

# Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 15 August 2018 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

## AGENDA

### 1 **Chairman's Announcements**

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 18)

The minutes relate to the meeting of the Planning Committee on 18 July 2018.

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 9 (b).

### 4 **Declarations of Interests** (Pages 19 - 20)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 7 INCLUSIVE  
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **WE/17/02244/FUL - Land West Of Jubilee Wood Hambrook Hill North Hambrook** (Pages 21 - 30)  
Proposed open fronted pole barn
- 6 **CC/18/01357/FUL - Plot 4B Terminus Road Chichester West Sussex** (Pages 31 - 44)  
Plot 4B Terminus Road Chichester West Sussex
- 7 **ELAV/17/05726/FUL - Upper Norwood Farm Norwood Lane East Lavington** (Pages 45 - 55)  
Retrospective installation of a horse walker
- 8 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 56 - 64)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 9 **Consideration of any late items as follows:**  
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
  - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 10 **Exclusion of the Press and Public**  
There are no restricted items for consideration.

#### NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]

## 5. How applications are referenced:

- a) First 2 Digits = Parish
- b) Next 2 Digits = Year
- c) Next 5 Digits = Application Number
- d) Final Letters = Application Type

### Application Type

**ADV** Advert Application  
**AGR** Agricultural Application (following PNO)  
**CMA** County Matter Application (eg Minerals)  
**CAC** Conservation Area Consent  
**COU** Change of Use  
**CPO** Consultation with County Planning (REG3)  
**DEM** Demolition Application  
**DOM** Domestic Application (Householder)  
**ELD** Existing Lawful Development  
**FUL** Full Application  
**GVT** Government Department Application  
**HSC** Hazardous Substance Consent  
**LBC** Listed Building Consent  
**OHL** Overhead Electricity Line  
**OUT** Outline Application  
**PLD** Proposed Lawful Development  
**PNO** Prior Notification (Agr, Dem, Tel)  
**REG3** District Application – Reg 3  
**REG4** District Application – Reg 4  
**REM** Approval of Reserved Matters  
**REN** Renewal (of Temporary Permission)  
**TCA** Tree in Conservation Area  
**TEL** Telecommunication Application (After PNO)  
**TPA** Works to tree subject of a TPO  
**CONACC** Accesses  
**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**CONHDG** Hedgerows  
**CONHH** Householders  
**CONLB** Listed Buildings  
**CONMHC** Mobile homes / caravans  
**CONREC** Recreation / sports  
**CONSH** Stables / horses  
**CONT** Trees  
**CONTEM** Temporary uses – markets/shooting/motorbikes  
**CONTRV** Travellers  
**CONWST** Wasteland

### Committee report changes appear in bold text. Application Status

**ALLOW** Appeal Allowed  
**APP** Appeal in Progress  
**APPRET** Invalid Application Returned  
**APPWDN** Appeal Withdrawn  
**BCO** Building Work Complete  
**BST** Building Work Started  
**CLOSED** Case Closed  
**CRTACT** Court Action Agreed  
**CRTDEC** Hearing Decision Made  
**CSS** Called in by Secretary of State  
**DEC** Decided  
**DECDET** Decline to determine  
**DEFCH** Defer – Chairman  
**DISMIS** Appeal Dismissed  
**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**REC** Application Received  
**REF** Application Refused  
**REVOKE** Permission Revoked  
**S32** Section 32 Notice  
**SPLIT** Split Decision  
**STPSRV** Stop Notice Served  
**STPWTH** Stop Notice Withdrawn  
**VAL** Valid Application Received  
**WDN** Application Withdrawn  
**YESTPO** Prepare a Tree Preservation Order

# Public Document Pack Agenda Item 2



Minutes of the meeting of the **Planning Committee** held in Committee Rooms at East Pallant House Chichester on Wednesday 18 July 2018 at 09:30

**Members Present** Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell and Mr D Wakeham

**Members Absent** Mr M Dunn and Mrs P Tull

**Officers present:** Mrs S Archer (Enforcement Manager), Mr M Bridge (Senior Planning Officer), Mr A Frost (Director of Planning and Environment), Miss N Golding (Principal Solicitor), Mr R Sims (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)), Mr G Thrussell (Legal and Democratic Services Officer) and Mr T Whitty (Divisional Manager for Development Management)

## 183 **Chairman's Announcements**

### *Miscellaneous Matters*

Mr Hayes welcomed everyone to this meeting and explained the Chichester District Council (CDC) emergency evacuation procedure. He acknowledged the two press representatives who were in attendance and introduced the CDC officers who were present at the start of the meeting. Other CDC development management officers would be present later in the meeting for specific agenda items.

### *Apologies for Absence*

There were two apologies for absence, namely Mr Dunn and Mrs Tull. All other members of the Planning Committee were present.

### *Items Deferred or Withdrawn*

Mr Hayes announced that the planning application at item 9 (FU/17/02187/FUL – Land South of Osiers Clay Lane Funtington West Sussex) had been withdrawn from the agenda and would not therefore be considered at this meeting.

**[Note** Hereinafter in these minutes Chichester District Council is denoted by CDC]

## 184 **Approval of Minutes**

The Planning Committee received the minutes of its previous meeting on Wednesday 13 June 2018 which had been circulated with the agenda.

Mr Oakley proposed one amendment to minute para 178 on page 3 with regard to application TG/17/01699/FUL – Tangmere Airfield Tangmere Road Tangmere:

- In the third bullet point which relates to condition 6, the text should also include a reference to the benefits for biodiversity of an open water drainage ditch so as to read: 'To specify a requirement for an open surface water drainage ditch, unless otherwise justified, as these are easier to maintain and better for biodiversity.'

Mr Hayes confirmed that this would be an appropriate amendment. None of the committee members demurred. Accordingly it was agreed to incorporate that amendment.

There were no other proposed changes to the minutes.

With respect to minute para 182 (Schedule of Planning Appeals, Court and Policy Matters) and the reference on page 6 of the minutes to the agenda update sheet entry for Land North West of Birdham Farm Birdham Road Chichester, Mr Oakley requested an update. He was advised that this would be provided by Mrs Archer during agenda item 14 (Schedule of Outstanding Contraventions).

### *Decision*

The Planning Committee voted in favour of making the resolution set out below.

### **RESOLVED**

That the Planning Committee approves the minutes of its meeting on Wednesday 13 June 2018 subject to the aforesaid amendment on the third page with respect to the third bullet point in minute para 178.

Accordingly Mr Hayes signed and dated the final (sixth) page of the official version of the minutes.

## 185 **Late Items**

There were no matters for consideration under agenda item 15 (a) or (b) (Late Items).

## 186 **Declarations of Interests**

The obligation to make declarations of interests related to agenda items 5 to 12 inclusive.

### *A – Disclosable Pecuniary Interests*

Disclosable pecuniary interests have been introduced by section 30 of the *Localism Act 2011* and are set out in paras 3 to 7 of Part 3 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012. They are interests that either the member has or is aware that his or her partner has. Where such an interest exists the member concerned must declare it. Unless the member has previously received a dispensation to do so from the Monitoring Officer, he or she may not participate in any discussion of or in any vote taken on that item of business. The member concerned must move to the public seating area for the duration of the item of business in question and from that area he or she may make representations, answer questions or give evidence relating to that item of business, provided that he or she has received a dispensation from the Monitoring Officer to do so.

There were no declarations of a disclosable pecuniary interest made at this meeting.

### *B - Personal Interests*

Personal interests are defined in paras 8 and 9 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012. They include (as set out on pages 1 and 2 of the agenda for this meeting) membership of parish councils, West Sussex County Council, outside organisations or public bodies where those local authorities, organisations or bodies have been consulted in respect of a planning application or another relevant agenda item.

Miss Golding explained that the personal interests set out on pages 7 and 8 of the agenda were to be taken as having been declared by the member concerned in respect of the relevant planning applications in agenda items 5 to 12 inclusive where such consultations had taken place.

There were eight members of the Planning Committee who made the following declarations of personal interests:

Mr Barrett declared a personal interest in respect of planning application SB/18/00048/FUL (agenda item 10) as a Chichester District Council appointed member of the Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of planning applications BX/18/00696/FUL (agenda item 5), CC/18/00798/FUL (agenda item 7), CC/18/01064/FUL (agenda item 8), SB/18/00048/FUL (agenda item 10), SY/18/00595/FUL (agenda item 11) and WW/17/03295/FUL (agenda item 12) as a member of West Sussex County Council.

Mr Hayes declared a personal interest in respect of planning application SB/18/00048/FUL (agenda item 10) as a member of Southbourne Parish Council.

Mr Hixson declared a personal interest in respect of planning applications CC/18/00192/ADV and CC/18/00196/LBC (agenda item 6), CC/18/00798/FUL (agenda item 7) and CC/18/01064/FUL (agenda item 8) as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of planning application applications CC/18/00192/ADV and CC/18/00196/LBC (agenda item 6), CC/18/00798/FUL (agenda item 7) and CC/18/01064/FUL (agenda item 8) as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of planning applications BX/18/00696/FUL (agenda item 5), CC/18/00798/FUL (agenda item 7), CC/18/01064/FUL (agenda item 8), SB/18/00048/FUL (agenda item 10), SY/18/00595/FUL (agenda item 11) and WW/17/03295/FUL (agenda item 12) as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of planning application applications CC/18/00192/ADV and CC/18/00196/LBC (agenda item 6), CC/18/00798/FUL (agenda item 7) and CC/18/01064/FUL (agenda item 8) as a member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of planning applications BX/18/00696/FUL (agenda item 5), CC/18/00798/FUL (agenda item 7), CC/18/01064/FUL (agenda item 8), SB/18/00048/FUL (agenda item 10), SY/18/00595/FUL (agenda item 11) and WW/17/03295/FUL (agenda item 12) as a member of West Sussex County Council.

#### *C - Prejudicial Interests*

A personal interest which is also a prejudicial interest is defined in para 12 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012.

Where a member has a prejudicial interest he or she must declare it and move to the public seating area for the duration of the relevant item. That member may not participate in any discussion of or vote taken on that item. The member is entitled, however, to make representations, answer questions or give evidence relating to that item of business on the basis that the public is allowed to attend the meeting for that same purpose.

There was one declaration of a prejudicial interest made at this meeting as follows:

Mr Wakeham declared a prejudicial interest in respect of agenda item 11 (SY/18/00595/FUL – Land South of Ellis Square Selsey Chichester West Sussex PO20 8AF) as he had undertaken work for the applicant in the acquisition and disposal of sites although not with respect to the site the subject of that application.

#### *D – Pre-Determination or Bias*

The concept of pre-determination or bias is explained in para 14 of Part 4 of CDC's *Code of Conduct* adopted on Tuesday 9 October 2012.

A member should not be prohibited from participating in a decision in his or her political role as a member on account of having been involved in campaigning in his or her political role on an issue which does not impact on his or her personal and/or professional life. However a member should not place himself or herself under any

financial or other obligation to outside individuals or organisations who or that might seek to influence that member in the performance of his or her official duties. A member must retain the ability to consider the matter with an open mind and to give proper consideration to all the facts and information relevant to the decision.

Furthermore, when making a decision a member should consider the matter with an open mind and on the facts at the meeting at which the decision is to be taken. There was one declarations of predetermination made at this meeting as follows:

Mrs Purnell declared a prejudicial interest in respect of agenda item 11 (SY/18/00595/FUL – Land South of Ellis Square Selsey Chichester West Sussex PO20 8AF) as she was a member of the Selsey Neighbourhood Plan Working Group and had previously expressed her view on the use of the land the subject of that application.

### *E – Non-Participation for Other Reasons*

Sometimes members decide not to participate in the discussion of and decision on a particular agenda item for a reason other than in A to D above. Where this is the case the details are set out below.

There were no declarations made at this meeting not to participate for other reasons.

### **Planning Applications**

As previously stated by the chairman, item 9 (FU/17/02187 – Land South of Osiers Clay Lane Funtington West Sussex) had been withdrawn from the agenda.

The Planning Committee considered in turn each of the reports for the planning applications listed in the agenda and the agenda update sheet which had been published during the afternoon of the previous day and circulated immediately prior to the start of this meeting. The agenda update sheet summarised the observations and amendments which had arisen since the despatch of the agenda.

Officers provided oral updates to the agenda update sheet where appropriate.

During the presentations by officers of the applications, and as indicated with greater particularity below, members viewed photographs, plans, drawings, computerised images and artist impressions which were displayed on the screens or, where permitted by the chairman, shown or circulated by speakers.

### **RESOLVED**

That the Planning Committee makes the following decisions in respect of agenda items 5 to 12 inclusive (minute paras 187 to 194 respectively) subject to the stated observations and amendments.

[**Note** Minute paras 187 to 194 below summarise how each planning application was considered but for full details please refer to the audio recording facility via this link:



<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=134&MId=731&Ver=4>

187 **BX/18/00696/FUL - Land West of Abbots Close Priors Acre Boxgrove West Sussex**

Mr Whitty presented this planning application for the development of the site to provide 22 residential units, access, public open space, landscaping, car parking. There was currently pending an application for the same site which had been deferred by the Planning Committee in November 2017 for further negotiations and was now the subject of an appeal against non-determination.

Mr Whitty explained the proposal with reference to slides shown on the screens consisting of (a) an aerial photograph (features, constraints, facilities identified); (b) a map; (c) a coloured site/layout plan; (d) photographs affording various views of the site including access and of houses in Priors Acre; (e) artist drawings of the unit designs; (f) a panoramic street scene perspective with details of styles, materials, scale and design; (g) drawings of the types and proportions of the houses; and (h) drawings of the turnings for the largest refuse vehicles which would need to visit the development once completed.

Mr Whitty drew attention to the agenda update sheet which reported (a) amendments to paras 2.1 and 8.3 of the report; (b) a further third party objection; and (c) a proposed extra condition 28.

The following member of the public addressed the Planning Committee on this item:

(a) Mr G Beck – agent for the applicant

During the debate members asked questions and made comments on points of detail about various matters (in respect of which differing views were expressed) and received advice and answers from Mr Whitty and Mr Frost:

- Road layout in the development and parking provision (for residents and visitors) and control, including enforceability of on-site parking restrictions via an estate management plan.
- Location of the affordable housing at the southern end of the site by the A27 (noise and air pollution issues – relevant also to the children’s play area) and whether this represented the best possible integration (pepper-potting) of those housing units across this site.
- The need for new residential development to meet highest standards of design (Policy 33 of the Chichester Local Plan: Key Policies 2014-2029) did not appear to have been satisfied in this case.
- The design and visibility of the southern boundary acoustic fence and how it might be landscaped.

- The suitability and size of the public open space on the northern area of the site given its proximity to a pumping station.
- The need for condition 14 (surface water drainage scheme) to contain an express reference to a '1 in 100 year + 40% for climate change critical storm event' (para 6.9 of the agenda report).
- The desirability of an archaeological watching brief condition to be added to the grant of planning permission notwithstanding the response of the CDC archaeology officer (para 6.11 of the report).
- The absence of pavements on the site with pedestrians (not uncommonly) using the shared surface estate roads.

Officers confirmed, and this was supported by the Planning Committee, that conditions could be added or amended with respect to (a) an archaeology watching brief; (b) the surface water drainage condition making reference to 1 in 100 year + 40% event; and (c) the southern A27 acoustic fence to be set back by 1 m and landscaped. In addition, officers would negotiate for the inclusion in the section 106 agreement estate management arrangements which covered parking enforcement measures and parking restrictions in the turning head.

#### *Decision*

The Planning Committee voted on a show of hands by 12 to two and one abstention in favour of the officer recommendation in the agenda report with amended and additional conditions as set out below.

#### **RESOLVED**

Recommendation to **defer** for **section 106 agreement** then **permit** agreed with **amended condition 14** (surface water drainage) and **additional conditions** relating to (a) **archaeology watching brief** and (b) **planting on southern edge of site adjacent to A27** and for **officers to negotiate as part of the section 106 agreement with regard to parking enforcement as part of the estate management arrangements.**

188 **CC/18/00192/ADV and CC/18/00196/LBC - Zizzi The Old Theatre 43 South Street Chichester West Sussex PO19 1DS**

Mrs Stevens presented this planning application for one no illuminated projection sign, one no externally illuminated fascia sign and one no internally illuminated menu sign (this was the description in the report but it was amended in the agenda update sheet as stated below).

Mrs Stevens explained the proposal with reference to slides shown on the screens consisting of (a) a location plan; (b) a site plan showing where the signs would be positioned; (c) photographs of the restaurant's frontage; (d) drawings of the proposed designs; (e) a coloured photograph montage of the restaurant frontage; and (f) photographs of the exteriors of three Zizzi restaurants elsewhere in the country.

Mrs Stevens drew attention to the agenda update sheet which reported an amended description of the development for the listed building consent application so that it included the painting of the ground floor of the building as follows:

'Painting of the building in Dulux Azure Fusion 1 weather proof breathable paint and door frames and window frames in Farrow & Ball London Clay. Installation of 1 no illuminated fascia sign, 1 no illuminated projection sign and 1 no illuminated menu sign.'

No members of the public addressed the Planning Committee for this item.

Mr Hayes expressed his regret that Chichester City Council had not sent a representative to speak in view of its objection to these applications having resulted in them being listed for determination by the Planning Committee.

During the debate all but one of the members who spoke were in favour of the two applications. The restoration of the construction date of the original building and the proposed colour scheme and lighting were welcomed.

One member expressed concern about the departure from the shopfront guidelines insofar as the non-use of painted lettering on the frontage instead of the proposed copper letters. He said that this would be the latest example of a significant number of shops and businesses in the city which failed to comply with those guidelines, the aggregate effect of which was to have an adverse impact on the city's important streetscape. He alluded to the response made by the Chichester Conservation Area Advisory Committee (para 6.2 of the agenda report).

Mrs Stevens advised that officers considered that the proposals complied with the shopfront guidelines. Whilst this was an historic building, it did not have a traditional Victorian shop front compared with other buildings and there was built up plastic lettering on the building previously so the proposal was acceptable. CDC's Historic Buildings Advisor made no objection (para 6.3 of the report). She gave details of the dimensions of the proposed trough light, which had been scaled down to comply with the shopfront guidance.

### *Decision*

The Planning Committee voted on a show of hands by 12 to one with no abstentions in favour of the officer recommendations in the agenda report for each of the applications as set out below.

#### **RESOLVED**

(1) CC/18/00192/ADV

Recommendation to **permit** agreed.

(2) CC/18/00196/LBC

Recommendation to **permit** agreed.

[**Note** At the end of this item there was a short adjournment between 10:38 and 10:51]

189 **CC/18/00798/FUL - 28 Melbourne Road Chichester PO19 7ND**

Mrs Stevens presented this planning application for the demolition of an existing dwelling and the erection in its place of two dwellings.

Mrs Stevens explained the proposal with reference to slides shown on the screens consisting of (a) a location plan; (b) ground floor plans; (c) drawings of the proposed buildings; and (d) photographs of the extant dwelling-house from the front and rear, its relationship to the adjacent properties, and the street scene.

Mrs Stevens drew attention to the agenda update sheet which reported (a) an amended version of condition 5 (not 4 as stated) set out on page 63 of the agenda namely:

‘No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.’

and (b) an additional condition 9 (boundary treatments), namely:

‘Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (a) scaled plans showing the location of the boundary treatments and elevations to include finished height and
- (b) details of the materials and finishes.

The boundary to the front of each property shall have a solid brick wall to ensure the bin storage area is screened from the street.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbouring properties and the visual amenity of the surrounding area.’

The following members of the public addressed the Planning Committee for this item:

- (a) Mr J Templeton – objector
- (b) Mr D Seaman on behalf of Mr L Murray – objector
- (c) Mr P Cleveland – agent for the applicant

During the debate a majority of members expressed concerns about the proposal, the principal points relating to (a) overdevelopment and (b) the adverse impact of increased on-street parking on residential amenity. Whilst it was felt that the design was an improvement on the previous withdrawn applications and the replacement of the bungalow itself in favour of a two storey building would be an improvement within the street scene, it was felt that:

- The proposed development would constitute overdevelopment of the site in terms of width and height.
- The development would have a terracing effect.
- The proposed dwellings would be too close to the boundaries with the adjoining properties.
- There would be no rear access to the cycle stores in the back gardens and so bicycles would have to be brought through the inside of the properties, which were narrow.
- The construction of 2.5 storey dwellings on this site would have an adverse impact on other properties in the street.
- The storage of refuse and recycling bins at the front of the properties would be unsightly and would require a high wall to conceal them from view which would detract from the street scene.
- West Sussex County Council Highways in its response to this application had suggested that the local planning authority consider the potential impacts of the development on on-street car parking (para 6.2 of the report on page 54 of the agenda). The street already was very challenging for parking and this development would exacerbate that situation.

Mrs Stevens and Mr Whitty responded to members' questions and comments on the foregoing matters and other points of detail with respect to (a) the feasibility of building the dwellings from within the application site if the neighbour (as intimated) would not allow builders to come onto his property; (b) the lack of a rear access and the acceptability in such properties of having rear bicycle storage; (c) the on-street parking situation concerns should take into account the sustainable location of the site to the city centre; (d) bin storage at the front; (e) the distances between the site and the adjoining properties; and (f) internal living spaces of the proposed dwelling-houses.

At the end of the debate it was proposed by Mr Oakley and seconded by Mr Hixson that the application should be refused on the grounds of (a) overdevelopment and (b) adverse impact of increased on-street parking on residential amenity.

*Decision*

The Planning Committee voted on the foregoing proposal to refuse by a show of hands and there was a majority of eight votes to five with one abstention to support it for the reasons set out below.

**RESOLVED**

**Refuse** for the following reasons:

- (1) The proposed development by reason of its expanse across the entire width of the site and the resultant incorporation of an existing external side access would result in overdevelopment of the site producing development that would be out of keeping with other semi-detached properties in the locality and to the detriment of the living conditions of the future residents and the outlook of neighbouring properties. As such the proposal would be contrary to paragraphs 14, 17, 59, 60, 61 and 64 of the NPPF and Chichester Local Plan 2014-2029 policies 33 and 47.
- (2) The proposal would increase the requirement for on-street parking in an area of high parking demand to the detriment of the convenience and amenities of the existing properties in the road. As such the proposal would be contrary to paragraph 17 of the NPPF and policy 33 of the Chichester Local Plan 2014-2029.

[**Note** This decision was contrary to the planning officer's recommendation]

190 **CC/18/01064/FUL - Chichester Ambulance Station Terminus Road Chichester PO19 8TX**

Mr Sims presented this planning application for a change of use of existing building (former ambulance station) to church (D1 use including some B1 space) including minor external alterations.

Mr Sims explained the proposal with reference to slides shown on the screens consisting of (a) location plans; (b) floor plans; (c) drawings; and (d) photographs of the front and rear elevations. Of the five main considerations identified in section 8 of the report, Mr Sims cited (i) principle of development with reference to Policy 26 (Existing Employment Sites) in the Chichester Local Plan: Key Policies 2014-2029 and (ii) impact on highway safety. He said that officers were satisfied in respect of these and all salient issues and hence the recommendation was to permit.

Mr Sims drew attention to the agenda update sheet which clarified paras 8.2 and 8.3 of the agenda report with regard to class use and coherence with Policy 26 aforesaid.

The following members of the public addressed the Planning Committee for this item:

(a) Mr D Thompson – on behalf of the applicant

(b) Mrs P Dignum – CDC member (Chichester South) as a supporter

During the debate a majority of members spoke in support of the application and commended the community benefits which the proposed use of the building would afford. One member in particular, however, expressed concerns about the loss of employment land by virtue of the proposed change of use (six employees working for Grace Church did not assuage his reservations) and the troubling precedent this might set for other sites. Having regard to the West Sussex County Council Highways response in para 6.2 of the agenda report, another member also questioned the adequacy of the car parking provision.

Mr Whitty responded to members' questions and comments on points of detail with respect to (a) any BI use would be ancillary to the D1 use (condition 4); (b) adequacy of the on-site parking provision and the availability of nearby on-street parking in Terminus Road; (c) D1 use would not permit regular or frequent overnight sleeping on the premises; (d) the justification on the merits of this case for the loss of BI use having regard to the fact that the former ambulance station was not employment use safeguarded by Policy 26 (Existing Employment Sites) and the evidence submitted as to the unsuccessful outcome of the employment use marketing exercise undertaken.

#### *Decision*

The Planning Committee voted on a show of hands by ten (with three abstentions) in favour of the officer recommendation in the agenda report for the application as set out below.

#### **RESOLVED**

Recommendation to **permit** agreed.

[**Note** At the end of this item there was a short adjournment between 11:50 and 11:57]

#### 191 **FU/17/02187/FUL - Land South of Osiers Clay Lane Funtington West Sussex**

As stated by Mr Hayes at agenda item 1 (Chairman's Announcements) and reported in the agenda update sheet, this planning application had been withdrawn from the agenda and so it was not discussed or determined at this meeting.

#### 192 **SB/18/00048/FUL - Gosden Green Nursery 112 Main Road Southbourne PO10 8AY**

Mr Sims presented this planning application for the creation of a new access onto the A259 to serve lawful B8 uses.

Mr Sims explained the proposal with reference to slides shown on the screens consisting of (a) location and site plans and (b) photographs affording various views of the site. He drew attention to the response from West Sussex County Council Highways in section 6.2 of the agenda report. He referred to the principal issues set out in section 8 of the agenda report, which included the loss of a section of hedgerow (para 8.4).

There were no entries in the agenda update sheet in respect of this item.

The following member of the public addressed the Planning Committee for this item:

- (a) Miss A Tait (Southbourne Parish Council) – parish representative as an objector

During the debate a majority of members spoke in favour of the application. However, several members expressed concerns and felt unable to support it for various reasons: (a) the unapparent rationale for the creation of the access; (b) the change in the street scene which lay within the AONB by the removal of a section of the hedgerow; and (c) the effect of articulated vehicles entering the site.

Mr Sims, Mr Frost, Miss Golding and Mr Whitty responded to members' questions and comments on points of detail with respect to (a) the need for the new access for design and visibility reasons, which would be safer in highway terms than the current access; (b) the length of the hedgerow that could or needed to be removed; (c) the inclusion of a condition (not opposed by the applicant) to preclude HGVs from accessing the site in view of the current B8 use; (d) the desirability in view of traffic speeds on the A259 of reducing the visibility splays for the proposed access from 90 m to 59 m (condition 4); (e) the amendment of condition 5 (landscaping scheme) to include the existing hedgerow within its scope; and (f) the compatibility of the access with the extant street scene.

Officers advised that in the light of members' concerns and comments there was a justification to amend or add certain conditions to the grant of planning permission namely:

- (a) amended condition 4 (visibility splays) to substitute 59 m for 90 m; (b) amended condition 5 (landscaping scheme) to include a reference to the existing hedgerow; (c) additional condition 6 to require replacement planting within five years; and (d) additional condition 7 (no HGV access).

### *Decision*

The Planning Committee voted on a show of hands by seven to five against and one abstention in favour of the officer recommendation in the agenda report for the application as set out below.

### **RESOLVED**

Recommendation to **permit** with **amended conditions 4** (access visibility splays) and **5** (landscaping/planting scheme) and **additional conditions 6** (replacement planting) and **7** (no HGV access).



193 **SY/18/00595/FUL - Land South of Ellis Square Selsey Chichester West Sussex PO20 8AF**

[**Note** Immediately prior to the commencement of this application Mrs Purnell and Mr Wakeham withdrew from the committee table and sat in the public seating area throughout its duration, in accordance with their declarations of interests as recorded in minute para 186 above]

Mr Bridge presented this planning application for the construction of a D2 building for private gym and health club with associated access, car parking and landscaping (alternative use to that approved under LPA ref SY/17/02137/FUL).

Mr Bridge explained the proposal with reference to slides shown on the screens consisting of (a) a location plan (area and features described); (b) elevation drawings; (c) floor plans; (d) a colour layout plan; and (e) photographs affording various views of the building, the site and Manor Road. He identified from section 8 of the agenda report the principal issue as being the loss of employment land and the appropriateness of alternative use (paras 8.4 to 8.14).

There were no entries in the agenda update sheet in respect of this item.

The following members of the public addressed the Planning Committee for this item:

- (a) Mr C Alden (Selsey Town Council) – parish representative as an objector
- (b) Mr K Byrne – applicant
- (c) Mr J Connor – CDC member (Selsey North) as a supporter

During the debate a majority of members spoke in support of the officer recommendation to refuse the application for the reasons given in the agenda report.

In dissent from the majority opinion, other members were inclined to adopt a pragmatic approach in favour of granting planning permission in that the fact that the proposal constituted an opportunity to provide much-needed employment on the Manhood Peninsula and in a sustainable location should not be disregarded notwithstanding non-compliance with the marketing evidence prerequisite laid down in Policy 26 (Existing Employment Sites) in the Chichester Local Plan: Key Policies 2014-2029 (CLP).

Mr Whitty and Mr Frost responded to members' questions and comments on points of detail with particular emphasis on the need to ensure compliance with the aforesaid policy requirement for a two-year marketing exercise, which the applicant had not satisfied in this case. The CLP was only three years old and premature decisions should not be taken which would be in contravention of clearly established planning policies and thereby undermine the integrity of the adopted CLP and which was currently undergoing a review. It was open to the applicant to submit a further application in due course subject to the outcome of the full marketing exercise.

### *Decision*

The Planning Committee voted on a show of hands by eight to two against and three abstentions in favour of the officer recommendation in the agenda report to refuse the application.

#### **RESOLVED**

Recommendation to **refuse** agreed.

[**Note** After the determination of this application Mrs Purnell and Mr Wakeham returned to the committee table]

[**Note** At the end of this item there was a short adjournment between 13:01 and 13:11]

#### 194 **WW/17/03295/FUL - Izora 1 Watersedge Gardens West Wittering PO20 8RA**

Mr S Shaw (West Sussex County Council (WSCC) County Highways Manager) was in attendance at the committee table for this item.

Mr Whitty presented this application for a change of use from public highway pavement to residential garden use.

The application had been deferred by the Planning Committee at its meeting on Wednesday 16 May 2018 for a member site visit and for officers to seek further advice from WSCC Highways. The site visit took place on Monday 16 July 2018. The additional information from WSCC Highways appeared in bold in para 6.2 on pages 110 to 111 and in the planning comments in paras 8.6 to 8.12 on pages 115 to 116 of the agenda report.

Mr Whitty explained the proposal with reference to slides shown on the screens consisting of (a) a location plan; (b) a drawing of the pavement area in question; (c) a plan dated 1988 showing the original hotel on the site with a wide pavement and lay-by for the likely use of coaches bringing guests (which could explain the width of the present pavement); and (d) photographs affording various views of the pavement in both directions.

The agenda update sheet reported additional third party representations: (a) two letters of objection, (b) comments by the applicant on third party matters, (c) West Wittering Parish Council's response to the applicant's comments and (d) a letter from WSCC Legal Services on the process to be followed if planning permission were to be granted.

The following members of the public addressed the Planning Committee for this item:

- (a) Mr M Lawson (East Wittering and Bracklesham Parish Council) – parish representative as an objector

- (b) Mr B Buckland (West Wittering Parish Council) - parish representative as an objector
- (c) Mr B Couchman – objector
- (d) Mrs C Barton - objector
- (e) Mrs J Culverwell – objector
- (f) Mr P Collard - applicant
- (g) Mrs E Hamilton – CDC member (West Wittering) as an objector
- (h) Mrs S Taylor – CDC member (East Wittering) as an objector, who also spoke on behalf of her co-ward member Mr K Martin

Prior to the debate Miss Golding and Mr Hayes advised respectively that members should not take into account (a) comments made by the speakers with regard to WSCC selling the land to the applicant or this matter being referred to the ombudsman and (b) seeking costs against the local planning authority if an appeal were to be made against refusal.

Also prior to the debate, Mr Shaw summarised the approach taken by WSCC Highways in assessing the highways aspects presented by this application, namely (a) the changing ie seasonal use of Shore Road during each year; (b) the relevant local planning policy criteria, the National Planning Policy Framework and planning guidance factors taken into account relevant to this application; and (c) the entirely separate roles and functions of WSCC in this matter as a local authority and as a private landowner.

During the debate a majority of members spoke in favour of the application. However, several members expressed concerns and felt unable to support it for various reasons, notably: (a) the assessment carried out by WSCC Highways did not take into account properly the traffic and pedestrian use of the road and the need for the wider pavement section as an important safety refuge for people with children going to and from the beach; and (b) the risk of harm and personal injury to pedestrians because of the conflict between them and vehicles. It was also remarked that WSCC Highways had incorrectly stated that Shore Road was a no-through road.

Mr Shaw and Mr Whitty responded to members' questions and comments on points of detail with respect to (a) how pedestrians would adapt their use of the changing dimensions of a pavement according to the road conditions; (b) the absence of a highways safety reason to justify refusal of the application; (c) the extension of the garden wall onto the pavement could not be said in planning terms to cause demonstrable harm to the character of the area; (d) the suggestion that the applicant should be required to plant natural screening behind the boundary wall to circumvent the possible subsequent erection of a fence to protect the amenity of his property from passers-by would not be reasonable as he was entitled to an open vista if he wished; and (e) there was justification for including an additional condition

4 to require the permitted wall to be completed in accordance with the approved plan prior to the first use of the land.

*Decision*

The Planning Committee voted on a show of hands by nine to four against and with no abstentions in favour of the officer recommendation in the report for the application as set out below with an additional condition 4 (boundary wall).

**RESOLVED**

Recommendation to **permit with additional condition 4** (boundary wall) agreed.

[**Note** at the end of this item there was a short adjournment between 14:19 and 14:29]

195 **Schedule of Planning Appeals, Court and Policy Matters**

The Planning Committee received and noted the schedule of planning appeals, court and policy matters circulated with the agenda.

The agenda update sheet reported further information for section 6 of the schedule (Court and Other Matters) with respect to two High Court cases, namely: (a) River Farm Brookfield Lane Tillington and (b) Breach Avenue Southbourne.

Reference was made by Mr Whitty or members to the following items in the schedule:

*Section 2: Decisions Made*

- SY/16/03997/OUT – Land on the South Side of Warners Lane Selsey West Sussex (page 122)
- O/17/00074/CONENF – Decoy Farm Decoy Lane Oving Chichester West Sussex PO20 3TR (page 123)

*Section 3: Current Appeals*

- CC/17/01712/FUL – Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG (page 127)

196 **Schedule of Outstanding Contraventions**

The Planning Committee received and noted the schedule of outstanding contraventions for the period to 30 June 2018 circulated with the agenda.

The agenda update sheet contained no entries for this item.

Mrs Archer was in attendance for this matter.

Mr Hayes remarked that Mrs Archer's colleague Mr R Hawks (Assistant Manager Planning Enforcement) was due shortly to leave the employment of CDC. In recognition of his hard work over many years and wishing him well for his next period of endeavours, Mr Hayes asked Mrs Archer to convey the Planning Committee's very best wishes to Mr Hawks.

Mrs Archer referred members to and commented on the key points in the statistical summary on page 132 of the agenda. The number of current cases had decreased. The systems error which had affected target dates had been rectified.

Reference was made by members to the following items in the schedule with responses provided by Mrs Archer:

- BI/15/00194/CONTRV – Land North West of Birdham Farm Birdham Road Chichester (page 139)
- BI/15/00194/CONTRV – Land North West of Birdham Farm Birdham Road Chichester (page 139)
- BI/15/00139/CONSH - Land North West of Birdham Farm Birdham Road Chichester (page 139)
- BI/15/00139/CONSH – Access Track and Hardstanding - Land North West of Premier Business Park Birdham Road Chichester (page 139)
- BI/15/00139/CONSH – Land North West of Premier Business Park Birdham Road (page 140)
- O/17/00274/CONBC – Land at Colworth Manor farm Colworth Lane Colworth (page 146)
- PS/13/00015/CONAGR – Crouchland Farm Rickmans Lane Plaistow (page 147)

**197 Late Items**

There were no late items for consideration at this meeting.

**198 Exclusion of the Press and Public**

There were no restricted items for consideration at this meeting.

**[Note** The meeting ended at 14:47]

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CHAIRMAN

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DATE

## **Chichester District Council**

### **Planning Committee**

**Wednesday 15 August 2018**

### **Declarations of Interests**

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

### **Personal Interests - Membership of Parish Councils**

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mr L R Hixson – Chichester City Council (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

### **Personal Interests - Membership of West Sussex County Council**

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

**Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies**

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr R Plowman – Chichester Conservation Area Advisory Committee

**Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

**Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies**

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs J E Duncton – South Downs National Park Authority

Parish: Westbourne	Ward: Westbourne
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**WE/17/02244/FUL**

**Proposal** Proposed open fronted pole barn.

**Site** Land West Of Jubilee Wood Hambrook Hill North Hambrook West Sussex

**Map Ref** (E) 478648 (N) 107719

**Applicant** Mr L Sturgess

**RECOMMENDATION TO PERMIT**



	<p><b>NOT TO SCALE</b></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>
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**1.0 Reason for Committee Referral**

Parish objection; officer recommends permit



## **2.0 The Site and Surroundings**

- 2.1 The land west of Jubilee Wood comprises 2.02ha of land bordering a small woodland to the east and a former gravel quarry to the west with open land to the north and kennels to the south. A public footpath runs east/west to the south of the site. The site lies between the A27 and Common Road. The site does not fall within any Settlement Boundary as defined by the Local Plan. As such, it is located within the Rural Area approximately 1.5km from the nearest service village and therefore falls within the Rest of the Plan Area or countryside.
- 2.2 The surrounding area is characterised by mixed land uses including sporadic housing, stabling, kennels, commercial and tourist accommodation. In the wider area, there is a pig farm to the east and west.
- 2.3 The land, formerly associated with the quarry has been backfilled and covered with topsoil. It has recently been used by the applicant to accommodate a small number (up to 8) of rare breed show cattle.

## **3.0 The Proposal**

- 3.1 The application proposes an open fronted pole barn for the shelter and storage of animals and associated feed and equipment, measuring 10m in depth by 20m in width and 5m in height, constructed with a timber frame and green corrugated profile sheeting. The building would be located at the northern edge of the site adjacent to the existing access, which forms a rural track linking to Common Road, which is the subject of enforcement action to remove and reinstate the land to its former use
- 3.2 This application follows an earlier proposal (16/00565/FUL) which proposed an agricultural storage building and 3m high compound fencing at the southern edge of the field, and associated access track. This application was refused and dismissed at appeal. It was refused by the Council for the following reason;

*The proposed development constitutes an unjustified form of development within a rural location, divorced from any nearby settlements and combined with the scale, bulk and mass of the building and the secure fencing, which are considered incongruous features within the landscape, are out of character with the rural area. Furthermore, it has not been demonstrated that the proposed development is essential, with doubt over the suitability of the land for its intended purpose and whether there is a genuine need for a building in this location for agricultural purposes. In conclusion, the development would have an adverse impact upon the rural character of the area and the proposal is therefore contrary to the Policies 1, 2, 45 and 48 of the Chichester Local Plan: Key Policies 2014-2029 and paragraphs 17 and section 11 of the National Planning Policy Framework 2012 in that the development would be detrimental to the character of the area and it is not demonstrated that this is an appropriate location needed to meet a specific countryside location".*

- 3.3 The applicant has stated that the current proposal is required to facilitate the agricultural use of the land, which is for the accommodation of rare breed cattle. It would provide covered space for the housing of cattle, feed, general fodder and farm equipment.

#### 4.0 **Relevant Planning History**

16/00565/FUL	REF	Agricultural building, compound and access track.
	DISMISSED AT APPEAL	
16/00922/FUL	REF	Application for the change of use of land to tourism and leisure facility to include: accommodation (camping plots, ten touring caravan plots, three yurt plots, three tepee tents, six mobile homes, two tree houses and three log cabins), car parking, reception building, site office, shop, children's play area and amenity block.

#### 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

#### 6.0 **Representations and Consultations**

##### 61. **Westbourne Parish Council**

*Further comments 13.01.2018*

Westbourne Parish Council objects to this application on the following grounds:

The Parish Council believes that as a former land fill site the land is unsuitable for the grazing of animals and has doubts as to whether the applicant does really intend to use the land for grazing. The applicant has not demonstrated an essential need for the building and associated works. The site is definitely rural and the proposal is detrimental to the areas bucolic character and the openness of the site.

The new access drive for this site would link to an unauthorised existing track for which an enforcement notice is in place

The scale and bulk of the building are a concern. The front of the barn at 5m high means it will be seen from the bridle path and probably the footpath. At, 20m by 10m the size of the building is excessive relative to the land it would serve.

The Parish Council believes that the development would conflict with Policy 45 of the Local Plan and that there would also be conflict with Policies 1, 2, and 48 of the Local Plan

and advice in the National Planning Policy Framework which amongst other things, seeks to recognise the intrinsic character and beauty of the countryside.

*Further comments 22.09.2017*

I should like to add the following to the Parish Council's previous comments objecting to this application:

- 1.The scale and bulk of the building is far too large for the plot of Land.
- 2.The Cows were put there for approx. 1 week in order to take photos to intimate they are kept there when in reality they aren't.
- 3.The Cows trampled the fence surrounding the field and they escaped, imagine the damage a bull could cause!!!! especially being so close to a Public Footpath.
- 4.There are no buildings in close proximity for it to relate to nor is there an essential need so fails to address Policy 45 Development in the Countryside of the Chichester Local Plan.
- 5.The track he refers to in the application is there unlawfully which an appeal inspector stipulated and therefore the access to the plot is not sufficient.
- 6.The site is an 'Old' Landfill animals of this size/stature are likely to disturb potentially toxic or dangerous items which are just below the surface, many lumps of concrete can be seen around the location from the old landfill, these will potentially be injurious to any animals kept there.

*Original comments 15.09.2017*

Westbourne Parish Council objects to this application on the grounds that the applicant did not seem to have addressed all the comments made by the Planning Inspector when dismissing an appeal in respect of a previous application. The size of the proposed barn is larger than that previously proposed. The Parish Council also has doubts about the suitability of the land for the grazing of cattle given reports of land contamination and would observe that, while the application shows photographs of cattle grazing at that location, they were only on site for a week.

The Parish Council also had concerns about access to the site and the current track which is inconsistent with the land use proposed.

## 6.2 CDC Environmental Health Officer

*Further consultation response following soil testing* - The results for lead are slightly elevated if one compares to a residential land use but not elevated if compared to a public open space criteria. Given the land is used for grazing not growing produce I am satisfied that the soil is suitable for the proposed use.

*Original consultation response* - Given that the site itself and surrounding land has been quarried and infilled, there is the potential for landfill gases to be present at the site. If the barn is to have an open side with no subdivision into separate units then there would be no requirement to undertake a gas risk assessment, providing the building remains open fronted in perpetuity. If the applicant is minded to enclose the building, condition PC23 should be applied in order that the building can be designed appropriately, i.e. with gas protection measures as necessary.

It is noted that the shelter is to be used for an animal shelter, storage of bedding and hay with a separate space for a bull. If there is also storage of oil or fuel then condition AT36 should be applied.

The applicant has stated that the land is to be used for the keeping of livestock (eg cattle). As these animals could enter the human food-chain this department recommends the land quality is tested to ensure it is suitable for the proposed use - informative 42 should be applied.

### 6.3 Third Party Representations

5 x letters of objection have been received concerning;

- Harmful impact upon appearance of countryside
- Overly large for size of plot
- Concern regarding land contamination
- Concern regarding potential for animals to escape from the site
- Access would be necessary via unlawful track
- Barn would not be well related to existing buildings

5 x letters of support have been received from 3 representatives raising the following relevant points;

- Raising of rare breed cattle would be a good use of the land
- The applicant has legal access to the site via the proposed access route
- The site is allocated agricultural land and is used for the accommodation of rare breed cattle

## 7.0 Planning Policy

### 7.1 The Development Plan

The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

### 7.2 Government planning policy now comprises the National Planning Policy Framework (NPPF) (Revised July 2018), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking, this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.3 Consideration should also be given to Sections 2 (Sustainable Development), 4 (Decision Taking), 8 (Healthy and Safe Communities), 9 (Sustainable Transport), 12 (Design), 15 (Conserving and enhancing the historic environment).

7.4 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 8.1 The main considerations are:

- i. Principle of development
- ii. Impact on the character of the area
- iii. Impact upon the amenity of neighbouring properties
- iv. Access and highway implications
- v. Land contamination

i) Principle of development

8.2 Policy 45 of the Local Plan relates to development in the countryside and allows for development to meet essential, small scale needs that cannot be met within the settlement policy boundary and is subject to certain criteria:

1. It relates well to existing buildings and clusters of buildings in the local area;
2. The proposal is for agriculture and would not impact on any other land uses;
3. The scale, setting and design would have minimal impact on the landscape and rural character of the area.

8.3 The applicant has stated that the site is used for keeping livestock; pictures of cattle on the site and third party representations appear to confirm that this practice is taking place.

8.4 The previous application for the erection of an agricultural building on the site was refused in part because no evidence had been submitted at the time to establish whether this use was being carried out, or that the site was appropriate for such a use given that it was previously a gravel quarry site. The former of these concerns had been addressed in this subsequent submission with the submission of photographs to show cattle on the land. It is also noted that the site has been enclosed with new stock-proof fencing, and as mentioned above, third party representations confirm the presence of cattle. Evidence has also been submitted in the form of soil test results to demonstrate that the land is of a sufficient quality for agricultural use. This is further addressed below, but it should also be noted that due to the rural location of the site, the applicant is within his right to keep livestock on the site without the requirement of formal planning permission. It is stated that the cattle kept on the site are rare breed Gloucester cattle that are used for shows, which

explains why they are often taken away from the site. This information has been provided in response to objections that have been received from the Parish Council and within other third party representations.

- 8.5 The building is significantly larger than the barn previous proposed under application 16/00565/FUL, but it does not include the compound area that the applicant states was sought for the storage of farm equipment. In this instance, the proposal seeks to incorporate the storage needs into the agricultural building, rather than provide a compound for storage, to reduce the overall impact on the landscape.
- 8.6 Were permission to be granted, it is recommended that a condition is imposed ensuring the building can only be used for agriculture to comply with Policy 45.
- 8.7 Further sections of the report will consider the remaining aspects of Policy 45 and compliance with the policy.
- ii) Impact on the character of area
- 8.8 In addition to Policy 45, Policy 48 which relates to the "Natural Environment" also requires proposals to have no adverse impact on the tranquil and rural character of the area.
- 8.9 The previous appeal concluded that the location of the development proposed under application 16/00565/FUL was too prominent when considering views from the public footpath that runs along the southern boundary of the site. In response the proposed building has been re-located towards the northern boundary of the site. It is noted that the proposed building is almost 4 times the size of the agricultural building previously proposed, but the current application proposes only an open fronted barn, with a green corrugated sheet metal roof and walls, the previously proposed compound that would have surrounded the building and would have been enclosed by a 3m high steel fence no longer forms part of this application. It is considered that the combination of the new location and the use of coloured materials to blend in with surrounding vegetation, would ensure that the building would not now be prominent; only sporadic views of the northern part of the application field are available from the public footpath due to the dense tree line occupying the southern boundary. The new location of the proposal also removes the need for a long associated vehicular track (as previously proposed) and ensures the proposal would be less intrusive within the landscape.
- 8.10 Comments have been received raising concerns that the building would appear incongruous within its rural setting, which was a conclusion of the appeal inspector in dismissing the applicant's appeal of the former proposal. However, whilst the building would not be located immediately adjacent to other buildings, it should be noted that the adjacent field accommodates 2 large buildings used for equestrian purposes. As a result, it can be viewed that the immediate local area has the character of a working/functional rural landscape.
- 8.11 Overall, it is therefore considered that despite the increased size of the building, the proposed scheme would be more sympathetic to the rural character of the area without the incorporation of a surrounding compound. It would take the form of a modern agricultural building, designed specifically for the purpose for which it is sought, and this coupled with its location would ensure that the development would not be prominent in terms of visibility from the surrounding area, or nearby public rights of way. Therefore it

would not have a significant impact upon the rural character of the surrounding area, and as such, it is therefore deemed to be in accordance with Policies 45 and 48 in terms of landscape impact.

iii) Impact on neighbouring properties

8.12 There are no neighbours within close proximity to the site that would be affected by the proposed development.

iv) Access and highway implications

8.13 The field is currently accessed from a rural lane to the north. There have been recent enforcement enquiries relating to the lane, which were open whilst the previous application was being considered. These enquiries investigated whether engineering works had been carried out to widen the lane, but all related enquiries have now been closed with no breaches being found. Given the existing agricultural use of the site and the established use of the access track for forestry purposes it is not considered that significant additional demand will be placed upon it or the junction with Common Road. It is therefore considered that the proposal is in accordance with Policy 39 of the Chichester Local Plan.

v) Land contamination

8.14 Concern has been raised over the suitability of the site for keeping livestock and the Environmental Management Officer suggested that soil tests should be carried out to establish that the site is appropriate for agricultural use. The applicant has submitted test results from 2 x soil samples which have been assessed by the Environmental Management Officer. These results establish that whilst the presence of lead is slightly elevated when compared to a residential land use, it is not elevated when compared to what would be acceptable from public open space. Given that it would be used for grazing and not growing produce, it is concluded that the soil is suitable for the proposed use.

Conclusion

8.15 In conclusion, the proposed scale, bulk, mass, use of materials and general design of the building is considered to be specific for and in keeping with modern agricultural buildings commonly found within the west Sussex countryside, and would sit comfortably within the landscape without causing harm to the rural character of the area.

8.16 Furthermore, it has been demonstrated that the site is currently being used for agricultural purposes, and therefore the requirement for the building is reasonable given the number and breed of the cattle.

8.17 Accordingly it is recommended that the application is approved.

**RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans:

Reason: To ensure the development complies with the planning permission.

- 3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roof of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 4) Prior to the commencement of development a detailed scheme indicating the form and method of construction (if applicable) of the floor shall be submitted to and approved in writing by the LPA. The floor shall then be constructed in strict accordance with the agreed scheme.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development that is appropriate for the proposed use and location. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 5) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended the building hereby approved shall be used for the purposes of agriculture as defined in Section 336 of The Town and Country Planning Act 1990 (as amended) only and for no other purpose whatsoever.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of protecting the character of the area.

## INFORMATIVES

- 1) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.
- 2) This recommendation relates to the following plans:



- 001 - Site Location Plan
- 002 - Site Block Plan
- 003 - Proposed Floor and Roof Plan
- 004A - Proposed Elevations

For further information on this application please contact Luke Simpson on 01243 534734

To view the application use the following link; <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OTSP5LERIYY00>

Parish: Chichester	Ward: Chichester South
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**CC/18/01357/FUL**

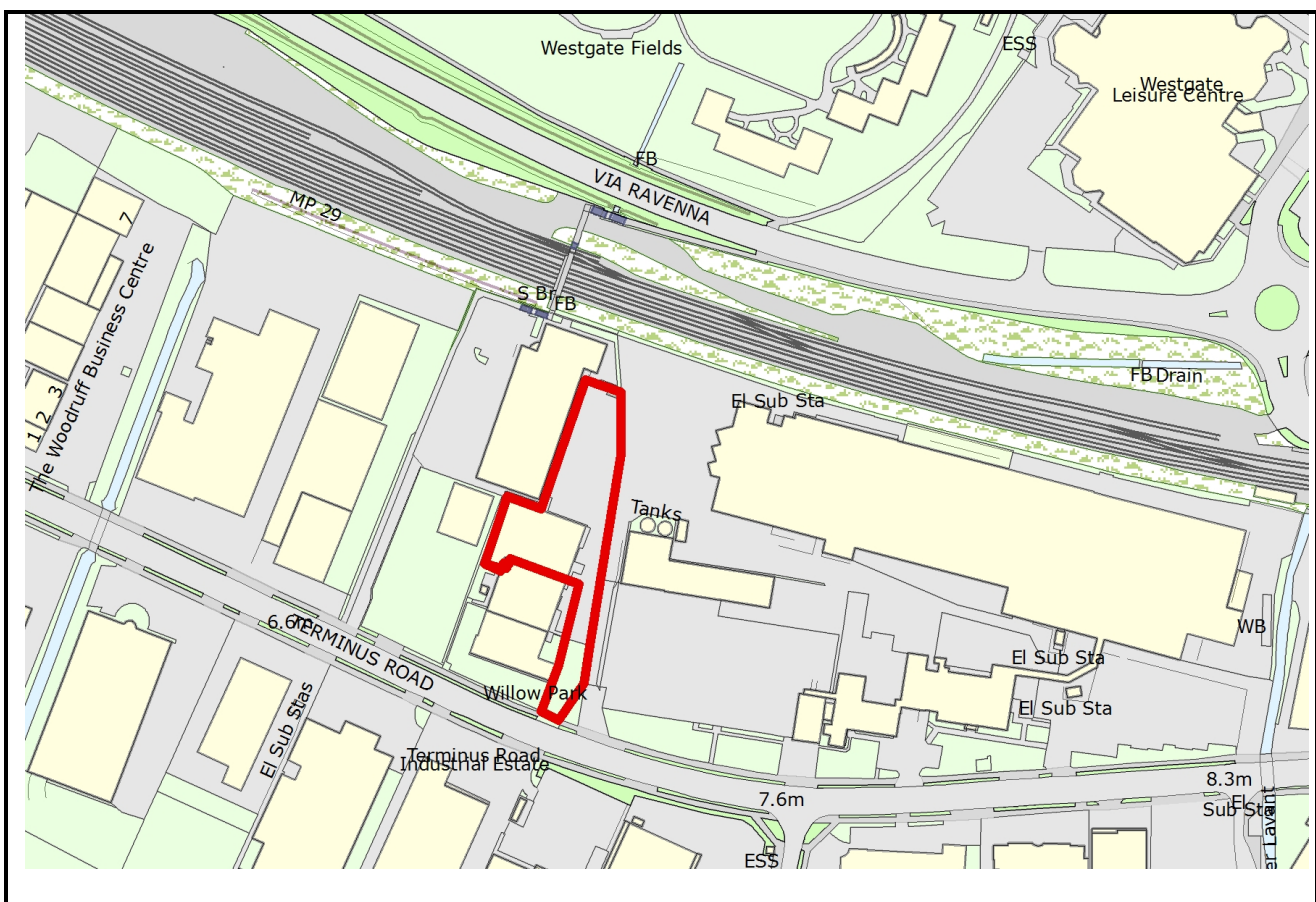
**Proposal** Change of use of existing building from use class B1 to gym (D2).

**Site** Plot 4B Terminus Road Chichester West Sussex

**Map Ref** (E) 485302 (N) 104303

**Applicant** Grit Gym

**RECOMMENDATION TO REFUSE**



	<p><b>NOT TO SCALE</b></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>
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**1.0 Reason for Committee Referral**

1.1 Red Card: Cllr Pam Dignum. 'The applicant has an existing business, Grit Gym, in Station Approach, Chichester, which is growing in size out of its premises and wishes to move within Chichester into larger premises. The ideal solution for them would be to move into disused former County premises in Willow Park, Terminus Rd, keeping facilities and

employment local. This involves a change of use application, which has met a somewhat confused response from CDC officers, as it involves both Planning and Economic Development officers who seem to have different outlooks. The current Local Plan has no relevant policies on this, as such possibilities were not perhaps perceived when it was drawn up. There is an assumption that "industrial" uses should remain so, even if no demand is there, and times moving on have provided a different kind of application. This would be an excellent use of an unused and outdated building, but flexibility of outlook is needed.'

## **2.0 The Site and Surroundings**

- 2.1 The application site is located to the north side of Terminus Road, a predominantly commercial road within the settlement of Chichester. The application site forms part of 'Willow Park' which comprises a range of commercial units recessed in position from Terminus Road. The car park serving the units is located to the north. The front elevation of the units includes four bays and faces east, towards the access road. Another bay fronts Terminus Road and is occupied by Sylvarna Kitchen Design. All of the units are currently occupied by West Sussex County Council for the archiving of records and library services. According to the applicant's marketing report, the units were purpose built for these WSCC services. The application site comprises the northern half of these units (Unit 4B) and incorporates two of the bays.
- 2.2 The application building comprises a parallel range pitched roof and cladded elevations and contains a first floor. On the ground floor the building is currently split into a number of rooms comprising open plan offices, delivery space, meeting rooms and back-office facilities such as smaller offices, kitchen and WC's. The first floor contains a number of smaller offices.
- 2.3 The site lies within an established employment area amongst a range of business units, including offices, car showrooms/garages and storage and distribution uses. Whilst the site contains on-site parking, there are also designated parking bays for a period of up to two hours located along Terminus Road.

## **3.0 The Proposal**

- 3.1 This application seeks planning permission for the change of use of the existing building from B1 to a gym (D2 use). No external alterations are proposed, but some internal modifications, through the removal of existing partitions, are proposed. These internal alterations do not require planning permission.

## **4.0 History**

00/01864/FUL	PER	New external elevation and first floor extension.
00/02429/COU	PER	Change of use from general industrial use to I.T. training facility in 230 sq. metres of existing building of 1,225 sqm metres
01/00988/FUL	PER	Revised external elevations.
74/00207/CC	PER	Installation of oil fired warm air heating.

77/00576/CC	PER	Additional workspace.
78/00180/CC	PD	Installation of oil fired warm air heating for new extension.
92/00290/CC	PER	Temporary consent (for 18 months & during building operations) to place a portacabin on the land for the sale, on 2 days per week, to staff & retired employees, of products manufactured in the applicants adjoining factory.
95/02331/FUL	PER	Proposed 20m telecommunications mast and associated equipment.
04/01665/COU	PER	Change of use of B1(c) and D1 to B1(a).
18/01357/FUL	PDE	Change of use of existing building from use class B1 to gym (D2).

## 5.0 **Constraints**

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

## 6.0 **Representations and Consultations**

### 6.1 City Council

Objection. The proposal would result in the unacceptable loss of a viable B1 unit, contrary to Policy 26 of the Local Plan. The City Council supports the principle of a new gym within the city. However, it must be accommodated within suitable premises rather than within an existing B1 unit.

### 6.2 WSCC- Highways

I have had a brief look through the documentation and note that there appears to be no TRICs data submitted to assess. It would be down to the applicant to provide this data to us to ensure that it accurately represents the anticipated movements.

I can advise that we wouldn't *expect* the proposal to cause a severe concern, given the location of the site within walking distance of bus and rail services, shared car

parking is available to the rear and on street parking is an existing practise along Terminus Road. *However*, the parking demand for a D2 Use is 1space per 22sqm over the existing B1 use which is 1 space per 30. I note that the proposal also includes for sun beds to be provided and massage rooms which again may affect the trips over the general D2 gym use.

I'd advise that the applicant provides a more detailed analysis of the anticipated trip rates, prior to assessing definitively whether this would be an acceptable proposal.

### 6.3 CDC Economic Development Officer

Economic Development supports this application.

Fludes were instructed in May 2016 to market this property; however, there was no formal marketing campaign until October 2017. While this is not a marketing period we would normally consider acceptable, factors such as age and condition of building need to be considered. There has been little interest from any potential occupiers, other than the applicant. It is also important to consider the desirability of this building for B use classes will be low. This is due to the age and layout of the building, combined with the current offer of newly refurbished offices and industrial units along other parts of Terminus Road. The current occupiers, West Sussex County Council, have consolidated many of their business premises in the past 7 years, as cuts to government funding have put pressure on Councils to reduce costs and this space is now surplus to requirements. It is important to note that jobs that were previously based at this site, have already transferred to other sites within the County.

Grit Gym has been looking for suitable premises, close to its current site, for 4 years and has found nothing with the required D2 use. They have had no other option but to look other use classes available and try to obtain a change of use. Grit Gym is eager to keep their current customer base, finding a building close to their existing site is crucial to the retention of customers.

Recently a change of use was given to a retail unit in the north of Chichester, where the gym owners also could not find suitable premises.

Increasingly, businesses are finding that being located in an area that offers their employees easy access to gyms and other leisure facilities, is beneficial to both staff retention and wellbeing. For this reason, many business parks are now include a gym, as a way to encourage businesses to locate there. Examples of these include Arlington Business Park, near Reading, Watford business Park, Watford and Blackminster Business Park, Evesham. They have all provided gyms, within the business park, in order to attract and retain businesses. Having a gym in close proximity to a key employment area within the District will enhance the attraction of the area to new businesses.

For these reasons, Economic Development support this application

### 6.4 CDC Estates

I understand that you would like the Estates view in respect to this planning application to use part of this building as a gym.

Firstly the [District] Council own this industrial unit at Willow Park, Terminus Road.

Estates are aware that there is circa 10,315 sq m (111,000 sq ft) of business space available in the Chichester district with new space coming to the market at Glenmore, Chichester Business Park and Ravenna Point on Terminus Road. In addition, the new Enterprise Centre at Terminus Road will provide flexible terms to small businesses for office and workshop space. CDC is developing new industrial/trade counter units at Ravenna Point Terminus Road and 6 units totalling 1,520 sq m (16,360 sq ft) are due for completion in October 2018. The Council also developed an Enterprise Centre on Terminus Road which was handed over to Basepoint to manage on the 1<sup>st</sup> March 2018 is providing approx. 1,560 sq m (16,790 sq ft) of office space on flexible terms and 911 sq m (9,800 sq ft) of workshop space on flexible terms.

Given this amount of available business space we would consider there is an adequate supply of space for businesses requiring accommodation in the Chichester District.

The subject buildings at Willow Park do not have sufficient eaves height to meet modern industrial requirements, their design is dated and does not appeal to modern industrial/trade counter users. However, the buildings have been subject to improvement in recent years to accommodate the vacating tenant and it would be considered uneconomical to redevelop these units, given that an alternative use tenant can be found for these buildings.

There is, however, little space within the City for D2 users like this gym and the only space suitable for this type of occupier would be space like that available at Willow Park within industrial buildings. The space at Willow Park has been marketed to let local commercial agents since May 2016 and a suitable tenant has not been found for the property to date.

The gym use is proposed by the applicant for part of the building with a business user occupying the remainder of the space. *[Officer clarification: This comment refers to the entire building, not the application site; defined as the rear part of the building. It is proposed to change the use of the entire application site to D2 use]*

In terms of Estates Management we would have no objection to Planning Permission being granted for this D2 Use at Willow Park.

6.5 1no. Third party letters of objection, relating to:

- a) Insufficient parking available to support the Gym, due to potential membership and staffing increases.

6.6 165 no. Third party letters of support, relating to:

- a) Gym offers health benefits, both physically and mentally
- b) It is an asset to Chichester, with many members commuting from further afield to join.
- c) Brazilian jiu-jitsu is a popular class offered.
- d) Unlike anything else in the local area, it is needed to support the local community
- e) The facility is open to all ages and has helped to hold families together and ensure cohesion between parents and children.

- f) The gym and those who provide classes there have become a common name both locally and nationally
- g) Social place, where new friendships are made
- h) Societal benefits, as younger children take interest in physical activity.
- i) An inclusive place for all members of society
- j) Trainers at the gym have set up classes with local schools, to help with behavioural issues and attention problems.
- k) Unlike most chain gyms, Grit offers a real family experience and treats customers with respect.
- l) Proposed new site offers better A27 access, allowing more people to arrive at the gym quicker.
- m) We should be supporting small business growth.
- n) Grit partakes in charity work for the local community.
- o) Loss of employment
- p) People pursuing a career in martial arts would have to find another venue to do so.
- q) During peak times, the gym can get so busy there is insufficient space to work.
- r) Impact on local businesses due to a reduction of passing trade emanating from the gym.
- s) Current pricing structure is below that of rival gyms in Chichester
- t) Works to build the social skills of younger members along with restoring confidence in both the young and old.
- u) 'Jason' the owner invests in people. Going above and beyond what is expected to ensure his customers are happy.
- v) Additional services offered, such as health eating programs.
- w) The gym deserves a new place

#### 6.7 Applicant/Agent's Supporting Information

- a) The existing gym employs nine people, excluding a number of professional trainers and treatment consultants.
- b) The gym has contributed to national success and the development of junior enthusiasts.
- c) The gym has hosted a number of charity events and fundraisers.
- d) A financial lease of the application site has been agreed, however the planning restrictions are understood
- e) There are no alternative locations for the gym. With no alternative the gym is likely to close.

### 7.0 **Planning Policy**

#### The Development Plan

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

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

## Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 9: Development and Infrastructure Provision

Policy 26: Existing Employment Sites

Policy 39: Transport, Accessibility and Parking

## National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) (Revised July 2018), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking, this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 2 (Sustainable Development), 4 (Decision Taking), 6 (Strong Competitive Economy), 8 (Healthy and Safe Communities), 9 (Sustainable Transport), 12 (Design).

## Other Local Policy and Guidance

- 7.5 The following Supplementary Planning Documents are material to the determination of this planning application:

Surface Water and Foul Drainage SPD

- 7.6 The aims and objectives of the Council's Sustainable Community Strategy are material to the determination of this planning application. These are to:

- Maintain low levels of unemployment in the District
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyle



## **8.0 Planning Comments**

8.1 The main considerations are:

- i. Principle of development (including loss of B1 employment floorspace)
- ii. Design and visual amenity
- iii. Impact upon the amenity of neighbouring properties
- iv. Highways safety

i) Principle of development

8.2 The site is located within the settlement boundary of Chichester, wherein there is a presumption in favour of sustainable development, in accordance with policy 2 of the Local Plan, subject to compliance with other policies of the Development Plan.

8.3 Policies 2, 3 and 11 of the Local Plan are supportive of employment generating uses, whilst policy 26 of the Local Plan requires that alternatives to B1, B2 and B8 employment uses will be permitted on business sites only where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for business or similar uses. The method and framework for undertaking this assessment is set out in Appendix E of the Local Plan (Appropriate Marketing Guidance).

8.4 The Chichester District Council Employment Land Review Update 2013 (ELR) identifies Terminus Road as an area with a concentration of office and industrial units. It describes the office market in the District as being focused on Chichester City Centre whereby: 'The City Centre includes a range of office accommodation, with recent new-build activity focused around the Terminus Road area which is both close to the rail station and within walking distance of the City Centre. This has included delivery of new-build offices for Hyde Martlet and Nicola Jane and delivery of Bicentennial Buildings (all at Southern Gate).

8.5 In addition the report states: 'The City Centre market appears stronger and there has been some recent good quality development, particularly at Terminus Road with further schemes with planning consent which can be delivered over time subject to market demand.' The report also identifies a number of development opportunities for new industrial sites along Terminus Road. Since the ELR was published there have been a number of other redevelopments within the industrial estate, including the newly constructed Enterprise Centre to the western end of Terminus Road

8.6 It is understood from the Design and Access Statement, and supplemented by representations received, that the reasons the applicant is seeking to relocate to these premises are:

- a) The applicant's lease at the existing site along Station Approach is due to expire.
- b) The application site would provide a larger space for the gym to operate within (from 2,975sq ft at Station Approach to 7,918sq ft at the proposed site) and would consequently allow for an expansion of their facilities and classes.
- c) Membership could be increased by an additional 450-500 people, from the existing 2000 members.

d) The application site is located close to the existing premises and would minimise displacement of members.

e) The change of use would generate approximately 23 jobs.

It is also acknowledged that the existing gym is a popular facility within the city and this is evident from the 165 letters of representation and support received for the application.

- 8.7 Notwithstanding the circumstances and explanation provided by the applicant to relocate, and the public representations in support of the proposed development, the proposal would involve the loss of a B1 use, which is protected by Policy 26 of the Local Plan, unless it can be demonstrated, through appropriate marketing evidence, that there is no longer a demand for such a use. As outlined within Appendix E of the Local Plan proposals for alternative uses to B1, B2 or B8 must be accompanied by evidence to demonstrate that the site has been appropriately marketed for a minimum period of two years.
- 8.8 The applicant has submitted a marketing statement and summary produced by Fludes Commercial. The statement reports that they were instructed to market the application site property in October 2017;

‘following the tenant’s decision to relocate. Initially, all four bays were marketed. However, following limited interest during the first six months, the existing tenant decided to retain the first two bays for archiving records. Therefore, we remarketed the remaining accommodation (7,918sq ft) resulting 100% office content.’ The report then goes on to state that ‘we are aware of in excess of 40 applicants who are looking for industrial accommodation in Chichester, who have specific requirements for industrial and warehouse space including: eaves height in excess of 6metres; less than 20% office content; yard space for storage and parking; large loading doors; and goods loading for larger vehicles’.

- 8.9 The report then indicates that there is surplus industrial and warehouse space within Chichester. Whilst the report sets out why, in their view, the building would be unsuitable and undesirable as industrial accommodation, there is nothing in the marketing report to indicate why continued office use has been ruled out as an appropriate use or that there has been an evidenced lack of demand through an appropriate length of marketing, as required by Appendix E to the Local Plan. However, the marketing strategy, which includes a letting brochure, local advertising, online advertising, mailing and site boards, has included reference of the unit to let for office and industrial use. The report concludes;

‘...since October 2017 a concerted, proactive and targeted marketing campaign has been conducted by Flude Commercial...Overall there are a number of fundamental factors which have meant we have not been able to let the building under its current use, such as the internal configuration and relative high proportion of office space, the age of the property and the strong competition from other commercial buildings in the Chichester area, which means there is limited current demand for commercial

property of this type...In order to ensure the continued economic use of the building, consideration should be given to alternative uses which can viably occupy the building in the long term.'

8.10 In addition to the marketing report submitted as part of the application, the Council's Estates team have referred to the fact that the property has been 'soft marketed' since May 2016. A marketing report dated May 2016 by Flude Commercial has been forwarded to Officer's in support of this statement. The report provides a description of the market conditions at that time and the 'quoting terms and reinstatement' which details the recommended rental levels and what marketing techniques would be used should the property be placed on the market. However this document does not demonstrate that the site was actively marketed through a brochure, online or by any other public means at that time. Officers understand that between May 2016 and October 2017, in response to enquiries from businesses for floorspace, Flude would refer to the site and that this form of 'soft marketing' did lead to one potential occupier, but this was not pursued at that time and instead a unit in the St. James Industrial Estate was secured. Whilst it is noted that between May 2016 and October 2017 the site was promoted to enquiring businesses in a reactive manner, officers do not consider that this form of marketing is as effective as proactive marketing, which has been undertaken for only a limited period of 10 months. As such, officers do not consider that the marketing of the site was sufficiently robust prior to October 2017. Without appropriate marketing within the period from May 2016 to October 2017 any suggestion that the site is no longer required for B1, B2 or B8 purposes is not supported by a robust evidence base, as required by Policy 26 and Appendix E of the Local Plan.

8.11 The evidence requirements are set out in Appendix E of the Local Plan which states that where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses (without satisfactory provision for replacement land/floorspace or relocation of existing businesses) supporting information will also be required to demonstrate that:

- The site/premises has been vacant for some time and has not been made deliberately unviable;
- The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a minimum of 2 years or a reasonable period based on the current economic climate;
- Alternative employment uses for the site/premises have been fully explored; where an existing firm is relocating elsewhere within the District, maintaining or increasing employment numbers will be acceptable

8.12 It is clear from the marketing evidence submitted with the application and provided by the Estates Team, that the site has not been marketed for the requisite period of two years as outlined within Appendix E of the Local Plan. This is acknowledged within the applicant's Design and Access Statement where it states:

'We accept this does not entirely comply with the requirements of Policy 26 set out within Appendix E (Appropriate Marketing Guidance) of the Chichester District Council Local Plan. However there is currently very little demand for commercial properties of this type and age within Chichester due to the high levels of good quality, modern commercial accommodation

that is currently available elsewhere within the city, in particular the new development at Glenmore Business Park and the expected new development at Chichester Business Park (as detailed within the separate report from Flude Commercial). Therefore, it is entirely appropriate for an alternative use of the existing building to now be considered, rather than pursuing marketing of the site for the period of time that is normally required. The number of people working within the building with it operating as a gym would actually be greater than the number of people currently working within the premises. Accordingly, the proposed new use would not result in any loss of employment and the new use would also benefit the local economy. The change of use to a gym would not result in unacceptable noise levels being generated. It should be stressed that the change of use to a gym would result in some employment use on the site being retained for members of staff. The previous use of the site as B1 / B8 premises would have generated fairly significant traffic movements which are probably comparable to those which would be generated by use as a gym, although no precise figures are available.'

8.13 Officers acknowledge that the proposed change of use would allow for an additional non-business user to occupy the site immediately which would provide some associated employment with the leisure use. However this is not as preferable to the continued use of the site for dedicated employment purposes. Based on all the evidence and information provided in support of the application, Officers consider that it has not been demonstrated that the site is unlikely to be re-used or redeveloped for employment purposes and proposals would not meet the requirements of Policy 26 and Appendix E for the following reasons:

- The site has not been actively marketed for business or similar uses for a minimum of 2 years. The marketing period of 10 months (October 2017-August 2018) falls well short of this required period and marketing that took place prior to this period was not sufficiently robust particularly within Chichester where the city centre market for office accommodation is stated within the ELR as being 'strong.'
- The existing site is not currently vacant as it is still being used by WSCC for archiving and library services and it is indicated that 15 members of staff still operate from the site. Whilst the marketing report suggests that the existing occupiers of the site will consolidate their services in the southern bays, no assessment of the resultant impact on current numbers of employees as a result has been provided. The marketing report also does not explore the existing market conditions for companies that could require office accommodation. It should be noted, that WSCC have suggested that they may not renew their lease beyond 2020, but this in itself is not decisive.
- Although the proposed use would offer health and well-being benefits to the users of the facility and would provide employment for 19FTE members of staff, this is not considered to outweigh the conflict with the Development Plan regarding the appropriate safeguarding of existing B1, B2 and B8 uses, as required by the Policy.

- Whilst there has been a suggestion that the proposed change of use would make the occupation of other surrounding units for business purposes more attractive (as a result of providing health benefits to existing employees) no evidence has been presented to support this assertion.

8.14 On this basis, it is concluded that the proposed development would result in the unacceptable loss of B1 premises, which has not been justified through an appropriate marketing and viability assessment. The proposal is, therefore, contrary to Policy 26 of the Chichester Local Plan 2014-2029 and the guidance contained within Appendix E (Appropriate Marketing Guidance) of the Local Plan.

i) Design and Visual Amenity

8.15 No external alterations are proposed as part of the development. The building height and general design would not be altered and the internal alterations would open up the floor plan of the building, which, in itself, is not of concern.

ii) Impact on Residential Amenity

8.16 Given its location within an employment area, it is considered that the proposed change of use would not result in significant harm to the amenity of neighbouring properties, which comprise commercial units. The adjoining use would not be impeded by the proposed use and there would be no harm to the amenities of other neighbouring properties.

iii) Highways Impact and Parking

8.17 Policy 39 of the Local Plan seeks to ensure that new development provides for an acceptable level of parking and safe access and egress to the highway. The proposed development would utilise the existing accesses from Terminus Road, which leads to a shared parking area for the units at the rear of the site. The site provides a total of 34 parking spaces to the rear, which would continue to be shared with the existing uses. West Sussex County Council (WSSCC) car parking standards for D2 use are 1 space for every 22sqm which equates to 30 spaces. Whilst the applicant has submitted a Transport Statement which states that these parking spaces would provide an overprovision of parking, this does not take account of the retention and condensing of the existing use of the building into the neighbouring units, which would still require parking for 15 employees. On this basis the proposals would provide less than the standard recommends. The applicant's Transport Statement refers to the fact that the existing site at Station Approach provides 18 parking spaces and that a number of members are below the age of 25 and do not own a car. Notwithstanding that this does not constitute primary evidence that this is the case, as the site would be larger than existing and accommodate possible additional services (massage, physio and sunbeds), further detail would be required in order to assess the impact of the proposals on highway safety.

8.18 WSSCC, acting as the local highway authority, has requested that the applicant provides evidence of the potential highway impact and mitigation proposals, in addition to justification for a reduced parking provision and trip generation patterns, in order to fully ascertain the highway impact of the proposals. Although a Transport Statement has been submitted, the requested level of information from WSSCC has not been provided. Having regard to reference in the applicant's Design and Access

Statement that membership could increase to up to 2,500 members (an increase of up to 500) as a result of the proposed relocation, it is reasonable to assume that a notable number of people may travel to the site by car during the proposed opening hours of 0600-2200.

8.19 Car parking on site is already restricted and on road parking is controlled. In consequence, it is possible that significant levels of traffic could be generated during the peak hours of use of the gym, which could result in additional highway impacts in terms of traffic volume and indiscriminate parking behaviour. This could not be delivered or suitably controlled through planning conditions and without the relevant information requested by WSCC, it is not possible to assess whether the proposal would have a severe impact on the highway network. On this basis and in the absence of the necessary information to properly consider the proposals in terms of the highway impact and parking behaviour, the proposed development is contrary to Policy 39 of the Local Plan.

### **Conclusion**

8.20 Based on the above assessment, it is considered that the retention of B1, B2 B8 commercial uses within Chichester is a key determining factor that must be addressed before alternative uses are considered. The applicant has failed to demonstrate that the site is no longer required for business purposes and is consequently unlikely to be used for commercial purposes. It is consequently contrary to Local Plan Policy.

8.21 In addition, in the absence of the necessary information to justify the proposals in terms of the highway impact and parking behaviour, the proposed development would be contrary to the aims and objectives of the policies within Local Plan.

### Human Rights

8.22 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

### **RECOMMENDATION**

REFUSE for the following reasons:-

- 1) The proposed development would result in the unacceptable loss of employment land which has not been justified through a marketing and viability assessment. The proposal is, therefore, contrary to Policy 26 of the Chichester Local Plan 2014-2029.
- 2) Insufficient information has been submitted to enable the Local Planning Authority and Local Highway Authority to undertake a full assessment of the proposed use and whether there would be any adverse impacts on the Local Highway Network. Therefore, the LPA cannot be satisfied the proposal would be acceptable in this respect. As such the proposal would fail to comply with Policy 39 of the Chichester Local Plan 2014-2029 and the Revised County Parking Standards and Transport Contributions Methodology 2003.

For further information on this application please contact Robert Sims on 01243 534734

To view the application use the following link; <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P9JP26ERM6H00>

Report to **Planning Committee**  
Date **15 August 2018**  
By **Director Planning and Environment**  
Local Authority **Chichester District Council**  
Application No. **SDNP/17/05726/FUL**  
Applicant **Mr Peter Bradley**  
Application **Retrospective installation of a horse walker.**  
Address **Upper Norwood Farm  
Norwood Lane  
East Lavington  
GU28 0QG**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

**Reason for Committee Referral:** Parish Objection - Officer Recommends Permit

The application seeks the retention of a horse walker sited to the west of Upper Norwood Farm. The horse walker is of metal construction and has been partially screened with reed fencing attached to the west and north elevations.

The horse walker is considered to have limited impact on the wider landscape character of the National Park being set against a back drop of existing rural buildings. The proposal is considered to comply with the purposes of designation of the South Downs National Park.

The horse walker has been sited near to a number of dwellings. However, in this case it is considered that it is located at a distance that is sufficiently far that it will not lead to any adverse impact on the amenities of the occupiers. There is screening between the neighbouring dwellings and the horse walker and any noise generated will be heard in the context of its setting adjacent to Upper Norwood Farm where there will be a degree of noise from the existing farming and equestrian activity.

For these reasons the application for the retention of the horse walker is recommended for approval.



## **1.0 Site Description**

- 1.1 The application site consists of a detached two storey dwelling with farm and stable buildings set amongst an enclave of sporadic development and sited on the west side of Norwood Lane.
- 1.2 Land to the west of the application site consists of pasture sub-divided by post and rail fences and crossed by a public footpath (990) which runs from north to south. This footpath connects to a bridleway to the south (998) and to a further footpath to the north (989).
- 1.3 Immediately to the north of the site is a detached dwelling (Glenmore) with a post and rail fence forming the boundary with the land to the west. Further to the north on land which is at lower level than the application site is a group of further dwellings.

## **2.0 Proposal**

- 2.1 The application seeks the retention of a horse walker. The horse walker is of metal construction and has been partially screened with reed fencing attached to the west and north elevations.

## **3.0 Relevant Planning History**

SDNP/12/02707/HOUS - Erection of a 3 bay timber car port and office. - Approved

SDNP/12/02527/APNB - Replace existing barn with open sided 4 no. bay barn.  
Planning permission required

06/01766/FUL - 40 m x 20 m manege for horse riding. - Permit

06/00810/PNO - Replacement of agricultural barn, existing building is being demolished due to redevelopment. Prior Approval required

## **4.0 Consultations**

### **4.1 East Lavington Parish Council**

ELPC has been invited to comment on the erection of a horse walker at Upper Norwood Farm under case number SDNP/17/05726/FUL.

The horse walker was constructed without planning permission in March 2017. At that time, several local residents who felt immediately affected by this construction very close to their own back gardens expressed their concerns to ELPC. Other residents also expressed their concern to us at the time and subsequently regarding what they considered an inappropriate development in this location. Since its completion, the horse walker has been operated on a regular basis.

ELPC expressed these concerns and complaints along with our own to Enforcement and following a site visit the landowner was advised to submit a retrospective planning application which is the subject of this response.

In ELPC's view, the horse walker by reason of its siting has resulted in the encroachment of development into an open agricultural landscape and introduced an inappropriate activity into this unspoilt rural and tranquil area. This has caused harm to the landscape character and perceived relative appearance and resulted in the loss of agricultural land.

The new activity appears incongruous and intrusive in this highly visible location, situated as it is in close proximity to three public rights of way. The new development therefore fails to conserve the landscape and natural beauty of the South Downs National Park contrary to its first key objective.

ELPC cannot support the development and use of this structure in its present location and considers that it should be reconstructed in a less visible part of the applicant's land and well away from neighbouring properties.

#### 4.2 HCC- Landscape Consultant

The site falls within the K1 Rother Valley Mixed Farmland and Woodland landscape character area as defined in the SDILCA, described as 'A medieval landscape of scattered hamlets and isolated farmsteads of medieval origin set within irregular fields', and having 'thick, high hedgerows, small blocks of scattered woodland and wooded field boundaries (rews) [that] contribute to a sense of intimacy and enclosure.'

Relevant Development Considerations for this character area include:

- Consider the impact of development in this area in views from the ... East Meon to Bury Greensand Terrace as well the chalk landscapes beyond.

#### The Site

Norwood Farm lies to the west of Norwood Lane, overlooked by public rights of way to the north, west and south. Paddocks and fields lie to the west, with mature trees forming the backdrop to the north and east, and trees and hedges to the south and west.

#### The Proposal

The horse walker has been constructed close to the farm buildings, on the edge of an area of paddocks, and has had a light paling screen erected around it.

#### Comments

The structure has no roof, and is low relative to the adjoining barns. The sides have been covered with what appears to be willow screening. The walker was not in use at the time of the visit, so it was not possible to assess any noise impacts.

While the walker is clearly visible from all three rights of way, one of which runs close by to the west, its scale and appearance do not make it a particularly prominent feature. It does, however, add to an existing conglomeration of agricultural structures, including paddock fencing, horse box, barns, sheds and stores, further contributing to visual clutter.

## Recommendations

The surrounding landscape is characterised by woodland and hedgerows, including beech and holly. A layout of new hedges based on these and similar native species would soften the impact of the horse walker and help integrate the other existing structures into the landscape. This would support Purpose 1 of the National Park: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

### **5.0 Representations**

5.1 Five third party letters of support:

- This is a small addition to a substantial facility for keeping horses small trees have been planted to obscure the view
- The land has been used to keep horses and this nature of use is not new
- Equestrian use is long established
- The horse walker is not detrimental to the landscape

### **6.0 Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester District Local Plan First Review 1999 and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

6.2 Policies relevant to this application are set out in section 7, below.

#### National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

## 7.0 Planning Policy

### Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012.

The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework 2018 (NPPF)

7.2 The following National Planning Policy Framework sections and paragraphs have been considered in the assessment of this application:

- Section 15 – Conserving and enhancing the natural environment

### Chichester District Local Plan 1999

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant.

7.4 The following policies of the Chichester District Local Plan 1999 are relevant to this application:

- RE1 - Development in the Rural Area Generally
- R6 – Equestrian Facilities
- BE11 – New Development

### Partnership Management Plan

7.5 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

7.6 The following policies of the SDNPA Partnership Management Plan 2014 are relevant to this application:

- General Policy 1
- General Policy 29

## The South Downs Submission Local Plan 2018

7.7 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan First Review (1999), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies.

7.8 The following policies are of particular relevance to this case:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD7 - Relative Tranquillity
- Development Management Policy SD24 - Equestrian Uses

## **8.0 Planning Assessment**

8.1 The main issues arising from this proposal are:

- The impact of the development on the character and appearance of the area
- The impact of the development on neighbouring amenity

### The impact of the development on the character and appearance of the area

8.2 The application site occupies a tranquil rural location with the natural undulations of the landscape, pasture and locally distinctive buildings all contributing to this character. Whilst it is considered that this is the overriding character it is evident from the pattern of development and the character of farm/stable buildings that the current equestrian use and managed landscape has not lead to a degradation of the landscape character. The land remains relatively clutter free from equestrian paraphernalia with buildings being confined to the original farm adjacent to Norwood Lane.

8.3 The proposed horse walker has been sited against the backdrop of these existing buildings when viewed from the adjacent footpath to the west. When viewed from the bridleway to the south it is seen in the context of the existing building group. In this context against other equestrian buildings designed purposefully for this function the horse walker does not appear overtly intrusive or incongruous in the landscape. The Council's landscape consultant has raised no objection to the proposal but suggests further landscaping could soften the impact of the horse walker and adjacent buildings.

- 8.4 A form of reed fencing has been attached to the outer edge of the horse walker to soften its appearance however this is sporadic in places. This is relatively successful in terms of softening the appearance of the structure as it has a natural appearance similar to timber. It is however considered that the integration of the horse walker could be enhanced if additional screening, using a similar material was used. This can be secured by a condition requiring that further screening is added to this outer edge and that this should be carried out in a reasonable time frame (3 months).
- 8.5 In relation to this issue the horse walker is considered to have limited impact on the wider landscape character of the national park being set against a back drop of existing rural buildings. The proposal is considered to comply with policies BE11 and R6 of the Chichester District Local Plan 1999, policies SD1 (Sustainable Development), SD4 (Landscape Character), SD5 (Relative Tranquillity) and SD24 (Equestrian Uses) of the South Downs Submission Local Plan 2018, section 15 of the NPPF 2018 and the first purpose of designation of the national park.

#### The impact of the development on neighbouring amenity

- 8.6 The horse walker has been sited close to a number of nearby dwellings. Glenmore to the north-east is the closest residential property and it enjoys an open vista to the pasture and landscape of the South Downs beyond with little in the way of built development to disrupt this view. Whilst the right to a view is not a material consideration the proximity of the horse walker could have the potential to impact on residential amenity by way of noise. In this case it is considered that the horse walker is located at a distance that is sufficiently far from the dwelling that it will not lead to any adverse impact on the amenities of the occupiers of the neighbouring property. There is screening between the dwelling and the horse walker and any noise generated will be heard in the context of its setting adjacent to Upper Norwood Farm where there will be a degree of noise from the existing farming and equestrian activity.
- 8.7 In relation to this issue the retention of the horse walker is unlikely to lead to harm to neighbouring amenity and therefore complies with policy BE11 of the Chichester District Local Plan 1999.

## **9.0 Conclusion**

- 9.1 The horse walker is considered to have limited impact on the wider landscape character of the National Park being set against a back drop of existing rural buildings. The horse walker has been sited near to a number of dwellings, however, in this case it is considered that it is located at a distance that is sufficiently far that it will not lead to any adverse impact on the amenities of the occupiers. The application is considered to comply with the objectives of policies BE11 and R6 of the Chichester District Local Plan, policies SD1, SD4, SD5 and SD24 of the South Downs Submission Local Plan 2018 and the first purpose for the designation of the South Downs National Park.

## **10.0 Reason for Recommendation and Conditions**

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be carried out in accordance with the plans noted below.

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

2. The extent of attached screening to the north and west facing elevation of the horse walker hereby approved shall be enhanced with additional screening using the same material and use of colour filling any empty patches and increasing the existing density. The erection of additional attached screening shall be completed within three months from the date of this permission and retained in perpetuity unless as agreed otherwise with the written permission of the Local Planning Authority.

Reason: To ensure that the horse walker is satisfactorily integrated into the landscape

3. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority within one month from the date of this permission. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the locality, relative tranquillity and the conservation of the Dark Night Skies Core.

4. The horse walker hereby permitted shall be used for private equestrian use in association with Upper Norwood Farm only and shall not be used in association with a commercial function, livery or schooling unless with the written permission of the Local Planning Authority.

Reason: To safeguard neighbouring amenity and the relative tranquillity of the site for those using the Public Right of Way.

## **11.0 Crime and Disorder Implications**

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

## **12.0 Human Rights Implications**

12.1 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 realised.

## **13.0 Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14.0 Proactive Working**

14.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: John Saunders  
Tel: 01243 534734  
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Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this  
Application

SDNPA Consultees

Background  
Documents



## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location Plan (A4)	001		02.01.2018	Approved
Plans - Site Block Plan (A4)	002		02.01.2018	Superseded
Plans - Site Block Plan (A4)	002	A	19.06.2018	Approved

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

# Agenda Item 8

Chichester District Council

Planning Committee

Wednesday 15 August 2018

Report of the Head of Planning Services Schedule of Planning Appeals,

Court and Policy Matters

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

**Note for public viewing via Chichester District Council web site** To read each file in detail,

including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

\* - Committee level decision.

## 1. NEW APPEALS

Reference/Procedure	Proposal
<a href="#">17/02433/FUL</a> East Wittering And Bracklesham Parish  Case Officer: Maria Tomlinson  <b>Written Representation</b>	Bon Ami Peerley Road East Wittering PO20 8DW - Erection of 1 no. bungalow - resubmission of EWB/17/00240/FUL.
<a href="#">17/00055/CONCOU</a> Plaistow And Ifold Parish  Case Officer: Reg Hawks  <b>Written Representation</b>	Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex RH14 0BF - Appeal against enforcement notice
<a href="#">18/00747/DOM</a> Southbourne Parish  Case Officer: Luke Simpson  <b>Householder Appeal</b>	4 Park Road Southbourne PO10 8NZ - Change of use of loft space into habitable accommodation with front and rear dormers plus cable build ups.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="204 286 517 353"><a href="#">SDNP/17/02266/FUL</a> Fernhurst Parish</p> <p data-bbox="204 398 632 432">Case Officer: Bev Stubbington</p> <p data-bbox="204 465 552 499"><b>Written Representation</b></p>	<p data-bbox="641 286 1497 432">October House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Change use of land to garden land and construction of tennis court with 2.75m high surrounding fence.</p>
<p data-bbox="552 517 1139 551"><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p data-bbox="178 557 1497 1352">“... The main issue in this case is the effect of the proposal on the character and appearance of the landscape and natural beauty of the National Park. ... The Landscape Character Assessment (LCA) for the area states that the site lies within the Landscape Type N Greensand Hills. Within this Type the County Council state that the site lies within sub category N1 Blackdown to Petworth Greensand Hills, falling within an area that is described as a ‘deeply rural, tranquil and enclosed landscape’... The proposal seeks to change the use of the site to garden land and construct a tennis court in the northern corner of the site; this court would be surrounded by a fence and gravel path. The land would be cut and filled to achieve a flat area, with no spoils stated to be taken off site. ... Due to the topography of the site the court would involve a fairly substantial engineering operation... The combination of the completed court, the high fence surrounding, and the wooden sleeper retaining wall for part of the court, would all alter the character of the site fairly substantially, failing to retain the open sloping nature of the site, and hence failing to conserve or enhance the natural beauty of the National Park. I note in the evidence with wide number of tennis courts that are present in the area and those that the Authority and their predecessors have allowed nearby. However, I do not consider that the number of them is so high so that they now form part of the character of the area. Moreover, I have little evidence if such courts required similar levels of engineering as the one before me... I do not consider that such private benefits would outweigh the harm to the intrinsic character and beauty of the countryside that the proposal would cause. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the landscape and natural beauty of the National Park...”</p> <p data-bbox="178 1359 437 1393"><b>COST DECISION</b></p> <p data-bbox="178 1400 1497 1632">“The application for an award of costs is refused. Planning Practice Guidance (PPG) states that costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur unnecessary or wasted expense in the appeal process. Unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. ... I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.”</p>	

Reference/Procedure	Proposal
<p data-bbox="197 230 416 259"><a href="#">17/03572/DOM</a></p> <p data-bbox="197 266 459 295">Fishbourne Parish</p> <p data-bbox="197 365 517 432">Case Officer: Summer Sharpe</p> <p data-bbox="197 459 512 488"><b>Householder Appeal</b></p>	<p data-bbox="638 230 1382 297">Tambelup 127 Salthill Road Fishbourne PO19 3PZ - Detached garage.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="181 555 1465 947">“The appeal is dismissed. ... the appeal site is characterised by the dwelling being set well back into the plot with the result that the front garden has an open and spacious appearance. This development pattern is repeated in the immediate surroundings.... The introduction of a garage well in front of the established building line would appear visually intrusive and incongruous.... Associated landscaping would ‘soften’ the intrusive impact of the building but in my view would not eliminate the harm caused to the street scene of this part of Salthill Road. Furthermore, if I were to allow the appeal it would be difficult for the Council in all fairness to refuse similar proposals, and in that event the harm to the street scene would be exacerbated.... The open character of No. 127 and its immediate neighbours makes this part of Salthill Road a more aesthetically appealing part of the neighbourhood and the appeal scheme would undermine that.”</p>	
<p data-bbox="197 1014 403 1043"><a href="#">17/02162/FUL</a></p> <p data-bbox="197 1050 427 1079">Loxwood Parish</p> <p data-bbox="197 1149 584 1178">Case Officer: Caitlin Boddy</p> <p data-bbox="197 1247 552 1276"><b>Written Representation</b></p>	<p data-bbox="638 1014 1477 1261">Beech Farm Roundstreet Common Loxwood RH14 0AN - Proposed mixed use live work development - conversion of commercial equestrian buildings and barns into flexible B1 offices and light industrial workshops/B8 commercial storage uses and 9 no. residential dwellings together with re-routing of internal access and removal of outdoor menage and enclosed horsewalker.</p>
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p data-bbox="181 1350 1477 1742">“The appeal is dismissed. ... I consider that the overall appeal site would have both residential and commercial units on it, none would represent live/work units. Consequently, the proposal should be considered as for both residential and commercial units without any linking connection. ... With the exception of Building A, the works to facilitate the new uses would represent new build and the proposal should be considered as such. The proposal should be considered as a whole and I do not consider that it would be appropriate to consider Building A separately..... I consider the site to be in an isolated location as it lies in an area of widely scattered development..... In light of my findings over the nature of the proposal and that it would not mostly represent new building, both residential and commercial elements need to be considered against the development plan for such proposals.</p> <p data-bbox="181 1749 1485 2067">There are benefits of the proposal through the delivery of the new dwellings and commercial units, and the effect on highway safety is neutral. However, this must be off-set against what would be the significant harm to the character and appearance of the area from inappropriate development in the countryside, the proposal would not result in a high quality living environment for the occupiers harmful to their living conditions in terms of noise and disturbance, the failure to deliver necessary affordable housing, the location being in an area where need to travel would not be minimised and the use of sustainable transport modes maximised, and the potential harm to protected species. These harms far outweigh the benefits of the proposal. ...”</p>	

Reference/Procedure	Proposal
<p><a href="#">17/03629/DOM</a> Southbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p><b>Householder Appeal</b></p>	<p>2 Fairview Cottages Prinsted Lane Prinsted Emsworth Hampshire PO10 8HR - Change use of loft space to habitable accommodation to include rear dormer.</p>
<p><b>Appeal Decision: APPEAL DISMISSED</b></p>	
<p>“...The proposed dormer would occupy almost the entire rear roof plane of No. 2 and with its mid terrace position essentially dominate the rear of the terrace above eaves level. With only a small half hipped roof and not being set down from the ridge or away from the flanks and a minimal distance above the eaves the addition would have a very limited design merit and appear disproportionately large in relation to both No. 2 and the terrace as a whole... The appellant also argues that dormer would only be glimpsed from the public realm, but this is disputed in the representations of the consultees on the application. However, bearing in mind that Fairview Cottages form part of the conservation area, I do not consider that the exact extent of its visibility is the determining factor. In my assessment the dormer would harm the character and appearance of the dwelling and the terrace as a whole and in so doing would also fail to preserve the character and appearance of the conservation area, and to a more limited extent the AONB.</p>	
<p><a href="#">16/00191/CONCOU</a> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Written Representation</b></p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against enforcement notice re: change of use to tarmac contractor.</p> <p>Linked to <a href="#">17/00378/FUL</a></p>
<p>“Appeal A... against an enforcement notice issued by Chichester District Council... The breach of planning control as alleged in the notice is change of use of the land to use as a HGV Operating Centre...Appeal B... The application Ref WE/17/00378/FUL. Refused by notice dated 26 August 2017 Decisions – Appeal A succeeds to a limited degree on ground (g) only and Appeal B is dismissed...The main issues in both appeals are as follows*: Whether or not the location of the site is appropriate*; The effect on the character and appearance of the area*; The effect on residential amenity*; The effect on the Westbourne Cemetery (a non-designated heritage asset)*; The effect on the local highway network and highway safety□. In reaching my conclusions on the five main issues I have found in the appellant’s favour on those relating to the effect on the non-designated heritage asset and on highway safety and the impact on the local highway network... However, with regard to the first three issues I have found against the appellant. Firstly I have concluded that the HGV use is not acceptable in principle and that it is contrary to Policy 45 of the CLPKP. Secondly I have found that it is harmful to the character and appearance of this part of the District and thereby contrary to Policies 45, 47 and 48 of the CLPKP. And, thirdly, I have concluded that it is also harmful to residential amenity due to loss of outlook and noise and disturbance and thereby contrary to development plan policies as well as to the NPPF... Sustainable</p>	

Reference/Procedure	Proposal
	<p>development involves seeking positive improvements in the quality of the built and natural environments, as well as in the quality of peoples' quality of life. In this case my overall conclusion is that the HGV use on this site cannot be considered to be sustainable. This particular land use in this location is not, in my view, sustainable and fails to perform two of the necessary roles. Any presumption in favour of development is outweighed by the other material considerations... I do not consider, therefore that planning permission should be granted for the use of the land as open storage for vehicles and use as HGV Operating Centre with ancillary offices and stores. Appeal A on ground (a) and Appeal B, therefore fail. Appeal A on ground (g)...in this case and due to the complexities of finding an alternative site, whilst continuing the business commitments (including employment) already in hand, I consider that 18 months is appropriate and necessary. Appeal A succeeds to this limited degree and I shall vary the enforcement notice accordingly... Appeal A..the appeal is dismissed, the enforcement notice (WE/39) is upheld as varied and planning permission is refused on the application deemed to have been made under section 177(5) of the Act. Appeal B is dismissed...</p> <p><b>COSTS DECISION</b> The application for an award of costs is refused...I do not consider that the Council acted unreasonably with regard to the application of Policy 2 of the CLP... The site is rural as opposed to being urban despite the fact that it is PDL... I accept that the land is PDL and that HGV sites can be required to be located in rural areas. I also note the point about rural diversification. However, on this last point a rural diversification development which detract from, rather than conserving or enhancing a rural area cannot be justified simply on the basis of diversification. In any case this is not diversification of a use which definitely required a rural location...traffic issues, again I do not consider that this amounted to unreasonable behaviour on the part of the LPA. The Council was concerned about traffic movements and noise in relation to the way the vehicles operated at the site. I have shared those concerns and concluded that harm has been caused due to early morning engine and vehicle noise as well as noise in the late afternoons and early evenings... I acknowledge the points made regarding Policy OA1 of the WNP and the NPPF, the principle of giving some weight to such emerging policies does not in itself constitute unreasonable behaviour... It is a material consideration... As long as a LPA substantiates its reasons for refusal by reference to the most relevant and appropriate policies, it cannot, in my view, be found to ... have been unreasonable I do not accept, therefore, that the Council acted unreasonably in relying on the impact of the HGV use of the site on the non-designated heritage asset... In the enforcement appeal I do not accept the contention that it was unreasonable of the Council to decide that it is the use of the land that is causing the material harm alleged... In conclusion I do not consider that the Council has acted unreasonably in these cases and I agree with them that the fact that those advising the appellant have a difference of opinion on whether the proposal complies with policies, does not amount to unreasonable behaviour. It follows that I do not consider that the appellant has incurred unnecessary loss and expense in the appeal process. The parties should be responsible for their own costs..."</p>

<b>Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD</b>	
<a href="#">17/00378/FUL</a> Westbourne Parish  Case Officer: Caitlin Boddy  <b>Written Representation</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne PO10 8RZ - Retrospective application for change of use of land as open storage for vehicles and use as HGV Operating Centre, with ancillary office and stores. Linked to <a href="#">16/00191/CONCOU</a>
<b>Appeal Decision: APPEAL DISMISSED</b>	
As Above	
<a href="#">17/01644/FUL</a> Westhampnett Parish  Case Officer: Claire Coles  <b>Written Representation</b>	Land North Of Junction With Old Arundel Road Stane Street Maudlin Westhampnett West Sussex - Proposed construction of 5 no. dwellings.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“The appeal is dismissed. ... I consider that the development would result in distinctly urban appearance at the edge of the settlement extending the built form into an essentially open area. The resulting effect would be a stark contrast to the existing character which would neither preserve nor enhance the setting of the listed buildings even though the resulting harm would, in the words of the Framework, be less than substantial. ... A unilateral undertaking has been provided and I am satisfied that this issue is capable of being dealt with by that undertaking in order to overcome refusal reason 3 [impact upon Chichester and Langstone Harbour SPA]. ... Whilst the provision of 5 dwellings would make a modest contribution to the housing supply in the area and there would be an economic benefit arising from the construction of dwellings no other public benefit has been outlined. ... “</p>	

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<a href="#">16/00933/OUT</a> Birdham Parish  Case Officer: Jeremy Bushell  <b>Public Inquiry</b> <b>02/10/2018 10:00:00</b> The Vicars Hall Cathedral Cloisters Chichester PO19 1PX	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.



Reference/Procedure	Proposal
<p><a href="#">15/00064/CONLB</a> Chichester Parish</p> <p>Case Officer: Sue Payne</p> <p><b>Public Inquiry</b></p> <p><b>30/10/2018</b></p> <p>Assembly Room North Street, Chichester, PO19 1QL</p>	<p>13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against listed building enforcement notice Re: removal of x 3 wooden casements and fitting of x 3 UPVC casements in Grade II listed building in Conservation Area.</p>
<p><a href="#">17/01073/FUL</a> Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Written Representation</b></p>	<p>22A Lavant Road Chichester West Sussex PO19 5RG - Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.</p>
<p>* <a href="#">17/01712/FUL</a> Chichester Parish</p> <p>Case Officer: Caitlin Boddy</p> <p><b>Written Representation</b></p>	<p>Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG - 6 no. dwellings.</p>
<p><a href="#">17/03126/FUL</a> Chichester Parish</p> <p>Case Officer: Summer Sharpe</p> <p><b>Written Representation</b></p>	<p>Rose Court St Cyriacs Chichester PO19 1AW - Replacement windows and doors.</p>
<p><a href="#">17/02138/FUL</a> East Wittering And Bracklesham Parish</p> <p>Case Officer: Naomi Langford</p> <p><b>Informal Hearing</b></p>	<p>Royal Oak Stocks Lane East Wittering Chichester West Sussex PO20 8BS - Demolition of the former public house and erection of a two storey terrace of 9 no. dwellings (consisting of 7 no. 3 bedroom units and 2 no. 4 bedroom units) with undercroft and parking to the rear and the erection of 1 no. 2 bedroom bungalow.</p>

Reference/Procedure	Proposal
<p><a href="#">SDNP/17/00949/FUL</a> Funtington Parish</p> <p>Case Officer: Derek Price</p> <p><b>Awaiting Decision</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure.</p> <p>Linked to SDNP/16/00496/OPDEV</p>
<p>SDNP/16/00496/OPDEV Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Awaiting Decision</b></p>	<p>Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc installation of a cesspit and engineering works - appeal against enforcement notice.</p> <p>Linked to <a href="#">SDNP/17/00949/FUL</a></p>
<p><a href="#">16/00359/CONTRV</a> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Informal Hearing</b></p>	<p>Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69</p> <p>Linked to <a href="#">16/03383/FUL</a></p>
<p><a href="#">16/03383/FUL</a> Sidlesham Parish</p> <p>Case Officer: Emma Kierans</p> <p><b>Informal Hearing</b></p>	<p>Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.</p> <p>Linked to <a href="#">16/00359/CONTRV</a></p>
<p><a href="#">17/00031/CONMHC</a> Southbourne Parish</p> <p>Case Officer: Shona Archer</p> <p><b>Awaiting Decision</b></p>	<p>Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation</p>

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage
Decoy Farm	Civil Claim to recover clearance costs	On-Going in terms of preparation for trial. Pre-Trial Review on 9 October 2018 at Worthing County Court

Prosecutions		
Site	Breach	Stage
Filed West of Five Oaks	Enforcement Notice	Adjourned hearing at Worthing Magistrates' Court on 3 August for plea to be entered
Land North of White Barn, Elms Lane	Enforcement Notice	Hearing at Worthing Magistrates' Court on 3 August for plea to be entered

#### 7. POLICY MATTERS