to the road than several other nearby properties.
- The relative orientation of the proposal and the distance to the surrounding dwellings, as well as significant intervening mature trees and hedging would result in little amenity impact, including by the rear first floor balcony, which is screened on both sides by the design of the dwelling itself, and overlooks approximately 20m of the applicant's rear garden, with significant mature vegetation screening the gardens beyond the rear boundary, the nearest dwellings being sited away to the south east.
- The proposal would increase the scale of built form in this semi-rural area, but not to the extent that the character of the area would be unacceptably affected.
- The design of the proposed dwelling is less ornamental than the attractive existing dwelling, however, it would not be unacceptable on its own merits within the context proposed.
- A condition controlling materials and finishes would be important to ensure a high quality appearance appropriate to the character of the area. Grey timber cladding and slate roof tiling are currently proposed, whereas the surrounding properties predominantly feature red brick and clay tiles.

# AGENDA ITEM 5

***Recommendation: No objection in principle, however, it is requested that materials and finishes be negotiated to ensure a high quality appearance in keeping with the character of the surrounding development.***

## **Week 6**

CC/22/03201/LBC - Case Officer: Rebecca Perris

Marston's Estates Limited

Duke And Rye St Peters Market West Street Chichester

Replacement of broken/missing glass within leaded light windows; proposed DOFF cleaning technique for external stonework; replacement of external stonework and partial replacement of timber dance floor.

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNAK2QERHA700>

Requested to committee by Cllr Bell

### Key issues:

- The Proposal is for the repair of broken leaded light windows, external stonework and timber flooring in an existing pub within the city centre conservation area.
- The proposed repairs would preserve the fabric and appearance of the listed building, facilitate its continued lawful use, and improve the character and appearance of the conservation area in which it is prominently sited. As such, there is no planning or conservation objection in principle to repairing the damaged parts of the building.
- Residents are concerned that permitting repairs would encourage the breach of planning conditions relating to the volume of music and the hours of operation, and drinking or noisily congregating outside of the building. There may also be concerns of a possible breach of planning control in that some residents may feel that the nature of the use constitutes a nightclub, whereas the permitted use is a pub.
- Planning decision makers must assess each proposal on its own merits; an existing or potential future breach of planning control, or suspicion of such, cannot be included as a reason for refusal. Refusals must only be issued if there will be harm as a result of the proposal, assuming compliance with any conditions imposed. Breaches of planning control are a separate matter and must be dealt with at the time through the planning enforcement framework.
- There may also be concerns relating to the suitability of the existing permitted use of the building as a pub and the impact of its lawful use on surrounding residents. In circumstances where there is no planning breach, but the impact of the use is unacceptable to local residents, for example, due to excessive noise, this must be dealt with through the appropriate legal framework, such as environmental health and licensing. Planners must not attempt to duplicate controls of other regulatory bodies.
- This proposal is for repairs to the physical fabric of the building. Enforcement matters, however genuine and serious the potential breach may be, cannot form part of the consideration of the acceptability of the proposed works.

***Recommendation: No objection in principle to the repairs, subject to the comments of the conservation officer on the details of the proposed repairs, including the materials and finishes.***

***As a separate issue, it is noted that residents have raised concerns over the use of the building, including possible breaches of planning conditions in respect of noise and hours of use, causing disturbance to residents. It is requested that these concerns be passed to the planning enforcement team and the environmental health team to investigate.***

## AGENDA ITEM 5

*It is also requested that the conservation officer provides detailed advice to the applicant about whether and how the use of the building may have an ongoing impact on the fabric of the listed building, and how to avoid or minimise any risks of damage. For example, whether vibrations from the sound system and/or the dance floor are likely to loosen glass in the leaded light windows, and what the technical solution would be if this is the case.*

### Week 7

No committee items.