

Report to	Planning Committee
Date	10 October 2011
By	Head of Planning
Local Authority	Chichester District Council
Application Number	11/01180/FULNP
Application	Erection of 16 no. new dwellings with private parking and landscaping.
Address	The Grange Leisure Centre Bepton Road Midhurst West Sussex GU29 9HD
Purpose of Report	The application is reported to the Committee for decision

Recommendation: That planning permission be granted for the reasons set out in paragraph 7 of this report and subject to;

- 1) the completion of a Section 106 legal agreement in accordance with paragraph 6.18 , and**
- 2) the conditions contained set out in paragraph 8.1 of this report.**

1. The Proposal and the Site

- 1.1 The site extends to 0.33 hectares and is located to the south west of the historic town centre of Midhurst and to the north of Jubilee Walk and gardens. It comprises the existing Grange Centre and public car park. The application site is within the Midhurst Settlement Policy area, the Midhurst Conservation area and the South Downs National Park. Access to the site is from the A286 Bepton Road.
- 1.2 The proposals the subject of this application are related to the redevelopment of this part of Midhurst to provide a new Community Centre and enhanced town centre parking facilities. At the June 2011 meeting of the Chichester District Council's Area Development Control Committee (North) the planning application for the new Community Centre and enhanced car parking was considered and the decision taken was to delegate to officers to permit the application on receipt of no adverse comments from the County Council Highway Authority. Planning permission was issued on 9 September 2011.
- 1.3 Detailed planning permission is sought to demolish the existing Grange Centre and associated buildings and replace them with a residential development comprising 16 new dwellings of which 50% would be affordable housing. The affordable units would comprise 1 no. one bed flat, 4 no. two bed flats, 2 no. three bed houses and 1no. four bed house. The open market housing would comprise 7 no. three bed houses and 1 no. four bed house.
- 1.4 The design and layout of the original submission was considered unacceptable and as such the proposal has been significantly amended.
- 1.5 The proposed development now comprises four terraced blocks. The 11 houses would be within Blocks A, C and D and the 5 flats would be within Block B. In front of the terraces 25 parking spaces are proposed (18 spaces to be at a right angle to one of the public car park access roads and 8 spaces within a parking court). The layout is now an outward looking development that fits better with the character and appearance of the Conservation Area than previously and provides for small private rear gardens to each of the houses (ranging from 6.5m to 8m deep) and a communal garden to the flats. In front of the terraces and at the western end of the site some public open space is to be provided to create some separation from the public car park.

- 1.6 Blocks A and C would be two storeys in height (8.6m to the ridge). Block B would also be two storeys but would be slightly higher (9m to the ridge). The three units in Block D would include rooms in the roof space and would be 9.85m to the ridge
- 1.7 The design and detailing of the development, and choice of external materials, has been amended to better reflect the character of this part of Midhurst.

2. Consultations

Environment Agency

- 2.1 No objection

Southern Water

- 2.2 No comments received

Natural England

- 2.3 At the end of June, Natural England responded that it has adopted national standing advice for protected species, which is a material consideration in the determination of the proposed development.
- 2.4 Natural England noted that the protected species survey submitted with the application had identified that bats, a European protected species, may be affected by the development. Using the standing advice, Natural England came to the conclusion that further survey work was required and additional information should be requested from the applicant. This has been provided as required.

WSCC Infrastructure

Summary

- 2.5 In principle, Highways and Transport have no objections to this proposal if the following conditions and contributions can be secured:
- Provision of Car Parking
 - Provision for construction plant and materials within the site
 - Cycle parking
 - Wheel washing

Infrastructure Contributions

- Primary Education £27,762
 - Libraries £2,684
 - Fire and Rescue £281
 - Highways - TAD £28,125
- 2.6 Following the receipt of amended plans, the County Council has been reconsulted and a response is awaited. An update would be provided for Members if comments are received before the Committee considers the application.

The SDNPA's Design Officer

- 2.7 The original proposals displayed a number of attributes that conflicted with Midhurst's characteristic sense of place and were of questionable design quality. The issues have been resolved as follows:
1. **Massing, height and gabled elements of the corner building**
 - The buildings have been brought down to two storeys. The gabled elements have been removed although the central unit has been given a gabled pediment to emphasise the centre of the composition.
 2. **Long repetitive terrace**
 - The units have been broken into four terraces, as opposed to the two previously

3. **Lack of compositional integrity to whole**
 - The whole development is now conceived as a single, coordinated composition. Each part now relates to the overall appearance of the whole.
 4. **Car parking detracting from building fronts and lack of separation with Grange Car Park**
 - Car parking has been moved away from building frontages to provide an area of landscaping.
 5. **Uncomfortable relationship to leisure centre building**
 - The proposal now presents a gable to the northwest corner of the leisure centre building. The area of separation is now treated as a side alley and is not addressed by house fronts. The orientation of the proposed units treats the Grange Car Park as a public square, enhancing the quality of the space.
 6. **Dysfunctional amenity spaces, especially by medieval wall**
 - The affordable flats were previously provided with an irregular, essentially unusable amenity space to the rear. This has now been improved as a small rectangular space with the annexed triangular garden by the medieval wall. It is suggested that this is planted as an orchard and enclosed by brick or rendered walls. This would give this unusual space a clear function and enhance its potential for quiet enjoyment.
 7. **Lack of green areas, space for ecology and recreation**
 - There is substantially more public green space in the revised scheme, particularly between the terraces and the car park. This would serve as a buffer and help compensate for the loss of trees by the car park's western entrance.
 8. **Locally uncharacteristic layout**
 - The proposed layout now relates to Midhurst's pattern of short terraces. It specifically relates to Bennett's Terrace, which is a united composition consisting of several separate buildings.
 9. **The large gap providing views into the parking court at the centre of the scheme**
 - The parking court has now been removed. Parking would now be more closely associated with that of the Grange Car Park.
 10. **Lone dormers**
 - Dormers have now been grouped in a single 2½ storey block. Its larger roof form would help achieve transition with the bulky massing of the leisure centre.
 11. **Porch designs**
 - The proposed porches are now based on a locally distinctive example.
 12. **Irregular fenestration patterns**
 - A common fenestration pattern has now been established for the whole scheme
- 2.8 The success of a simply detailed scheme such as this is largely dependant on the quality of materials and execution. Conditions would therefore be required to agree joinery details, reveals (100mm), heads and sills, eaves, plasterwork, roof coverings and rainwater goods.
- 2.9 The SDNPA's Design Officer is concerned to ensure that landscaping is well designed and locally distinctive, and the palette of materials advised by the Midhurst Sense of Place group is recommended. Conditions are recommended to ensure this is provided satisfactorily.
- Chichester District Council (CDC) Housing Enabling Officer**
- 2.10 CDC's Housing Enabling Officer supports the scheme as amended.
- CDC Environmental Health Manager (Environmental Protection)**
- 2.11 No objections subject to conditions covering construction working hours, burning on site, land contamination and noise from air source heat pumps.
- CDC Environmental Health Manager (Contamination)**
- 2.12 No objections with respect to contaminated land or air quality issues. During demolition

works all waste arising must be disposed of in accordance with current Waste Regulations. In order to avoid impacts such as dust nuisance, contractors should draw up a Considerate Contractors Code and impose measures such as;

- Wheel washing and sheeting of vehicle loads
- Damping down any stockpiles of materials if required
- Any wastes containing asbestos must be disposed of in accordance with the relevant Asbestos Regulations

2.13 Condition N21G should be applied to ensure that ground conditions are suitable for the proposed development.

2.14 It is noted that there is proposed to be a Travel Plan for the new community leisure centre. Measures to encourage use of sustainable modes of transport such as improving walking and cycling routes, provision of secure cycle storage and promotion of public transport are welcomed as these would help to offset the effects of the development on air quality. The residential area should be provided with secure cycle storage and information on sustainable modes of transport available in order to encourage residents to minimise car use where possible.

CDC Archaeologist

2.15 The slight possibility that archaeological deposits meriting recording might be encountered justify the attachment of standard condition G13F.

CDC Corporate Information Officer

2.16 The Corporate Information Officer requests an infrastructure contribution of £25328 (£1583 per unit), towards the cost of providing the proposed new Grange Community Leisure Facility.

CDC Leisure and Wellbeing

2.17 In accordance with the adopted public art strategy for the development of ten or more dwellings the Section 106 Agreement for this application is as follows:

- To commission and install, public art to the value of no less than £5200 to be provided on site or in the local vicinity with the agreement of the Leisure and Wellbeing Service at CDC.

CDC Sport and Leisure Development Manager

2.18 There would be a requirement for a Sport and Leisure commuted sum payment of £13560 for this development.

CDC Environmental Co-ordinator

2.19 We are pleased that the applicants have now submitted the Interim Statement Compliance Form, and that their intention is to provide 10% on site renewables and to meet Code for Sustainable Homes level 2 (level 3 for water consumption). However the detail on how this would be achieved has not been supplied. It is recommended that the approach to meet these commitments should be outlined prior to determination, in sufficient detail to allow its implementation to be secured through conditions, should planning permission be granted.

2.20 The Design and Access Statement mentions use of SUDS, but no details have been provided. Given the problems of poor water quality and biodiversity in South Pond, care would have to be taken in considering drainage to ensure that these problems are not made worse by the proposal, and hopefully can be improved.

CDC Waste Services Officer

2.21 CDC operates an alternate weekly twin bin waste and recycling collection service to all properties in the district and those designing new dwellings should base their designs on these requirements. Each household would be provided with one wheeled bin for general waste and one wheeled bin for recyclables. Detailed requirements have been specified and forwarded to the agent.

3. Representations

Midhurst Town Council

- 3.1 On 24 May 2011 Midhurst Town Council commented on the originally submitted proposals. The Town Council was of the opinion that the design of the dwellings was poor and totally inappropriate for the centre of an historic market town.
- 3.2 The Town Council also raised concerns that the parking provision for the dwellings was inadequate. The Town Council noted that WSCC had reduced the number of parking spaces they normally require for such development and the Town Council could not understand why in view of the size of the proposed dwellings. Members also raised questions about how the spaces be allocated within the development and how this distribution be managed.
- 3.3 Members resolved to object to the application as submitted because of its poor and inappropriate design.
- 3.4 On 9 August 2011 Midhurst Town Council commented on an amended scheme. The Town Council confirmed that they had no objection in principle to the residential development of this part of the site in connection with the larger project to build a new community/leisure centre, however they still considered the design and layout of the proposed dwellings unacceptable.
- 3.5 The Town Council considered the design of the buildings to be unimaginative and the proposals failed to reflect the character of this historic market town. Some members remained concerned that there was inadequate parking within the development.
- 3.6 The Town Council objected to this particular application but stated they be inclined to support an application which displayed better, more sympathetic design principles and paid greater attention to the need to provide adequate car parking within the residential development.
- 3.7 The Town Council has been invited to comment on the latest proposals received on 16 September. The Town Council has been given until 4 October to respond. Any further comments received will be reported in an update to Committee.

The South Downs Society

- 3.8 On 13 July 2011 the Society objected to the application
- 3.9 Whilst supporting the principle of residential development on this site which lies close to the centre of Midhurst and within the conservation area, the Society considered the proposed design and layout in no way reflected the design and vernacular character of the adjacent residential properties. The Society suggested that the application should be determined by the National Park Authority and refused for these reasons, and that a new scheme be drawn up within the context of the revised Midhurst Conservation Area Character Appraisal which itself has been drawn up in consultation with the local community.
- 3.10 On 23 August 2011 the South Downs Society submitted further comments. The Society, having examined the revised layout and design, reiterated its objection.
- 3.11 Whilst the Society considered that the revised layout was in some ways an improvement on the original proposal, they considered the design remained banal and unimaginative and in no way reflected the vernacular character of the existing properties along Bepton Road.
- 3.12 The Society observed that the District Council had recently produced a Character appraisal of the Midhurst Conservation Area and the Society considered the following quotes to be of relevance to the site:
- "New buildings in the Conservation area should accord with historic exemplars in terms of their set backs, architectural design and detailing."
 - "New brick buildings should source bricks that match the colour, size and textural qualities of Midhurst's locally produced bricks."
 - "Designers should understand local building patterns and material qualities..."

- 3.13 The Society were of the opinion that the new Character Appraisal should be the starting point of the design process leading to a development supported by the NPA and the local community and setting an example of the quality of development within the market towns of the National Park.
- 3.14 The South Downs Society has been invited to comment on the latest proposals received on 16 September and has been given until 4 October to respond. Any further comments received will be reported in an update to Committee

Local Residents

- 3.15 Five letters of objection have been received from local residents, raising the following issues:
- We do not need additional housing in this location, but additional parking. The creation of a new Grange Centre sports and community centre should bring with it an increased parking facility, not reduced. The current car park is often full to capacity.
 - How many entrances and exits would there be to the car park?
 - The 3 storey properties would overlook our garden which is currently totally private. (This comment relates to an earlier proposal.)
 - There are a number of mature trees which appear to require felling to allow the development to progress.
- 3.16 Following the receipt of amended plans, the SDNPA has received one letter of support from a local resident.

4. Relevant Planning History

11/01179/FULNP	Permitted 9 September 2011	Construction of a New Community Leisure Centre incorporating cafe, library, offices, multi-functional community facilities and sports accommodation. Remodelling of the existing town centre car park to increase capacity to 303 spaces.
11/01817/CACNP	Withdrawn 9 September 2011	Demolition of existing Grange Leisure Centre and Grange Day Care Centre.

5. Planning Policy Context

- 5.1 The application site is within the SDNP boundary. The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 5.2 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes. Government policy relating to National Parks set out in PPS7: Sustainable Development in Rural Areas and English National Parks and The Broads UK Government Vision and Circular 2010 is that they have the highest status of protection in relation to landscape and scenic beauty. Conservation of the natural beauty of the landscape and countryside must, therefore, be given great weight in development control decisions.
- 5.3 The following national policy documents are relevant to this application:
- PPS1 Planning Policy Statement 1 (PPS1) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system
 - PPS3 Housing sets out the national planning policy framework for delivering the Government's housing objectives
 - PPS5 Planning for the Historic Environment sets out the considerations for determining applications affecting heritage assets

- PPS7 Sustainable Development in Rural Areas sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
 - PPS9 Biodiversity and Geological Conservation sets out guidance to complement other policy regarding conservation, enhancement and restoration of wildlife, geology and biodiversity
 - PPG13 Transport sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- 5.4 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area are the South East Plan and the Chichester District Local Plan First Review 1999
- 5.5 The South East Plan was adopted by the Secretary of State on 6th May 2009 and supersedes the Hampshire County Structure Plan and RPG9. The Coalition Government's revocation of the Plan in July 2010 has been found to be unlawful so the document remains part of the development plan at this time but the intention to revoke it could be a material consideration. The following strategic policies relevant to this application are:
- C2: The South Downs - states that the purposes of its designation as a National Park should be a material consideration in the making of any planning decision that affect it.
 - CC1: Sustainable Development - states that the principal objective of the Plan is achieve and to maintain sustainable development in the region.
 - CC6: Sustainable Communities and Character of the Environment - requires new development to respect the character and distinctiveness of landscapes and use innovative design to create a sense of place.
 - SP3: Urban Focus and Urban Renaissance - states that the prime focus for development in the South East should be in urban areas.
 - BE3 Archaeology states that where proposed development is likely to affect a known or suspected site of archaeological interest applicants will be required to include a desk-based archaeological assessment and where appropriate a field evaluation of the archaeological remains.
 - BE4: The Role of Small Rural Towns (Market Towns) - states that local planning authorities should encourage and initiate schemes and proposals that help to strengthen the viability of small rural towns.
 - BE6: Management of the Historic Environment - states that when developing and implementing plans and strategies, local planning authorities and other bodies will adopt policies and support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.
 - H3: Affordable Housing – states that a substantial increase in the number of affordable housing in the region will be delivered.
 - H5: Housing Design and Density – states that positive measures to raise the quality of new housing, reduce its environmental impact and facilitate future adaptation to meet changes in accommodation needs will be encouraged.
 - NRM5: Conservation and Improvement of Biodiversity – states that local planning authorities and other bodies shall avoid a net loss of biodiversity, and actively pursue opportunities to achieve a net gain across the region.
 - NRM11: Development Design for Energy Efficiency and Renewable Energy – states that local authorities should promote and encourage greater use of decentralised and renewable or low-carbon energy in new development. New developments of more than 10 dwellings should secure at least 10% of their energy from decentralised and renewable or low-carbon sources
- 5.6 The saved policies of the Chichester District Local Plan First Review 1999 relevant to this application are:

- BE1 Settlement Policy Areas defines the boundaries around settlements within which development will be permitted if it is in accordance with other policies in the Plan
- BE6 Conservation Areas requires development within conservation areas to preserve or enhance the special architectural or historic character or appearance of the area if it is to be approved
- BE11 New Development specifies that development must not detract from its surroundings
- BE13 Town Cramming states that applications that damage the character of the built environment will be refused
- BE14 Wildlife Habitat, Trees, Hedges and Other Landscape Features states that proposals for new development will only be granted planning permission if they include appropriate landscaping proposals and the design and layout will minimise the impact on features and sites of nature conservation value
- BE16 Energy Conservation states that the District Council will encourage energy conservation and energy efficiency
- RE8 Nature Conservation – Non-Designated Areas states that the District Council will seek to protect from development other areas, corridors or other features important to nature conservation
- TR6 Highway Safety states that planning permission will be refused for proposals which adversely affect highway safety
- H4 Size and Density of Dwellings states that on new housing sites planning permission will be granted where a substantial proportion of the development is for smaller dwellings
- H8 Social and Low Cost Housing in Settlement Policy Areas states that the District Council will seek to negotiate an appropriate proportion of social housing on housing sites

5.7 Local Policy/Guidance is found in:

- CDC Infrastructure SPG Part2
- CDC Interim Statement on Affordable Housing
- CDC Interim Statement on Planning and Climate Change

5.8 The Midhurst Conservation Area Character Appraisal is relevant to this planning application.

5.9 The aims and objectives of Chichester District Council's Sustainable Community Strategy are also material to the determination of this application. These are:

- B1 - Environment - Managing a changing environment.
- B2 - Greener living.
- D1 - Increasing housing supply.
- D2 - Vibrant, safe and clean neighbourhoods.

6. Planning Assessment

The Principal Issues

6.1 The principal issues with this planning application are considered to be:

- The principle of new housing development in this location
- The provision of affordable housing and the mix of unit types
- The design, layout and density of the development and its impact on the character and appearance of the Midhurst Conservation Area and the wider South Downs National Park
- Residential Amenity
- Highways and Parking Issues
- Infrastructure Contributions
- Protected Species

The principle of new housing development in this location

- 6.2 The site lies wholly within the Midhurst Settlement Policy Area. Policy BE1 of the Chichester District Local Plan defines the Settlement Policy Areas and advises that development will be permitted within these areas provided it is in accordance with various other policies of the plan. The site is located within the centre of Midhurst close to a range of facilities and with good access to the public transport options in the area.
- 6.3 PPS3 'Housing' sets out national housing policy and one of the key objectives is that new housing is provided in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. Furthermore, one of the government's key policy objectives is to make more efficient use of land by maximising the re-use of previously developed land. The site is considered to be previously developed land and as such the development of this site for housing is considered to enhance the sustainability credentials of the project.
- 6.4 It is clear that this site meets the government's objective of siting housing in sustainable locations and as such is considered a suitable site for new housing offering good access to a wide range of facilities and transport options. It is considered to accord with both national housing planning policy as outlined in PPS1, PPS3 and PPG13 and with policy BE1 of the Chichester District Local Plan. In principle this is an appropriate location for new housing development.

The provision of affordable housing and the mix of unit types

- 6.5 Policy H8 of the Chichester District Local Plan advises that the local planning authority will seek to negotiate an appropriate proportion of affordable housing on new housing sites. The policy has been updated by the Council's 'Interim Statement on Affordable Housing' which requires that on sites of 10 or more new houses 40% of the units should be provided as affordable housing. This application proposes that 50% of the units will be affordable units with the mix of units as given in paragraph 4.3 of this report, therefore the affordable housing requirement has been exceeded. The affordable housing is to be secured by means of a Section 106 Agreement.
- 6.6 The Council's Housing Enabling Officer has confirmed that in terms of the affordable housing the proposed mix of units and tenure is satisfactory and they support the proposals.
- 6.7 Policy H4 of the Chichester District Local Plan considers the size and mix of units within the proposed development and whether that is appropriate for the location. In this instance the District Council's housing officers have looked at the proposals for open market housing in the development and in their opinion the size and mix of units proposed is acceptable.

The design, layout and density of the development and its impact on the character and appearance of the Midhurst Conservation Area and the wider South Downs National Park

- 6.8 The site is situated within the Midhurst Conservation Area and within such areas there is a duty on the Local Planning Authority to ensure that new development preserves or enhances the character and appearance of the Conservation Area. There is also a duty on the Local Planning Authority to have regard to the purposes of the designation of the South Downs National Park and in this case the requirement to conserve and enhance the natural beauty, wildlife and cultural heritage of the area is of relevance.
- 6.9 Policy BE1 of the Chichester District Local Plan also requires that to be acceptable, proposals must accord with the other built environment policies of the Plan and of particular relevance to the consideration of this planning application are policies BE6, BE11 and BE13. In accordance with Policy BE6 where development is proposed within Conservation Areas the Local Planning Authority will seek to preserve or enhance the special architectural or historic character or appearance of the area. Policy BE11 requires that new development should not detract from its surroundings.
- 6.10 Policy BE13 considers town cramming and development that would damage the character of the built environment as a result of an increase in scale and mass, an increase in the proportion of hard surface leading to the loss of garden areas, loss of natural habitat or visual amenity, development out of keeping with the adjacent building line, loss of trees, loss

of walls, hedges or means of enclosure and loss of amenity space, will be refused.

- 6.11 The layout of the development is based on four terraces fronting onto the adjoining public space to provide for an outward looking development that respects the character and appearance of the Conservation Area and integrates well with the surrounding townscape. It aims to provide a street frontage with car parking provided in front of the new dwellings, private gardens provided at the rear of the houses and a communal area at the rear of the flats. Public open space is to be provided in front of the terraces and at the western end of the site.
- 6.12 In terms of the density of the development this would equate to approximately 48.5 dwellings per hectare, which is considered to be appropriate for this town centre site and represents an efficient use of land. The proposal provides for an appropriate level of parking (25 spaces) and amenity space and therefore no objection is raised on the grounds of density.
- 6.13 The design and layout of the development as amended is considered to represent an appropriate form of development that respects the context of the site and fits well with the new Community and Leisure Centre and would preserve the character of the Conservation Area.

Residential Amenity

- 6.14 Policy BE11 of the Chichester District Local Plan requires that new development should not detract from its surroundings including the amenities of the occupiers of nearby residential properties. The proposal backs onto existing development in Bepton Road, which is currently in either residential or commercial use. The layout of the proposed development is such that existing occupiers of neighbouring development should not suffer any loss of privacy, loss of light or outlook as a result of the development. The proposals are considered to be in accordance with policy BE11 of the Chichester District Local Plan.

Highways and Parking Issues

- 6.15 The planning application is supported by a detailed assessment of the highways and transport implications of the proposals. This report focuses on the comparison of the traffic generation of the current and proposed uses of the site and in particular the impact on the junction with the A286. In terms of parking provision, the West Sussex Residential Parking Demand Calculator recommends that such a development would require a maximum of 29 car parking spaces, however, it is considered by the Highway's Authority that the 25 spaces proposed together with 20 cycle spaces represents an adequate provision for this development.
- 6.16 It is considered likely that the parking spaces within the application site would be used by the general public who would see these parking spaces as being within the public car park unless steps are taken to prevent this from happening, for example through signage. Signage alone may not be enough and it may be necessary to issue the residents with parking permits. A condition is recommended requiring details to be agreed to ensure that the residents would have adequate access to parking spaces.
- 6.17 The Highway Authority considers the access arrangements, which would utilise the existing Grange Centre access road onto the A286 Bepton Road, to be acceptable and this development and the new Community and Leisure Centre development combined would not result in a major intensification of the use of the access

Infrastructure Contributions

- 6.18 The following contributions are required in order to mitigate the impact of the proposal on local infrastructure and would be secured by a legal agreement under Section 106 of the Planning Act:

District Council Infrastructure

The provision of affordable housing	
Community Facilities	£25328
Public Art	£5200
Sport and Leisure	£13560
Total	£32088

West Sussex County Council Infrastructure

Primary Education	£27762
Libraries	£2684
Fire and Rescue	£281
Total Access Demand	£28125
Total	£58852

Protected Species

- 6.19 The agent has submitted details of bat surveys undertaken by 4Woods Ecology in June and July 2011 (the later survey was carried out after Natural England submitted comments). The initial survey in June indicated that the existing leisure centre building does not support any bat roosts. Evening survey work was carried out in July and no bats were observed emerging from the building, or the trees in the rear garden area.
- 6.20 4Woods Ecology has recommended that as a proposed ecological enhancement new crevice-type roosts be installed within the walls of the new leisure centre building in appropriate locations. They also recommend that any new lighting be devised to ensure minimal potential impacts upon foraging/commuting bats, particularly near to the lake/stream and wooded area along the south-eastern edge of the site. In addition, they recommend that trees should be retained wherever possible. If trees are to be removed they recommend that those trees be surveyed for bat roosts. The proposal satisfies the requirement of policies BE14 and RE8 of the Chichester District Local Plan, policy NRM5 of the SE Plan and PPS9.

7. Conclusion and Reasons for Recommendations

- 7.1 The scheme as amended is now considered to be acceptable and would preserve the character of the Midhurst Conservation Area. The overall massing, height, design and external appearance of the four blocks are appropriate for the site. The dwellings would be outward facing and there would be adequate private and public amenity space.
- 7.2 Before planning permission is issued, the applicant would need to complete a Section 106 Agreement undertaking to make the infrastructure payments specified in this report and to provide the 8 affordable units which form part of this application.

8. Recommendations

- 8.1 It is recommended that, subject the completion of a Section 106 Agreement, planning permission be granted subject to the following conditions
- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans:
Reason: For the avoidance of doubt and in the interests of proper planning.
 - 3) No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.
Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

- 4) Any walling shall conform with a sample panel of brickwork and mortar treatment which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced and shall be maintained as approved unless any variation has been agreed in writing by the Local Planning Authority.
Reason: To preserve the special character of the building for the future.
- 5) The windows of the development hereby permitted shall be white painted timber and shall be maintained in this colour and composition unless any variation has been given by the Local Planning Authority.
Reason: In the interests of the visual amenities.
- 6) Before work begins on the development hereby permitted details of site levels and longitudinal and latitudinal sections through the site of the dwellings shall be submitted for the approval of the Local Planning Authority to show how the buildings shall be set into the ground, and the development shall be implemented in accordance with the approved details
Reason: To secure satisfactory development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.
Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of visual amenity.
- 9) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of all hard landscaping and street furniture and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site.
Reason: In the interests of amenity and of the environment of the development.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
Reason: In the interests of amenity and of the environment of the development.
- 11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Once provided, the works shall be retained in perpetuity.
Reason: In the interests of amenity and of the environment of the development.
- 12) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: In the interests of amenity and of the environment of the development.

- 13) Prior to the insertion of the windows hereby permitted detailed elevational and sectional drawings of the windows at a scale of not less than 1:10 shall be submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

- 14) No development shall be carried out until detailed elevational and sectional drawings of the eaves, verge and window detailing at a scale of not less than 1:10 shall be submitted to and approved by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.

Reason: To ensure the provision of buildings with the appropriate architectural detailing.

- 15) No development, hereby approved, shall be commenced until an appropriate wheel washing facility located adjacent to the construction site access has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. The wheel washing facility shall be retained in working order throughout the period of construction work on site.

Reason: To ensure the public highway is kept free from debris and mud being deposited from the site.

- 16) The Local Planning Authority shall be informed in writing immediately of any items known or suspected to be of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artifact and the site where it was found. Should the Local Planning Authority so decide, the developer shall make appropriate and satisfactory provision for the excavation and recording of remains, and subsequent publication of the results.

Reason: To enable items of archaeological interest to be recorded.

- 17) The development hereby permitted shall not be begun until a scheme to deal with contamination of land or groundwater has been submitted prior to the commencement of development and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

A. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non technical summary shall be submitted to the Local Planning Authority without delay upon completion.

B. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

- C. A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a verification report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (2) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (3) above. The building hereby permitted shall not be occupied unless and until approval is granted for this Verification Report.

Note - the above requirements shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Informative: For further information and technical guidance regarding the requirements of this condition applicants should contact Chichester District Council's Environmental Protection Team (01243 785166).

- 18) Before the commencement of any works on the site full details of the method of illumination of the car parking areas and of any other external areas shall be submitted to and approved by the Local Planning Authority and the development shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of the locality and to ensure minimal potential impacts upon foraging/commuting bats.

- 19) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

- 20) Before development commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing:

- (i) refuse bin storage (sufficient for 2 no. 240 litre wheeled bins);
- (ii) secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted.

No dwelling shall be occupied until the bin storage and the secure cycle storage have been provided which shall thereafter be kept permanently available for the stated purpose.

Reason: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

- 21) The "Interim Statement Compliance Form" states that the development would be designed and constructed to:

- Code for Sustainable Homes Level 2 for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation

- For water efficiency, Code Level 3 for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation, and
- 10% on-site renewable energy would be achieved.

Before any development is commenced full details shall be submitted to and approved by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.

Reason: To ensure that the proposals respond to government guidance in the Supplement to PPS1, Planning and Climate Change, in respect of delivering sustainable development.

- 22) No trees shall be removed or pruning works shall be undertaken without first obtaining the written approval of the local planning authority, and if approval is so obtained before any trees are removed or before significant tree surgery is undertaken those trees shall be surveyed for bat roosts.

Reason: To ensure appropriate mitigation measures are in place to avoid causing harm to bats, and to ensure compliance with relevant legislation.

- 23) There shall be no burning of stable waste on the application site at any time.

Reason: In the interests of amenity and of preventing pollution.

- 24) No development shall take place unless and until details of measures to suppress noise from the air source heat pumps has been submitted to and approved by the Local Planning Authority. The dwellings shall not be occupied until the approved means of noise suppression have been implemented and the equipment shall thereafter be maintained in good working order.

Reason: In the interests of residential amenity.

- 25) The dwellings hereby approved shall not be occupied until the car parking shown on the approved plans has been constructed. Before the development is commenced, details of how these spaces can be reserved for use by residents and their visitors or whether a parking permit system would be introduced shall be submitted to and approved by the Local Planning Authority. The car parking spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car parking space for the dwellings.

9. Crime and Disorder Implications

- 9.1 It is considered that the proposal does not raise any crime and disorder implications.

10. Human Rights Implications

- 10.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realized.

JIM REDWOOD Head of Planning

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Appendices	Location Map
SDNPA Consultees	Head of Planning, Cultural Heritage Strategy Lead Senior Solicitor

Background Documents	PPS1, PPS3, PPS5, PPS&, PPS9, PPG13, Circular 2010 South East Plan, Chichester District Local Plan 1999, Local Guidance,
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Midhurst Conservation Area Appraisal

Letters of representation from members of the public, The South Downs Society

Letter of support from member of public

Observations of West Sussex County Council, Chichester District Council, Midhurst Town Council, Environment Agency, Natural England