

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 4 September 2019 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 8)

The minutes relate to the meeting of the Planning Committee on 7 August 2019.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 14.

4 **Declarations of Interests** (Pages 9 - 10)

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 10 INCLUSIVE

Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

5 **BI/19/01051/FUL - Scuttlebutt Café, Birdham Pool, The Causeway, Birdham,**

West Sussex (Pages 11 - 28)

Change of use of the land from ancillary boat storage to the Birdham Pool marina to A3 cafe with associated decking, seating, and facilities areas and mobile tea hut (retrospective).

- 6 **CC/19/01134/REM - Land West Of Centurion Way And West Of Old Broyle Road Chichester West, Sussex PO19 3PH** (Pages 29 - 60)
All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P2.A, pursuant to permission 14/04301/OUT and approval of the West of Chichester Residential Architectural Design Strategy (August 2019, ref CB_70_068 Rev J), in compliance with condition 27 of permission 14/04301/OUT
- 7 **CC/19/01192/FUL - 9 Crane Street Chichester West Sussex PO19 1LJ** (Pages 61 - 77)
Change of use from A1 retail to A4 for use as a drinking establishment.
- 8 **CC/19/01323/FUL - 72-73 South Street Chichester PO19 1EE** (Pages 79 - 92)
Change of use from A1 (retail) to flexible A3/A4 use (restaurant/drinking establishment).
- 9 **EWB/19/00934/FUL - Unit J Hilton Park East Wittering Chichester West Sussex PO20 8RL** (Pages 93 - 103)
- 10 **WI/19/01353/FUL - Dobbies & The Shieling Itchenor Road West Itchenor PO20 7AA** (Pages 105 - 117)
Alterations to existing access, parking areas and front boundary at 'Dobbies' and 'The Shieling', and installation of timber pergola for boat store attached to garage of 'Dobbies'.
- 11 **SI/18/02925/FUL - Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex** (Pages 119 - 146)
Proposed private stable block and associated hard standing. New access to the highway.
- 12 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters between 19 July 2019 and 16 August 2019** (Pages 147 - 159)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 19 July 2019 and 16 August 2019** (Pages 161 - 169)
Schedule of Planning Appeals, Court and Policy Matters between 19 July 2019 and 16 August 2019
- 14 **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
- 15 **Exclusion of the Press and Public**
The committee is asked to consider in respect of the following item(s) whether the public interest including the press should be excluded from the meeting on the

grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members of the Cabinet and senior officers only (salmon paper)**

Or

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

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

GVT Government Department Application	CSS Called in by Secretary of State
HSC Hazardous Substance Consent	DEC Decided
LBC Listed Building Consent	DECDET Decline to determine
OHL Overhead Electricity Line	DEFCH Defer – Chairman
OUT Outline Application	DISMIS Appeal Dismissed
PLD Proposed Lawful Development	HOLD Application Clock Stopped
PNO Prior Notification (Agr, Dem, Tel)	INV Application Invalid on Receipt
REG3 District Application – Reg 3	LEG Defer – Legal Agreement
REG4 District Application – Reg 4	LIC Licence Issued
REM Approval of Reserved Matters	NFA No Further Action
REN Renewal (of Temporary Permission)	NODEC No Decision
TCA Tree in Conservation Area	NONDET Never to be determined
TEL Telecommunication Application (After PNO)	NOOBJ No Objection
TPA Works to tree subject of a TPO	NOTICE Notice Issued
CONACC Accesses	NOTPRO Not to Prepare a Tree Preservation Order
CONADV Adverts	OBJ Objection
CONAGR Agricultural	PCNENF PCN Served, Enforcement Pending
CONBC Breach of Conditions	PCO Pending Consideration
CONCD Coastal	PD Permitted Development
CONCMA County matters	PDE Pending Decision
CONCOM Commercial/Industrial/Business	PER Application Permitted
CONDWE Unauthorised dwellings	PLNREC DC Application Submitted
CONENG Engineering operations	PPNR Planning Permission Required S64
CONHDG Hedgerows	PPNREQ Planning Permission Not Required
CONHH Householders	REC Application Received
CONLB Listed Buildings	REF Application Refused
CONMHC Mobile homes / caravans	REVOKE Permission Revoked
CONREC Recreation / sports	S32 Section 32 Notice
CONSH Stables / horses	SPLIT Split Decision
CONT Trees	STPSRV Stop Notice Served
CONTEM Temporary uses – markets/shooting/motorbikes	STPWTH Stop Notice Withdrawn
CONTRV Travellers	VAL Valid Application Received
CONWST Wasteland	WDN Application Withdrawn
	YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 7 August 2019 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr C Page, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mr R Briscoe and Mrs J Fowler

In attendance by invitation:

Officers present: Miss C Boddy (Senior Planning Officer), Mrs L Grange (Divisional Manager for Housing), Miss N Golding (Principal Solicitor), Mr S Harris (Senior Planning Officer), Mr D Henly (Senior Engineer (Coast and Water Management)), Miss L Higenbottam (Democratic Services Manager), Mr R Sims (Principal Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

32 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and read out the emergency evacuation procedure.

Apologies for absence had been received from Mr Briscoe and Mrs Fowler.

The Chairman then announced that the following items had been withdrawn from the agenda:

- Item 8 - SB/19/01168/REM – Land North of Main Road and West of Inland Road, Southbourne, Emsworth, Hampshire, PO10 8JH
- Item 12 – FU/19/00445/FUL – Land South East of Tower View Nursery, West Ashling Road, Hambrook, Funtington, West Sussex

33 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 10 July 2019 be approved and signed by the Chairman as a correct record.

34 **Urgent Items**

There were no urgent items.

35 **Declarations of Interests**

Rev Bowden declared a personal interest in planning applications CC/19/01163/FUL, CC/19/01164/LBC and CC/18/03268/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in planning applications LV/18/03407/FUL and FB/18/03401/FUL as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in planning applications LV/18/03407/FUL and FB/18/03401/FUL as a member of West Sussex County Council.

Mrs Sharp declared a personal interest in planning applications CC/19/01163/FUL, CC/19/01164/LBC and CC/18/03268/FUL as a member of Chichester City Council.

36 **WE/18/03013/FUL - Woodbury House, Whitechimney Row, Westbourne PO10 8RS**

Miss Boddy introduced the application.

The following member of the public addressed the Committee:

- Mr Richard Hitchcock – Parish Representative

During the discussion members sought clarification on a number of points. With regard to the drainage provisions for the application site Mr Henly confirmed that the applicant would be using soakaways wrapped in a permeable membrane. He explained that the manufacturer estimated lifespan of the surfacing is approximately 10 years dependent on the level of maintenance carried out. He agreed that the design of the open earth verge adjacent to the patio would act as a good additional drainage facility. Miss Boddy confirmed that condition 3 refers only to the down pipes. With regard to the bin storage it will be located towards the rear of the property.

Recommendation to **Permit** agreed.

37 **SI/19/00810/FUL - Windward Nursery, Chalk Lane, Sidlesham PO20 7LW**

Mrs Stevens introduced the application.

Additional information was reported on the agenda update sheet relating to an incomplete ward name on the report, an additional condition recommended by the Drainage Officer, amendment to paragraph 8.4, amended condition 18 and an additional condition relating to the curtilage.

During the discussion members sought clarification on a number of points. With regard to the flood zone categorisation Mrs Stevens confirmed that the application site lies within flood zone 1. With regard to the protection of trees on the site planting and landscaping, this is subject to a recommended planning condition which would require details to be submitted and therefore this could be considered by officers at that stage. With regard to the Construction Management Plan section K it was agreed to add additional wording to ensure the control of litter on the site.

Recommendation to defer for Section 106 then **permit** agreed.

38 SI/18/03378/FUL - Greatham Farm, Ham Road, Sidlesham PO20 7PA

Mrs Stevens introduced the application.

Additional information was reported on the agenda update sheet relating to an incomplete ward name on the report.

During the discussion members sought clarification on a number of points. With regard to drainage Mrs Stevens confirmed that the application site is not connected to mains drainage but condition 4 requires prior approval of foul drainage plans. With regard to flood risk the site lies in flood zone 1 (following Medmerry works) and officers therefore have no concerns relating to the height of the flooring level. In addition the Environment Agency and the council's Drainage Engineer raised no concerns relating to flooding. With regard to similar applications being brought forward on adjacent sites the Committee were reminded that each application should be decided on its own merits. Mrs Stevens then confirmed that points c and d in condition 16 should read a and b and would be amended accordingly. With regard to the Construction Management Plan section K it was agreed to add additional wording to ensure the control of litter on the site. With regard to permanent occupation of the site officers felt it unreasonable to add a condition preventing holiday occupation as it would comply with the C3 Dwelling House use permitted.

Recommendation to defer for Section 106 then **permit**.

39 SB/19/01168/REM - Land North Of Main Road And West Of Inland Road, Southbourne, Emsworth, Hampshire PO10 8JH

This item was withdrawn from the agenda.

40 SB/18/01664/FUL - Land East Of Inlands Road, Inlands Road, Nutbourne West Sussex

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to a comment received from Southbourne Parish Council withdrawing their objection and amended Location and Block Plans.

The following member of the public addressed the Committee:

- Mr Neil Barker - Applicant

During the discussion members sought clarification on a number of points. With regard to the use of shipping containers Mr Sims confirmed that the applicant would be retaining the containers for security purposes and to deter rodents. Further to concerns relating to future development conditions 5 and 7 prevent any future change of use of the site. With regard to solar panels the style of the roof and the materials used would make installation difficult and as such officers felt a condition of that nature would be unreasonable. With regard to whether the site could be eligible for permitted development it was confirmed that the site is smaller than the 5 hectares minimum requirement. With regard to fencing the applicant at the request of officers removed the fencing element from the plans and has also created an open frontage.

Recommendation to **permit** agreed.

Members took a 10 minute break.

41 **LV/18/03407/FUL - St Wilfrids Hospice Outlet Store, Lavant Road, Chichester, West Sussex PO19**

Miss Boddy introduced the application.

Additional information was reported on the agenda update sheet relating to an amendment to condition 3.

During the discussion members sought clarification on a number of points. With regard to noise concerns Miss Boddy explained that condition 8 requires noise mitigation and the applicant has acknowledged the requirement for roller blinds and shutters to be closed during exercise classes. Following concern expressed by members regarding the impact of noise on Roman Fields to the south of the application site Mr Whitty confirmed that condition 8 should refer to the west and south of the site rather than the west and east of the site and would amend accordingly. With regard to the possibility of requiring the installation of solar panels members were reminded that the application relates only to the increase of opening hours so officers felt a requirement for solar panels would be unreasonable. Officers also acknowledged members concerns regarding the difficulty in ensuring the enforcement of the sites bollards.

Recommendation to **permit** agreed.

42 **KD/19/00086/FUL - Land On The East Side Of Plaistow Road, Plaistow Road, Kirdford, West Sussex**

Mr Harris introduced the application.

Additional information was reported on the agenda update sheet relating to further representations from Kirdford Parish Council and a third party.

The following members of the public addressed the Committee:

- Mr Luke Smith – Planning Consultant speaking on behalf of Kirdford Parish Council
- Mr Tony Piedade – Objector
- Mrs Lindsay Nutting – Objector
- Mr Paul White – Agent
- Mrs Natalie Hume – Chichester District Council Member

During the discussion members sought clarification on a number of points. With regard to the Neighbourhood Plan, Mr Whitty confirmed that the Plan was made more than five years ago and is now due for review. In response to members' questions Mr Whitty acknowledged that it might be argued that, as a consequence of its age, the Plan should now attract less planning weight than it originally did. However, in his view the weight it should be given is still significant. In any case, even if the policies of the Neighbourhood Plan are given full weight, Mr Whitty confirmed that the officers' recommendation to permit the application, which is based on balancing the requirements of the Neighbourhood Plan against other material considerations, would still be to permit the application.

With regard to the issue of phasing, it was explained that the expectations of the Neighbourhood Plan with regard to what form any phasing would take were open to interpretation, however, a key consideration related to this issue of housing need. Officers confirmed that it would be unreasonable to impose a planning condition requiring a proportion of the dwellings to remain unoccupied for a period of time once completed (to allow for the gradual introduction of new residents into the village), or for construction to start at one end of the site and finish at the other. With regard to surface water drainage, the applicant would be required to drain their site only, and was not responsible for drainage infrastructure that was downstream of the site. In response to Councillor Oakley's questions, Mr Harris agreed to review the proposed drainage conditions with respect to protecting any existing on-site drainage infrastructure, and also ensuring that the relevant consents with regard to off-site discharges were in hand. With regard to the possibility of a Community Land Trust developing the site, Mr Whitty confirmed that this was not the proposal that was before members, but confirmed that a change in developer would be likely to further delay the delivery of housing on the site.

Mrs Grange was then invited to discuss housing need in relation to Kirdford and the surrounding parishes. She explained the results of the recent Housing Needs Survey and also clarified the level of affordable housing need in the surrounding parishes. Mrs Grange also clarified that, last year, it had not been possible to house two families in Kirdford and as a result they had to move out of the area. Mrs Grange noted a decline in the number of people on the housing register and explained that unless a person bids for a property in a six month period they are removed from the register and must contact the Council if they are still in housing need and wish to be reinstated. She confirmed that there are households, including key workers, who cannot afford to buy in this the most expensive part of the district but earn above the threshold, set in 2013 to qualify for the housing register which will be one of the considerations of the review of the Allocations Scheme due to be taken to Cabinet in early 2020.

Recommendation to defer for Section 106 then **permit** agreed. If Section 106 not completed by 30 September 2019, the decision to be delegated to officers to determine.

Members took a thirty minute lunch break.

43 **FU/19/00445/FUL - Land South East Of Tower View Nursery, West Ashling Road, Hambrook ,Funtington, West Sussex**

This item was withdrawn from the agenda.

44 **FB/18/03401/FUL - 98 Fishbourne Road West, Fishbourne, PO19 3JL**

Miss Boddy introduced the application.

Additional information was reported on the agenda update sheet relating to an incomplete ward name on the report, comments from the council's Planning Policy team, and the council's Housing Enabling Officer and an additional informative.

The following members of the public addressed the Committee:

- Ms Lynda Hunter – Parish Representative
- Mr Paul White – Agent
- Mrs Penny Plant – reading a statement on behalf of Mr Adrian Moss – Chichester District Council Member

During the discussion members sought clarification on a number of points. With regard to parking Miss Boddy confirmed that condition 8 includes the requirement for car ports and garages. Mr Whitty added that the plans indicate garages at the required 3 x 6 metres size so an additional condition would not be necessary. With regard to access to the property Miss Boddy explained that it would be achievable to install a ramp for wheelchair users. With regard to the design officers felt that the use of clay tiles reflects the historic nature of Fishbourne. It was confirmed that the Secretary of State does not require notification but the application had been advertised in the local press. With regard to whether the site should be restricted to older residents the Parish Council has noted its support of the approach however permission if granted would be without age restriction and it would be up to the applicant to decide how to market the properties. With regard to the request from West Sussex County Council to gravel the driveway and block pave onto the A259 Miss Boddy agreed to add a condition. With regard to the Construction Management Plan section K Mr Whitty agreed to add additional wording to ensure the control of litter on the site.

Recommendation to defer for Section 106 then **permit** agreed.

45 **CC/19/01163/FUL & CC/19/01164/LBC - 6A Northgate, Chichester, PO19 1BA**

Mrs Stevens introduced the application.

Additional information was reported on the agenda update sheet relating to an incomplete ward name on the report.

The following member of the public addressed the Committee:

- Mr Patrick Madeley - Applicant

During the discussion members sought clarification on a number of points. With regard to the outside railing Mrs Stevens confirmed that it would be fixed in place as would the street facing window and door. With regard to the style officers felt the design is not out of character with its location. With regard to access to the property it was clarified that there is no rear access to the courtyard. With regard to plumbing it is understood that a greater level of plumbing may be required within the proposed first floor bathroom in order to carry out the conversion however officers are not concerned about the impact to the historic fabric of the building as many of the original features have already been removed. With regard to cycle route access during construction Mr Whitty agreed to add an informative but explained that the access to the cycle route is enforceable by West Sussex County Council and the council cannot condition an area outside of the application site.

CC/19/01163/FUL – Recommendation to **permit** with Section 106 agreed.

CC/19/01164/LBC – Recommendation to **permit** agreed.

46 **CC/18/03268/FUL - Chichester Bowling Club, The Pavilion, Priory Lane, Chichester, West Sussex PO19 1NL**

Mr Sims introduced the application.

Additional information was reported on the agenda update sheet relating to an incomplete ward name on the report, comment from the council's Operations Manager (Residents Services) and a third party comment.

The following member of the public addressed the Committee:

- Mr Mark Rayner – Applicant on behalf of Chichester District Council

During the discussion members sought clarification on a number of points. With regard to the height of the wall Mr Sims confirmed that with capping it would stand at 800mm. With regard to public and works access the council's Health and Safety Manager had been working with the applicant to agree appropriate mitigation measures and it would be the responsibility of the applicant to ensure the measures are carried out satisfactorily. With regard to the information board Mr Sims agreed to instruct the addition of information relating to the Air Raid Shelter. With regard to concerns about anti-social behaviour in the park the lowering of the wall would create a wider vista for natural surveillance of the park.

Recommendation to **permit** agreed.

47 **Chichester District Council -Schedule of Planning Appeals, Court and Policy Matters between 21 June 2019 and 19 July 2019**

With reference to 15/02818/FUL, 22 Peacock Close, Chichester, PO19 6YD Mrs Stevens confirmed the appeal had been allowed but no costs had been submitted against the council.

With reference to Breach Avenue, Southbourne, Miss Golding confirmed that the hearing had taken place and the council continues to await the judgement.

48 **South Downs National Park - Schedule of Planning Appeals, Court and Policy Matters between 21 June 2019 and 19 July 2019**

There were no comments or questions relating to this item.

49 **Consideration of any late items as follows:**

There were no late items.

50 **Exclusion of the Press and Public**

There was no requirement to exclude the press and public.

The meeting ended at 2.26 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 4 September 2019

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 H C Potter – Boxgrove Parish Council (BG)
- Mrs S M Sharp – Chichester City Council (CC)
- Rev J-H Bowden – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

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:

- 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 H Potter – South Downs National Park Authority

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 organisation stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

Personal Interests – Other Membership of Public Bodies

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

- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Birdham	Ward: The Witterings
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BI/19/01051/FUL

Proposal Change of use of the land from ancillary boat storage to the Birdham Pool marina to A3 cafe with associated decking, seating, and facilities areas and mobile tea hut (retrospective).

Site Scuttlebutt Café, Birdham Pool, The Causeway, Birdham, West Sussex

Map Ref (E) 482453 (N) 100946

Applicant Tim Sturton-Davies

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

Note: Do not scale from map. For information only.
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is situated on a small parcel of land located on the southern side of the Birdham Pool Marina. It is located within an area used for boat storage. Immediately to the south lies the boundary of the Birdham Pool Marina which is bounded by a mature natural boundary, that provides some screening of the site to the south. To the north lies the private road that serves the Birdham Pool Marina and houses nearby. This road is also a Public Right of Way (PROW) which is linked to the Chichester Marina. Immediately north of the road lies parking spaces for birth holders and pontoon access. The main buildings within the Birdham Pool Marina are located to the northwest of the café.

3.0 The Proposal

- 3.1 This application proposes the; change of use of land from boat storage ancillary to Birdham Pool Marina to an A3 cafe with associated decking, seating, and facilities areas and mobile tea hut. This is a retrospective application.
- 3.2 The land is currently being used for the stationing of a small timber hut, affixed to a trailer, that forms the serving facilities for the Scuttlebutt Café. There is a roped off timber decking area to the north of the trailer and a timber enclosure to secure a facilities area (bin storage). The café hut measures; 2.3m high x 3.4 m x 1.8 m and the total area of land subject to this change of use measures 19 sqm.

4.0 History

13/00316/FUL - Conversion of building to 4 no. dwellings, replacement workshop building, re-arrangement of existing boatyard. Installation of replacement modern crane. Re-arrangement of existing marina layout. Relocation of marina office.
STATUS: REF 19th June 2014 – Allowed at Appeal

18/01651/FUL - The installation of infrastructure and associated engineering works to accommodate 9 houseboats to be used as holiday homes only, including the erection of a raised walkway, moorings and associated car parking.
STATUS: REF 29th October 2018

5.0 Constraints

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	Yes
Tree Preservation Order	No
EA Flood Zone 2	Yes
EA Flood Zone 3	Yes

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council OBJECTS to this application most strongly for the following reasons:-

- 1 - This further development into a sensitive area which could well have an incremental, and therefore detrimental, effect on the AONB.
- 2 - Intrusion into the Northern side of the causeway.
- 3 - Reduction in parking facilities.
- 4 - Loss of land to the marina for marina purposes.
- 5 - Potential for alcohol usage in what is effectively a residential area.

Chichester Harbour Conservancy

6.2 The Conservancy's final resolution on this matter is –

That seasonal planning permission be granted, subject to the following planning conditions –

1. That seasonal use for the cafe shall only operate between 1 April and 31 August each calendar year, with the mobile café unit removed from the site in the period 1 September to 31 March in any calendar year;
2. That the hours of operation of the café shall be restricted to 08.00 to 20.00 hours daily;
3. That no awnings, canopies or other temporary structures be allowed to be deployed over the seating area, without the further written permission of the local planning authority; and,

4. That no external lighting shall be installed on the decking area or affixed to the mobile café unit or refuse enclosure.”

Some of our Members expressed concern that if approved, this would be the first physical development permitted south of The Causeway, which might set a precedent for further development such as a permanent structure to cover the seating area. It was noted that a mobile refreshments service also visits the boatyard to supply sandwiches and drinks to workers.

WSCC Highways

- 6.3 The Causeway is a private highway not maintained by WSCC. Consequently, these Comments are for your advice only.

The site is located on The Causeway at Birdham Pool, access to The Causeway is accessed using Court Barn Lane which is also privately maintained for the majority of the route. The southern portion of Court Barn Lane is maintained by WSCC and adjoins Church Lane via two separate access points.

Court Barn Lane is a single track rural lane subject to 15mph speed restrictions; the road is also subject to traffic calming in the form of speed humps along the route. Established passing places are located along the length of the road allowing two vehicles to pass should conflict occur.

Visibility from Court Barn Lane onto Church Lane is sufficient for the use and from observation of the most recent Sussex Police Collision data, there have been no highways collisions or personal injury claims at the access points to flag an existing concern with the use.

The café has been stated as primarily serving workers and berth holders of the Marina but also caters to passing walkers and visitors. The site has been in use in this manner for a year and there have been no known highways safety concerns with the practise.

The road and associated application site is privately maintained. It is unclear how any associated parking would be accommodated however it is not considered that due to the nature of the tea hut, a large number of vehicular movements would be generated. It is also not considered that parking would overspill onto the Publicly Maintained Highway as a result of the proposal.

It is anticipated that movements to the tea hut would be made more by pass-by or linked movements either on foot or from workers at the site. As such will generally generate a limited number of new vehicle trips on the road network.

The Local Planning Authority may however wish to monitor how much on-street car parking does occur as result of this application to ascertain whether it is having an adverse effect.

The WSCC PROW officer will be providing comments in due course regarding the nearby Footpath FP37.

INFORMATIVE

The applicant is advised to contact the proprietor of The Causeway to obtain formal approval to carry out the works accessed via the private lane.

WSCC PROW

- 6.4 Public right of way (PROW) numbered FP37 exists over the whole width of the causeway road adjacent to Birdham Pool. The proposed application is sited to an area to the south of the causeway and does not directly impact on the public footpath. PROW has no objection to this application however; we would like to bring the following comments to the applicant's attention and for them to be taking into consideration.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route. In this case the width of FP37 over the length adjacent to Birdham Pool is considered to be the whole width of the causeway road.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury – the applicant must consider how access is managed so the public is not endangered or inconvenienced.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

Natural England

6.5 Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

For applications within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) we recommend you seek the advice of the Chichester Harbour Conservancy.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available online at <https://www.gov.uk/guidance/local-planning-authorities-getenvironmental-advice>.

6.6 11 x Third Party representations in objection, concerning;

- Winter boat storage space is being restricted.
- More pressure on the natural environment of the pool with its unique setting and wildlife.
- Ugly construction which stands out like a sore thumb in the marine surroundings.
- There are no toilets and hygiene facilities for customers and staff.
- The development of this site would be the first development ever on the upstream side of the causeway at Birdham Pool. This is a sensitive part of the AONB and hence this should not be allowed.
- Design - this is inappropriate for the AONB.
- Car Parking - none is provided for customers.
- Increased activity and pressure on parking.
- Retail use is not supported by current DP.
- Boathouse Cafe is less than 5 mins walk away and a small village does not need 2 cafes.
- Further commercialisation of an AONB.
- Increase in traffic generation, which has already become a problem in court barn lane as the boat yard has continued to be developed (multiple road resurfacings required, lack of pull over places resulting in continual breaking and acceleration noise pollution, substantial traffic volumes making less safe to walkers and children).
- Increased litter pollution.
- This will represent a change of use for what is exclusively a marine development- not a retail enterprise.
- Birdham Pool is the most iconic part of Birdham. The setting of the Pool within the AONB and its history is what makes it the most treasured asset and worthy of Heritage status and all the associated protections and considerations.
- Trading hours applied (11pm in the week, 10 pm on Sundays) would be harmful in this location.

6.7 24 x Third Party representations in support, concerning;

- Low key and fits well into the surroundings.
- Ideally located for the harbour side footpath.
- Parking for user of the Marina only and is clearly designated.
- Use has tidied up this part of the site that was previously used to store various boat paraphernalia.
- The café provides a much needed pit stop for walkers, cyclists and visitors in general; it also provides an essential service to boaters and marina workers.
- The unobtrusive timber cafe building and timber deck take up an insignificant portion of the marina yard that was too narrow for boat storage.
- The siting of the cafe has improved the character of the area, as this corner of the marina with the septic tank and general dumping was always somewhat of an eyesore.

- Creates jobs and enhances the locality.
- The cafe is a useful amenity and an asset to the community both socially and economically.
- The sister cafe, in Itchenor Ship yard, has become an important focus for the community and is very well run and managed.

6.8 1 x Third Party representation neither in support, nor objecting:

- Scuttlebutt Cafe could be given planning permission for the summer months only - this would ensure that the Marina remains a working boatyard.

6.9 Applicant/Agent's Supporting Information

16/07/2019

Following receipt of comments from my client I can provide the following information:

1 - The letter from the marina which accompanies the application makes clear that this small parcel of land was an underused corner of boat storage. At the most it could have stored one small boat so its effect on overall storage for the marina is negligible.

2 - Customers of the cafe have use of the shipyard toilet facilities (not berth holder facilities). These are located behind the main offices in the corner of the yard. They are a maximum of a 2 minute walk away.

3 - Again, the letter from the marina which accompanies the application makes clear that there is a lease. The marina did not have a cafe and they wanted one for both employees and berth holders, but did not want the responsibility of having to run one so the lease is the best option for them.

4 - This is a very seasonal business and, in order to ensure its success and longevity, additional opening hours are required, to enable them to host occasional events etc. The applicant would be happy to compromise on the hours applied for but would ask that they be 8am - 2130 PM everyday inc Sundays and Bank Holidays. It is not his intention to open for these hours every day but require permission, so that we are able to, on occasion. The cafe is not a licensed premises so I do not consider there to be an issue with possible noise disturbance to neighbours.

PC Objection.

The applicant cannot develop the cafe incrementally - the site it is located on land which contains a southern water access point which cannot be built on. The wooden structures have been put together to fit in with the other marina structures nearby and be in-keeping with the surroundings. There is no allocated parking for cafe customers and the site remains berth holders and contractors only. The majority of customers arrive on foot from the marina itself. As stated above, this space was under-utilised by the Marina and only represents a very small percentage of the total footprint of the marina. Finally, with regard to alcohol use - this not a licensed premises.

CHC Comments

The applicant's lease is not seasonal and as such would not want to stop operating for 6 months of the year. There are annual events at the marina such as the Classic Boat Festival, which fall in these months and are vital to the viability of the business. Moreover the primary purpose is to provide a cafe for both employees and berth holders - people who are on site year round. As to proposed hours, as above, I do not believe these to be unreasonable. The business would not operate to the full extent of these hours all of the time. The applicant would not want to be prevented from the use of temporary awnings. These are useful when there is in bad weather and also to provide shade in full sunshine. Finally, there is already lighting in the decking. This is very low level and has not yet been used. The area will not be floodlight.

6.10 Additional Information from Birdham Pool Marina

We assessed the area of hardstanding taken up by the Scuttlebutt Café during discussions as to the viability of the opportunity to rent the space on a permanent basis. The café is located in the most inaccessible corner of the hardstanding, with very difficult access by our new boat mover trailer, and only reduces the total boat parking area by one boat.

Given that we've significantly improved the boat parking elsewhere onsite, and also improved the car parking management, it realistically does not impact on our ability to store boats at all – in fact we now have greater capacity than previously. The benefits to our berth holders of the café far outweigh this insignificant loss of space.

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. The Birdham Neighbourhood Plan was made on the 19/07/2016 and forms part of the Development Plan against which applications must be considered.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 44: Development around the Coast

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

7.3 Birdham Neighbourhood Plan:

Policy 1 - Heritage Assets & Their Setting

Policy 3 – Habitat Sites

Policy 4 – Landscape Character and Important Views

Policy 5 - Light Pollution

Policy 6 – Biodiversity

Policy 9 - Traffic Impact

Policy 10 - Footpaths & Cycle Paths

Policy 15 - Rural Area Policy

Policy 18 - Flood Risk Assessment

Policy 22 - Development for Business Use

Policy 23 - Retention of Businesses

National Policy and Guidance

- 7.4 Government planning policy now comprises the 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, 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-date⁷, 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 proposed⁶; 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.

- 7.5 Consideration should also be given to Sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment) generally.

Other Local Policy and Guidance

- 7.6 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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i. Principle of the development
- ii. Impact on visual amenities/character and appearance of the site and surrounding area and AONB
- iii. Impact on heritage assets
- iv. Impact on neighbouring amenities
- v. Highway safety
- vi. Impact on Wildlife/Protected Species

Assessment

i. Principle of the Development

- 8.2 Policy 2 of the Chichester Local Plan defines of the development strategy for the District and identifies the locations where sustainable development, infrastructure and facilities will be accommodated, which in terms of scale, function and character support the role of the settlements outlined within the policy. The policy states that there is presumption in favour of sustainable development within the settlement boundaries. The policy continues and requires that development in the rest of the plan area, outside the settlement boundary, is restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification in accordance with Policies 45-46. Policy 45 of the Chichester Local Plan states that within the countryside, outside of settlement boundaries, development will be granted where it requires a countryside location and meets the essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements.
- 8.3 The Birdham Pool Marina is an existing established marina, it is recorded within the Birdham Neighbourhood Plan (BINP) that the Birdham Pool Marina was Britain's first marina, established in 1935. It is an active marina with many boats moored within the berths and some dry storage for boats around the edge of the site. The Birdham Pool Marina is said to have capacity for 250 berths. The Tidal Mill is a noteworthy building within the area.
- 8.4 Castle Marinas Ltd operates Birdham Pool Marina and has leased a small area of boat storage to Tim Sturton- Davies of Waterside Cafes Ltd, trading as Scuttlebutt Café. The agent has confirmed that this was on the basis that the Birdham Pool Marina did not have an existing café and that the primary purpose of the café is to provide refreshments to berth holders and employees on the marina. It is proposed that the café would be sited and in use all year round. The café is modest and served by a small seating area. Toilets are provided for customers within the nearby buildings that form part of the marina.
- 8.5 The Applicant has confirmed that the café results in the reduction of dry boat storage by one large or two small boats at the most, it is also claimed that this area was previously difficult to use, due to its shape, and location, and that there is ample space within the marina to accommodate demand for dry storage all year round. The Chichester Harbour Conservancy (CHC) have requested that the café is restricted to summer months only due to the need to provide more dry storage in winter months. However the Marina operators have confirmed that there would remain sufficient storage for boats if the café was to be open all year round and there is therefore insufficient justification to support the request of CHC. The applicant has also stated that in order to make this cafe viable, and to provide facilities for staff working at the Marina, that the café is required all year round. Consequently, it is considered that an all year round café would not result in harm to the viability of the existing marina and there is no justification to limit the operation of the café to a seasonal use.

8.6 Policy 23 of the Birdham Neighbourhood Plan states that;

‘.....Proposals that adversely affect businesses related to the marine heritage of Birdham (i.e. Birdham Pool & Chichester Marina) will be discouraged.

Support will be given to the retention of all business related to tourism, marine, horticulture and agriculture against any proposals for redevelopment or for a change of use in accordance with Local Plan Policies 3 and 26. Accordingly, proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses’.

8.7 In this instance it is considered that the provision of a small scale café on the site that is leased, and therefore controlled by the marina, would support the existing business. According to the Operations Director for Birdham Pool Marina, the constrained shape and size of the existing site makes it impractical for boat storage and does not impact on the ability to store boats elsewhere on site. It is evident that this is an underutilised part of the site and serves limited functional purpose to the Marina. Furthermore, the provision of a Café would enhance the offer of the marine business as well as providing facilities for users of the public right of way.

8.8 On this basis the principle of a small scale A3 café in this location would not result in a significant adverse impact on the existing use of the site as a working marina and would support the existing business and therefore comply with Policy 23 of the Birdham Neighbourhood Plan.

ii. Impact on visual amenities/character and appearance of the site and surroundings and AONB

8.9 The Café lies to the south of the Marina and is visible from the road running from west to east, which is also a public right of way. It is also visible from the associated features of the Marina, including the parking spaces, boats, pond and buildings. The unit that forms the café is clad in timber which has a dark finish and there is also a timber storage enclosure and deck that has been left with a natural finish, to weather overtime. The decking is framed by timber posts and a top rail with ropes that contain the seating area. The seats and tables themselves are also formed of timber and black metal. The café and associated features are located in and amongst the boats, buildings and facilities within the existing marina as well as benefiting from screening along the vegetated western and southern boundaries.

8.10 Representations of objection and support have been received, regarding the visual appearance of the café and its associated features. Whilst the Café is located to the immediate south of the PROW, it is a small feature that does not dominate the site and the natural appearance of the external materials and finishes assist with its visual integration within its surroundings. The natural beauty of the AONB and the functional character of the existing marina remains the dominant character and, on balance, Officers consider that the café does not result in harm to character and appearance of the area, or result in harm to the intrinsic natural beauty of the AONB and the important features that it possesses.

Overall the development is considered to conserve and enhance this part of the site and AONB. Subject to conditions regarding; hours of use, external lighting and limiting the use to an A3 café only; it is considered that the application complies within Policies 43, 45, 47 and 48 of the Local Plan and Policy 4, 15 and 23 of the Birdham Neighbourhood Plan

iii. Impact on heritage assets

8.11 The Birdham Mill, Well House and The Red House are Listed Buildings and the impact of development within their setting requires special consideration under the Listed Building and Conservation Area Act. The Grade II listed building at Tidal Mill is separated by a distance of 190m (as the crow flies), from the decking area of the café. The Grade II listed buildings Well House and The Red House are located approximately 156m northeast of the café. Given the low key nature of the café, both in terms of its use and physical appearance and its removed distance from the listed buildings it is considered that these proposal have a limited impact on the setting of these designated heritage assets and as such the impact on their significance would not be harmful. On this basis the proposals comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 and Policy 47 of the Local Plan and Policy 1 of the Birdham Neighbourhood Plan.

iv. Impact on neighbouring amenities

8.12 There are neighbouring properties to the northwest and northeast of the café. The closest of which comprise of the converted building under allowed appeal (13/00316/FUL) are located a distance of approximately 45m west of the decking area. Well House and The Red House are the closest dwellings to the northeast at a distance of 156m from the application site. In this context the type of use and timings of the activity will be important to retaining the tranquil character of the site and surroundings and to ensure neighbouring amenities are protected. Given the above separation distances, the low key nature of the A3 use and the fact that noise from such activity would be ancillary to the use of the site as an active working marina, it is considered that the additional impact of the development on noise and disturbance would be limited, subject to a restriction of opening hours through a condition. Furthermore, the applicant has confirmed that this application does not propose the sale of alcohol, which in any case would require a separate licence. On this basis the proposals do not result in harm to neighbouring amenity, subject to conditions limiting the hours of opening and the use of the site as A3 use only.

8.13 On balance of the details, policies, material considerations and context of this case; the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, tranquillity and privacy. Therefore, it is considered that the development complies with 127 of the 2019 NPPF.

v. Highway safety and parking

8.14 WSCC Highways have been consulted and have not raised an objection. The application site does not encroach or impede the public right of way therefore it is not considered that proposals are detrimental to the use of the public right of way or its users. A request for an informative regarding the private way, has been requested by WSCC Highways and is included as part of this recommendation.

8.15 Parking has been raised as concern by interested parties. Parking in the marina is mainly limited to its staff and berth holders. There is some space for visitors however this is limited. The café is located to serve passers-by, using the footpath and cycling routes within the area. Subsequently it is not considered that the ancillary nature of the development would provide a specific destination for users which would require its own parking provision. Neither is it considered that the café would result in the loss of parking spaces at the Marina.

vi. Impact on Wildlife/Protected Species

8.16 Before the café was implemented the site formed part of the existing marina site and the condition of the hardsuraced land would not have been one that would have accommodated wildlife and protected species. Therefore the siting of the café has had limited impact on habitats and wildlife. The activity in terms of noise from the café would be ancillary to the main use of the site and an active working marina. The remaining issue relates to the potential for light pollution and therefore the recommendation includes a condition to limit external lighting and in order to ensure the impact from such is at a suitable level a lighting scheme would require agreement with the LPA. Natural England has been consulted and have not raised an objection to the proposal. Therefore, it is considered that the proposal would comply with Policy 48 of the Local Plan and Section 15 of the NPPF.

Conclusion

8.17 Whilst the site is located within the countryside, the development would form a small A3 café that would support the existing marine business at Birdham Pool Marina. Furthermore, it is small scale, physically well related in its size, siting and appearance and would not result in a significant adverse impact on the character and appearance of the area. On this basis subject to conditions limiting the hours of use of the development and preventing new external lighting, the application is considered to comply with the Local Plan and Neighbourhood Plan and is therefore recommended for approval.

8.18 Overall, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise therefore and subject to conditions permission should be granted.

Human Rights

8.19 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 permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informative:-

1) The development hereby permitted shall be maintained in accordance with the plans listed below under the heading "Decided Plans"

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

2) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting these Orders, the development hereby permitted shall only be used as a A3 cafe in connection within Birdham Pool Marina and for no other use what so ever (including any other purpose in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason; in the interest of visual and neighbouring amenities and to ensure the development has an appropriate use for the site, surroundings and AONB.

3) Notwithstanding the application details the café hereby permitted shall only be open to the public between the hours of;

Monday to Saturday; 08:00 – 20:00
Sundays and Public Holidays; 09:00 – 18:00

And at no other times what so ever, unless otherwise agreed in writing by the Local Planning Authority.

Reason; in the interest of conserving and enhancing the tranquil character of the site, surroundings, AONB and neighbouring properties and gardens.

4) Within two months of the date of this permission a scheme for any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall only be implemented in accordance with the agreed details and retained and maintained as agreed in perpetuity.

The scheme shall include provision for the reduction of light spillage and details of illumination levels and types and locations of lights.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

Reason; in the interest of wildlife/protected species protection, conservation of dark skies and to conserve and enhance the natural beauty of the AONB.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - The Location Plan	1		10.04.2019	Approved
PLAN - Block Plan	2		10.04.2019	Approved
PLAN - Site Plan	3		10.04.2019	Approved
PLAN - Proposed Plans and Elevations	4		10.04.2019	Approved

INFORMATIVES

1) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

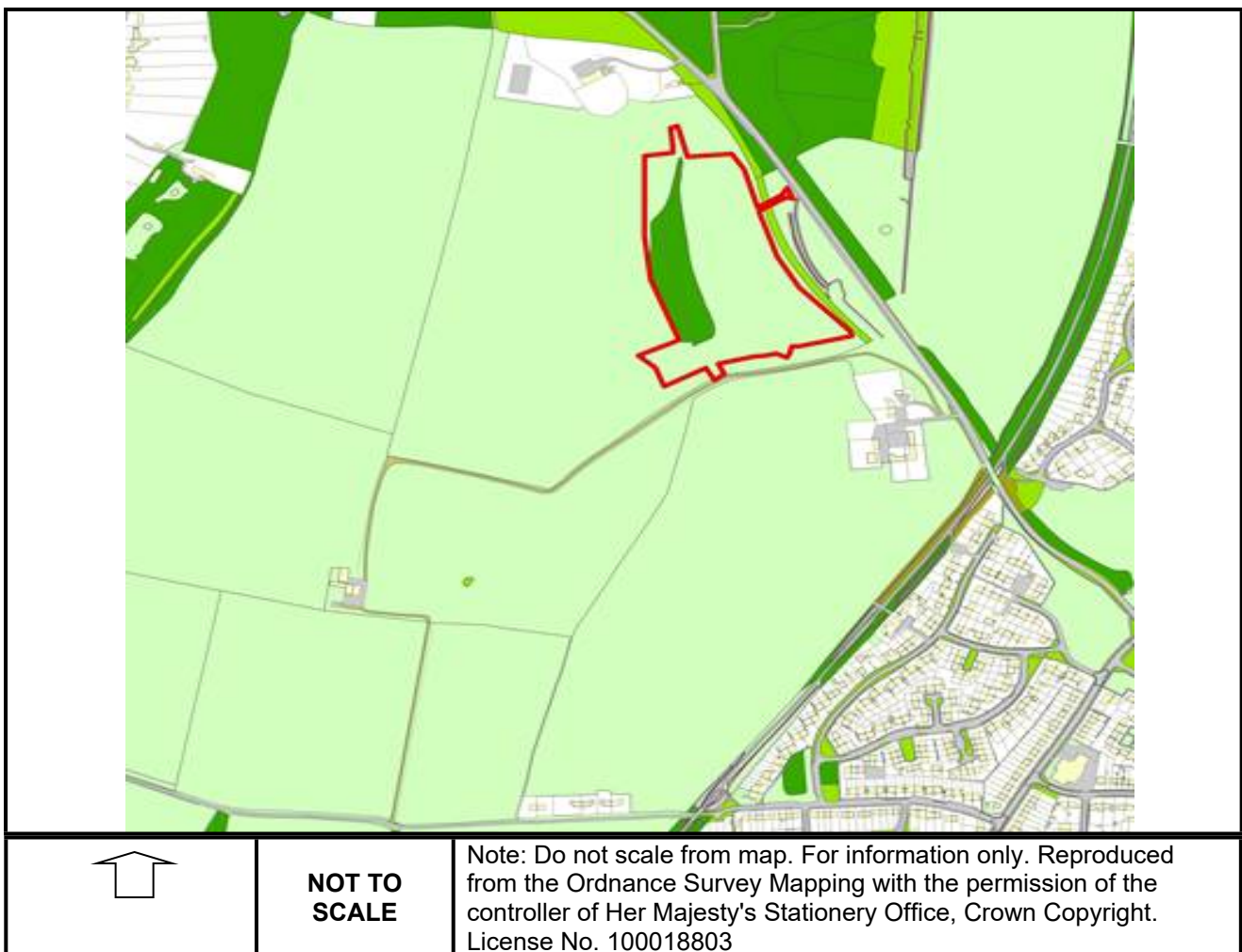
<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PPR3UEERJOD00>

Parish: Chichester	Ward: Chichester West
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CC/19/01134/REM

Proposal	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P2.A, pursuant to permission 14/04301/OUT and approval of the West of Chichester Residential Architectural Design Strategy (August 2019, ref CB_70_068 Rev J), in compliance with condition 27 of permission 14/04301/OUT.		
Site	Land West Of Centurion Way And West Of Old Broyle Road Chichester West Sussex PO19 3PH		
Map Ref	(E) 485000 (N) 106000		
Applicant	Miller Homes Ltd	Agent	Mr Nicholas Billington

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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

1.0 Reason for Committee Referral

Red Card: Cllr Richard Plowman - The proposal is for a major development
Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site forms part of the Phase 1 of the West of Chichester Strategic Development Location (SDL). The specific site, the subject of this application, is located at the north-eastern end of the Phase 1 site and is identified as parcel P2.A within the application documents. This parcel is allocated for residential development on the approved masterplan and the parameter plans, which were approved as part of the outline planning permission. The whole SDL is approximately 120 hectares, with the application site comprising 2.8 hectares.
- 2.2 A significant copse of trees contains the application site to both the east and west, with the approved SANGs car park and Old Broyle Road located beyond the tree copse on the eastern side of the site. The site lies in close proximity to the SDL's northern access point, with the spine road, which runs through the centre of the development, located immediately to the south of this parcel. Access to the parcel is directly off the spine road. Two residential dwellings, Fairyhill and Fairyhill Cottage, accessed off Old Broyle Road, are located to the north/north-west of the parcel.
- 2.3 The site itself is roughly rectangular in shape and currently comprises unfarmed agricultural land. In terms of topography, the site slopes from east to west with the highest part of the site on the eastern side, forming a relatively flat plateau. There is a sharp level change from the centre of the site down to the west, providing a valley 'setting' at the western boundary.

3.0 The Proposal

- 3.1 Outline planning permission was granted in April 2018 for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on-site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works (CC/14/04301/OUT).
- 3.2 The outline permission also included a set of parameter plans comprising:
- Framework Plan phase 1
 - Street Hierarchy phase 1
 - Storey Heights phase 1
 - POS and Drainage phase 1
 - Land Use phase 1
 - Footpath and Cycleways phase 1
 - Quantum Development phase 1

The decision was subject to a S106 Agreement covering affordable housing, recreation disturbance mitigation contribution, community building and associated car parking, SANGs land, play area, allotments, informal open space, sports facility, retail provision, employment provision, health provision, Highways England contribution, education, highway works, Brandy Hole Lane works contribution, bus service contribution, Parklands cycle improvements contribution, St Pauls Road cycle improvements contribution, infrastructure steering group, construction management plan, travel plan and lorry routing.

3.3 This application is for the approval of reserved matters relating to 73 dwellings and seeks approval in respect of the appearance of the dwellings, their layout, scale and landscaping for parcel P2.A of the development in the north-eastern corner of the site. This detailed application is for the first phase of house building since approval of the outline planning application (as referred to in paragraph 3.1 above), which secured the principle of a residential-led mixed use development of the site as well as means of access to the site. Approval of the West of Chichester Residential Architectural Design Strategy (August 2019), in compliance with condition 27 of the outline planning permission, is also sought.

3.4 In terms of housing provision, the application proposes the following:

22 Affordable homes

9 x 2 bed houses
12 x 3 bed houses
1 x 4 bed house

[equals 30.1% of the 73 homes proposed on this application, leaving a further 203 affordable homes to be provided out of the remaining 677 dwellings for the total development of 750]

7 [32%] = shared ownership; 15 [68%] = affordable rented

51 Private homes

10 x 2 bed houses
20 x 3 bed houses
19 x 4 bed houses
2 x 5 bed houses

3.5 The dwellings are two storey in height, arranged as a mix of detached, semi-detached properties (plots 2-3, 21-22, 40-41, 42-43, 44-45, 53-54 and 66-67) and small terraces (plots 8-10, 21-22, 36-39, 46-49, 55-57, 58-60 and 62-64). The overall density of the development on the application site is 26.7 dwellings per ha (dph).

3.6 The application proposes a total of 191 parking spaces, 168 of these are to be allocated (133 spaces and 35 garages) and 23 unallocated visitor bays. The car parking is proposed mainly within the property curtilages, in a combination of on-plot spaces and some private garages, with some parking on street and a parking court (for plots 53-56).

- 3.7 The dwellings are proposed to be constructed in a palette of materials comprising red/brown brick, with projecting brick banding and some units incorporating decorative tile hanging. Flint blockwork with brick quoins and white painted brick are proposed on occasional focal dwellings. A mixture of brick and reconstituted stone window headers and cills are proposed; tiled porches and bay windows. Roof tiles are proposed as a mixture of either plain red/brown tiles or slate/grey tiles and rooflines comprise predominantly gable pitched roofs, with some gable fronted features. Samples of materials are controlled by condition 26 on the outline permission.

4.0 History

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
18/01547/DOC	DOCDEC	Discharge of conditions 8, 24 and 32 from application 14/04301/OUT - Ecological Construction Management Plan, Archaeology and Ecological Mitigation Strategy.
18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.
18/01941/DOC	DOCDEC	Discharge of condition 4 of permission CC/14/04301/OUT – Phasing Plan.
19/00178/DOC	PCO	Discharge of Conditions 4 (full re-discharge), 14 and 27 (full discharge), 9, 13, 15, 16, 20, 21, 26, 28, 29 and 31 (phase 1 part discharge of planning permission CC/14/04301/OUT).

19/01531/REM	PCO	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT.
19/02014/DOC	PCO	Discharge of Condition 5 of Outline Permission CC/14/04301/OUT - Construction and Environmental Management Plan.
19/02015/DOC	PCO	Part Discharge of Condition 30 (Part A) of outline permission CC/14/04301/OUT - Approximate Fire Hydrant Locations.
19/02016/DOC	PCO	Discharge of Condition 22 of outline permission CC/14/04301/OUT - Method of piling/foundation design.
19/02063/DOC	PCO	Part discharge of condition 24 from planning permission CC/14/04301/OUT - Archaeology.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Rural Area	No
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Chichester City Council**

Objection in relation to the layout and appearance:

Layout:

The provision of parking which necessitates double and triple parking is not considered adequate.

There is a missed opportunity to provide a pedestrian/cycle link directly to the east of the site to the SANGs car park.

A separate cycle lane should be provided where possible on all roads to link to the spine road and any other cycle paths.

A height barrier and appropriate post and rail fencing should secure the SANGs car park to ensure it is used by private car users and not commercial vehicles/vans or caravans with the potential for disposing of waste on the SANGs.

Appearance:

The building designs are unoriginal and not high quality or locally connected. Higher quality design with better environmental and ecological features should be proposed. The design of the proposed windows with thick white UPVC frame and thin internal glazing bars is unacceptable, as is the proposed design for the doors. The proposed windows and doors do not reflect the surrounding character and would harm visual amenity.

Where there is flint frontage to a building, all elevations should be flint faced.

Consideration should be given to similar treatment of the side elevations where other accents are proposed only to front elevations.

The sustainability of the proposed dwellings is questionable: Solar panels, bird nesting bricks, electric car charging points and rainwater harvesting facilities should be provided for every plot.

In addition, it is requested that a condition be imposed restricting delivery times during construction taking into account local school pick up and drop off times.

6.2 Lavant Parish Council

Lavant Parish Council has no comment.

6.3 WSCC Local Development Division

Additional comments (23 July 2019)

No objection.

Spine Road changing into a Shared Surface - Previously WSCC raised concern that the footpath along both sides of the spine road stops outside plots 20 and 45. In response to this concern the applicant has added a footway to the western side of the spine road and extended pavements on some of the side roads. It is not apparent as to why the applicant has adopted this approach or the design rationale for this. It is not clear as to why properties 40 to 44 should have a lower level of pedestrian provision than properties directly opposite them. The spine road is not designed as a shared surface road in this location but how people access properties 40 to 43 will effectively be like a shared surface. Whilst the Highway Authority are of the view that both sides of the road should have a footway between plots 20/46 and plots 25/39 the proposed arrangement is not considered to warrant a reason for refusal of the planning application. The applicant and CDC should however consider if this is the best arrangement for pedestrian access to plots 40 to 45.

Service Margins - In the original comments WSCC queried the provision of service margins. The applicant has confirmed that a minimum 1.2m service margin is provided in the highlighted locations. WSCC have no objections to this issue.

Junctions of Spine Road & Side Streets - WSCC previously stated that consideration should be given to providing continuous vehicle crossovers rather than kerb radii at side roads. The applicant states that they have considered the provision of these but they do not consider them necessary given the currently proposed rumble strips and side road entry treatments as road users come off the sites main spine road into each residential parcel. This position is noted and the lack of continuous crossovers is not considered to warrant a reason for refusal. However, their inclusion in the proposals would have increased pedestrian priority within the site.

Permeability - Previously WSCC requested changes to routes within the site to seek improvements to the levels of permeability for pedestrians and cyclists. These changes are highlighted below as are the applicants response:

Enhance routes to leave the site from plots 13, 14 & 15 - applicant states it is not feasible without significant alterations to the layout.

Route outside plots 61 & 69 and plots 3 & 4 to link with proposed footpath - applicant does not consider these routes as necessary or desirable and they consider these routes would be detrimental to the rural character of the parcel.

Whilst WSCC does not necessarily agree with all of the above statements the lack of inclusion of these routes is not considered to warrant a reason for refusal. With regards to paths between plots 3, 4, 61 and 69 are not considered to be detrimental to the rural character given the scale of these routes and would ensure routes accessible for all irrespective of the season. For example it may be difficult for a wheelchair user to cross the grass in winter months following heavy rain. Whilst WSCC does not require these routes to be included to address a potential reason for refusal CDC should consider whether their inclusion does have a detrimental impact on the rural character and whether their inclusion and the benefits to permeability outweighs any potential harm.

S38 extent of adoption - the road is assumed to be remain as private and these comments are written on that basis.

Road Treatments - previously the Highway Authority queried the nature of the road treatments. The applicant has confirmed that they are intending rumble strips on the side roads.

Cycle Lanes - WSCC as Highway Authority did not request dedicated on road cycle infrastructure in their original comments. Given the nature and design of the road, that its designed with a 20mph design speed and the likely flows, WSCC would not look for any formal dedicated cycle provision. The roads are considered appropriate for cyclists to use the carriageway and therefore any formal cycle infrastructure provision within the parcel is considered unnecessary.

In light of the above WSCC does not consider that the reserved matters application for 73 residential units warrants a reason for refusal. However, there are still aspects, that despite the response from the applicant, WSCC are of the view that these amendments could enhance the scheme and CDC as planning authority should consider whether to ask for these changes. These relate to the inclusion of a footpath on both sides of the spine road outside properties 39 to 45 and the aforementioned pedestrian route from plots 61/69 and 3/4 to the proposed footpath running adjacent to the sites main spine road.

Recommendation - More information.

Car Parking

The applicant is proposing a total of 188 car parking spaces. This comprises of:

- 130 allocated spaces
- 35 garages
- 23 unallocated visitor bays

The applicant has compared the proposed car parking level against the WSCC Car Parking Demand Calculator which uses census data to forecast likely car ownership. The calculator forecasts that there would be a likely demand for car parking from a development of this scale in this location of 188 spaces (165 allocated residents parking and 23 unallocated/visitor spaces). The proposed level of car parking is therefore deemed acceptable and not considered to result in significant levels of overspill car parking taking place.

Cycle Parking

The applicant is proposing that each dwelling will be provided with either cycle storage space within a garage or through dedicated cycle storage facilities in the back gardens or apartment blocks. All the proposed garage spaces are greater than the minimum requirements (6m by 3m) to accommodate the storage of a car and bike. All back gardens have separate access points which prevents the need for users to carry their bike through the property. The number and layout and design of cycle parking spaces is deemed acceptable, in line with the WSCC Guidance for Parking in new Residential Developments and policy compliant.

Road Safety Audit

The applicant has undertaken a Stage 1 Road Safety Audit to assess the road safety implications of the proposed highway layout. The WSCC Road Safety Audit Policy did not require a RSA to be undertaken in this instance however the applicant has elected to undertake one. The majority of the issues raised are about detailed design matters that can be addressed at a later date. It is also noted that the applicant has stated that they do not intend to offer the road for adoption.

Residential Street Layout

The proposed inter-connected street layout is generally considered to provide a permeable network; however certain improvements could be made which shall be detailed later in this response. The design and layout of the roads are designed in a way to facilitate a design speed of 20mph. A 5.5m carriageway width and 2m footpath on both sides of the road is proposed for the majority of the spine road. Off the spine road 4.8m shared surface streets are proposed.

The Highway Authority wishes to make the following comments in relation to street layout:

- Spine Road changing into a Shared Surface - Outside plots 20 and 45 the footway on both sides of the spine road stops. It is not evident why this is the case or the design rational for it. The Highway Authority preference would be for the footway to continue on both sides of the carriageway until plots 25 and 39 and the start of a Shared Surface. Additional speed reduction measures would also compliment this change.
- Service Margins - service margins are provided but they appear to narrow around visitor parking spaces e.g. outside plots 69 & 18. This suggests that the services run under the parking bay. This is not an ideal scenario and therefore clarification is sought and potential amendments.
- Junctions of Spine Road & Side Streets - Consideration should be given to providing a greater degree of pedestrian priority by making the side roads vehicle crossovers with a continuous footway rather than kerb radii.
- Permeability - Permeability through the parcel is generally good especially given the narrow and elongated shape of the site. The road network is interconnected and footpaths are provided to connect most logical routes. However could the following be provided:
 - Routes to leave the site from plots 13, 14 & 15 are convoluted. The desire line would be to cut through where plots 4 and 5 currently are. It would be beneficial in permeability terms to open a pedestrian and cycle route up here
 - A path should be provided somewhere outside plots 61 & 69 to connect into the path running adjacent to the sites main spine road
 - Similarly a path could be provided outside plots 3 & 4 to connect into the same route
- S38 extent of adoption - in the technical highway note the applicant states that they are not intending to offer the roads for adoption. The Highway Authority would just look for that to be confirmed.
- Road treatments - from the plans submitted it is not apparent as to the exact nature of the road treatments indicated in light grey as you enter the shared surface areas. Are these ramps or rumble strips clarification should be provided.
- Construction materials and treatment of shared surfaces - it is assumed that the Highway materials are tarmac (indicated grey on plan) and block paved (indicated brown on plan). We require that shared surfaces have a contrasting material to the more traditional carriageway. This helps reinforce the different nature of the shared surface areas. Currently certain shared surfaces have the same material (tarmac) as the main spine road.

6.4 WSCC Fire and Rescue

The emergency link road forms a second access point to the estate and a future link to north side of the estate. My understanding is that this access point may form part of the construction site access during the development of the site and it would be a requirement that a through thoroughfare is maintained during this time (not obstructed with building materials). When the site is completed this will form part of an emergency access only and will be restricted by padlocked gates or drop bollards. This emergency access should comply with the minimum standards of road construction and width as directed by the building regulation ADB part B5.

6.5 CDC Housing Enabling Officer

This is the first packet of land on the first 750 unit phase of a larger development of 1600 units. There will be different character areas and densities throughout the site as a whole but the total mix, for both market and affordable housing, must comply with that set out in the report to Committee on 11 November 2016 and the subsequent s106 agreement, as set out below:

Market housing:

1 & 2 bedrooms	30%
3 bedrooms	50%
4+ bedrooms	20%

Affordable housing:	Rented	Intermediate
1 bedroom	10%	20%
2 bedrooms	35%	60%
3 bedrooms	40%	20%
4 bedrooms	15%	

Affordable Housing

30% (22) of the proposed units are affordable, and 70% (15 or 16) of these must be affordable rented, in line with the s106. The proposed mix of the affordable units are all 2, 3 and 4-bedroomed houses, but with no 1-bedroom flats. However, this is a lower density packet of development close to the rural edge and smaller units will be provided nearer the centre of the new community at a later date. This is acceptable but further phases will need to carefully consider the mix to avoid an unacceptable amount of flatted development in one area.

Assuming 15 no rented units a suitable rented/intermediate split, which allows terraces and pairs of semis to be of a single affordable tenure, would be:

	Rent	Intermediate
1b	0	0
2b	6	3
3b	8	4
4b	1	0
Total (22)	15	7

The Planning, Design and Access Statement (p13) provides a breakdown of the percentages of market and affordable housing on a parcel by parcel basis. It would be most useful if a similar one were provided showing the numbers and percentage of the bedroom mixes for the development as a whole, including a split of affordable rent and intermediate housing so it could be clearly seen how each packet contributes to the total overall mix. Sizes are to meet or exceed the DCLG technical housing standards as set out in the s106. The pepper potting of the affordable units could be better, but it complies with planning policy and is acceptable.

Market housing

The mix (below) as a discrete element does not comply with the agreed mix set out above.

1 & 2 bedroom	20%
3 bedroom	39%
4 bedroom	41%

However, and as noted previously, there is some flexibility to allow for different character areas and the numbers will be assessed as a whole. Enclaves of large numbers of single types are to be avoided however and a suitable mix provided over each packet's development. In particular, as the Strategic Housing Market Assessment makes clear, market housing in Chichester district should be focused to a greater degree on smaller properties. With the proviso that future packets and phases must contribute to the agreed mix, I consider the current proposals acceptable.

6.6 CDC Drainage Engineer

The proposals submitted outline the broad principles for the surface water drainage scheme for this parcel/ phase, these principles are to infiltrate where possible and connect into the wider drainage scheme where infiltration is not achievable. We would like to encourage the wider use of permeable paving to achieve water quality standards. Permeable paving should still be utilised in areas where infiltration has been found to not work, this can be lined as necessary.

Full details of the surface water drainage proposals for this phase/parcel should be submitted under a discharge of conditions application in order to discharge conditions 13 to 16 of the original outline permission. No drainage details are agreed as part of this reserved matters application, please take care to ensure that no drainage layout plans are listed as approved.

6.7 CDC Environmental Strategy Officer

We are satisfied with the ecological mitigation and enhancements which have been proposed within the Ecological Survey (March 2019) and that this is in line with the proposals agreed as part of the outline application.

6.8 CDC Contract Services

The site layout looks fine and we can see no issues at all with the proposal.

6.9 Sussex Police

Previous advice provided in connection with the outline application remains relevant. Various advice concerning crime prevention measures to be considered at the detailed design stage. Additional measures to mitigate against any identified local crime trends and site specific needs should be considered, including relationship of plot 1 to open grass to west and need for additional planting; consideration of unofficial short cuts being created to SANG car park and Old Broyle Road from site.

6.10 Third Party Objection

6 Third Party letters of objection, including a letter from the Chichester Society and a letter signed by 6 individuals, have been received concerning:

- a) Principle
 - Too many houses are being built on the west and east sides of Chichester
 - Loss of Grade 1 quality land
 - Brownfield land should be used
 - Scope of the project too large
- b) Highways
 - Heavy rush hour traffic on Old Broyle Road and St. Pauls Road
 - Already dangerous to use East Broyle, Parklands Road and Sherbourne Road junctions
 - Development traffic would add to the existing traffic issues and increase risk to pedestrians and cyclists, including school children
 - It is already difficult to cross the Old Broyle Road at the junction to the East Broyle Estate.
 - Old Broyle Road is narrow and the access is near the old bridge
 - Diversion of the southern part of Centurion Way will be dangerous for cyclists and pedestrians due to a severe right hand turn and will be inconvenient
 - Missed opportunity for a direct, pleasant footpath into the city - Please consult Friends of Centurion Way group
 - Cul-de-sacs lengthen journeys
 - The overlong access drive to the SANGs car parking results in unnecessary suburbanisation
 - Tandem parking results in a difficult user experience
 - The first phase is remote from all community facilities and the current 2 hourly bus service into the City produces a car dependent settlement.
 - Query on measures required during construction to ensure safety of pedestrians and cyclists
 - Are there any drawings of the Southern Access Road and will there be consultation on the design?
 - Is there an intention to provide a cycleway from the mini-roundabout when construction begins?
 - Will Centurion way be diverted and when?
 - Have sustainable transport consultants had input on the southern access road?
- c) Design
 - Harm to the unique character and appearance of the City of Chichester
 - Concerns about landscaping
 - Disappointing architectural character studies, particularly provision of dummy chimneys, painted brick facades, uPVC windows.
 - More articulation of facades required to improve place making
 - The affordable and shared ownership housing is clustered and identified as closest to traffic noise

- d) Climate Change emergency
 - New builds should have a zero carbon footprint
 - This as a unique opportunity for Chichester to lead the way in sustainable development
- e) Pollution
 - Construction traffic over a considerable period of time would result harm to health of elderly residents and school children.
- f) Ecology
 - Unique corridor of wildlife habitat would be destroyed.
- g) Insufficient timescales for consultation
- h) Delivery of the strategic development
 - Clarity is sought on the delivery timescales of the development
 - Will playing fields for Bishop Luffa School be provided?

6.11 Applicant/Agent's Supporting Information

The application is accompanied by a full set of drawings and a detailed Design and Access Statement.

7.0 **Planning Policy**

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City 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 4: Housing Provision
 Policy 7: Masterplanning Strategic Development
 Policy 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 15: West of Chichester Strategic Development Location
 Policy 33: New Residential Development
 Policy 34: Affordable Housing
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management
 Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
 Policy 45: Development in the Countryside
 Policy 48: Natural Environment
 Policy 49: Biodiversity
 Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
 Special Protection Areas
 Policy 52: Green Infrastructure
 Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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 of 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 the following paragraph and sections: Sections 2, 4, 5, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.5 The Government's New Homes Bonus (NHB) was set up in response to historically low levels of housebuilding and aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD
CDC Waste Storage and Collection Guidance

7.7 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- 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 The main issues arising from this proposal are:

- i. Principle of development/Background
- ii. Layout
- iii. Scale and appearance
- iv. Landscaping
- v. Sustainability
- vi. Updated Residential Architectural Design Strategy

Assessment

Principle of Development/Background

8.2 The principle of developing this site for a residential led mixed use development including the means of providing access to them has been established through the outline planning permission granted in 2018 for 750 dwellings. This permission includes the approval of a set of parameter plans detailing land uses, street hierarchy, storey heights, footpaths and cycleways, public open space and drainage and the quantum of development. The applicant has subsequently secured reserved matters approval in respect of the Primary Road, Primary Surface Drainage and Primary Utilities Routing and SANGs land incorporating Western Green Link, Central Green Link and Country Park (CC/18/01587/REM). The current application is solely concerned therefore with the detailed matters regarding the layout, scale and appearance of the dwellings and the landscaping proposals in respect of parcel P2.A.

- 8.3 As part of this first reserved matters application for residential development, a Residential Architectural Design Strategy has been submitted for approval (required by condition 27 on the outline planning permission), which establishes the design parameters to be followed for all residential built phases of the development. This document sets out the specific design principles and palette of materials for each of the identified residential character areas for phase 1 of the West of Chichester SDL, which will make each of these areas architecturally distinctive. The Planning and Design Statement submitted with this application compares this proposal against the Residential Architectural Design Strategy (for which approval is also sought) to demonstrate compliance and a consistency of approach.
- 8.4 The main issue arising from this proposal is therefore considered to be whether the submitted reserved matters relating to layout, scale and appearance and landscaping comply with the parameters plans approved as part of the outline application and the submitted Architectural Design Strategy and in so doing are likely to deliver an acceptable development. The sections below deal with each of the reserved matters in turn.

Layout

- 8.5 The submitted layout of the development does not depart in any significant way from the approved parameter plans submitted with the outline planning application and demonstrates compliance with the submitted Design Strategy. The layout plan refines the illustrative approach submitted under the outline application. It shows a linear pattern of housing following and fronting the 5.5 metre wide central (tertiary) road with 2m wide footpaths on both sides, reducing down to 4.8m wide, with a 2m wide pavement on one side at its northern end. Branching off this central road are three 4.8m wide roads, described as 'mews lanes' on the approved parameter plan, with a 2m wide pavement on one side and 4.8m wide shared surface lanes and private drives. The layout has been amended during the consideration of the application by the addition of a pavement on the western side of the northern part of the main central road and extended pavements on several of the mews roads. Finally, two emergency access points are provided, one at the eastern boundary leading into the SANGs car park and onto Old Broyle Road and one at the northern end of the parcel where the site then transitions into the SANGs open space.
- 8.6 The overall layout of the development and the road positions has been influenced by the steep topography of the site as well as the existing vegetation. Property frontages have been orientated to address the streets and publically accessible open spaces, with double fronted dwellings proposed to successfully address corners. Development frontages vary to respond to the landscape setting and the street hierarchy. To the west the properties front onto the significant tree copse and SANGs land, properties are typically larger detached properties in larger plots with irregular frontages. To the centre and the east, the development has a more contiguous frontage with properties to the east backing onto the treed edge of the parcel.

- 8.7 The approved quantum of development parameter plan prescribed a lower density of housing, 20-25 dwellings per hectare (dph), in the main part of the parcel. A medium density area of housing was envisaged (25-35dph) fronting onto the primary spine road which runs through the centre of the SDL. The proposals subject to the current application achieve an overall density of 26.7 dph, comprising a density of 26.18 dph in the main part of the parcel (low density area) and a density of 28.19dph on the parcel frontage (medium density area). This is in general conformity with the quantum of development parameter plan.
- 8.8 The housing layout has been designed to integrate the affordable housing units across the development parcel. The affordable units are set within three distinct clusters comprising a mixed tenure cluster of 14 dwellings, an affordable rented cluster of 7 dwellings and a terrace of 3 shared ownership dwellings. During the course of the application, three of the affordable units have been relocated to the western side of the central road to further increase the dispersion of affordable units throughout the parcel. This keeps the groupings of affordable housing manageable for a housing association, whilst increasing the integration of affordable units with the market housing. The proposed pepper-potting is considered to satisfactorily address the requirements in paragraph 17.20 of the Local Plan and no objection is raised from the Council's Housing Enabling Officer in this regard. Both the market and affordable housing mix is considered acceptable by the Housing Enabling Officer.
- 8.9 In consideration of the layout, the comments of WSCC Highways are set out in some detail at paragraph 6.3 above. The conclusion, after amendment to the detail of the proposal, is to raise no objection in highway terms. With regard to the overall level of car parking provision, the application meets the requirements of the WSCC Parking Calculator. The WSCC Highways Team Manager has confirmed that the development requires a total of 188 spaces, which reflects that proposed within the development. Parking for the dwellings would be provided either on-plot (in a mixture of external and garage spaces), on street or in parking courts; in part broken up by landscape planting. In terms of cycle parking, the applicant is proposing that each dwelling will be provided with either cycle storage space within a garage or through dedicated cycle storage facilities in the back gardens. All the proposed garage spaces are greater than the minimum requirements (6m by 3m) to accommodate the storage of a car and bike. All back gardens would have separate access points which would prevent the need for users to carry their bicycles through the property. The Highway Authority considers the level of parking and cycle provision to be acceptable.
- 8.10 In terms of pavement provision and footpath linkages, there are two outstanding areas where WSCC are of the view that further amendments could enhance the scheme. These relate to the inclusion of a pavement on both sides of the spine road outside properties 39 to 45 (as opposed to just added on the western side) and the addition of a hard surfaced pedestrian route from plots 61/69 and 3/4 to link to the proposed SANGs footpath running adjacent to the site's main spine road. However, in relation to the suggestion of a further pavement, although this stretch is part of the central road, the road does narrow down to 4.8m wide at property 45, thereby providing a similar hierarchy to the side roads.

Provision of a pavement on one side of the road for this short stretch achieves an acceptable balance between providing a dedicated off road route, whilst continuing to facilitate space for frontage planting and indicating to users that they are transitioning to quieter routes to the north. With regard to the provision of additional pedestrian routes over the SANGs land, to link into the already approved SANGs footpath, it is considered that such further provision would degrade the open space area with additional hard surfacing. Alternative access is available over the grassed area with a continuous hard surfaced link from the pavement adjacent to the entrance route, providing satisfactory access to the SANGs land.

- 8.11 Given the nature and design of the road (a 20mph design speed and the likely low level flow of traffic) WSCC would not look for any formal dedicated cycle provision. The roads are considered appropriate for cyclists to use the carriageway and therefore any formal cycle infrastructure provision within the parcel is considered unnecessary. Furthermore, the raised table gateway feature at the entrance to the parcel (permitted via the first Reserved Matters application 18/01587/REM) also acts as a highway feature to alert drivers they are entering a quieter residential zone where pedestrians and cyclists should be given extra consideration and priority.
- 8.12 The layout complies with minimum separation distances between dwellings. All dwellings have back to back distances of 21m or more throughout the development, with side to rear distances being a minimum of 10m. Rear gardens are typically 10m long, with a mixture of walls and fences are proposed to enclose private amenity areas. Dwellings front onto the streets providing good, defensible space. Where dwellings are in effect side on to roads, they have been designed as double fronted so as to positively address the street rather than resulting in dead frontages within the public realm.
- 8.13 No operational concerns have been raised by Contract Services in respect of the manoeuvrability of refuse lorries and the applicant has demonstrated acceptable tracking of refuse vehicles to the Council's standards. The layout has also been designed to discourage crime and adopts Secured by Design principles across the site. The Police have raised no significant issues with the layout on security grounds.
- 8.14 Overall, the proposed layout is considered to comprise an appropriate response to the characteristics of this parcel, which due to the significant vegetation on the boundaries provides a semi-rural context to the development.

Scale and appearance

- 8.15 The application comprises two storey dwellings with single storey garages, providing an appropriate scale within its surrounding retained treed setting, which also complies with that set out in the building heights parameters plan (approved as part of the outline planning permission) and is considered to be acceptable. The layout and form of the proposed development, which is set on land which slopes down from east to west, will allow views to permeate through the site to the treed boundaries to the east and west and to the SANGs land beyond the parcel to the north. Within this context, the scale and rhythm of the dwellings is considered acceptable.

- 8.16 As identified in the Residential Architectural Design Strategy, parcel P2.A is located predominantly within the Northern Green Corridor character area, with the frontage of the parcel lying within the Northern Area character area (which continues south to include development on the southern side of the Spine Road). Materials and detailed design features have been used to support the proposed character of the development and ensure integration of the dwellings within their landscape setting. A general consistency of use is proposed, to prevent a random assortment of buildings and materials that would undermine the proposed character of the development.
- 8.17 In terms of appearance, the application proposes dwellings constructed principally of red/brown multi stock bricks with projecting feature brick detailing/banding and decorative tile hanging on some properties. Bay windows have been proposed to provide interest and enhanced natural surveillance, particularly on corners of the street to provide dual frontage. Flint blockwork, with brick quoins and more detailed window forms, are proposed on 5 focal dwellings at key parts of the site, including for the two gateway properties at the site entrance. A further flint blockwork façade is proposed on an additional dwelling at the northern end of the site, adjacent to the open space to the north. There is also a limited use of a white painted brick. These feature materials help to punctuate the street scene and offer an enhanced sense of legibility within the site. Window headers and cills vary between brick and reconstituted stone, to provide variation and reinforce the street hierarchy and a variation in porch design provides subtle changes within the overall street scene. A general consistency in the roofscape material is proposed, comprising a simple pallet of either red/brown tiles or slate/grey tiles. The roof form of the buildings comprise predominantly gable pitched roofs, with some properties proposed with gable fronted features. Chimneys are proposed to be of good quality construction and tie in with the proposed brickwork of the building. They are proposed to be provided occasionally through the development as they offer no practical function, however they do provide strong visual interest and reinforce corners and the status of focal buildings. The overall external finishes comply with the principles established in the Residential Architectural Design Strategy.
- 8.18 Following discussions with the applicant, the finer details of the scale and design have been refined further during the course of the application. In particular, additional windows have been added to a number of plots to provide greater articulation and added natural surveillance of public areas; the overhang of the eaves has been increased on a number of plots; additional brick detailing has been added to a number of dwellings to provide added articulation and interest to more prominent plots; and the tile hanging has been extended on side and rear elevations of the dwellings on more prominent plots.
- 8.19 The scale of the properties and the design approach complies with the updated Residential Architectural Design Strategy and the approved parameter plans. Subject to final approval of the palette of materials, through the discharge of condition 26 on the outline planning permission, it is considered that the scale and appearance of the dwellings is acceptable.

Landscaping

- 8.20 The application site is surrounded by a substantial belt of trees to both the east and west, with further mature trees on the southern boundary. The surrounding trees to the west also form part of the central and western SANGs area, which forms part of the open space provision, which has already been approved (via the earlier reserved matters application) as part of the Phase 1 Infrastructure.
- 8.21 The submitted landscaping drawings show the new development sitting within the existing mature landscape setting. This existing landscape provides in a sense of enclosure for the new development, whilst retaining the important woodland setting. The proposals have been designed to respect the character of the adjacent existing tree belts that border the parcel as well as incorporating landscape features, including structural trees, hedges and shrub planting, grassed areas and informal wildflower meadows to help bed the residential development into its woodland setting.
- 8.22 In addition to the soft and hard landscape proposals, the application also includes a soft landscaping specification, soft landscape management and maintenance plan, tree protection plan and an Arboricultural Impact Assessment and Method Statement for parcel P2.A. Where the development is located close to the existing tree belts, the landscaping for the individual plots has been designed to reflect the adjacent woodland with more informal, rural planting arrangements in these areas comprising informal shrub planting, hedges and grassed areas to plot frontages and occasional use of post and rail fencing. The landscaped edge adjacent to the western boundary, extending both north and south, has been designed to complement the open space network, incorporating wildflower rich grassland areas and native mix shrub planting. Large native trees, including Alder and Whitebeam, will also be planted within this grassland area, to both the west and north. To the east of the parcel, residential gardens will back onto the existing treed boundary, with a maintenance margin retained to the rear.
- 8.23 Structural trees, including Hornbeam, Cherry and Pear varieties, and a variety of low maintenance evergreen and deciduous shrub planting are proposed throughout the main residential parcel. On the residential frontages themselves a variety of shrubs (including specimen shrub planting), hedges, amenity grass and smaller trees are proposed. Through the course of the consideration of the application, additional shrub planting has been added to the more prominent garden boundaries of plots 32 and 33, which will soften the appearance of the boundary treatment and assist in the transition from the centre of the parcel, towards the open space to the north. The dwellings on either side of the central road will be edged with low compact shrubs in a more formal style of planting, to deliver an evergreen, suburban edge character along the central road.
- 8.24 In terms of hard landscaping, internal garden boundaries are to be enclosed with 1.8m high Larch Lap panel fencing and to the side and rear of private parking areas 1.8m high close boarded fencing is proposed. In all areas where boundaries form part of the street scene and public realm, 1.8m high brick walls are proposed. Parking spaces would be laid in either bracken or charcoal block paving, with linear shrub planting beds and occasional trees proposed between parking bays to soften the predominantly hard landscape.

- 8.25 In terms of the impact on the existing trees, given the location of the proposed development (predominantly within a former agricultural field), the impact on existing trees is low. The proposal has considered existing trees, in terms of the location of the development and proximity to root protection areas as well as consideration being given to the impact of canopy shading, to minimise any future conflicts between retained trees and future residents. As part of this application four trees (category B) from tree group 58 (G58) are required to be removed to allow the emergency access, shown on the approved parameter plans, to be formed. Given G58 comprises 119 individual trees, this represents a minimal loss and is therefore considered to be acceptable. One other U category tree (T102) in poor condition is also proposed for removal. There are 66 trees proposed to be planting in this parcel, which represents a net gain of 61 trees which is a significant net gain in terms of trees.
- 8.26 Through the course of the application the position of the Tree Protection Fencing has been extended, so that all Root Protection Areas (RPAs) are included in the Tree Protection Plan and a visitor parking space has been relocated out of the RPA. In addition the Arboricultural Method Statement and Tree Plan have been expanded to clarify how existing trees on site will be protected and the method of construction for the main access to the parcel. With regard to the site access, consideration has been given to the construction of the parcel site access and hoggin path in the vicinity of T98 and T99. A condition is recommended requiring final construction details for both the main access into the parcel and the emergency access prior to implementation of these works.
- 8.27 The landscaping, planting and tree protection proposals are considered to be acceptable, subject to a condition requiring all landscaping in parcel P2.A to be carried out and completed by the next planting season following practical completion of the last dwelling in the phase, a condition requiring the submission of construction details for the access roads and conditions ensuring compliance with the submitted soft landscaping specifications, management and maintenance plans as well as the arboricultural impact assessment and method statement and tree protection plan.

Sustainability

- 8.28 Alongside this Reserved Matters application the applicant has submitted a Sustainability Statement (August 2019) to comply with condition 28 on the outline planning permission. Specifically condition 28 states:

"No development within any Phase shall commence until a strategy outlining details of the sustainable design and construction for all new buildings within that Phase, including water use, building for life standards, sustainable building techniques and technologies and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented for each phase as approved unless any variation is agreed in writing by the Local Planning Authority.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the principles of sustainable development as set out in the NPPF".

8.29 The Sustainability Statement sets out the range of sustainability measures proposed in relation to parcel P2.A, with the aim to achieve at least a 10% reduction in energy demand above current Building Regulation standards. These measures include fabric first measures to achieve enhanced building efficiency and the use of solar panels, along with the range of other measures including water efficiency. A detailed consideration of the sustainability measures proposed is outlined below:

Fabric First Approach

8.30 This approach reduces the need to use energy through more efficient construction techniques and is an approach which is widely adopted by the housing industry. As a result of the fabric first approach, the build specification for the proposed dwellings will include enhanced levels of insulation. This will be achieved through upgraded features such as fully filling cavity walls with insulation, fully filling and sealing all party walls, including additional insulation underground floors and enhanced double glazing. The standard specification for Miller Homes is well above the standard Building Regulation requirements, which will reduce the energy demand of these units.

Heating Systems

8.31 The dwellings will be fitted with very high efficiency 'condensing' heating and hot water systems, with an efficiency of approximately 90% and with a Class A energy rating. All boilers installed will be provided to be highly efficient in terms of the energy consumption as well as having the lowest possible emissions. Radiators with thermostatic controls and Zone Control Heating Management System are proposed, to allow for heating to be controlled independently between floors.

Air Tightness

8.32 Well 'sealed' insulated units reduce air leakage and heat loss. The applicant is seeking to reduce the air test rate (reducing air leakage and heat lost) by up to 5m³/(h.m²) at 50Pa from a possible 10m³/(h.m²) at 50Pa as required by Building Regulations Part L. This is a significant benefit over the Building Regulation requirements and as such will result in significantly less heat loss and as such more efficient buildings.

Water Efficiency

8.33 'Low water use' baths, toilets (Dual Flush), taps and showers will be used in the homes to lower the amount of water used to below the required levels for Building Control. This would reduce the amount of water used from an average of 160 litres per person per day to 105 litres per person per day. This exceeds the minimum requirements of 110 litres per person per day set out in Policy 40 of the Local Plan.

White Goods

8.34 The applicant will install and/or give advice to purchasers on 'energy efficient' white goods in accordance with Energy Savings Trust. Any white goods installed by the housebuilder as part of the development will be 'A' rated.

Low Energy Light Fittings and Street Lighting

8.35 Dedicated 'low energy' light fittings (both internally and externally) will be used, an average of between 20-30 lights per property. In addition to low energy light fittings within the homes, the proposals will also include the use solar street lighting, to further reduce energy demand within the parcel.

Renewable Energy

8.36 In accordance with the updated Residential Architectural Design Strategy, the applicants have committed to additional energy reduction through the use of solar panels on plots with maximum solar gain. Specifically the use of solar panels has been proposed, alongside the fabric first measures, to help achieve at least a 10% reduction in energy demand above current Building Regulation standards.

8.37 In relation to parcel P2.A, it is proposed to include 0.5kWp of PV (2 panels, each measuring around 992mm x 1640mm) into all optimal roof slopes located within 25 degrees of south. This will provide solar panels to 24 houses, which equates to 33% of the new dwellings on parcel P2.A. This proposal exceeds the minimum requirement of solar panels on roofs orientated within 20 degrees of south, as set out in the updated Design Strategy. The solar panels will be installed in-roof, rather than atop of a pre tiled roof, to minimise disturbance to the visual appearance of the dwellings. The final configuration of panels to deliver the required kWh requirements will be designed at installation stage, the details of which are recommended to be agreed by condition.

Building for Life 12 Assessment

8.38 Building for Life 12 is a government-endorsed industry standard for well-designed homes and neighbourhoods. The Standards relate to 12 urban design criteria which are used to assess a proposed development. The target is to achieve 9 positive scores out of 12.

8.39 The key criteria can be summarised as follows:

- The development should have obvious character, based either on contemporary architecture or local traditions in building materials and landscaping (Q5).
- Car parking should be adequate and located where it is accessible and likely to be well used (Q10).
- Footways and paths should always be located in places where homes overlook them so no-one feels at risk when using them, especially after dark (Q1, Q7, Q8).
- Bus stops and car parking should not be placed remotely where a lack of overlooking might make crime easier to get away with. Closer bus stops also encourage shifts to more sustainable forms of transport (Q1, Q3, Q10).
- Properties should have clear indications of what is privately owned space and what is shared public realm so passers-by respect the boundaries and residents feel their personal space is protected (Q7, Q11).
- Homes should have appropriate external storage, in particular for bins and bicycles, so that neither are left in the open (Q12).

8.40 The scoring approach is based on a traffic light system with the objective of securing as many greens as possible. Consideration of the Building For Life Standards has been undertaken for the Phase 1 SDL development as a whole. On this basis the assessment, undertaken by the applicant, concludes that parcel P2.A, as a part of the wider development, scores 12 out of 12 positive scores against the identified criteria.

Other Sustainability Objectives

8.41 The Sustainability Statement also highlights the wide range of sustainability benefits which contribute to the delivery of sustainable development and have either already been secured on a site wide basis through the outline planning permission, through approval of the Infrastructure REM or proposed as part of this application. These include:

Promotion of sustainable transport

8.42 A series of mitigation measures have been secured through the outline permission and S106 Agreement. These include bus contributions, contributions for St Pauls Road and Parklands cycle improvements, travel packs for each resident outlining alternatives to the private car, travel vouchers for each household to assist in sustainable transport movements, targets within the Travel Plan to reduce car trips by 15% in 5 years, support for local car club schemes and the provision of a minimum of 3 electric vehicle recharging points (6 bays) in the local centre and 1 electric vehicle recharging points (2 bays) at the Country Park car park. All these measures will support sustainable transport options to help reduce the reliance on the private car. With regard to parcel P2.A, secure cycle parking is proposed for each plot to encourage non car based travel. The parcel has good connectivity to a network of proposed and existing cycle and pedestrian links, both within and outside the West of Chichester SDL site.

Natural Environment

8.43 The Phase 1 SDL site provides significant areas of open space including SANGs, a country park and allotments, together with a range of recreational facilities including sports pitches, formal and informal play areas and the provision of other pockets of green open space. A Sustainable Urban Drainage system is proposed including the use of swales and balancing ponds which will improve water management. In addition, new ecological habitat will be created, including native planting, new landscaping and provision of bird and bat boxes which will enhance biodiversity across the site.

8.44 The Infrastructure Reserved Matters permission (ref CC/18/01587/REM) secured retention of existing mature trees and hedges where possible. The number of existing trees lost by the infrastructure Reserved Matters permission comprised 26 individual trees and 3 sections of hedge. In comparison the number of tree to be planted as part of the Infrastructure Reserved Matters application comprises 13,066 trees within the woodland tree mix and, in addition, 181 extra heavy standard trees, totalling 13,247 trees. Taking into account the 26 trees to be lost, this is a gain of 13,221 additional trees. This would result in a net increase of 13,040 trees within the primary infrastructure areas. With regard to parcel P2.A, the existing boundary trees and vegetation will be retained with only the

loss of 5 trees, primarily to facilitate the delivery of the emergency access required by the approved parameter plans. There are 66 new trees proposed to be planted within parcel P2.A, resulting in a net increase of 61 trees. Bat and bird boxes will also be provided to enhance biodiversity across the parcel.

Conclusion for sustainability

8.45 The energy reduction for parcel P2.A will be delivered through a range of energy efficiency measures comprising of highly efficient fabric and heating systems, together with specifications for low energy lighting and air tight dwellings. Furthermore, a reduction in energy demand will be achieved by installing solar panels on the roofs of 24 of the new homes (33%). The measures included for the dwellings in parcel P2.A demonstrate significant improvements against the current Building Regulations, with a 440,889.46 kWh/year reduction in energy demand, which equates to a 19.78% energy saving and a 11.60% saving in CO₂. This significantly exceeds the target to achieve at least a 10% reduction in energy demand above current Building Regulation standards, set out in the Residential Architectural Design Strategy for the overall site. In terms of Building For Life Standards, parcel P2.A, when considered as a part of the wider Phase 1 SDL development, scores 12 out of 12 positive scores against the identified criteria. The Sustainability Statement also highlights a range of sustainability benefits including promotion of sustainable transport and improvements to the natural environment, which have either already been secured on a site-wide basis through the outline planning permission, and approval of the Infrastructure REM, or are proposed as part of this application. Overall, the proposals represent a high standard of sustainable design and construction and protect and enhance the environment, in compliance with Policy 40 of the Chichester Local Plan.

Updated Residential Architectural Design Strategy

- 8.46 The Residential Architectural Design Strategy for the site has been submitted as part of the current Reserved Matters application, in accordance with condition 27 on the outline permission. The Design Strategy, which sets the overall design principles for the site was considered by the Planning Committee on 12th July 2019, where the Committee resolved to endorse the Design Strategy, but with comments that the developer consider a greater range of design and materials to reflect the climate emergency.
- 8.47 The applicant has submitted an updated Residential Architectural Design Strategy (August 2019) to include principles and an approach for achieving sustainability across the residential elements of Phase 1 of the West of Chichester Strategic Development Location (SDL). The Design Strategy states:

"Miller Homes and Linden Homes are committed to achieving sustainability and developing a sustainable development on the West of Chichester site. Sustainability comprises a range of social, economic and environmental aspects and this development will deliver a significant package of sustainability measures which cover each aspect of sustainability. A review of sustainability measures will be undertaken, in accordance with Policy 40 of the Chichester Local Plan, with the aim to achieve at least a 10% reduction in

energy demand for each parcel [above the current Building Regulation standards on this site. These measures will include fabric first measures (to achieve enhanced building efficiency) and photovoltaic (PV) panels.

Miller Homes and Linden Homes will consider the use of PV panels on roofs orientates within 20 degrees of south, alongside the fabric first measures, to help achieve the 10% reduction in energy demand for each parcel. These roofscapes are shown indicatively on the adjacent plan (figure 3.2), with this orientation maximising the efficiency of solar gain technology on roofscapes with maximum solar gain".

8.48 Figure 3.2 in the design strategy indicatively shows the roof orientation of the dwellings within 20 degrees of south, which represents around 24.8% of roofs across the Phase 1 SDL.

8.49 The Residential Architectural Design Strategy complies with Local Plan Policy, the expectations already set by the outline permission CC/14/04301/OUT and the approved parameter plans. It also addresses the issues raised by the Planning Committee on 12th July 2019 which sought consideration of a greater range of design and materials to reflect the climate emergency. On this basis the Residential Architectural Design Strategy (August 2019 ref CB_70_068 Rev J) is recommended for approval, in compliance with condition 27 of permission 14/04301/OUT).

Significant Conditions

8.50 This is an application for the approval of Reserved Matters and therefore the bulk of the planning conditions controlling and managing the development were attached to the overarching outline planning permission. The outline planning permission contains a number of planning conditions requiring the submission of further details in respect of various matters such as materials and finishes, contaminated land, levels, construction and environmental management plan, hours of construction, ecological construction management plan, landscape and ecological management plan, surface and foul drainage, noise mitigation, archaeology, electric vehicle recharging points, design strategy, sustainable design and construction, utilities infrastructure, fire hydrants, external lighting, and playing field requirements.

8.51 In view of the above, the recommendation below is subject to a limited number of conditions relating to the Reserved Matters including, amongst other things, the carrying out of the development in accordance with the submitted landscaping details, securing tree protection measures, provision of cycle parking, parking and garaging spaces and car turning areas, submission of the details of the emergency access bollards and construction details for both the main access and emergency access in relation to impact on trees.

Conclusion

8.52 West of Chichester is one of the Council's key strategic sites for delivering new housing during the Local Plan period. This Reserved Matters application accords with the principles established by the outline planning permission and the approved parameter plans. Based on the above it is considered the proposal complies with development plan policies and the updated Residential Architectural Design Strategy. The proposed housing mix, layout, detailed design and landscaping are all appropriate to the context of the site. In addition the applicant has included details in relation to sustainable design and construction, to comply with policy 28 on the outline permission, following comments made by the Planning Committee in July 2019. On this basis it is recommended that, subject to the planning conditions set out below, permission is granted.

Human Rights

8.53 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 permit is justified and proportionate.

RECOMMENDATION

THAT THE PLANNING COMMITTEE;

A. APPROVE THE WEST OF CHICHESTER RESIDENTIAL ARCHITECTURAL DESIGN STRATEGY (AUGUST 2019), IN COMPLIANCE WITH CONDITION 27 OF THE OUTLINE PLANNING PERMISSION.

B. APPROVE ALL RESERVED MATTERS FOR THE ERECTION OF 73 RESIDENTIAL DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING, INFORMAL OPEN SPACE AND ASSOCIATED WORKS ON PARCEL P2.A (PURSUANT TO PERMISSION 14/04301/OUT); subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

2) **No development shall commence on parcel P2.A**, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal. The development hereby permitted shall be carried out in strict accordance with the Tree Protection Plan (ref. MILL22273_03D) and the Arboricultural impact Assessment and Method Statement (ref. MILL22273aia-amsD), both produced by ACD Environmental and in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees on and around the site are adequately protected from damage to their health and stability and/or amenity value.

3) **No development shall commence on the site access or emergency access serving parcel P2.A** until the final construction and surfacing details for the respective access has been submitted to and approved in writing by the Local Planning Authority. The main site access details shall ensure that the installation of the access implemented in full compliance with the approved Arboricultural Impact Assessment and Method Statement (MILL22273aia-amsD). The construction and surfacing details shall be carried out in accordance with the approved details.

Reason: To ensure the trees are not adversely affected by the construction of the site access and emergency access.

4) All hard and soft landscape works for Parcel P2.A shall be carried out in accordance with the approved details and plans and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion of the development or occupation of the last dwelling** whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

5) **No dwelling hereby permitted on Parcel P2.A shall be first occupied** until the vehicular access, roads, footways and vehicle turning spaces serving that dwelling have been constructed, surfaced and drained in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access for the proposed development and in the interests of road safety.

6) The emergency accesses and visitor parking areas serving Parcel P2.A shall have been constructed, surfaced and drained in accordance with the approved plans **prior to first occupation of the 69th Dwelling on Parcel P2.A**. The visitor spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access and parking for the proposed development and in the interests of road safety.

7) **No dwelling hereby permitted on parcel P2.A shall be first occupied** until covered and secure cycle parking spaces for that dwelling has been provided in accordance with the approved plans.

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

8) **No dwelling hereby permitted on parcel P2.A shall be first occupied** until the vehicle parking and/or garaging provision associated with that dwelling has been constructed in accordance with the approved plans and is ready for use. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide adequate on-site car parking for the development.

9) **Prior to the first occupation of the 25th Dwelling on parcel P2.A** details showing the location, design, installation and ongoing maintenance of the bollards for the emergency access, including a timetable for their implementation, shall have been submitted to and approved in writing by the Local Planning Authority. The installation and ongoing maintenance of the bollards shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety and ensuring correct operation of the emergency access to the development.

10) Notwithstanding the details shown on the External Finishes Plan (CB_70_068_P2_A_008 rev B), the specific manufacture details and colour of the proposed materials for Phase P2.A shall be submitted to and approved in writing by the Local Planning Authority prior to any construction above slab level. Thereafter the development shall be carried out in full accordance with these details.

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.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN -	MILL22273 12B	B	14.06.2019	Approved
PLAN -	MLR/E4797/001	C	14.06.2019	Approved
PLAN -	MLR/E4797/002	C	14.06.2019	Approved
PLAN -	MLR/E4797/003	C	14.06.2019	Approved
PLAN -	MILL22273 11C	C	14.06.2019	Approved
PLAN -	MILL22273 03	D	14.06.2019	Approved
PLAN -	CB_70_068_P2_NGC_A_WO_P01	A	14.06.2019	Approved
PLAN -	MILL22273 10A	A	18.04.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_SH_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_NGC_A_WO_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_SS_02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_SS_01	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_SH_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_MA_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_MA_E02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_MA_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_HA_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_HA_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_P01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_E05		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_E04	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_E03	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_E02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_EL_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_001	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_BR_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_BR_E02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_BR_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E06	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E05		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E04		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E03	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_AS_E01		14.06.2019	Approved

PLAN -	CB_70_068_P2_A_NGC_4BH_P01	A	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_4BH_E01	A	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_P03	A	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_P02	A	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_P01	A	05.08.2019	Approved

PLAN -	CB_70_068_P2_A_NGC_3BH_E04	A	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_E03	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_E02	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_E01	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_P03	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_P02	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_P01	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_E03	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_E02	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_2BH_E01	B	05.08.2019	Approved
PLAN -	CB_70_068_P2_A_NA_SS_01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_SH_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_SH_E02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_SH_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_MA_E01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_MA_P02		14.06.2019	Approved
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PLAN -	CB_70_068_P2_A_NA_MA_E02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_HA_P01	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_HA_E01	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_EL_P01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_EL_E01	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_BR_P02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_BR_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_WO_E01	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_SS_01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_SH_E03	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_SH_E02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_SH_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_IN_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_IN_E02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_IN_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_HA_P01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_HA_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_07		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_06		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_05		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_04		14.06.2019	Approved

PLAN -	CB_70_068_P2_A_GAR_03		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_02		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GAR_01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_901	C	14.06.2019	Approved
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PLAN -	CB_70_068_P2_A_014	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_012	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_010	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_009	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_008	C	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_007	B	14.06.2019	Approved

PLAN -	CB_70_068_P2_A_006	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_005	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_004	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_003	B	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_001	D	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_BR_E02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NA_BR_E01		14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_WO_P01	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_000	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_3BH_E05	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_NGC_BR_P02	A	14.06.2019	Approved
PLAN -	CB_70_068_P2_A_GC_SH_P01		14.06.2019	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) INFORMATIVE

This permission shall be read in conjunction with the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.

For further information on this application please contact Joanna Bell on 01243 534734

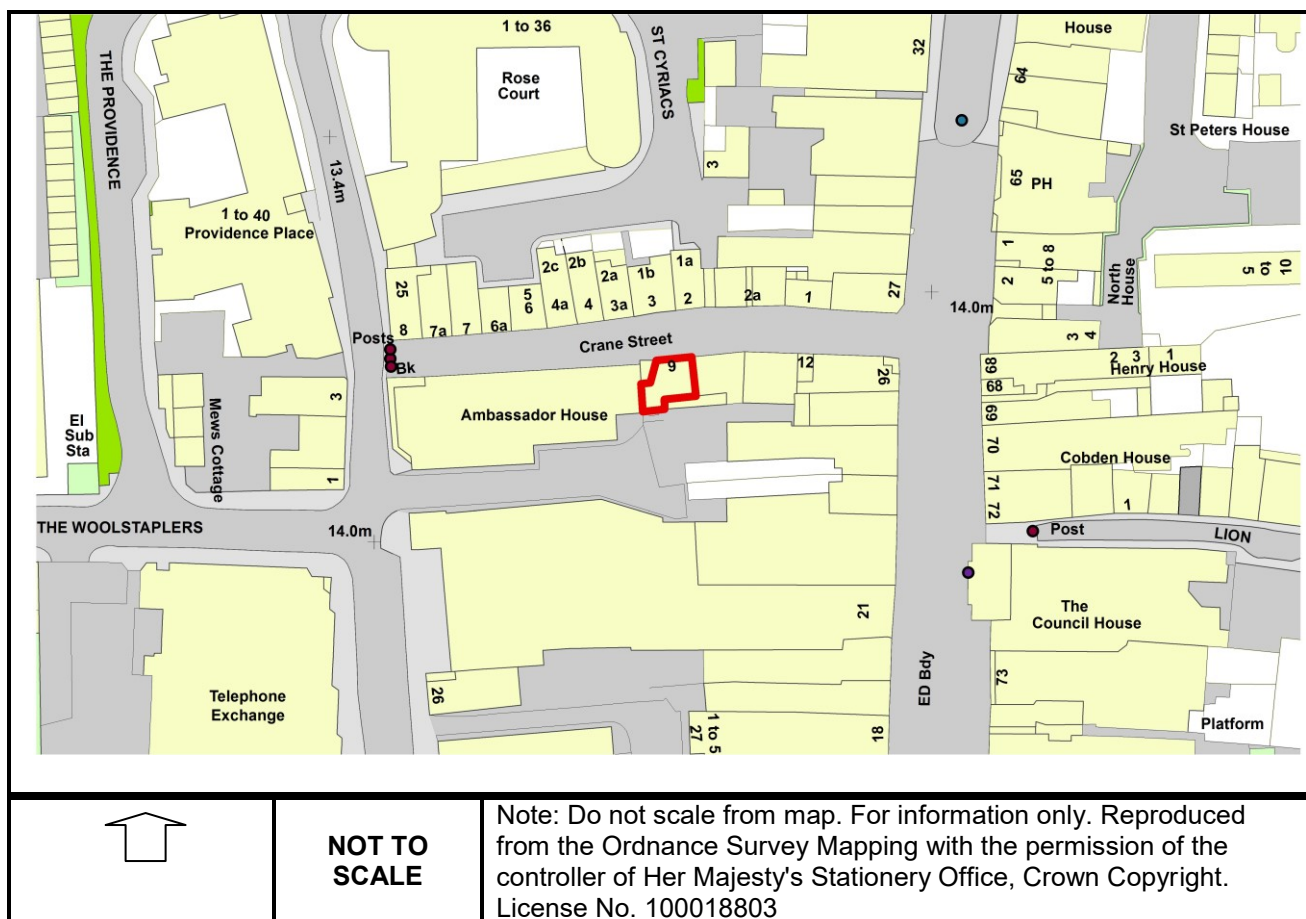
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQF2S6ER0UX00>

Parish: Chichester	Ward: Chichester Central
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CC/19/01192/FUL

Proposal	Change of use from A1 retail to A4 for use as a drinking establishment.		
Site	9 Crane Street Chichester West Sussex PO19 1LJ		
Map Ref	(E) 486043 (N) 104989		
Applicant	Mr Thomas Owen	Agent	

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Red Card: Cllr Bowden Important information/opinion to raise in debate

The City Council followed the Officer's advice in objecting to this application according to Local Plan policy, but members were keenly aware that conditions in Retail, and in the Chichester High St., have moved rapidly since the current policy was set, and that it is currently subject to Review. Therefore this application merits further consideration at District Planning Committee.'

1.2 Parish Council Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site (known as 9 Crane Street) forms a vacant A1 retail unit located on the southern side of Crane Street within the centre of Chichester, west of North Street.

2.2 The accommodation is provided over three floors, with only the ground floor forming the application site. The shopfront likely dates from the latter half of C20 and comprises a modestly sized fascia and 4. no display windows divided by pilasters. The first and second floors form part of Sussex House which provides office space. The unit is situated between an A1 retail unit to the east, and an access to Ambassador House, which provides office space on the first and second floor above ground floor units to the western end of Crane Street. The neighbouring unit to the west is a betting shop. The rear of the site opens out onto a service yard.

2.3 Crane Street forms a shopping street that directly leads onto North Street. The shopping street comprises predominantly ground floor A1 units, albeit with 5 no. vacant units, interspersed within occupied A2 and A3 units. On the southern side of Crane Street buildings are generally set over three floors, with the first and seconds floors used as office space. On the northern side of Crane Street residential units typically occupy the first or second floors above commercial units.

3.0 The Proposal

3.1 Planning permission is sought for change of use from A1 retail to A4 Drinking establishment to provide a micro-pub. It would be a Freehouse that would serve craft beers, real ales and small batch spirits from local and independent suppliers. No external alterations are proposed under the scheme.

4.0 History

13/03864/ADV	PER	21 no. non-illumination hanging signs for Crane Street shops.
18/01127/PASUR	PRE	Change of use from A1 to A4 (micro pub).

5.0 **Constraints**

Listed Building	NO
Conservation Area	Chichester City Conservation Area
Countryside	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

Objection. Non-retail uses in the city centre already exceed the 25% threshold and further non-retail changes of use would harm the viability and vitality of the city centre contrary to Policy 27 of the Local Plan.

6.2 **CCAAC**

The Committee has no objection in principle to this application. However, we have concerns regarding possible noise disturbance to surrounding residential properties. We recommend a condition banning outside seating and the playing of live or recorded amplified music, and that the licence is limited to wines and ales.

6.3 **WSCC Highways**

Summary

This proposal is for the change of use from A1 retail to A4 drinking establishment. The site is located on Crane Street, an E-class road.

Content

No vehicular access is associated with this property and no alterations to this arrangement are proposed. A nil car parking provision is proposed. Under the WSCC Car Parking Standards, 1 car parking space per 5m² of public area, plus 2 parking spaces for staff may be provided for the proposal.

Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety.

We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The site is situated in a sustainable location in Chichester City Centre. Bus stops at West Street are approximately 3 minutes away on foot, offering a wide range of connections towards Portsmouth, Midhurst, Littlehampton and others. Chichester Train Station is situated approximately 10 minutes away on foot. There are also a number of public car parks within walking distance of the site, such as Northgate Car Park 0.3 miles to the north and Avenue De Chartres 0.6 miles to the south.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.4 CDC Planning Policy

The Chichester Local Plan: Key Policies 2014 - 2029 was adopted by the Council in July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park. Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal seeks the change of from A1 retail to A4 for use as a drinking establishment.

The site falls within the Primary Shopping Frontage that has been identified in Policy 27: Chichester Retail Centre. Para 16.10 of the supporting text of Policy 27 identifies that the policy seeks to ensure that the retail frontages in those streets included in the primary shopping frontages are retained and enhanced, and in order to minimise disruption of these shopping frontages, the introduction of non-retail uses will be carefully controlled. The policy intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 explains how applications in the Primary and Secondary Shopping Frontage will be determined. The policy sets out that within the primary shopping frontages, additional non-shopping (A1) uses will be granted at ground floor level, providing all the policy criterion are met. . Criterion 1 sets out that additional uses will be permitted provided that "additional use (Class A2-A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses". The Council regularly undertake retail frontage monitoring to monitor the percentages in A1 and non-A1 uses.

As of June 2019, 25.43% of the primary shopping frontage was in non-retail use. This exceeds the 25% upper limit. If permission was granted, the percentage in non-retail use in the primary shopping frontages would rise to 25.75%.

Chichester Local Plan Review

The Council recently undertook consultation on the Chichester Local Plan Review 2016-2035 Preferred Approach plan (December 2018).

The Council is proposing to amend Crane Street to secondary retail frontage in the Local Plan Review Preferred Approach, however at this stage the emerging Plan carries very little weight. The development plan remains the adopted Chichester Local Plan: Key Policies 2014 - 2029.

Other relevant proposals include 1, 10 and 47.

Conclusion

Objection on the basis that the proposal does not comply with criterion 1 of Policy 27: Chichester Retail Centre.

6.5 CDC Economic Development

The high street is changing dramatically. The May 2019 ONS bulletin on retail states that "In May 2019, online retailing accounted for 19.3% of total retailing, with an overall growth of 8.2% when compared with the same month a year earlier."

This confirms that retail is becoming more of a web based operation, with less emphasis on a high street presence. Planning policy cannot keep up with this, the protection of retail space in the City Centre is becoming more unviable and vacancy rates in Chichester City Centre have risen from 6.8% in May 2018, to 8.2% in May 2019.

The Retail and Leisure Market Analysis report for 2018 by the Local Data Company found that "2018 was one of the toughest periods in recent years for retailers, evidenced by the number of openings slowing down to a five year low of 43,278. This, coupled with the highest rate of closures in the same period (50,828) led to an overall net loss of -7,550 occupied units."

In February 2019, the NPPF was updated and recognises the challenges faced by town centres. Paragraph 85 says, "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption". Further, in 85(a) it goes further to say that town centres should be allowed, "to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries"

Although current planning policy has Crane Street designated as Primary shopping frontage, this is proposed to change within the Local Plan Review. However, this is not likely to happen for another year, while the vacancy rate rises and retailers are less likely to take on premises.

Crane Street, is generally considered a "side street" in term of retail in the City, with the retail units closer to the Cross, being the prime shopping area. One property on Crane Street has only recently been let, after being empty for 16 months and this unit has not been let to a "traditional" retailer, but a beauty salon. This is evidence of a slowing and changing market.

Economic Development strongly supports the change of use for this application, given all the above evidence, schemes such as this one are vital to retaining the vibrancy and vitality of the City Centre, as per the Chichester Vision.

6.6 CDC Environmental Health

Comments received 06/08/2019 following receipt of noise assessment:

I have reviewed the noise assessment submitted for the above. Although the noise monitoring data is considered minimal, the report is considered acceptable and the findings are satisfactory. Providing the original comments are also taken on board the proposed development is considered to be acceptable see below:

1. In order to limit noise from delivery activities, times of delivery should be restricted to 0800 - 1700 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays.
2. Given the size of the establishment and the proximity to residential properties there should be no regulated entertainment permitted at the premises. A condition to this effect should be applied.
3. The applicant to submit a scheme detailing smoking facilities including plans showing waste receptacles - in order to prevent littering outside the premises.
4. A condition should be applied to prevent patrons from consuming drinks outside the frontage on Crane Street.
5. Proposed opening hours are as follows: Monday - Sunday 1200 to 2230 hours inc Bank and Public Holidays. A condition to enforce these opening hours should be applied.

Original comments received 18/06/2019:

Noise comments

There are no details of the type of plant/equipment this application will require. It is assumed there will be refrigerators and/or chillers associated with this use. Details of noise levels should be provided of all plant to be installed at the site in order that an assessment can be made of the potential for noise disturbance to be caused to nearby residents.

Details of the number of deliveries per day should be provided. In order to limit noise from such activities, times of delivery should be restricted to 0800 - 1700 hours Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

Given the size of the establishment and the proximity to residential properties there should be no regulated entertainment permitted at the premises. A condition to this effect should be applied.

It is noted that the proposed opening hours are as follows:

Monday - Sunday 1200 to 2230 hours inc Bank and Public Holidays. These hours are considered acceptable.

Amenity issues

A condition should be applied requiring the applicant to submit a scheme detailing smoking facilities including plans showing waste receptacles - in order to prevent littering outside the premises.

A condition should be applied to prevent patrons from consuming drinks outside the frontage on Crane Street.

6.7 Third party objections

4 Third Party letters of objections have been received identifying the following issues: :

- a) Crane Street is narrow and a micropub would impede access and business
- b) The proposal would encourage street drinking
- c) Resident was informed by Council when purchasing property in Crane Street that uses were A1 and not A4
- d) The siting of a micropub next to a betting shop is inappropriate
- e) A micropub would have a detrimental impact upon the character of Crane Street
- f) The opening of the premises in the evening would cause noise disturbance and anti-social mess and disturbance
- g) If outside seating is proposed it would cause noise disturbance
- h) The proposal would result in noise disturbance to the residential retirement accommodation in Chapel Street and St Cyriacs and residential accommodation above shops in Crane Street
- i) The proposal would result in more refuse collection which would disturb the peace
- j) The proposal would result in additional carbon emissions from greater deliveries
- k) Users of the Old Glassworks will have the opportunity to buy alcohol
- l) The change of use would apply to the premises and therefore concerns about what could potentially replace the micropub in the future are raised
- m) The principle of another drinking establishment in the area should be a matter for Planning Committee to decide
- n) Emptying of glass bottles should take place between 10am and 8pm in order to avoid noise disturbance
- o) CCTV should be installed and recordings kept in case of disturbances
- p) No amplified music should be played on the premises

6.8 Third party support

15 Third Party letters of support have been received outlining the following issues:

- a) The micro-pub would enhance Chichester's offering to locals and tourists
- b) The micro-pub would increase the number of independent units within the city centre which offer a more sustainable city centre model
- c) The proposal would provide a welcome boost to Chichester's pub offering and would boost the evening economy
- d) Independent units will help Chichester stand out and thrive
- e) The micro-pub's approach to environmental issues and sustainability is inspiring
- f) The proposal would bring back into use a vacant unit and reduce the number of vacancies within the city centre

- g) The proposal would enhance and boost Crane Street
- h) The proposal would help increase footfall within the city centre
- i) Drapper's yard has shown that small independent businesses are an asset to the city
- j) Micro-pubs have been successful in Chichester with the Sit and Sip in North Street proving popular and The Hornet Ale House winning Sussex CAMRA Pub of the Year 2019
- k) The proposal fits in with the Chichester Vision Statements
- l) The proposal would be located to avoid noise and disturbance to residents whilst opening hours are reasonable
- m) The proposed use would help address social isolation and loneliness

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 for Chichester 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 10: Chichester City Development Principles
 Policy 27: Chichester Centre Retail Policy
 Policy 39: Transport, Accessibility and Parking
 Policy 47: Heritage and Design

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development, 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 section 6 (Building a strong, competitive economy), section 7 (Ensuring the Vitality of Town Centres), Section 16 (Conserving and enhancing the historic environment) and paragraph 127 (creating places that have a high standard of amenity for existing and future users).

Other Local Policy and Guidance

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

- The Chichester Conservation Area Character Appraisal
- Your City Your Vision: Chichester Tomorrow

- 7.6 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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i. Principle of development and impact upon local economy
- ii.. Impact upon amenity of neighbouring properties and the surrounding area
- iii.. Impact upon heritage assets
- iv. Impact upon highway safety
- v. Other matters

Assessment

i. Principle of development and impact upon the local economy

- 8.2 The application site lies in a sustainable city centre location where in accordance with policy 1 of the Chichester Local Plan development would usually be permitted provided it accords with the provisions within development plan. Crane Street is designated primary shopping frontage under the adopted Chichester Local Plan and the current use of the unit is A1. Policy 27 intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 states that additional non-shopping (A1) uses will be granted at ground floor level where all of the following criteria are met:
1. Additional uses (Class A2-A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses;
 2. Additional uses result in no more than two non-shopping (A1) uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater)
 3. Proposal does not prejudice the effective use of the upper two floors; and
 4. Shop window and entrance is provided or retained where it relates well to the design of the building and to the street-scene and its setting.
- 8.3 Criterion 1 requires additional uses (Class A2-A5) to result in no more than 25% of the sum total of the street frontages in non-shopping uses. The most recent quarterly review carried out by CDC Planning Policy Team (June 2019) found that 25.43% of the primary shopping frontage was in non-retail use. Additionally, CDC Planning Policy note that if permission were to be granted, the percentage in non-retail use in the primary shopping frontage would rise to 25.75%. As the non-A1 use of primary shopping frontage currently exceeds the 25% threshold, this would ordinarily prohibit further changes of use to non-shopping uses, and the proposal would conflict with this part of policy 27.
- 8.4 Criterion 2 also requires that additional uses result in no more than two non-shopping uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater). The adjoining unit to the east is currently in A1 retail use, whilst the neighbouring unit to the west is a Betting Shop (Sui Generis). The adjoining property to the betting shop is A1 and therefore the application would comply with Policy in this respect. The length of the frontage of the unit subject to this application and the betting shop would fall below the 15 metre threshold, measuring approx. 12.3 metres in length. The proposal would therefore comply with this element of Policy 27.
- 8.5 Criterion 3 requires that the proposal does not prejudice the effective use of the upper two floors. The first and second floors above the unit form Sussex House, an occupied office space. The proposal would not alter the access to this office space. The opening hours proposed by the applicant are 12.00-22.30, and therefore the use of the unit would overlap with the use of the office space to the above floors. A noise assessment has been undertaken and the results have been verified by the CDC Environmental Protection officer, who finds the report to be acceptable and the results to be satisfactory.

It is therefore considered by Officers that the proposal would not prejudice the use of the upper floors with regards to noise, and it is not considered that any other activity associated with the proposal would impact upon the use of the upper two floors to the extent it could be reasonably considered to impede use. It is therefore considered that the proposal complies with this element of Policy 27.

- 8.6 Criterion 4 requires the shop window and entrance is provided or retained. As no external changes are proposed under the application, and it is considered likely that the existing shopfront is generally compatible with the use of the site as a micro-pub, the proposal is considered to comply with this element of Policy 27.
- 8.7 On the basis of the above, although the application would comply with criteria 2-4, it would not comply with criterion 1 and therefore would conflict with Policy 27 of the Chichester Local Plan.
- 8.8 However, material to the consideration to the application, and whether the proposal would be acceptable in principle, is the assessment of the economic impacts of the proposal, and the potential benefits of the proposed change of use. It is notable that in February 2019, the NPPF was updated and recognises the challenges faced by town centres. Paragraph 85 states, "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption". Further, in 85(a) it goes further to say that town centres should be allowed, "to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries".
- 8.9 It is well-documented that high streets are operating in a challenging environment across the country, with the rise of online shopping in particular posing a threat, as illustrated by the May 2019 ONS bulletin on retail, which states that "In May 2019, online retailing accounted for 19.3% of total retailing, with an overall growth of 8.2% when compared with the same month a year earlier." Locally, Chichester's High Street has long outperformed national vacancy trends; however vacancy rates in Chichester City Centre have risen from 6.8% in May 2018, to 8.2% in May 2019, albeit this is still below the national vacancy rate of 10.3% (July 2019). Additionally, Chichester has seen a number of well-established High Street names vacate the city in recent times including House of Fraser, HMV and Poundland. The CDC Economic Development Team therefore conclude that the retention of Chichester's retail units is becoming increasingly unviable and that economic policy cannot keep pace with this development.
- 8.10 The application site has been vacant since December 2017, and it presently forms one of five units in Crane Street that are currently vacant. Crane Street, whilst currently designated primary shopping frontage, has the character of a "side street", with the convergence of the main four shopping streets at the cross forming the heart of Chichester's retail offering. The CDC Economic Development officer has documented that Crane Street has struggled to attract traditional A1 uses, with the letting of another unit to form a beauty salon after 16 months vacant documenting this matter. Other uses within Crane Street include a shoe repair shop, betting shop, a building society, café and acupuncture clinic and therefore this is not a street characterised by A1 retail units and it is not a main shopping street within the city centre.

Crane Street therefore has a different character and business offer to the other primary shopping frontage within the city centre, and has ultimately led to Crane Street being proposed as secondary shopping frontage as part of the Local Plan review. The proposed micro-pub use is considered to be a use well suited to a "side street" off the "main streets", it would not compromise the retail offering along the main shopping streets and the proposed use would provide a service that would enhance the city's attraction for both residents and visitors.

- 8.11 The proposal would be an independent micro-pub, serving craft beers, real ales and small batch spirits. The 'Your City Your Vision: Chichester Tomorrow' (CDC October 2017) document includes the aims of 'welcoming more people into Chichester' and to 'ensure Chichester is open for business'. It is notable that independent businesses form the key element of Chichester's offering as a visitor destination as is illustrated by the notable success of Drapers Yard and The Hornet Ale House which has won Sussex CAMRA Pub of the Year 2019. Additionally, the document also recognises that city must adapt and meet the challenge of a limited evening and night time economy, whilst also making Chichester more attractive for younger people to live and work in the city, and the document expresses the need to capitalise on the student population that is spending in other towns and cities due to Chichester's limited offering. Policy 10 of the Chichester Local Plan also outlines proposals should support the evening economy.
- 8.12 It is considered that on balance, whilst the proposal would result in the loss of a retail unit the application poses an opportunity to not only boost the economy but also improve the evening economy in line with the objectives of the 'Your City Your Vision: Chichester Tomorrow document' and policy 10 of the Chichester Local Plan. In addition, following discussion with the applicants, it is considered that it would be reasonable to impose a planning condition that would tie the proposed change of use to the operation of the proposed business only, thereby allowing the premises to revert to A1 use should at any point in the future the business re-locate. It is considered that this is a pragmatic solution that would allow the local economy to benefit from the proposed development without prejudicing the City's retail offering in the future should the business re-locate or prove unviable.
- 8.13 Overall, whilst the proposal would conflict with Policy 27 of the Local Plan, when balancing Crane Street's character as more of a "side street" and the benefits to the local economy by bringing an empty unit back into commercial use, it is considered that the economic and cultural benefits would outweigh any harm caused by the loss of this A1 unit. Therefore on balance, it is considered that the proposal would, in this instance and subject to the proposed conditions, be acceptable in principle.

ii. Impact upon amenity of neighbouring properties and the surrounding area

- 8.14 Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 8.15 Whilst the use of the units above the application site is not residential, it is notable that a number of commercial units on the northern side of Crane Street have residential units located above to the first and second floors. It is considered that the potential disturbance to neighbouring amenity and public amenity is likely to arise from noise generated. A noise assessment has been undertaken based upon the proposed plant and likely noise of the patrons. The report identifies that noise sources from the new use include: refrigerated machine unit; beer fridge; keg cooler; glass washer and noise associated with the patrons using the venue. Noise levels from these sources is calculated as being low (combined noise of 52dBA). These calculated levels are also below both of the sample noise measurements taken at either end of Crane Street (58dBA), with the report concluding that 'residential dwellings are already exposed to higher levels than those calculated within the noise report. The submitted noise assessment has been reviewed by the CDC Environmental Protection Team who have concluded that the report provided is acceptable and demonstrates that the proposal would not result in noise and disturbance that is likely to significantly impact upon neighbouring amenity.
- 8.16 Given the size of the venue and the character of the area including the proximity of neighbouring residential units and their existing exposure to noise sources, the proposals would not result in an unacceptable level of noise and disturbance to neighbouring properties, and environmental impacts such as the control of litter outside the premises can be further mitigated through conditions. Subject to compliance with conditions including specified opening hours and litter control, officers are satisfied that the proposal would not result in unacceptable loss of neighbouring or public amenity arising from noise.
- 8.17 A number of third party comments have raised concerns relating to the potential for the behaviour of patrons to cause disturbance that would be harmful to the amenity of nearby shopkeepers and residents but also the wider public. The unit would have opening hours that would be reasonable given its location, and the business would also be subject to the granting of any alcohol licence for the premises. Additionally, it is not considered that the location is inappropriate and it is notable that a number of public houses trade on the main shopping streets and side streets within the city centre. Furthermore, the location of the premises is not considered to result concern when considering the nearby uses including the neighbouring betting shop and the nearby Old Glassworks, as the proposal would not substantially different to the many licenced premises already contained within the city.
- 8.18 Overall, subject to compliance with conditions, it is considered that the proposal would not result in significant harm to neighbouring or public amenity. The proposal is therefore considered acceptable in accordance with paragraph 127 of the NPPF.

iii. Impact upon Heritage Assets

- 8.19 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas.

8.20 The application does not propose external alterations. Additionally, the proposed use is considered compatible with the overall character of the city centre and therefore would not impact significantly upon the Chichester Conservation Area. Overall, it is considered that the proposal would not have any deleterious impact upon the Character and appearance of the Chichester Conservation Area and is acceptable in accordance with Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Chichester Local Plan.

iv. Impact upon Highways Safety

8.21 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should be designed to minimise additional traffic generation.

8.22 The site is located within a city centre location that encourages sustainable modes of transport and use of public transport. Whilst nil parking provision has been proposed this is not considered to be of concern due to presence of many nearby public car parks. The Highway Authority has been consulted on the proposal and no objection has been received

8.23 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF and Policy 39 of the Chichester Local Plan.

Other matters

8.24 The public benefit as illustrated above would outweigh the small environmental impact caused by additional deliveries and waste collections. It is notable that an A1 unit could occupy the unit without planning permission and this would also necessitate vehicular deliveries and waste collections. It is considered that there is no evidence to suggest a micro-pub would result in an increased level of deliveries or waste collection when compared to an A1 use.

Conclusion

8.25 Based upon the above, it is considered that at a time when the local economy is struggling, the proposal to change the use of a small premises on a side street in a location that is recognised to function as a secondary, rather than primary shopping area, the impact of the loss of the retail unit would be outweighed by the economic benefits of the proposal and the positive impacts upon the vitality of the city centre. Therefore, in this instance the identified benefits would outweigh the conflict with Policy 27 (criterion 1) of Chichester Local Plan. The application would also comply with Policy 1, 10, 39 and 47 of the Chichester Local Plan and the sections 6, 7, 16 and paragraph 127 of the NPPF. The application is therefore recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1. The development hereby permitted shall be 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 be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3. In the event 9 Crane Street ceases to be occupied for the purposes of a micro-pub, the use hereby permitted shall cease, and within 3 months of the use ceasing all materials and equipment brought on to the premises in connection with the use shall be removed and the lawful use of the premises shall revert back to an A1 use.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal, and to protect the retail function of Chichester City Centre.

4. In order to limit noise from delivery activities, times of delivery shall be restricted to 0800 - 1700 hours Monday to Saturday only, and at no time on Sundays, Bank or Public Holidays.

Reason: In the interests of neighbouring and public amenity

5. Given the size of the establishment and the proximity to residential properties there should be no live music permitted at the premises.

Reason: In the interests of neighbouring and public amenity

6. Prior to first operation of the micro-pub use hereby permitted, provision for smoking facilities shall be made 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 plans showing waste receptacles in order to prevent littering outside the premises. Thereafter the use shall not be carried out other than in full accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring and public amenity

7. At no time shall patrons consume drinks outside the premises, and prior to first operation of the micro-pub hereby permitted a scheme detailing how patrons will be prevented from consuming drinks outside of the premises shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the micro-pub shall not be operated other than in full accordance with the approved scheme.

Reasons: In the interests of neighbouring and public amenity

8. The micro-pub hereby permitted shall not be open to the public outside the hours of 12.00 and 22.30, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties.

9. The disposal of waste, including the recycling of bottles, shall not take place after 20.00 hours or before 08.00 hours.

Reason: In the interests of neighbouring and public amenity

10. At no time shall the type of plant located within the premises differ from those included within the noise assessment, and it shall thereafter be maintained as approved in perpetuity. Any variation to the permitted plant shall first be agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbouring and public amenity

11. Notwithstanding any indication on the approved plans and documents, no music system shall be installed or operated without prior written consent from the Local Planning Authority

Reason: In the interests of neighbouring and public amenity

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

Details	Reference	Version	Date Received	Status
Location Plan	TQRQM19120171818616		01.05.2019	
Block Plan	TQRQM19120171818616		01.05.2019	
Proposed ground floor layout	001		08.05.2019	

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PQTD6DERKEX00>

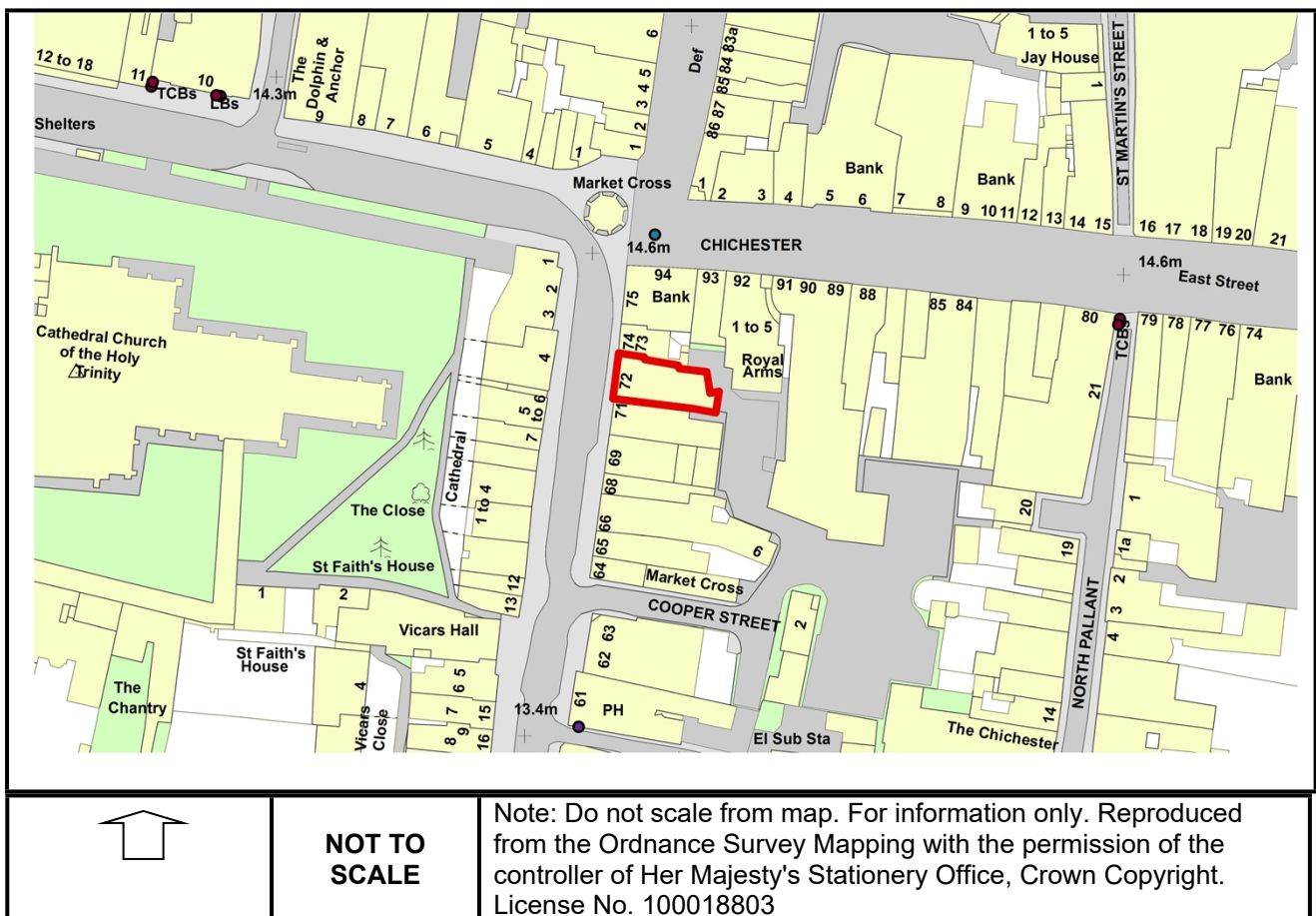
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Parish: Chichester	Ward: Chichester Central
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CC/19/01323/FUL

Proposal	Change of use from A1 (retail) to flexible A3/A4 use (restaurant/drinking establishment).		
Site	72-73 South Street Chichester PO19 1EE		
Map Ref	(E) 486070 (N) 104788		
Applicant		Agent	Mrs Natalie McKellar

RECOMMENDATION TO REFUSE



1.0 Reason for Committee Referral

Red Card: Cllr Bowden Important information/opinion to raise in debate

The City Council followed the Officer's advice in objecting to this application according to Local Plan policy, but members were keenly aware that conditions in Retail, and in the Chichester High St., have moved rapidly since the current policy was set, and that it is currently subject to Review. Therefore this application merits further consideration at District Planning Committee'.

2.0 The Site and Surroundings

- 2.1 The application site (known as 72-73 South Street) forms a vacant A1 retail unit located on the eastern side of South Street within the centre of Chichester, in close proximity to the market cross.
- 2.2 The building is set over three floors, with all three floors forming the application site. The shopfront likely dates from the latter half of C20 and comprises a timber fascia with 1 no. display window either side of a central door way. The property is constructed from red brick with 4 no. window bays to the first and second floors. The property is non-listed and is flanked by Grade II Listed A1 retail units to the north and south. The rear of the site opens out onto a service yard which is accessed via Cooper Street.
- 2.3 South Street forms one of the 4no. main shopping streets within Chichester. The application site is located in close proximity to the Market Cross where these shopping streets converge. Surrounding units are predominantly A1 units, set over the ground and first floor, interspersed with A2 and A3 units. The northern end of South Street does not contain any A4 units. To the South of West Pallant, the character of South Street begins to change, with the number of non-A1 units increasing.

3.0 The Proposal

- 3.1 Planning permission is sought for a change of use from A1 retail to flexible A3/A4 use (restaurant/drinking establishment). At this stage no specific occupier has been identified by the applicant. No external alterations are proposed as part of the scheme.

4.0 History

09/01759/ADV	PER	Main fascia sign.
09/01765/FUL	PER	Decoration of shopfront, removal of window beds. Alteration to door so they open outwards. Removal of ground floor stockroom.

5.0 Constraints

Listed Building	No
Conservation Area	Chichester City Conservation Area
Countryside	No
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

Objection. Non-retail uses in the city centre already exceed the 25% threshold and further non-retail changes of use would harm the viability and vitality of the city centre contrary to Policy 27 of the Local Plan.

6.2 CCAAC

The Committee has no objection to this Application.

6.3 WSCC Highways

Summary

This proposal is for the change of use from A1 (Retail) to flexible A3/A4 use (Restaurant/Drinking Establishment). The site is located on South Street, an unclassified road subject to a speed limit of 20 mph.

Content

No vehicular access or parking is associated with this proposal and this is the existing arrangement. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing arrangement is operating unsafely or that the proposal would exacerbate an existing concern. The proposed change of use is not anticipated to result in a material intensification of vehicle movements to or from the site.

The site is situated in a sustainable location within walking distance of Chichester Train Station and Bus Station. Regular bus connections can be caught at bus stops close to the site on South Street. Public car parks such as Avenue de Chartres and Cattlemarket are also within walking distance of the site.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.4 CDC Planning Policy

Chichester Local Plan: Key Policies 2014 - 2029

The Chichester Local Plan: Key Policies 2014 - 2029 was adopted by the Council in July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park. Planning legislation requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal seeks the change of use from A1 (retail) to flexible A3/A4 use (restaurant/drinking establishment). The site falls within the Primary Shopping Frontage that has been identified in Policy 27: Chichester Retail Centre. Para 16.10 of the supporting text of Policy 27 identifies that the policy seeks to ensure that the retail frontages in those streets included in the primary shopping frontages are retained and enhanced, and in order to minimise disruption of these shopping frontages, the introduction of non-retail uses will be carefully controlled. The policy intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 explains how applications in the Primary and Secondary Shopping Frontage will be determined. The policy sets out that within the primary shopping frontages, additional non-shopping (A1) uses will be granted at ground floor level, providing all the policy criterion are met. Criterion 1 sets out that additional uses will be permitted provided that "additional use (Class A2-A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses". The Council regularly undertake retail frontage monitoring to monitor the percentages in A1 and non-A1 uses. As of June 2019, 25.43% of the primary shopping frontage was in non-retail use. This exceeds the 25% upper limit. If permission was to be granted for this proposal, the percentage in non-retail use would rise to 25.93%.

Chichester Local Plan Review

The Council recently undertook consultation on the Chichester Local Plan Review 2016-2035 Preferred Approach plan (December 2018). The Council is proposing to amend Crane Street to secondary retail frontage in the Local Plan Review Preferred Approach, however at this stage the emerging Plan carries very little weight. The development plan remains the adopted Chichester Local Plan: Key Policies 2014 - 2029.

Other relevant proposals include 1, 10 and 47.

Conclusion

Objection on the basis that the proposal does not comply with criterion 1 of Policy 27: Chichester Retail Centre

6.5 CDC Economic Development

Comments received 14.08.2019

Further to the Economic Development Service previous comments, we wish to clarify our stance on this change of use.

This site is less than 35 metres from The Cross, which is traditionally the centre of the City, in terms of retail. The site is within the Primary Shopping Frontage, linked to Policy 27 of the Local Plan.

Policy 27 seeks to "ensure that non-retail uses in the Primary Shopping Frontage do not become dominant in one area and that where non-retail uses are introduced, an active and visually appealing shop frontage is maintained". There are already a large number of A3 premises on South Street.

Given the location of this property, it is essential that there is robust evidence that this property could not be let to a retailer. There are other areas in the Primary Shopping Frontage where the Economic Development Service would be more open to changes. For example, Crane Street; properties there are generally taking over a year to let as it is considered by many to be a secondary location and indeed it has been designated as such in the Local Plan Review.

This property has only been vacant for 6 months, and in fact, a pop up art gallery used the premises during June and July this year, which further proves the viability of the site in retail use.

The market for retailers has undoubtedly changed over the past few years for retailers and this is being reflected in the changing High Street. The aim of Economic Development is to support the High Street, without fundamentally impairing it. Our concern is, at the moment that this application could undermine the vitality of the High Street and there is no evidence within the application that wholly justifies this that the current A1 use is of no interest to prospective tenants.

Comments received 22.07.2019

Economic Development do not support this change of use. It is contrary to the Local Plan; within both the current and the Local Plan review, this site falls within the primary shopping frontage.

There has been limited marketing and the shop has been in use as a shop very recently, showing that there is a demand, depending on the flexibility of terms.

Retail is changing and as a result this is having an impact on the "High Street". Where possible, it is important to preserve retail units for retail use, especially where there is no marketing evidence to prove lack of need.

6.6 CDC Environmental Health

Noise

The premises are located in a retail/commercial area of Chichester and it appears that neither of the adjacent buildings are currently in residential use. There are premises in the area that include residential use at upper floor level so a noise assessment should be submitted to assess if any noise mitigation measures are required at the premises. An assessment should be made of all proposed plant associated with the proposed use (eg. refrigeration plant, air conditioning, extraction and ventilation plant within the kitchen area). External noise levels should be predicted at the nearest noise sensitive use in order to determine if noise mitigation is required. In order to control noise levels from any plant, the following condition should be applied:

- Prior to development, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units, to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises and this shall be so retained and operated in compliance with the approved scheme.

Informative: External mechanical plant, to include any kitchen extraction, shall be assessed in accordance of BS4142:2014 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

It is noted that closing hours are proposed as 2330 hrs on Mondays - Saturdays and 2230 hours on Sundays. These hours are considered acceptable providing the following conditions are applied:

- There should be no use of outdoor pavement areas for eating or drinking after 2100 hours - in order to reduce noise levels at residential properties.
- Deliveries via Cooper Street should be restricted to 0800 - 1800 hours.

Reason: to reduce the noise impact of the proposals on nearby residents.

Air Quality

A scheme should be submitted showing how it is proposed to provide extraction and ventilation to the premises prior to construction in order that an assessment can be made as to whether the premises is suitable for the proposed use - a condition should be applied to require this scheme , suggested wording as below:

- Prior to development, a scheme for the extraction and treatment of fumes and odours generated from cooking or any other local activity undertaken on the premises shall be submitted to and approved by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall be operated and retained in compliance with the approved scheme.

Informative: It is considered that "The Control of Odour and Noise from Commercial Kitchen Exhaust Systems" (EMAQ, September 2018) acts as an appropriate reference document. Where practicable, the highest level of cooking extraction, ideally 1m above roof ridge, would be encouraged. Any lower level extraction shall require a commensurate level of filtration.

Given the location of the premises there is no requirement for on-site parking and the premises are not within an Air Quality Management Areas so there is no need to carry out an air quality assessment.

Amenity issues

A condition should be applied requiring the applicant to submit a scheme detailing smoking facilities including plans showing waste receptacles - in order to prevent littering outside the premises.

It is noted that the application is for Change of Use only so building works should be minimal (ie internal fitting out only) so a full construction management plan is not required. Building works should be restricted to 0730 - 1800 hrs in order to reduce impacts on nearby residents.

6.7 Third Party Comments

No third party comments were received during the course of the application

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 for Chichester 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 10: Chichester City Development Principles
Policy 27: Chichester Centre Retail Policy
Policy 39: Transport, Accessibility and Parking
Policy 47: Heritage

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development,
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 section 6 (Building a strong, competitive economy), section 7 (Ensuring the vitality of town centres), Section 16 (Conserving and enhancing the historic environment) and paragraph 127 (Creating places that have a high standard of amenity for existing and future users).

Other Local Policy and Guidance

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

- o The Chichester Conservation Area Character Appraisal
- o Your City Your Vision: Chichester Tomorrow

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:

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 **Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development and impact upon local economy
- ii.. Impact upon amenity of neighbouring properties and the surrounding area
- iii.. Impact upon heritage assets
- iv. Impact upon highway safety
- v. Other matters

Assessment

- i. Principle of development and impact upon the local economy

8.2 The application site lies in a sustainable city centre location where in accordance with policy 1 of the Chichester Local Plan development would usually be permitted without delay provided it accords with the provisions within development plan. The majority of South Street is designated primary shopping frontage under the adopted Chichester Local Plan and the current use of the unit is A1. Policy 27 intends to protect the vitality of the city centre as a high quality shopping destination. Policy 27 states that additional non-shopping (A1) uses will be granted at ground floor level where all of the following criteria are met:

1. Additional uses (Class A2-A5) results in no more than 25% of the sum total of the street frontages in non-shopping (A1) uses;
2. Additional uses result in no more than two non-shopping (A1) uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater)

3. Proposal does not prejudice the effective use of the upper two floors; and
 4. Shop window and entrance is provided or retained which relates well to the design of the building and to the street-scene and its setting.
- 8.3 Criterion 1 requires additional uses (Class A2-A5) to result in no more than 25% of the sum total of the street frontages in non-shopping uses. The most recent quarterly review carried out by CDC Planning Policy Team (June 2019) found that 25.43% of the primary shopping frontage was in non-retail use. Additionally, CDC Planning Policy note that if permission were to be granted, the percentage in non-retail use in the primary shopping frontage would rise to 25.93%. As the non-A1 use of primary shopping frontage currently exceeds the 25% threshold, this would ordinarily prohibit further changes of use to non-shopping uses, and the proposal would conflict with this part of policy 27.
- 8.4 Criterion 2 requires that additional uses result in no more than two non-shopping uses adjacent to each other or a total of 15 metre continuous non-retail frontage (whichever is the greater). The adjoining unit to the south and north are both in A1 use and therefore the application would comply with Policy in this respect. The length of the frontage of the unit subject to this application falls below the 15 metre threshold, measuring approx. 9.35 metres in length. The proposal would therefore comply with this element of Policy 27.
- 8.5 Criterion 3 requires that the proposal does not prejudice the effective use of the upper two floors. The first and second floors forms ancillary space to the application site and therefore the proposed change of use would not impede the functional use of these floors. The proposal therefore complies with this element of policy 27.
- 8.6 Criterion 4 requires the shop window and entrance is provided or retained which relates well to the design of the building and to the street-scene and its setting. As no external changes are proposed under the application, and it is considered likely that the existing shopfront is generally compatible with the proposed A3/A4 use of the site, the proposal is considered to comply with this element of Policy 27.
- 8.7 On the basis of the above, the application would not comply with criterion 1 and therefore would conflict with Policy 27 of the Chichester Local Plan.
- 8.8 However, material to the consideration to the application, and whether the proposal would be acceptable in principle, is the assessment of the economic impacts of the proposal, and the potential benefits of the proposed change of use. It is notable that in February 2019, the NPPF was updated and recognises the challenges faced by town centres. Paragraph 85 says, "Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption". Further, in 85(a) it goes further to say that town centres should be allowed, "to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries". In addition the 'Your City Your Vision: Chichester Tomorrow' (CDC October 2017) document recognises that city must adapt and meet the challenge of a limited evening and night time economy, whilst also making Chichester more attractive for younger people to live and work in the city, and the document expresses the need to capitalise on the student population that is spending in other towns and cities due to Chichester's limited offering.

Policy 10 of the Chichester Local Plan also outlines proposals should support the evening economy. It is considered that the proposed A4 usage with the opening hours would support this objective. It is notable that the document also includes the aims of 'welcoming more people into Chichester' and to 'ensure Chichester is open for business'.

- 8.9 Locally, Chichester's High Street has long outperformed national vacancy trends; however vacancy rates in Chichester City Centre have risen from 6.8% in May 2018, to 8.2% in May 2019, albeit this is below the national vacancy rate of 10.3% (July 2019). Additionally, Chichester has seen a number of well-established High Street names vacate the city in recent times including House of Fraser, HMV and Poundland.
- 8.10 The application site is situated less than 25 metres from the Market Cross which marks the convergence of Chichester's main shopping streets. On the basis of its size and central location the application site therefore is a key retail unit at the heart of the City's retail offering. Whilst it is noted that there are a number of A3 uses located along South Street; these are contained to the south of Canon Street and West Pallant. In this regard the character of the northern end of South Street is of a primary retail location. It is therefore considered that a flexible A3/A4 unit would not be appropriate in this location as it would result in the reduction of Chichester's A1 capacity which still forms the core of the High Street. This, in turn, would be harmful to the viability and vitality of Chichester's High Street.
- 8.11 The application site has been vacant for a period of approx. 6 months only and during that time it has also been used as a pop-up art gallery. No marketing evidence has been submitted to ascertain whether there is no demonstrable need for the retention for A1 in this location. The Local Plan recognises that some non-A1 uses are required within the primary shopping frontage to provide essential services, however the proposed A3/A4 unit cannot be considered to fall into this category. Furthermore, maintaining the established rhythm of Chichester's retail offering within primary shopping frontage is essential to maintaining an attractive and viable city centre. For this reason A3/A4 uses are complimentary uses situated to secondary locations within the City Centre.
- 8.12 On balance, whilst the proposal would bring back into use a vacant unit, officers consider that the loss of a key A1 retail unit would be harmful to the vitality and viability of Chichester's city centre. The retention of A1 units in the core of the city is deemed essential to ensuring that Chichester is 'open to business' and continues to be an attractive shopping location in the regional context. This is considered to outweigh the potential benefits of the proposals contributing to the evening economy. Therefore, the scheme would conflict with Policy 27 of the Chichester Local Plan and the proposed location of the unit would be inappropriate for diversification encouraged under paragraph 85 of the NPPF.
- ii. Impact upon amenity of neighbouring properties and the surrounding area
- 8.13 Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 8.14 The first and second floors of the application site are ancillary to the ground floor unit. The ground floor of adjoining properties are both A1 retail units. The CDC Environmental Protection Officer has commented that neither of the adjacent properties are in residential use, however there are premises in the area that include residential at upper floor level. A noise and vibration assessment has therefore been recommended by CDC Environmental Health. It is considered that the principle of the proposal would not inhibit the uses of any nearby units/properties, and mitigation measures and conditions would be sufficient in order to ensure the amenity of neighbouring properties is maintained.
- 8.15 The proposed opening hours (until 11:30pm Monday to Saturday and until 10:30pm on Sunday) are considered to be broadly in line with what would be expected for an A4 usage and accord with similar uses within the city. The proposed opening hours are not in themselves a cause for concern given the city centre location and the characteristics of the surrounding uses.
- 8.16 Overall, officers consider that the proposal would not result in significant harm to neighbouring or public amenity and is in accordance with Policy 127 of the NPPF.

iii. Impact upon Heritage Assets

- 8.17 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, which states that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas.
- 8.18 The proposed use is considered compatible with the overall character of the city centre and therefore would not impact significantly upon the Chichester Conservation Area. The proposal would not have any harmful impact upon the setting of the neighbouring listed buildings to the north and south as the city centre location forms part of the assessment of their setting and A3/A4 uses are considered to common uses within city centres, whilst additionally no external alteration is proposed. Overall, it is considered that the proposal would not have any adverse impact upon the Character and appearance of the Chichester Conservation Area or the setting of the neighbouring listed buildings and is acceptable in accordance with Sections 66&72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Chichester Local Plan.

iv. Impact upon Highways Safety

- 8.19 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Pan asserts that development should be designed to minimise additional traffic generation.

- 8.20 The site is located within a city centre location that encourages sustainable modes of transport and use of public transport. Additionally, the city centre benefits from the presence of many nearby public car parks. The Highway Authority has been consulted on the proposal and no objection has been received
- 8.21 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF and Policy 39 of the Chichester Local Plan.

Other Matters

- 8.22 No public comments have been received, and there are no other material considerations which would outweigh the conclusion.

Conclusion

- 8.23 On balance, whilst the proposal would bring back into use a vacant unit, officers consider that the loss of a key A1 retail unit would be harmful to the vitality and viability of Chichester's city centre. The retention of A1 units in the core of the city is deemed essential to ensuring that Chichester is 'open to business' and continues to be an attractive shopping location in the regional context. The scheme would fail to comply with Policy 27 of the Chichester Local Plan and the proposed location of the unit would be inappropriate for diversification encouraged under paragraph 85 of the NPPF. The application is therefore recommended for refusal.

Human Rights

- 8.24 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:-

The loss of a key A1 retail unit would be harmful to the vitality and viability of Chichester's city centre. The retention of A1 units in the core of the city is deemed essential to ensuring that Chichester is 'open to business' and continues to be an attractive shopping location in the regional context. The scheme would fail to comply with Policy 27 of the Chichester Local Plan 2014-2029.

Informatives

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Decided Plans

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

Details	Reference	Version	Date received	Status
Location plan, block plan, floor plans	001		16.05.2019	

For further information on this application please contact William Price on 01243 534734

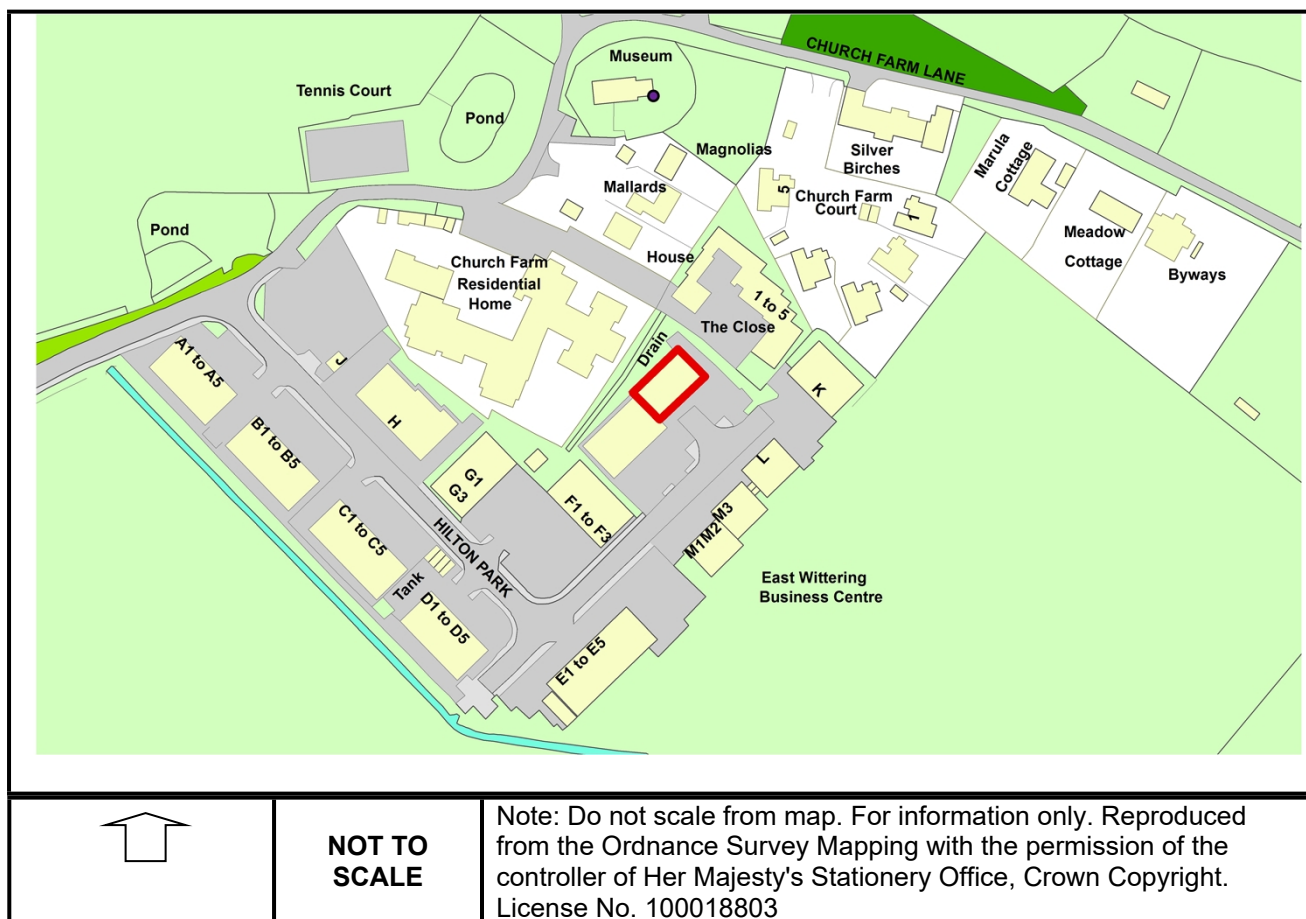
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRLEOVERKZD00>

Parish: East Wittering And Bracklesham	Ward: The Witterings
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EWB/19/00934/FUL

Proposal	Change of use from B1 to D2 to create fitness facilities.		
Site	Unit J Hilton Park East Wittering Chichester West Sussex PO20 8RL		
Map Ref	(E) 480123 (N) 97798		
Applicant	Mr Ben Price	Agent	

RECOMMENDATION TO REFUSE



1.0 Reason for Committee Referral

- 1.1 Red Card: Cllr Barrett - on the basis that there is an exceptional level of public interest.

2.0 The Site and Surroundings

- 2.1 The application site is a warehouse type building situated within Hilton Industrial Park, accessed from Church Farm Lane, which leads off Church Road. The building is a blue coloured, corrugated metal structure of regular rectangular shape, two-storeys in height. It is attached to a building of similar appearance and business use, as are the remainder of buildings within the business park. A modest parking area is provided to the front of the building, in the same manner as parking provided for other business buildings within the area.
- 2.2 The wider area, around the business park, is predominantly rural in character; being outside the defined settlement boundary, i.e. within the countryside. Some nearby dwellings and a care home are, however, located roughly 25m to the north and west of the site. The settlement of East Wittering is less than half a kilometre to the south.

3.0 Proposal

- 3.1 The application seeks retrospective consent for the change of use of a building to a gym (Use Class D2).
- 3.2 No external alterations are proposed.

4.0 History

93/00817/FUL	PER	L.P. Gas Cylinder Storage Depot with small associated building.
98/00963/FUL	PER	Deletion of condition 5, thereby allowing the use of the permitted factory units by a single occupier.
19/01800/PRELS	PCO	Erection of new building comprising 3 no. B1(c) units, B1(a) units and a storage unit.
19/00022/CONCO U	PLNREC	Enforcement Enquiry

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	Flood Zone 1
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

No objection.

6.2 **WSCC Highways**

The proposal to change the use of the existing B1 use into a D2 Leisure use has been considered by WSCC as the County Highway Authority. No objection is raised subject to any conditions attached.

The site will occupy the ground floor of Unit J, and will offer fitness services to the local community. The site will still operate as B1 use on the upper floors of the building, and car parking is provided for directly outside the unit.

WSCC Car Parking standards for D1 use is 1 space for every 22sqm. The fitness club will require 9 of these car parking spaces and at least one of these spaces should be designated for a disabled user.

The site is located on an industrial park and access into the site is from Church Farm Lane a 30mph access road into the business park. Given its close proximity to the Witterings, and flat semi-rural setting, cycling to the site could be promoted and therefore cycle storage should be provided, if not already. Guidance on this should be in the range of 3-6 spaces for staff and visitors.

Fitness clubs tend to be busier early in the morning and later in the daytime as such it is considered these operating times will complement the other uses on the site. Given the small size of the club, any associated trips are not considered to cause any material capacity impacts to highway safety or capacity.

6.3 **CDC Environmental Protection**

Thanks for the opportunity to comment on this application. As you know the premises is currently operating as a gym. I have been to the site and met with the operator to better understand the business and the structure of the building.

The property is not attached to any residential development – it is approximately 10-15 metres from the nearest dwellings which are at the rear. There are fire doors on the rear façade which faces the dwellings to the rear. Typical noise associated with a gym could include:

- traffic and car parking
- impact noise from equipment such as weights,
- music and shouting used to entertain and motivate customers,
- plant noise such as air conditioning, heating

Weights are dropped onto resilient pads to reduce impact noise. Motivational music is played during operation. I asked them to operate the music at a typical volume, which appeared to me to be a realistically loud level, while I made some observations. The music was audible outside the building to the rear, in front of the closed fire exit doors which are clearly the acoustically weak points. This was a crude test and not a full noise assessment. However it indicated that while there is potential for noise problems, music can be controlled by the business and is capable of being kept at a level that would be unlikely to disturb neighbours. There are no noise complaints on record, so in typical operation it seems unlikely there will be a negative impact. I did not witness a class or other gym operations so cannot comment on vocal or impact sounds that may typically occur. They plan to continue to operate during "office" hours and not a night time or late evening operation. The business would no doubt aim to expand and develop. Limiting operational hours to those proposed would be appropriate to avoid more noise-sensitive hours.

I would highlight some risks that should be addressed if permission is granted.

If the fire doors are opened, for example, to ventilate, then there would be no barrier to noise transmission between the Unit and the dwellings to the rear. This would be likely to affect the dwellings. In the absence of any noise assessment from the operator this cannot be quantified. However, if permission is granted it would be prudent to apply a suitably worded condition to ensure all doors are shut during operation of equipment or music.

There was no provision for Air Conditioning plant, and no details within the application. In the event that the operator needs to increase the ventilation to the premises by mechanical means, and this is not subject to a separate application, then this should be contingent on the submission of a noise assessment to, and approval by the planning authority. You may wish to apply a condition to this effect.

6.4 CDC Economic Development

We do not support this application.

The premises are intended for light industrial use and we are keen to retain the use of these type of premises for this purpose

Changing the use of these premises could have a knock-on effect to other neighbouring business properties, which may also come under pressure to have their planning designations changed. This could result in an overall reduction in light industrial capacity in the area, which would not be good for the local economy

The demand for affordable B1 properties is typically high. No marketing evidence has been put forward to support that demand for B1 is no longer required in this area

6.5 Third Party Representations

22 Third Party letters of support have been received outlining the following issues

- a) provides a positive and unique facility for those in the surrounding area
- b) provides a community facility
- c) provides a much needed independent gym for the area; limited other gyms nearby
- d) does not impact on the amenity of neighbouring uses
- e) health and fitness benefits
- f) provides employment opportunities
- g) claims the industrial park is underused
- h) no/minimal traffic on the estate due to peak times being outwith working hours

2 Third Party letters of objection have been received identifying the following issues:

- a) the nearest gym is less than a mile from the application site, not in Chichester as suggested
- b) nearby Harbour Way Gym employs over 25 people; which should be taken into account
- c) nearby gym is award winning, and not the application site as suggested
- d) wishes to see conditions limiting noise and external activities should the application be approved

7.0 Planning Policy

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

Chichester Local Plan: Key Policies 2014-2029

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

- o Policy 1: Presumption in Favour of Sustainable Development
- o Policy 2: Development Strategy & Settlement Hierarchy
- o Policy 26: Existing Employment Sites
- o Policy 39: Transport, Accessibility & Parking
- o Policy 45: Development in the Countryside
- o Policy 47: Heritage & Design
- o Policy 48: Natural Environment

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019, with the sections relevant to this application and considered being: 2, 4, 6, 8, 9 & 15.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."

"...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."

7.5 Section 4 (Decision making), Section 6 (Building a strong, competitive economy), Section 8 (Promoting healthy and safe communities), Section 9 (Promoting sustainable transport), and Section 15 (Conserving and enhancing the natural environment) should also be considered generally.

Neighbourhood Plan

7.6 There is no made neighbourhood plan for the area at this time.

Other Local Policy and Guidance

7.7 The following local policy and guidance is considered to be relevant:

- Appendix E of the Chichester Local Plan: Key Policies 2014-2029

7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- 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 lifestyles
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of development, including loss of B1 use
- ii) Design, scale, character and countryside impact
- iii) Amenity of neighbouring properties and uses
- iv) Highways impact and parking
- v) Other matters and material considerations

i) Principle of development, including loss of B1 use

8.2 The site is located outside of the settlement boundary, which is referred to the rest of the plan area within Policy 2 of the Local Plan. Policy 2 states: 'development in the rest of the plan area outside the settlements listed is restricted to that which requires a countryside location or meets an essential local rural need'. Policies 2 and 3 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 of similar uses. The method and framework for undertaking this assessment is set out in Appendix E of the Local Plan (Appropriate Marketing Guidance).

8.3 The lawful use of the building is B1(c) Use (light industrial), as approved and restricted through condition as part of permission 92/02094/FUL. However, it is apparent that the site has been used most recently for storage and distribution purposes (Use Class B8); with the upper floor still being used as storage for an adjacent business. Nevertheless, the loss of both B1 and B8 floorspace are resisted under Local Plan Policy 26, and require marketing to take place in order to justify any loss of such uses. The lawful use of the building is B1(c) and therefore the application should be assessed in relation to the resultant loss of this use.

8.4 The Design and Access Statement and representations received purport that the benefits of using this unit as a gym are; increased employment, improved health and well-being, and increased local business networking and revenue; within what is considered to be an underutilised business park.

8.5 Notwithstanding the circumstances and perceived benefits outlined by the applicant, and the public representations in support of the proposed development, the proposal would involve the loss of a B1 use, which is safeguarded within 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.

8.6 The evidence requirements are set out in Appendix E of the Local Plan which state 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.

8.7 It is acknowledged 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, it is considered 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, nor is there any evidence to suggest it has been marketed at all.
- The existing site is not and was not vacant prior to occupation.
- Although the proposed use would offer health and well-being benefits to the users of the facility and would provide employment for the gym's 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 and complementing the deemed underutilised business park) no evidence has been presented to support this assertion. Similarly the wider community health benefits likely to be realised through the provision of the gym could be met through other gym facilities in the area or the provision of the use in a location that would not result in the loss of a business use.
- Whilst the gym use would also generate some employment, this is not typically equivalent to the level of employment generated by B1-B8 uses.
- There is no evidence to suggest the business park generally is underused.
- Throughout the application process additional evidence of marketing for a B1-B8 uses has been requested from the applicant, however no additional information has been provided.

8.8 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. Furthermore, CDC Economic Development was consulted and object to the application on the basis that a B1 use, considered to be in high demand, would be lost. 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.

ii) Design, scale, character and countryside impact

8.9 The proposal is for the change of use of the building only, and does not provide for any external changes or associated signage. As a result, there is not any material change of appearance of the building or visual impact on the surrounding area or countryside. Further applications are likely to be required for any external changes or advertisement.

iii) Amenity of neighbouring properties and uses

8.10 The proposed opening hours of the gym use would be 0615 – 1945, however the times of greatest use of the gym would be outside the typical operating hours of the surrounding businesses, it is therefore considered unlikely that the proposed use would conflict with the other commercial businesses within the industrial park.

8.11 There are, however, nearby dwellings and a care home which lie roughly 25 metres to the north, north-east and west of the site. It is understood that the gym has been operating for almost a year and there have been no apparent noise complaints from neighbouring properties. The orientation and construction of the building also aids in reducing any noise, with limited openings and no windows. There are no openings on the northern or north-western parts of the building facing the residential properties. From visiting the site there was no notable audible disturbance coming from the gym which was in operation at the time. Music was playing inside, but this could not be heard a matter of metres from the building or over the general noise level of the business park. It is noted that this may not necessarily be the case earlier in the morning or later in the evening. A Noise Management Plan could be conditioned to ensure activities and noise are controlled through the planning process; in addition to environmental health legislation.

8.12 Taking the above into account, and subject to conditions, the proposed use of the building as a gym is not considered to result in any significant impacts on the amenity of neighbouring residents or uses.

iv) Highways impact and parking

- 8.13 No parking provision is provided within the application site, nor is parking provision indicated elsewhere in the business park. However, it is evident that there is sufficient car parking to the east of the site and throughout the business park to accommodate the proposed use. Officers visited the site during late afternoon on a weekday, there did not appear to be any obvious issues with regards to parking; with a significant number of spaces available for use. It is therefore considered that continued use of the existing shared car parking for the property and business park would be acceptable; particularly given the nature and peak times of gym use typically being early morning and late afternoon/evening, thus not conflicting with the parking demands during the business park hours.
- 8.14 There is no change to the existing access arrangements, and the number of additional vehicle journeys likely to be generated by a gym is not deemed to be materially different to what could be expected for a light industrial building, or storage and distribution or other similar business use.
- 8.15 The Highway Authority has been consulted and has raised no objection, although it has been suggested that cycle parking should be incorporated into the development in-line with sustainable transport policies. This could be secured via condition, and potentially accommodated internally.
- 8.16 Therefore, there are not considered to be any significant detrimental impacts to the local transport network or with regards to highway safety or parking provision; thus the application accords with Local Plan Policy 39.

v) Other matters and material considerations

- 8.17 A gym falls within Use Class D2 (assembly and leisure), which also includes uses such as music venues, cinema and bingo hall etc. Other uses such as these within this class would have the potential to generate greater level of transport movements or parking requirements, which would need to be assessed to ensure there was no impact on highway safety or local/neighbouring amenity. Should permission be granted it would therefore be considered necessary to limit the use of the site to solely a gym and remove permitted development rights; in order for any other use/activity to be properly assessed.
- 8.18 Given the nature and siting of the application, there are not considered to be any implications with regards to flood risk or ecology.

Conclusion

- 8.19 The application, although acceptable in all other regards, would result in the unjustified loss of a business, in direct conflict with the policy requirement to safeguard key employment uses, unless it can be proven through adequate marketing evidence that those uses are no longer required or viable. Therefore, in the absence of any marketing evidence, the loss of B1 use floorspace is contrary to Policy 26 and Appendix E of the Chichester Local Plan: Key Policies 2014-2029.

8.20 There are not considered to be any other material considerations which would outweigh the recommendation.

Human rights

8.21 In reaching this conclusion, the human rights of the applicants and nearby occupiers have been taken into account and it is deemed that the recommendation to refuse is justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

1) The proposal results in the loss of a business (B1-B8) use within an established rural business park. No marketing evidence for the property and its existing lawful use has been provided to show there is no longer a requirement for this type of employment use, and therefore there is not a sufficient level of information to justify the loss of B1(c) use. The proposal would therefore result in the unjustified loss of an employment use which conflicts with Policy 26 and Appendix E of the Chichester Local Plan: Key Policies 2014-2029.

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PP4V69ERJ7B00>

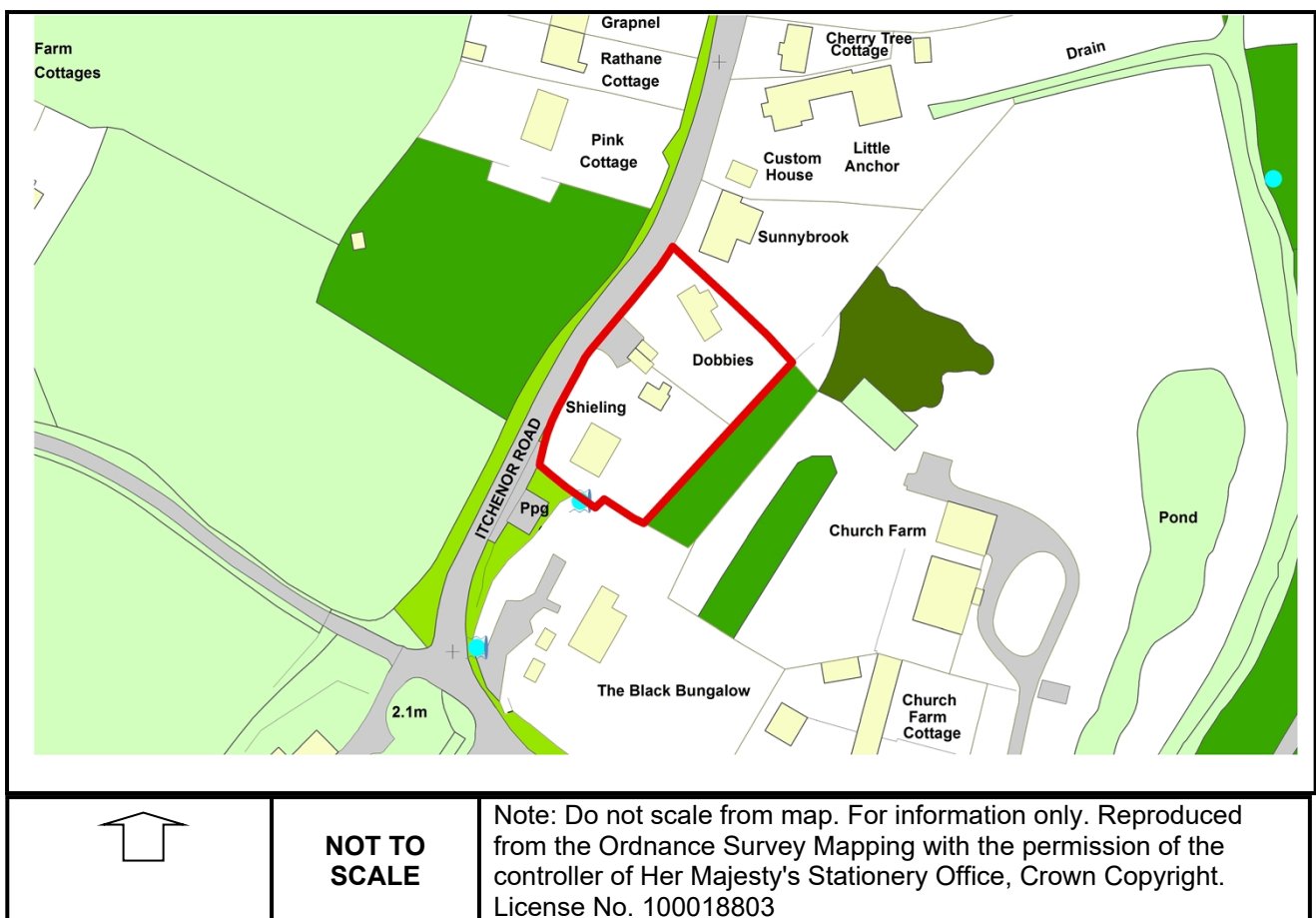
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Parish: West Itchenor	Ward: The Witterings
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WI/19/01353/FUL

Proposal	Alterations to existing access, parking areas and front boundary at 'Dobbies' and 'The Shieling', and installation of timber pergola for boat store attached to garage of 'Dobbies'.		
Site	Dobbies & The Shieling Itchenor Road West Itchenor PO20 7AA		
Map Ref	(E) 479937 (N) 100778		
Applicant	Mr & Mrs Taylor	Agent	Mr Garry Mount

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

- 1.1 The Applicant is a Member of the Council.

2.0 The Site and Surroundings

- 2.1 The application site comprises a pair of neighbouring detached houses situated on the eastern side of Itchenor Road and at the southern section of West Itchenor. The two dwellings, which comprise 'Dobbies' to the north and 'The Sheiling' to the south, share a central access in addition to their own separate vehicle access points at the northern and southern corners.
- 2.2 The site lies outside of the defined settlement boundary and located within the West Itchenor Conservation Area and Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site is also within Flood Zones 2 and 3.

3.0 Proposal

- 3.1 The application proposes alterations to the access and front boundaries of two properties; Dobbies and The Shieling, including their central shared access. The following changes are proposed:

Shared Access

- Widening of the shared access from roughly 6m to 8.5m at its narrowest, through removal of a section of wall and hedging

Dobbies

- Provision of a wider (3.5m) vehicular gate, set-back further into the site, with the use of inward opening electric 'field type' gates
- Formation of an 'in and out' drive/access
- Provision of a timber field gate adjacent to shared access
- Provision of a timber screened bin storage area adjacent to the access
- Erection of a timber pergola attached to garage for use as boat store

The Sheiling

- Replacement of existing boundary fence with 1500mm high brick and flint wall;
- New 900mm high curved section of brick wall adjacent to shared access
- Replacement of existing gates at south west corner of the site

- 3.2 The application has been amended, and subsequently re-advertised, to include a timber pergola for use as a boat store; attached to the side of the garage within Dobbies. Additionally, the height of the curved brick wall has been confirmed as 900mm, opposed to 1100mm, and an area of bound hardstanding within the driveway closest to the road has been included within the proposals.

4.0 History

99/00733/DOM	PER	Conservatory.
07/04813/DOM	PER	Two storey rear extension, first floor front extension, raising of roof and new dormer windows.
09/01268/DOM	PER	Two storey extension to existing dwelling.
12/04349/DOM	PER	Single storey extension to front of property and extension to porch.
19/01353/FUL	PDE	Alterations to existing access, parking areas and front boundary at 'Dobbies' and 'The Shielling', and installation of timber pergola for boat store attached to garage of 'Dobbies'.
07/04813/DOM	PER	Two storey rear extension, first floor front extension, raising of roof and new dormer windows.
08/02906/DOM	PER	Two storey rear extension, first floor front extension, raising of roof and new dormer windows. Resubmission of WI/07/04813/DOM.
13/01187/DOM	PER	Extension and alterations to existing annexe building.
18/00041/DOM	PER	Single and double storey extension and alterations to dwelling house.
18/02979/DOM	PER	Single and two storey extension and alterations.

5.0 Constraints

Listed Building	NO
Conservation Area	West Itchenor
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	Flood Zones 2 and 3
Historic Parks and Gardens	No

6.0 Representations and Consultations

6.1 Parish Council

West Itchenor Parish Council has no objection to this application.

Notwithstanding this, the Parish Council would like to see the following conditions imposed to protect the amenity of the local area.

It is recommended, in the interest of neighbour amenity and public safety, that the applicant should ensure that all materials, machinery, equipment and vehicles associated with the approved development should be contained within the application site at all times. Measures to minimise dust should be implemented throughout the construction process.

There should be no increase in surface water run-off and plans for the harvesting and re-use of rainwater should be submitted before development takes place.

Measures to reduce the amount of light pollution should also be required.

6.2 Environment Agency

We have no objection to the proposed development as submitted.

6.3 WSCC Highways

This proposal is for alterations to existing access, parking areas and front boundary. The site is located on Itchenor Road, a C-class road subject to a speed limit of 30 mph.

Access and visibility:

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the existing arrangements are operating unsafely.

The existing vehicular access serving Dobbies to the north west of the site is to have a new electric gate fitted. The gate will be 3.75m in width and open inwards. The proposed gate will be set back 1.81m from the edge of the highway.

Preferably, gates should be set back 5m to allow for vehicles to remain off the carriageway whilst the gate is in operation. However, the Local Highway Authority appreciates that the proposed gate is an improvement upon the existing gate which operated safely without prior incident. New gates measuring 4.1m in width are also to be installed for the existing access into The Shieling.

The shared access drive is to be widened, with the western boundary being positioned further back from the edge of the carriageway. This will be replaced with a 1.5m high wall. The existing hedge is to be cut back, allowing for improved visibility at this access.

The driveway for Dobbies is to be laid with gravel. This may result in material being dispersed onto the public highway affecting the surface of the road. The applicant should provide a gravel trap or area of block paving, or other bound material, at the point of access onto Itchenor Road on land within the applicant's control.

Parking and turning:

The realignment of the boundary wall will allow for an "in-out" driveway to be formed via the existing accesses for Dobbies, allowing vehicles to exit the site in a forward gear. On-site turning will still not be achievable for vehicles exiting The Shieling from the south-west access, so vehicles may have to exit the site in a reverse gear.

Conclusion:

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions and informative should be applied:

Gravel:

No development shall be first occupied until the vehicular access serving the development has been constructed (including a bound material from the back edge of the highway boundary to prevent gravel overspill) in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety

6.4 CDC Drainage Officer

Flood risk- the application does not propose any alterations which will affect flood risk.

Surface water drainage- due to the small scale of external alterations and the application location we have no conditions to request.

6.5 Chichester Harbour Conservancy (CHC)

Recommendation - No objection, subject to the County Highways Authority being satisfied in terms of highway safety and subject to agreeing the materials for the new wall and use of native species planting in accordance with a detailed planting plan to be submitted, planted out in the first planting season following completion of the hard landscaping/enclosure works.

Following a site visit made 11.6.19 and having regard to the Policy framework* below, I make the following assessment.

The site is located on the approach to a difficult bend in the carriageway, with no footways, within the West Itchenor Conservation Area (Area 3 of the VDS).

This part of the street has a pleasing verdant character which contributes positively to the AONB and Conservation Area, notwithstanding non-native species Laurel hedging at 'Dobbies'. The boundary to 'Shieling' has rather austere close-boarded fencing, which is somewhat at odds with the rural village character and boundary hedging to most properties. The brick and flint wall that will replace that fence will be more in keeping with the character of the area (albeit interestingly at variance with general design guidance in the VDS (3/4.5, page 58/but at least in tune with materials set out on page 60).

I note new soft planting behind that is intended, although no detailed planting plan is submitted. That should be conditioned. If the Laurel hedge to Dobbies were to be replaced using native species hedging, that would be encouraged by the Conservancy (see p. 60 of the VDS).

The existing access is indeed difficult to use and I have witnessed this on my way to and from the Harbour Office in the course of my work. The proposal to allow circulation through Dobbies' forecourt would seem allow cars to leave in a forward gear.

I note that sight lines would improve by modifying the alignment of boundary treatments to the street. I am somewhat surprised that the application is not supported by a proportionate transport statement to comment in detail on highway safety improvements driving these proposals. Anything improving the safety of walkers/cyclists along the carriageway will be supported in principle by the Conservancy.

There would be no overall adverse impact to the AONB and the character and appearance of the West Itchenor Conservation Area would not be harmed.

6.6 Third Party Representations

No third party comments have been received.

7.0 Planning Policy

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

Chichester Local Plan: Key Policies 2014-2029

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

- o Policy 1: Presumption in Favour of Sustainable Development
- o Policy 2: Development Strategy & Settlement Hierarchy
- o Policy 33: New Residential Development
- o Policy 39: Transport, Accessibility & Parking
- o Policy 42: Flood Risk and Water Management
- o Policy 43: Chi Harbour AONB
- o Policy 45: Development in the Countryside
- o Policy 47: Heritage & Design
- o Policy 48: Natural Environment

National Policy and Guidance

- 7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019, with the sections relevant to this application and considered being: 2, 4, 12, 15 & 16.

- 7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."

"...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."

- 7.5 Section 4 (Decision making), Section 12 (Achieving well-designed places), Section 15 (Conserving and enhancing the natural environment) and Section 16 (Conserving and enhancing the historic environment) should also be considered generally.

Neighbourhood Plan

- 7.6 There is no adopted neighbourhood plan for the area at this time.

Other Local Policy and Guidance

- 7.7 The following local policy and guidance is considered to be relevant:
- CDC Design Guidelines for Alterations to Dwellings and Extensions 2009
 - Chichester Harbour AONB Design Guidelines for New Dwellings & Extensions 2010
 - Joint Chichester Harbour AONB SPD 2017
 - Chichester Harbour AONB Management Plan 2014-2019
 - West Itchenor Conservation Area Character Appraisal 2010
 - Surface Water and Foul Drainage SPD 2016
 - CDC Waste Storage and Collection Guidance
- 7.8 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

- 8.1 The main considerations are as follows:

- i) Principle of residential alterations
- ii) Design and impact on character and appearance of the conservation area and AONB
- iii) Amenity of neighbouring properties
- iv) Highway safety and parking
- v) Drainage and flood risk
- vi) Other matters and material considerations

- i) Principle of residential alterations

- 8.2 The application site comprises two lawful residential dwellings with existing access on to Itchenor Road. The principle of residential alterations and access are considered acceptable subject to the assessment of design, amenity, heritage and landscape impact, highways, any other material considerations, and compliance with development plan policies.

- ii) Design and impact on character and appearance of the conservation area and AONB

- 8.3 Local Plan Policies 33 and 47 relate to alterations to residential properties, and require development to be of high-quality design and respect the surrounding area, including conservation areas. Local Plan Policy 43 requires the natural beauty and distinctive features of the AONB to be preserved, and Local Plan Policy 48 seeks to ensure there will be no adverse impact on the designated landscape, countryside and tranquil and rural character of the area.
- 8.4 In relation to boundary treatments, the West Itchenor Conservation Area Character Appraisal states that "*flint or brick walls or varying heights, or hedges, are the traditional boundaries.*" There are a variety of boundary treatments within the immediate street scene including walls, fencing and hedging, although the area is also verdant in its character. The existing front boundary treatment along The Shieling's frontage consists of mostly 1.8m high close-boarded fencing, albeit with some hedging, which does not relate sympathetically to traditional brick boundary treatments within the area. The proposals for a lower flint and brick boundary wall are therefore considered to be more sympathetic and in-keeping with the street scene and conservation area. It is also proposed to retain the existing front boundary treatment to Dobbies, which comprises rail and post fencing, within hedging. Low-level brick walls are proposed within the site; to the side of the shared access driveway and curving around to the roadside and linking with the brick & flint wall on The Shieling side. It is on this basis that the boundary treatments are considered to be appropriate in terms of their scale, materials and appearance and would match the existing low level wall currently in similar positions either side of the shared driveway (which are to be removed).
- 8.5 The application proposes three gates to replace two similar gates at the individual access points at either far end of the two properties, and introduce a new gate adjacent to the shared access. The additional gate would accommodate the 'in and out' access point for Dobbies. This new gate would be of a field type style, timber, open gate; approximately 1.5m in height. The existing gate at the far end of The Shieling proposes the replacement of a 1.8m high close-boarded timber gate with a similar, albeit more ornamental gate of the same width and broadly the same height. The proposed replacement gate at the far end of Dobbies would result in a slightly taller (2m opposed to 1.7m), albeit set-back (by 900mm), close-boarded gate. Given their size, siting and design, the proposed and replacement gates are considered to be appropriate and in-keeping with the frontage of the site and the surrounding area and are of an appropriate scale, materials and design.
- 8.6 Additionally, a modest bin store is proposed adjacent to the new gate, which is next to the shared access. This comprises appropriate timber materials, is set-back from the frontage and angled, and would provide a more formal and somewhat neater storage space for an area which is currently utilised for the open storage of bins. This element of the proposal is therefore considered to be acceptable.
- 8.7 Within the site it is proposed to erect a timber pergola, attached to the existing garage for Dobbies. The structure would be timber and relatively lightweight in terms of its design, use of trellis, and spacing of beams. It would also be lower in height than the attached single-storey garage and of a similar footprint. The pergola would also be sited to the side of the existing garages, whereby views of the pergola would be limited to directly in front of the site's entrance, and subsequently there would be little impact on the street scene and

surrounding area. On this basis the size, siting and design of the proposed pergola is considered to be acceptable in the context of the locality, countryside and conservation area.

- 8.8 The proposals are therefore considered to be of an acceptable scale, form and design, would be in-keeping with the street scene and surrounding conservation area, and would not be to the detriment of the countryside; thus complying with Local Plan Policies 33, 43, 47 and 48, and other local guidance. Conditions can be attached requiring specific details and samples of materials, specifically for the walls, in order to ensure the appearance and materials are appropriate for their conservation area location.

iii) Amenity of neighbouring properties

- 8.9 By virtue of the minor scale of development and distance to neighbouring properties, there is not considered to be any material impact on neighbouring dwellings with regards to loss of light, outlook or privacy.
- 8.10 It is noted that the Parish Council have suggested the inclusion of a condition to require the implementation of measures to minimise dust, in addition to specifying the location for storage of materials and equipment. However, physical operations are limited to the removal of fencing/gates and small section of wall, and replacement with wall and gates. These works are not considered to result in significant levels of dust or any other form of disturbance, and it is therefore not deemed necessary to impose additional measures or restrictions.
- 8.11 Both the proposed development and the carrying out of works are considered to preserve the amenity of neighbours; thus in accordance with Local Plan Policy 33.

iv) Highways safety and parking

- 8.12 The proposal includes the widening of the existing shared access, alterations to the access arrangements allowing cars to enter and leave in a forward gear at Dobbies, setting-back of access gate, removal of vegetation, and replacement boundary treatments which are all considered to contribute to improved visibility, parking and turning arrangements within the site, and subsequently would provide an improvement with regards to highway safety.
- 8.13 WSCC Highways has been consulted and raised no objection to the application on the grounds of highway safety; and considers that the proposal would not have a severe impact on the transport network and represents an improvement on the current arrangement. A condition is suggested to ensure loose gravel material does not spill on to the road from the driveway. Since these comments, the applicant has amended the plans to show a section of bound material closest to the road which would therefore satisfy WSCC Highways concerns. The proposal is therefore considered to improve the site's access and is acceptable in terms of highway safety and parking; thus complying with Local Plan Policy 39.

- 8.14 Given the constrained nature of the site, including the narrow road and limited space within the front driveway, it is deemed necessary to include a condition requiring clarification of where construction vehicles and materials will be parked/stored; to ensure they are contained within the site and do not cause unnecessary highway obstruction.

iv) Drainage and flood risk

- 8.15 Although the site is within Flood Zones 2 and 3, the proposal would not result in any material increase in hardstanding. Both EA and the Council's Drainage Officer were consulted and raised no objections to the proposal; also not requiring conditions or mitigation measures. It is therefore considered that the proposal would not have any drainage implications or increase flood risk to users of the site or elsewhere; thus according with Local Plan Policy 42.

v) Other matters and material considerations

- 8.16 It is noted CHC suggests a landscaping/planting condition should be secured to specify details and ensure native planting. However, given landscaping changes are minimal and predominantly limited to the removal of a small section of hedge and small area of re-planting, and the existing hedge is non-native, it is not deemed necessary or reasonable to require further details or require native hedging.
- 8.17 No third party comments have been received and there are not considered to be any other material considerations which would outweigh the recommendation.

9.0 Conclusion

- 9.1 The proposed access, parking and turning arrangements are considered to improve upon the existing situation and enhance highway safety, and the boundary treatments are also deemed to represent an improvement in comparison to the existing; thus enhancing the character and appearance of the conservation area in this regard. The remainder of the proposals are deemed to be acceptable and there are no significant implications for flood risk, drainage or neighbouring amenity. The proposal is therefore considered to be in accordance with local and national development plans, policies and principles, and is acceptable

Human Rights

- 9.2 In reaching this conclusion, the human rights of the applicants and nearby occupiers have been taken into account and it is deemed that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the construction process. The CMS should provide for the following:

- a) provision for parking of vehicles within the site
- b) provision for storing of equipment, materials and waste within the site
- c) waste management, including prohibiting burning of materials/waste
- d) details of proposed external lighting to be used during construction, which should only be used for security and safety purposes, including measures to limit the disturbance from any lighting required.

Reason: In the interests of highway safety, and to ensure the use of the site does not have a harmful environmental effect.

4) Prior to the construction of the sections of brick wall hereby approved, details of materials including samples shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments, and to preserve the special character and appearance of the conservation area.

5) Prior to the construction of the sections of brick and flint wall hereby approved, details of materials including sample panels shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments, and to preserve the special character and appearance of the conservation area.

6) Notwithstanding the wall materials which are to be agreed in detail, the development hereby permitted shall not be constructed other than in accordance with

the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments, and to preserve the special character and appearance of the conservation area.

7) The parking, access and turning arrangements hereby approved shall not be implemented other than in accordance with the approved site plan, '1908 2.02 Rev C'.

Reason: In accordance with the consent and to ensure an adequate situation in terms of highway safety.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Block and Location Plan (A2)	1908 2.03		24.05.2019	Approved
PLAN - Proposed Gate Details (A2)	1908 2.04		06.06.2019	Approved
PLAN -	1908 2.02	C	19.07.2019	Approved
PLAN -	1908 2.05		19.07.2019	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PRSK6NERL4L00>

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Parish: Sidlesham	Ward: Sidlesham with Selsey North
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SI/18/02925/FUL

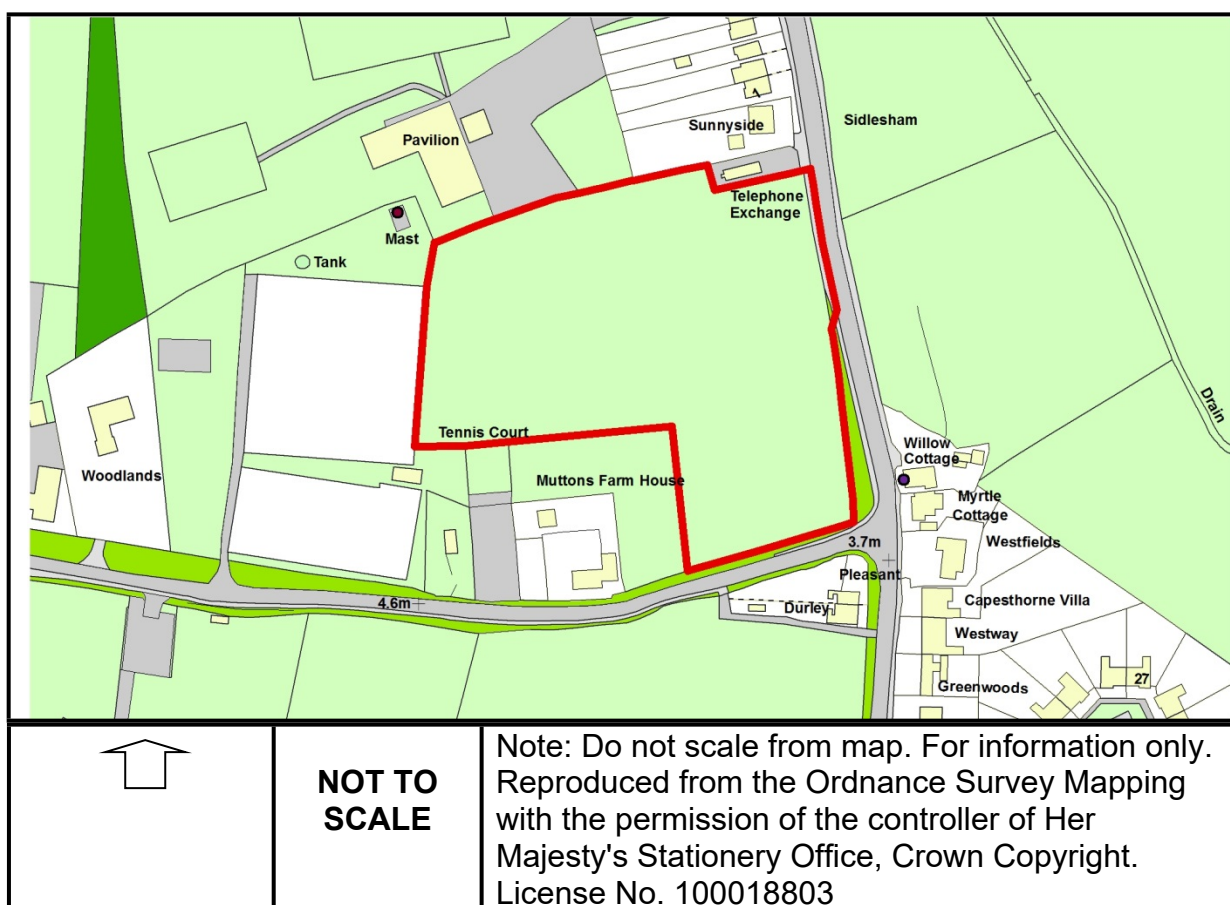
Proposal Proposed private stable block and associated hard standing. New access to the highway.

Site Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex

Map Ref (E) 485659 (N) 97768

Applicant Mr W Hughes

RECOMMENDATION That the Planning Committee confirms that the Local Planning Authority will not seek to defend the appeal against non-determination of the application.



1.0 Reason for Committee Referral

1.1 Red Card: Cllr Tricia Tull - Exceptional level of public interest
Parish Objection - Officer recommends Permit

1.1a This application was deferred for further information at the Planning Committee on the 06/06/2019. Since this time additional information and an amended site plan have been submitted by the applicant.

1.1b However, the applicant has lodged an appeal against the non-determination of the application. The Local Planning Authority is now unable to determine the application and must instead decide whether to contest the appeal, having regard to the additional information.

2.0 The Site and Surroundings

2.1 The site forms a parcel of land measuring approximately 3.75 acres in size located on a corner site to the west of Selsey Road and to the north of Keynor Lane, in the rural area and within the parish of Sidlesham.

2.2 The site is bordered by Muttons Farmhouse and a nursery to the west and a telephone exchange building to the north. The site is generally flat and open, covered in rough short grass.

2.3 There is an existing vehicular access to the south of the site from Keynor Lane. The boundary treatments of the site are mainly formed by natural hedging.

3.0 The Proposal

3.1 The application seeks planning permission for a single storey stable building with storage areas for hay, feed, cart and tack, and the change of use of the land for the keeping of horses.

3.1a Amendments to the scheme have been submitted in respect of the following aspects;

- **Relocation of the muck heap to the south of the stable building.**
- **Addition of native species hedging to the entrance and also to the northern boundary to provide additional screening along with the post and rail fence and timber 5 bar gate**
- **Changes to the hardstanding arrangement – a reconfiguration of the fence between the lorry turning area and the secure yard for the stables, to allow more room for turning, which could also accommodate a trailer if required.**

- **Change to the bell mouth configuration so that the swept path of the horsebox would not conflict with the fence**

3.2 The size and scale of the stable building has been reduced during the application process. The proposed building would measure approximately 17.8m (w) x 10.62m (d) x 3.68m (h), with eaves of 2.38m.

3.3 The stable block would be constructed with timber cladding to the walls and a corrugated sheet roof. A new access is also proposed from Selsey Road (B2145) at a point close to the stable building. Parking and on-site turning associated to the stables and access is also proposed.

4.0 History

17/02640/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposed by 3 no. gypsy-traveler families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL	REF	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/02029/PASUR	ADVGIV	Private stable block.
18/00052/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveler families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/00053/REF	INPROG	Change of use of land from agricultural land for stationing of caravans for residential purposed by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Countryside	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	Yes
- Flood Zone 3	Yes
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

Further comments (18/04/2019)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th April 2019. The PC objects to this Application. There should be no new access to the B2145: an embargo on new access onto the B2145 was imposed by the County Surveyor several years ago and remains the case. The access applied for is for residential access but the stables would require access for 3 ½ ton vehicles.

The PC requested that WSCC Highways reassess their report on access to the B2145. In addition, the applicant has 2 Appeals awaiting a hearing with the Planning Inspectorate, each for 3 mobile homes, with associated facilities on the land. Should those be granted, there could be insufficient land for 3 horses without bringing in fodder which would entail a change of use on the land. The PC would like the Appeals resolved before this Application can be considered.

Original comments (13/12/2018)

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 10th December 2018. The PC objects to this Planning Application on the following grounds:

- i. The Application refers to the existing field access. There is no access onto the field from the B2145. The plan, as shown, is not clear where the line of the B2145 is obscured by text placed over the plan. The road bulges out east immediately before the site and back in again along Shotford. This obscures traffic coming from the north. Reference is made to WSCC design standards for residential; this is not a residential development. No allowance has been made for footway pedestrian visibility splays. BT is placing a 6ft close boarded fence on its frontage and that would be in the pedestrian splay. CDC should request amended plans and WSCC Highways should conduct a site visit.

- ii. The PC questioned whether the land can support horses without feed having to be brought in. If feed is brought in, a change of use should be sought.
- iii. The PC would like confirmation from CDC that the applicants Appeals, lodged with the Planning Inspectorate, for 3 caravans on the site, have been formally withdrawn.
- iv. The plot of land is in Flood Zone 3 and the PC believes the Environment Agency would object to contamination of the water course from horses.
- v. The PC expressed concerns regarding the environmental impact on neighbouring properties of housing several horses.
- vi. The applicants agent had submitted a supporting statement which referred, in the summary (page 4), to statements by local residents. It is believed that those statements are not from Sidlesham residents.

6.2 WSCC Highways

Further Comments (12/08/2019)

Please accept this email as an additional consultation response to those already provided on 12/12/2018, 10/01/2019, 04/04/2019, 13/05/2019.

Subsequently a revised block plan has been provided (Revision 3)

This revision has removed the 'existing access' located 30 metres south of the proposed which the Local Highways Authority indicated in correspondence dated 13/05/2019 it did not consider to be an 'existing access'. The Local Highway Authority welcomes this amendment.

It is noted that the tracking provided is for a 3.5 tonne horsebox. The Local Highways Authority has previously provided advice regarding the suitability of this area if the site is accessed with a vehicle towing a trailer horsebox.

Amendments have been made to the parking and turning area. The amended hard standing area provided is more flexible for storing and moving a trailer on site if required. The applicant has stated it is intended to serve the site with a 3.5 tonne horsebox rather than a towed horsebox. While not demonstrated on the submitted plans I would be minded to accept that if needed the site could be accessed by a towed horsebox on the basis that it would need to be unhitched turn around.

I'm also not convinced that the site would create a significant amount of movements where a towed horsebox would access the site, unload and leave immediately. It would be more likely that any horsebox would remain on site until such time as a horse is to be taken off site. In such situations the towed horsebox and be hitched up in a location where a turn is not required.

On balance I would be minded to conclude that this more manual manoeuvring itself would be a more attractive and operationally flexible option than reversing a towed horsebox out onto Selsey Road, though accept there would be some reliance on the site operators to ensure this is the case. The applicant has also indicated that it is the intention to serve the site with a 3.5 tonne horsebox.

The boundary fence at the access point has also been realigned to not intersect with the vehicle tracking. The Local Highway Authority welcomes this amendment.

As previously advised the Local Highways Authority does not consider that the proposal, inclusion the latest revisions, would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Further comments (30/04/2019)

It is noted that on block plan 1802KE there is an access located circa 30 metres south of the proposed on Selsey Road annotated as 'existing'. This location is fronted by footway and verge. This footway has not been dropped and the verge is laid to grass. The Local Highways Authority would be minded to view that for this to be used as an access point it would need to be supported by a planning application and gain subsequent licence approval to implement the access. Without such use of this point as an access could potentially attract enforcement action from both the Local Highways Authority and the Local Planning Authority.

In addition it is observed that relocation of the site access point a short distance south of that proposed would result in improved visibility to the north. It is the Local Highways Authority view that this could be undertaken without prejudicing visibility to the south to an unacceptable degree. For the reasons stated in consultation response dated 12/12/2018 this is not a modification the Local Highways Authority would require take place to make the application acceptable, but would be a betterment over the application as proposed for the Local Planning Authority and Applicant to consider.

10/01/2019

Comments were previously provided in relation to this application in a response dated 12/12/2018. More information was requested pertaining to correct demonstration of maximum achievable visibility splays. Revised plans have now been submitted.

The latest block plan (revision 1) demonstrated visibility splays of 2.4 x 102 metres south and 60 metres north of the access point. These splays have been drawn in accordance with the principles within Manual for Streets.

Visibility - South

The use of Manual for Streets calculation coefficients for sight stopping distance is only suitable for approach speeds up to 40 mph. For 40 mph a splay of 65.5 metres would be required. Using calculation methods set out within the Design Manual for Roads and Bridges a 102 metre splay would equate to sight stopping distance approach speeds of 40 mph.

In conclusion given the posted speed limit of Selesy Road at this point (30 mph) it would be difficult to substantiate that a splay of 102 metres would not be adequate.

Visibility - North

A splay of 60 metres has been demonstrated. Using Manual for Streets calculation coefficient for sight stopping distance this would equate to approach speeds of 38 mph. I'm mindful that the speed limit in this location is posted at 30 mph, and while there may be instances of vehicles approaching in excess of the posted speed limit it would be difficult to substantiate that the demonstrated splays are not sufficient to provide sufficient vehicular visibility.

Both splays are contained wholly within land considered public highway. Any overhanging vegetation obstructing the demonstrated splays should be cleared prior to occupation.

Tracking - The plans demonstrate tracking of a 3.5 tonne horsebox accessing and turning within the sites confines. This tracking would be considered adequate. The access works must be implemented under licence to a specification obtained from the WSCC Area Engineer.

Conclusion

The Local Highways Authority does not consider that the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent the following conditions would be advised:

Conditions:

Access - No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan and numbered 1802KE - 001 Rev 1.

Reason: In the interests of road safety.

Vehicle parking and turning - No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Informative:

Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Original comments (12/12/2018)

The site has significant recent planning history. Most recently 17/02640/FUL & 18/01173/FUL both sought the stationing of 3 x caravans for gypsy-traveller families on the land, at different footprints. While no overriding highways concerns were raised to either application both were refused by the Local Planning Authority. Both are currently subject to active Appeals.

This latest application seeks a proposed private stable block and associated hardstanding at the north eastern corner of the plot with a new access to the highway onto Selsey Road. Selsey Road is 'B' classified and subject to a 30 mph speed limit at this point. The applicant should demonstrate that the access point will be provided with visibility splays that accord with current guidance and standards, namely Manual for Streets or the Design Manual for Roads and Bridges.

The applicant has plotted visibility splays on the Block Plan, this plan indicates that splays of 2.4 x 106m are achievable to the south and 2.4 x 65 metres are achievable to the north. I note these splays have been drawn to the centre line of the carriageway in each direction. These splays should be drawn to the nearside carriageway edge in each direction. I would ask this is raised with the applicant and the splay re-calculated on this basis. The splays must be wholly contained within land under the control of the applicant or that considered public highway. The plan should show the entire extent of the splays.

Until such time as the splays have been correctly demonstrated the Local Highways Authority is not in a position to conclude that safe and suitable access to the site can be achieved at this point, and if so, recommend appropriate conditions or informative notes.

Please raise with the applicant and re-consult. The applicant should be aware that any splays that fall below the 85th percentile wet weather road speed must be supported by way of automated 7 day road speed survey. Please raise the above with the applicant and re-consult.

6.3 Environment Agency

We have no objection to the proposed development as submitted.

6.4 Natural England (summarised)

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. Standing advice provided.

6.5 CDC Environmental Health

Land Contamination - The site appears to have been in agricultural use for many years and remains undeveloped. The risk from land contamination is considered low and in addition the proposed use is not a sensitive use with respect to harm to human health. In case there is undiscovered land contamination at the site it is suggested that condition DC13 is applied. It is noted that as well as stables it is proposed that there will be tool shed within the development.

Any storage of fuels/oil or chemicals within this area should be on impermeable surfaces in order that any leaks or spills do not cause pollution to land or groundwater.

Air quality - The type of development is not considered likely to generate significant emissions to air and therefore an air quality assessment is not required.

There should be no on-site burning of waste materials at the site (especially stable waste) in order to reduce the impact on neighbouring residential properties from smoke or other emissions.

Waste - The muck heap should be sited on an impermeable surface which drains to the neighbouring area to avoid the muck getting wet and odorous. This area should be well managed to avoid odours arising.

Noise - Given that only 4 private stables are proposed it is considered unlikely that significant noise impacts will arise from the development. It is suggested that a restriction is applied if planning permission is granted to prevent the stables becoming commercial which could lead to an intensity of use and resultant increase in noise levels condition AT31 could be applied.

It is noted that it is not intended to be external lighting at the site. This is welcomed to reduce potential for impact on nearby properties.

6.6 CDC Environment Officer

Further comments (20/03/2019)

Over Wintering Birds - Following submission of the Over winter bird survey report (March 2019) we are satisfied that over wintering birds would not be negatively impacted by the proposal. With the inclusion of the 5m buffer which was detailed within our previous comments (07.01.219) and the infilling of gaps within the hedgerows nesting birds will mostly likely be more attracted to the site. As detailed within the report we will require that the planting onsite is extended to the eastern boundary and a condition should be used to ensure this takes place.

07/01/2019

Since our previous comments have submitted in October 2018, a new survey for the site has been undertaken look solely at the area where development will occur rather the site as a whole. There are a number of recommendations we are happy to except which are detailed below, however we do still have a number of concerns relating to overwintering birds.

Over Wintering Birds - Due to the sites location adjacent to Pagham Harbour SPA and the current condition of the site there is a high likelihood that overwintering birds may be using this site. As previously recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

Bats - The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles and GCN - Due to the small scale of the works and the buffer zone around the hedgerows as we have detailed above for bats, we are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Badgers - Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

10/12/2018

Overwintering birds - Require that an overwintering bird survey is undertaken on the site to determine if there are significant number of birds using the site. If this is the case then appropriate avoidance and mitigation will be required to minimise the impact on birds. The survey and any mitigation will need to be submitted with the application prior to determination.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reptiles - As detailed within the Preliminary Ecological Appraisal Survey Report (Nov 2017) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptile are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Bats

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Badgers -There is potential for badgers onsite, due to this and as recommended within the Preliminary Ecological Appraisal Survey Report (Nov 2017) we require that badger survey is undertaken and submitted prior to determination. If badgers are recorded onsite then a mitigation strategy will be required and also must be submitted with the application prior to determination.

Great Crested Newts - Due to the presence of Great Crested Newts (GCN) within the local area and several bodies of water within 500m of the site we would like an HSI assessment to be done on the site. Depending on the findings of this assessment further survey work for GCN may be required.

Dormice - There is only limited suitable habitat onsite for dormice due to the vegetation being in broken and sparse in places. As a precaution any clearance to the hedges or trees should be undertaken with due care and works must cease should any evidence of dormice be discovered and NE consulted.

6.7 Third party comments

8 third party letters of objections have been received concerning:

- a) The site already has gated access from Keynor Lane
- b) Impact on visibility from nearby access,
- c) Concern application will lead to residential proposals,
- b) Harm to wildlife,
- c) Development is in an area of the countryside where development should be refused,
- d) Harmful visual impact on rural landscape,
- e) Impact upon Special Protection Areas,
- f) Should either of the Appeals on the land be successful it would significantly reduce the grazing available to the horses, to virtually none. It would certainly not allow the recommended 1.5 acre per horse. The buildings, driveways and hardstanding in the Appeals would utilize most of the available grazing,
- g) The applicants are in the horse trade therefore this would indicate that the proposed stables and significant storage are intended for business use. There is already significant movement of horses on the land adding to vehicular movements and noise,
- h) The current entrance onto the Selsey road was created by the current applicants and is not historical. This is not a suitable area for significant vehicles, trailers and HGV's to be pulling onto the Selsey road
- j) Impact on highway safety.
- k) Harmful impact on tranquil character of the area.
- l) Harm to the setting of nearby grade II listed building.

6.8 Applicant/Agent's Supporting Information

Further Information (26/07/2019)

- **Relocation of the muck heap to the south of the stables building to move it way from the neighbouring property. – I wish to reiterate that this would be a bunded muck heap to avoid ground contamination, if required we are happy to look to provide a roofed structure to keep the muck dry and avoid it excessive odours. I would assume this could be controlled by condition. The muck heap would be emptied as required and taken off site but typically this would be fortnightly.**
- **Addition of native species hedging to the entrance and also to the northern boundary to provide additional screening along with the post and rail fence and timber 5 bay gate . I would assume this could be controlled by condition.**

- **Changes to the hardstanding arrangement, this is not any larger than previously proposed but we have reconfigured the fence between the lorry turning area and the secure yard for the stables to allow more room for turning which could also accommodate a trailer if required. I would note however that the reason for showing a 3.5 tonne horsebox is that this is what the applicant owns and intends to use.**
 - **Slight change to the bell mouth fence configuration so that the swept path of the horsebox does not clash with the fence.**
 - **With regards to security. It is clearly in the applicant's interest for the building to be secure, not only are they interested in ensuring the welfare of the horses but also the value of tack etc. is not insignificant and so they would wish to ensure it is well secured.**
 - **The applicant intends to install CCTV on the building which will be discreet but allow them to monitor the site remotely. They would also install an alarm to the tack room and this would be constructed with blockwork or steel inner walling behind the timber frame to ensure added security.**
- a) The site totals 3.75 acres, all of which is good quality grazing land.
 - b) The two appeals you refer to propose different locations for the gypsy-traveller development.
 - c) 18/01173/FUL allocates a site area of 0.95 acres, this would leave an area of 2.8 acres of grazing land. 17/02640/FUL allocates a site area of 0.45 acres, this would leave an area of 3.3 acres of grazing land. The intention would be for all of the remaining land to remain in use for grazing if either of the appeals were allowed. Therefore there would be between 2.8 and 3.3 acres of grazing land.
 - d) British horse society recommends 1-1.5 acres per horse but notes that there are numerous variables which must be taken in to account including general management, quality of pasture etc, also noting that where horses are stabled part of the time, 1 acre per horse may be more than adequate.
 - e) The very fact that stables are being sought is due to the fact the owner often stables horses and they are not permanently grazed. If they were to be grazed all the time then there would be no need for stables. It is intended that a total of 3 horses would be kept on site at one time but the additional box was proposed for foaling, breaking or where additional space is required, the land is more than capable of accommodating 4 horses should the need arise.
 - f) However, despite this justification we have taken on board your comments and reduced the proposal to 3 stables plus the ancillary spaces.
 - g) Finally I must address the issue relating to the red line. When the application was submitted it included the entire site within the red line, however the attached letter was received requesting that the red line was reduced only to around the proposed building and yard.

The reduced red line was requested by the council and so it is not reasonable to state this as a reason for refusal. I have now amended the red line boundary within the attached plan set to incorporate the whole site. We are happy for you to amend the application description to read Proposed private stable block and associated hardstanding. New access to the highway, change of use of land for the keeping of horses.

- h) I note the comments from the parish council (attached) and would like to make some comments on these, for clarity I have used the same numbering as the parish council response
 - i. There is an historical access along the road, whilst it is overgrown there is a gate that has been used historically. This is not particularly relevant in any case to the application as the application seeks a new access. The plans are very clear where the B2145 is and there is no text obscuring the line of the road. These comments appear unfounded. The WSCC design standards for residential are based on the Design for roads and bridges which sets out visibility requirements for junctions and accesses. This is of course not residential but the same standards are applied to other accesses as there is no specific standard for non-residential. The visibility requirements are for highways and not footways.
 - ii. The land can clearly support horses (4 stables for 4 acres) with limited need for additional feed other than in the winter months. Needing to provide some supplementary food would not require a change of use The status of the current appeals for a different development further east on the site are not relevant to this proposal
 - iii. The status of the current appeals for a different development further east on the site are not relevant to this proposal.
 - iv. The EA has been consulted at pre app and details of this advice have been submitted with the application. We are well aware the site is in flood zone 3 hence the detailed FRA being submitted. We have also shown a bunded muck heap to avoid run off in to the watercourse
 - v. There is clear separation between the proposal and the nearest dwelling due to the telephone exchange. There will be no environmental impact on residential properties. This was not raised as a concern at all during the pre app.
 - vi. The supporting statement is only 3 pages long so not sure what page 4 in this comment refers to.

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 for Sidlesham 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 8: Transport and Accessibility
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area
Policy 55: Equestrian Development

National Policy and Guidance

- 7.3 Government planning policy now comprises the 2018 National Planning Policy Framework (NPPF), paragraph 11 of which states:
At the heart of the NPPF is a presumption in favour of sustainable development, 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 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

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:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Flood risk and water management
- iii. Impact on amenity of neighbouring properties
- iv. Highway safety
- v. Impact on Heritage Asset
- vi. Ecological considerations
- vii. Other matters

Assessment

i. Principle of Development

- 8.2 Policies 1, 2 and 45 of the Chichester Local Plan (CLP) limit development in the countryside to that which is sustainable, essential for agriculture, requiring a countryside location and is required to meet a small scale local need. Equestrian development normally requires a countryside location, and due to the scale of the proposal it is considered that the proposal meets this requirement. In addition, Policy 55 of the CLP allows for horse related activities and development in the rural area where the detailed criteria can be met. These criteria are assessed in more detail below.

1. Adequate land for the number of horses kept;

- 8.3 The application site amounts to 3.75 acres. The proposal includes 3 stables, therefore it is expected a maximum of 3 horses could be kept on site. This is in accordance with the British Horse association guidelines which suggest 1 - 1.5 acres per horse. These standards can be further reduced where stables are proposed and supplementary feeding can be provided.
- 8.4 Concerns have been raised regarding the potential implementation of development currently subject of appeal (listed within the history section of this report), in terms of the amount of land being made available for the horses.

Considering the size of the land available, even if the appeals are allowed, the amount of land would be considered sufficient to support three horses. It is considered that even with a reduction in the amount of grazing land that the site could accommodate 3 horses because they would be kept in stables and would have supplementary feed thereby reducing the demand on the land.

2. *Existing buildings are reused where possible but where new buildings are necessary, these are well-related to existing buildings, appropriate to the number of horses to be kept and the amount of land available;*

- 8.5 The proposed stable block would be located close to the telephone exchange building and there are residential properties further north of the telephone exchange, with a dwelling separated by a distance of approximately 13.5m. Therefore it is considered that the proposed building would be well-related to existing buildings. Furthermore, the size of the building would be respectful in size to the building to the north and of a sympathetic design to the character of the rural area.

3. *There is minimal visual impact on the landscape caused by the proposed development either individually or cumulatively;*

- 8.6 The size and scale of the building would be subservient to the single storey buildings to the north. Furthermore, the form and proportions of the building and its fenestration would be of a design expected for stables and complementary to the style of building in the area. The external materials and finishes would comprise timber cladding to the walls and corrugated sheets to the roof, which would be acceptable in principle and a condition is recommended to ensure appropriate materials and finishes for the rural setting. Therefore, it is considered that the development would have a sympathetic impact on the landscape. **The amended block plan indicates that the proposed boundary treatment would comprise of post and rail fencing with a timber 5 bar gate, and it is considered that this would be sensitive to the rural character of the location.**

4. *It does not result in the irreversible loss of the best and most versatile agricultural land;*

- 8.7 The application site is a grass field which is short and appears to have been grazed and is said to be in an agricultural use. A proposal for the stable building and associated keeping of horses would not result in the irreversible loss of agricultural land. The stables and land could readily be converted back to agricultural land without significant intervention.

5. *There is an agreed comprehensive scheme of management for any ancillary development including lighting, storage, waste disposal, manèges and sub division of fields;*

8.8 The submitted Design and access statement states that;

'All ancillary provisions are contained within the building (hay, feed, tack etc) no external lighting is proposed on the building and an accessible bunded muck heap is proposed close to the building'.

8.9 Notwithstanding this detail conditions are proposed to ensure these aspects would be managed in the interests of protecting the amenity and rural character of the area.

6. The proposal, either on its own or cumulatively, with other horse related uses in the area, is compatible with its surroundings, and adequately protects water courses, groundwater and the safety of all road users;

8.10 The proposal is for a private equestrian use in the countryside and no commercial equestrian activities are proposed by this application. A condition is recommended to ensure this is the case. The proposal would be compatible with the character of the surrounding area.

8.11 The watercourse and ground water are unlikely to be harmed by the proposal, subject to conditions ensuring suitable surface water management. Run off from the washing of the stables would also be managed via the recommended conditions. Highway safety is discussed in section 8.23 of this report.

7. The proposal does not lead to the need for additional housing on site; and

8.12 No housing is proposed and the application details state that housing is not required for these stables.

8. The proposal is well related to or has improved links to the existing bridleway network, with no impact on the bridleway capacity to accommodate the growth.

8.13 Chalk Lane and Cow Lane provide access to public bridleways which lie off Keynor Lane. Chalk Lane is the closest at 500m west of the application site. Furthermore, there are country roads in the area that would allow for the exercising of horses and the horses.

ii. Flood Risk and Water Management

8.14 The development site is located within flood zone 2, and partially in flood zone 3. The site is currently used for grazing which can be categorised by using the EA's vulnerability classification as a "Less Vulnerable" use. The proposed use would continue to be less vulnerable including the keeping element of the proposed use. Table 3 of the NPPF Technical Guidance confirms that a Less Vulnerable development classification is compatible with areas designated as Flood Zone 3.

8.15 The application details inform that 'the stable block will be designed to be water resilient and recoverable in the event of an extreme event occurring. Access to the site would be impeded by tidal flood water during a 1 in 200 year (plus climate change) event, however alternative access may be gained from a field access from Keynor Lane for evacuation'.

8.16 Surface water runoff from the building is proposed to be infiltrated to ground through a permeable surface during all storm events up to the 1 in 100 year return period event (including an allowance of 40% for climate change).

However, a ground investigation will be necessary to determine the winter groundwater level and the soil permeability measured using the BRE365 test process. A condition is suggested to ensure additional surface water run-off is managed in an appropriate manner for the ground condition here.

8.17 The management plan necessary in accordance with criterion 5 will also ensure ground water and the watercourse are not contaminated by waste arising from the equestrian use of the site.

iii. Impact on amenity of neighbouring properties

8.18 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places).

8.19 There are neighbouring properties to the north of the proposed stable building beyond the telephone exchange. There is no recent planning history for the telephone exchange itself. The closest neighbour would be located a distance of 13.7m from the north elevation of the proposed stable building, with other residential uses being located further away to the west. The activity from the keeping of three horses would be low key and contained mostly to the Northeast corner of the wider application site, and it is considered that the amenities of the nearby residential properties would be safeguarded.

8.20 Officers consider that due to the low key use and modest activity related to the proposal it would not be detrimental to the tranquillity of the site and surrounding, and would also be respectful to the amenities of the neighbouring properties and gardens in terms of the amount of activity and noise generated from these private stables.

8.20a The position of the muck heap has been amended and is now proposed to be located to the south of the stable building (see plan 001 rev 3). This would be located away from the boundary. A condition would be recommended to the Inspectorate to ensure that no burning of stable waste would occur on the site. Manure waste would also require agreement of a management strategy, which it is recommended would be secured by a condition.

8.21 Given the forgoing the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy and in terms of noise disturbance.

iv. Highway Safety

8.22 The Highways Authority at WSCC has been consulted and no objection has been raised. In their latest comments of the 30/04/2019 the highways authority suggested betterment to the proposed access by locating it 30m south of the proposed access. However, the Highways Authority confirms that there is no objection to the access as currently proposed. In its current location the access would have a visual connection with the stables and would not impact so greatly upon the rural character of the locality as a result. On balance, the position of the access currently proposed would be suitable both in terms of highways safety and visual amenities and therefore it is acceptable in principle.

8.23 The amended site plan demonstrates suitable visibility splays for pedestrians and vehicles and sufficient space for on-site parking and turning is proposed. Conditions are recommended to ensure the visibility splays and the turning areas are maintained in perpetuity for highway safety purposes.

8.24 The Parish Council has highlighted that there is a ban on new vehicular access to the B2145. There is no submitted documentation to clarify the circumstances of the said ban, and this is not consistent with the advice from WSCC highways authority. Therefore this would be a private legal matter between the relevant parties, and is as such not a material consideration.

8.24a Highway comments have been sought on the amended site plan with regards to the ability of a vehicle towing a horse box to use the proposed access. The comments of the Highway Authority are reported in section 6.2 of this report. In summary, WSCC have confirmed that; the access and turning area appears to be able to accommodate both forms of vehicles without causing significant harm to highway safety, that the closing up of the other access to the south is a betterment, and the relocation of the site boundary further back from the visibility splay is also welcomed.

8.24b The applicant has demonstrated that the proposed access would be suitable for a 3.5 tonne horse box, and WSCC are satisfied that the access could also be utilised by a towed horse box, with sufficient space within the site to allow for unhitching the horse box and turning on site. It is most likely than an operator of the site would take the opportunity available to manoeuvre within the site, rather than attempt to reverse out on to the Selsey Road, and the WSCC are satisfied that this arrangement would not pose a risk to highway safety.

8.24c In conclusion, it is considered that the proposed development would be afforded an adequate and safe access with sufficient space within the site to provide on-site turning. As such, the proposal would not result in a risk to highway safety. Furthermore, due to the scale of the proposal and the likely number of traffic movements the proposal would not result in an adverse impact upon the highway network. The proposal therefore complies with policy 39 of the Chichester Local Plan in this respect.

v. Impact on Heritage Asset

8.25 Muttons Farm is a grade II listed building located to the southwest of the application site. This residential property lies a distance of approximately 130m (as the crow flies) from the proposed stable building. The building and use would be of a size and appearance that would be respectful to its countryside location and intended use. Given the foregoing it is considered that the development would not harm the setting of the grade II listed building.

vi. Ecological considerations

8.26 CDC Environment Officer has been engaged throughout the consideration of this application. Further Ecology reports were necessary and have been submitted. Subject to mitigation measures the impacts of the development on wildlife and protected species and their habitats would not be harmful. A condition is proposed to ensure the necessary mitigation would be provided. **In order to ensure ecological enhancements, given the loss of vegetation to the access, it is recommended that a condition requiring the submission and approval of a hard and soft landscaping scheme would be necessary. The condition would require the planting of a native hedge along the front of the site in accordance with the submitted plan.**

vii. Other matters

8.26a At the previous Planning Committee concerns were expressed as to the future security of the site. The applicant has provided additional information in this regard and it is recognised that the applicant would wish for their horses and associated equipment to be safe. The intention is to provide CCTV on the building which would be discreet and allow them to monitor the site remotely. The Applicant would also install an alarm to the tack room to ensure added security. It is therefore unlikely that the provision of a stable block for three horses would not provide a justification for residential accommodation in this location. It would be the responsibility of the Applicant to ensure suitable means of securing the site and the well-being of horses.

Conclusion

- 8.27 The assessment of this case has concluded that equestrian development in the countryside is appropriate; the development would be for a private use and small scale and physically located so to relate to existing buildings, and subject to conditions there would be no significant adverse impacts upon visual and neighbouring amenity, highway safety, ecology and flood risk.
- 8.28 Overall, it is considered the proposal complies with the Development Plan and there are no material considerations that indicate otherwise, therefore and subject to conditions permission should be granted.
- 8.29 For the reasons given above it is recommended that Members confirm that the Council advises the Planning Inspectorate that it will not defend the appeal against the non-determination of the application for the stables and associated access, and recommends conditions to address the issues outlined above.

Human Rights

- 8.30 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 permit is justified and proportionate.

RECOMMENDATION

To not defend the appeal against non-determination and to recommend the Inspector imposes the following conditions:

- 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: 000 REV 2, 001 REV 3 and 100 rev 2.

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

- 3) The development hereby permitted must be carried out in full accordance with the submitted documents; The Ecology Co-op Environmental Consultants, 14th March 2019 and Preliminary Ecology Appraisal 2nd June 2019 ref; P3026.

Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of conservation and enhancement of wildlife and protected species and their habitats.

4) No development shall commence until details of the proposed overall site wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority.

No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

The drainage scheme shall be implemented and maintained as agreed in perpetuity.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

5) Notwithstanding any details submitted no construction of the walls and roofs to the building hereby permitted shall be undertaken until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) 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.

6) The development hereby permitted shall not be first brought into use until; full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority.

The details shall include;

a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and shall include the planting of a native hedge along the front of the application site.

The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hardsurfaces and their positions, materials and finishes.

The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees and to conserve and enhance biodiversity.

7) The land use and stable building hereby permitted shall not be brought into use until the method of disposal of waste arising from the keeping of horses and the stables has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the land and stables are brought into use and shall thereafter be maintained and operated in the approved manner in perpetuity.

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

8) Prior to first occupation of the stables and use of the land hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations, and
- (b) details of the materials and finishes.

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

Reason: In the interests of protecting visual amenities.

9) No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Block Plan 001 Rev 3.

The access and visibility splays shall be retained free of obstruction for their intended purpose.

Reason: In the interests of road safety.

10) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

11) No external lighting shall be installed either on the building or anywhere within the site. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

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

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

12) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. The development shall not be first occupied until;

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

13) There shall be no burning of waste on the application site and within the land under the applicant's ownership at any time.

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

14)) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the building hereby permitted and associated land subject to this application shall only be used for the private keeping of horses and as a private stables and shall not be used for any other purpose whatsoever, including the staging of public events, gymkhanas, livery purposes or for use as a riding school.

Reason: To enable the District Planning Authority to control the development in detail in the interests of amenity and road safety and to accord with the terms of the application.

15) Any discharge of washings from the stables and/or yard area must first drain into a soakaway or treatment system so that any discharge to ground is at least 10 metres from any watercourse.

Reason: To control pollution of water.

INFORMATIVES

1) Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHRZOPERLKS00>

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Chichester District Council

Planning Committee

Wednesday 04 September 2019

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between 19-Jul-2019 and 16-Aug-2019

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 (Lodged)

Reference/Procedure	Proposal
<u>18/00005/CONAGR</u> Sidlesham Parish Case Officer: Sue Payne Written Representation	Greenwood Group Highleigh Nurseries Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/70
<u>18/00389/CONCOU</u> Southbourne Parish Case Officer: Steven Pattie Written Representation	1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117

19/00731/DOM East Wittering and Bracklesham Parish Case Officer: Calum Thomas Written Representation	5 Charlmead, East Wittering, PO20 8DN - Creation of habitable space at first floor level.
19/01352/DOM Bosham Parish Case Officer: Oliver Naish Written Representation	The Old Town Hall, Bosham Lane, Bosham, PO18 8HY - Construction of an outdoor swimming pool.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p><u>15/00018/CONBC</u> Chichester Parish</p> <p>Case Officer: Shona Archer</p> <p>Written Representation</p>	<p>Wildwood 30 Southgate Chichester West Sussex PO19 1DP - Appeal against CC/143</p>
<p>Appeal Decision: Appeal succeeds in that the period of compliance is extended – NOTICE UPHELD</p>	
<p>Ground (a) appeal and deemed application ... Planning permission reference CC/96/01257/COU (the Permission) includes a condition (condition 8) preventing the use of land at the rear of the premises for any purpose other than as a store/covered yard and store/wc. The main issue in this appeal is the effect of the use of this land as a kitchen without compliance with condition 8 on the living conditions of occupiers of the neighbouring residential property with particular regard to noise and disturbance and cooking odours. ... The Permission is for the change of use of the ground floor from A1 shop to A3 restaurant. Condition 8 of the Permission provides that the store/covered yard and store/wc areas to the rear of the premises as shown on the permitted plans shall be retained for these purposes in perpetuity and shall not be used for any other purpose whatsoever including any additional restaurant seating area'. The reason given for the imposition of this condition is 'in the interests of amenity'. ... I note that the Appellant has always intended to use the area as a kitchen and was not aware of condition 8 but these are not matters that weigh heavily in favour of the appeal. I note that the approved plan the subject of listed building consent Ref. 14/03075 for internal alterations annotates the covered yard area as 'kitchen' but this does not provide planning permission for its use as a kitchen. ... On the basis of the evidence before me I conclude that due to the close proximity of the rear extension to its residential neighbour removal or variation of condition 8 to permit use as a kitchen would cause undue harm to the living conditions of the neighbouring residential property with particular regard to noise and disturbance and cooking odours contrary to the development plan and the Framework. ... If a mechanical ventilation scheme was able to prevent the transmission of noise and vibration between the appeal site and the neighbouring dwellinghouse I consider that the identified harm could be overcome. But there is insufficient evidence before me to enable me to ascertain whether this is a plausible and practical solution. ... For the reasons given above the appeal on ground (a) does not succeed and planning permission is refused on the deemed application ... Ground (f) appeal ... In this case the steps require discontinuance of the use and therefore it seeks to remedy the non-compliance with condition 8 of the Permission.</p>	

I consider that no lesser steps would secure compliance with the purpose of the notice. ... I conclude that the requirements of the notice are not excessive and the ground (f) appeal does not succeed. ... **Ground (g) appeal** ... I have balanced competing interests. The private interest of the Appellant in running a business and the public interest in bringing the identified harm to an end without unnecessary delay. The steps required by the notice are not specialist or complex but I recognise the planning necessary to mitigate any adverse impact on customers. I therefore find that six months strikes an appropriate balance and I shall amend the notice accordingly. ... **Formal Decision** ... The appeal is allowed on ground (g) and it is directed that the enforcement notice be varied by the substitution of 6 months as the period for compliance. Subject to this variation the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

[18/01578/FUL](#)

Loxwood Parish

Case Officer: Robert Sims

Written Representation

Land East Of Lady Lea House Brewhurst Lane Loxwood
RH14 0RJ - Demolition of storage outbuilding and erection
of detached three bedroom dwelling.

Appeal Decision: APPEAL DISMISSED

In this respect, whilst I acknowledge that the current building may not be suitable for some forms of commercial operation, the general comments provided by the Appellant with regards to whether the building and land would be attractive for other commercial enterprises is not, in my view, sufficient evidence to demonstrate that the site is no longer required or would be unlikely to be re-used or redeveloped for employment purposes. Furthermore, there is no evidence before me which demonstrates that the current use of the site is unviable. ... Consequently, the proposed development would conflict with Policies 2 and 26 of the Local Plan which seek to safeguard existing employment sites. For the same reasons, the proposal would not accord with the provision of the Framework with regards to supporting a prosperous rural economy. ... Policy 45 of the Local Plan confirms that sustainable development outside of settlement boundaries will only be supported where certain criteria are all met ... this Policy also requires that in such locations proposals would be required to not prejudice other existing viable uses and, for the reasons given above on the first main issue, the proposal would result in the loss of employment land and use of the site. ... Consequently, given that the proposal would prejudice an existing viable use and would be for residential housing where it has not been demonstrated that the proposal would require a countryside setting, the appeal scheme would conflict with Policy 45 of the Local Plan and subsequently would not accord with Policy 2 of the Local Plan. This conflict with the development plan weighs against the appeal scheme. ... the potential benefits of the appeal scheme ... would be outweighed by the significant harm that would result from the loss of employment land and the conflict with the development plan when taken as a whole. ... the proposal could not be considered to be sustainable development in the terms of the Framework or in terms of Policies 2 and 45 of the Local Plan and Policy 2 of the Neighbourhood Plan, for which there is a presumption in favour of.

19/01106/PLD Sidlesham Parish Case Officer: Caitlin Boddy Written Representation	62 Street End Lane Sidlesham PO20 7RG - Proposed lawful development certificate for all or any of those operations specified in the attached schedule of proposed works within the site edged red on the location plan (TQRQM18256171349316).
<p align="center">Appeal Decision: APPEAL - NO FURTHER ACTION</p> <p>Thank you for your Lawful Development Certificate Appeal. The original applicant was Mr J Ayling and the appeal was made in the name of Mr Paul Collins, the right of appeal is given only to the original applicant. As the appeal was not made in the name of the original applicant, we are unable to accept the appeal and we are unable to take any action on it. I am sending a copy of this letter to the local planning authority.</p>	
18/00808/FUL Tangmere Parish Case Officer: Steve Harris Written Representation	Land West Of Little Paddocks City Fields Way Tangmere West Sussex - Erection of 39 dwellings, open space, landscaping and access road.
<p align="center">Appeal Decision: APPEAL WITHDRAWN</p> <p>We have received a letter from the appellant requesting the above appeal is withdrawn. This has now been completed. I confirm no further action will be taken.</p>	

<p><u>17/00403/CONENG</u> Westbourne Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against erection of walls and gates over 1m in height adjacent to the highway. WE/46</p>
<p align="center">Appeal Decision: APPEAL DISMISSED</p>	
<p>The development in this case comprises fencing and an entrance gate, wing walls and piers and raised gravel banks. The Appellant argues that each element of the development is free standing and must be judged individually. I disagree. The development appears as one means of enclosure and in my opinion as a matter of fact and degree comprises a single structure providing an entrance to the site. The Appellant argues that the fencing on either side of the main gates is not adjacent to the highway as the pier walls curve around in front of them and shrubs sit in front of them. The shrubs do not provide a sufficient intervening obstruction to physically obstruct the fencing from the highway. I find as a matter of fact and degree that the enclosure as a whole defines the boundary of the property from the highway (and is perceived as such) and therefore the single means of enclosure is reasonably considered adjacent to a highway. It follows that the 1 metre threshold applies to the development as a whole. This threshold is exceeded and therefore it does not benefit from permitted development rights. ... The design, height and scale of the development is urban and formal in appearance. The solid entrance gate with its prominent fencing and solid wing walls dominates its setting. It is highly prominent from the highway and appears out of keeping with its rural setting. It stands in marked contrast to its agricultural setting and the simpler entrances found elsewhere in the locality. There is no justification before me for such an incongruous urban design. ... I have considered permitted development rights as a fallback position. But the development carried out causes significantly greater harm than any permitted development. ... I conclude as a matter of fact and degree that the development causes undue harm to the character and appearance of its rural setting. It does not accord with relevant policies in the development plan, including policy 45 of the Local Plan, or the Framework. ... I have considered whether the identified harm could be overcome by conditions. I have taken into account the Planning Practice Guidance Landscaping and planting conditions would not overcome the prominence of the structure. ... The Appellant suggests that the development could be landscaped with planting or lowered to 1 metre in height. But landscaping would not remedy the identified harm. The notice does not prevent the exercise of lawful rights nor does it remove permitted development rights.</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<u>17/00061/CONENG</u> Birdham Parish Case Officer: Emma Kierans Written Representation	Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex - Appeal against BI/40
<u>19/00196/FUL</u> Bosham Parish Case Officer: Caitlin Boddy Written Representation	By-The-Brook Bosham Lane Bosham PO18 8HG - Demolish 1 no. existing dwelling and erect 2 no. 2 bed dwellings and 1 no. 3 bed dwelling.
<u>14/00292/CONBC</u> Chidham & Hambrook Parish Case Officer: Shona Archer Informal Hearing	Paddock View Drift Lane Bosham Chichester West Sussex PO18 8PR - Appeal against CH/55
<u>17/00852/FUL</u> Chidham & Hambrook Parish Case Officer: Caitlin Boddy Informal Hearing	Paddock View Drift Lane Bosham Chichester PO18 8PR - Variation of condition 2 from planning permission CH/12/01036/FUL, appeal ref APP/L3815/A/12/2179869. To make the permission permanent.

<u>17/00374/CONCOM</u> Donnington Parish Case Officer: Emma Kierans Written Representation	Southend Farm Selsey Road Donnington Chichester West Sussex PO20 7PS - Appeal against D/8
<u>18/03126/FUL</u> Donnington Parish Case Officer: Robert Sims Written Representation	Louene 34 Birdham Road Donnington PO19 8TD - 1 no. dwelling and associated work.
<u>19/01036/OUT</u> East Wittering And Bracklesham Parish Case Officer: Maria Tomlinson Written Representation	Land To North Of 20 Wessex Avenue East Wittering Chichester West Sussex PO20 8NP - Outline planning application some matters reserved (access) - Erection of 1 no bungalow.
<u>17/02563/DOM</u> Fernhurst Parish Case Officer: James Gellini Written Representation	Stedlands Farm Bell Vale Lane Fernhurst GU27 3DJ - Proposed two storey rear extension.

<u>17/02564/LBC</u> Fernhurst Parish Case Officer: James Gellini Written Representation	Stedlands Farm Bell Vale Lane Fernhurst GU27 3DJ - Proposed two storey rear extension.
<u>18/00323/CONHI</u> Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22
<u>18/00402/FUL</u> Funtington Parish Case Officer: Caitlin Boddy Public Inquiry The Vicars Hall Cathedral Cloisters Chichester PO19 1PX	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - The use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/dayrooms ancillary to that use.
<u>18/03255/FUL</u> Selsey Parish Case Officer: James Gellini Written Representation	Land Adjacent To 71 West Street Selsey Chichester West Sussex PO20 9AG - Erection of 1 no. 2 bed bungalow - resubmission of SY/18/02197/FUL.

18/03326/FUL Selsey Parish Case Officer: Robert Sims Written Representation	17-19 Seal Road Selsey PO20 0HW - Alterations and conversion of main property into 7 no. flats and alterations and conversion of the former owners accommodation into a self contained bungalow with associated access, parking, bin and cycle storage.
17/02640/FUL Sidlesham Parish Case Officer: Claire Coles Informal Hearing	Land At Junction Of Keynor Lane And Selsey Road Sidlesham West Sussex - Change of use of land from agricultural land for stationing of caravans for residential purposed by 3 no. gypsy-traveller families, with associated utility building, hard standing, widened gateway, landscaping and access.
18/01173/FUL Sidlesham Parish Case Officer: Claire Coles Informal Hearing	Land South Of Recreation Grounds At Junction Of Keynor Lane Sidlesham West Sussex - Change of use of land from agricultural land for stationing of caravans for residential purposes by 3 gypsy-traveller families with facilitating development (utility buildings, hard standing, widened gateway, septic tank and landscaping).
18/02692/PLD Sidlesham Parish Case Officer: Caitlin Boddy Written Representation	62 Street End Lane Sidlesham PO20 7RG - All or any development as permitted by Schedule 2 Part 1 Development within the curtilage of a dwelling house of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended now or in the future).

<p>* 18/02925/FUL Sidlesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land South Of Telephone Exchange Selsey Road Sidlesham West Sussex - Proposed private stable block and associated hard standing. New access to the highway.</p>
<p>19/00084/TPA Sidlesham Parish</p> <p>Case Officer: Henry Whitby</p> <p>Informal Hearing</p>	<p>35 Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Fell 1 no. Black Poplar tree (T3). Reduce crown widths/spreads to 5m and heights down to 15m, sever ivy and remove deadwood on 2 no. Black Poplar trees (T4 and T5) and 1 no. Black Poplar tree (quoted as T1 - northern tree, within Group, G3). All 4 no. trees are subject to SI/86/00938/TPO.</p>
<p>18/02976/FUL Southbourne Parish</p> <p>Case Officer: Robert Sims</p> <p>Written Representation</p>	<p>Lumley Mill Lumley Road Southbourne PO10 8AQ - Proposed 1 no. dwelling and garage on foundations of the Old Mill.</p>
<p>18/03121/DOC West Wittering Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Rife Cottage Piggery Hall Lane West Wittering Chichester West Sussex PO20 8PZ - Discharge of condition 3 from planning permission WW/17/02506/DOM - schedule of materials.</p>

<u>18/03234/FUL</u> West Wittering Parish Case Officer: Caitlin Boddy Written Representation	Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE - Demolition of single dwelling house and construction of development comprising 4 no. 2-bed flats, new access and associated works.
<u>17/00333/CONMHC</u> Westbourne Parish Case Officer: Tara Lang Informal Hearing	Home Paddock Stables Hambrook Hill North Hambrook West Sussex - Appeal against WE/44
<u>18/02003/FUL</u> Westhampnett Parish Case Officer: Robert Sims Written Representation	Greytiles Claypit Lane Westhampnett PO18 0NU - Demolition of existing garage, construction of additional dwelling and associated works, subdividing plot.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Gypsy Site	Non compliance with Enforcement Notices upheld at appeal	Evidence bundle sent to Barrister for consideration before an application for an Injunction is made to the High Court.

Court Hearings		
Site	Matter	Stage
Breach Avenue, Southbourne	Council's challenge of Inspector's decision letter	Hearing in the Court of Appeal held on 23 rd July 2019. Decision awaited.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 19/07/2019 and 16/08/2019

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* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
SDNP/18/06143/FUL Fittleworth Parish Council Case Officer: Beverley Stubbington Written Representation	Fittleworth House, Bedham Lane, Fittleworth, RH20 1JH - Installation of freestanding solar array.
SDNP/19/01585/HOUS Lynchmere Parish Council Case Officer: Louise Kent Written Representation	Dormer Cottage, Lower Lodge Road, Lynchmere, GU27 3NG - Two storey rear extension with associated roof works and alterations and additions to fenestration. Single storey extension to outbuilding

SDNP/19/01293/LDE Heyshott Parish Council Case Officer: Derek Price Written Representation	Northend House, Polecats, Heyshott, GU29 0DD - Lawful Development Certificate for the retention and continued use of the existing driveway.
SDNP/19/01322/LDE Heyshott Parish Council Case Officer: Derek Price Written Representation	Northend House, Polecats, Heyshott, GU29 0DD - Retention of existing gates and brick piers serving access to Northend House.

2. DECISIONS MADE

Reference/Procedure	Proposal
SDNP/18/04813/FUL Lynchmere Parish Council Case Officer: John Saunders Written Representation	Land Between The Vicarage and Forest Mead Linchmere Common Road West Sussex - Conversion of barn and stables to a single residential dwelling, with stable extension and single storey glazed link extension following removal of 2 storage containers.
<p align="center">Appeal Decision: APPEAL ALLOWED</p> <p>LP policy SD25 permits, exceptionally, development outside settlement boundaries, subject to a number of alternative criteria, including where it is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park. ... Given that there are houses and gardens on two of the long sides of the site, a dwelling would not, in my view, be inappropriate. The site was previously used for housing horses and storing their feed, and there is no evidence that it does not meet the definition of previously developed land in the National Planning Policy Framework ... Given the houses beside each flank of the site, the development is not isolated. Calmesdale, 1.5km away, is the closest defined settlement. There is no dispute that the future occupiers of the development would rely on the private car to access everyday services, community facilities and employment. However, there is planning permission for a similar conversion, but for use as holiday accommodation rather than as a dwelling. The occupation of the building by holiday-makers may involve car trips to and from the site, for access, and pleasure, as well as for necessity, seeking services or facilities in nearby settlements. While there is no substantive evidence on the number of anticipated visitors or their modes of transport, and while I appreciate that the accommodation may not be occupied throughout the year, during seasonal peaks the number of trips may be substantially greater than those generated by the use of the building as a dwelling. ... The appellant says that the visitor accommodation permission will be implemented should this appeal fail. I saw at my visit that builders had taken possession of the site. In these circumstances, the permission is in my view a realistic fallback, and the number of trips in connection with that use should weigh in the balance against the environmental dimension of sustainable development. ... In these circumstances, the distance of the development from services and facilities is not a factor which leads me away from the clear support for the appropriate reuse of a previously developed site in the development plan, as set out in LP policy SD25, with which the proposal accords. I turn now to the effect of the development on the special qualities of the National Park. ... While the site lies outside any defined settlement boundary, and though Linchmere has a distinctly rural character, given the residential pattern of development to both sides of the site, the limited extent of the curtilage, the low scale of the buildings for conversion and the screening on the road side, I find the proposal would conserve the special qualities of the National Park and its landscape and scenic beauty, which the Framework says has the highest status of protection. There would be no conflict with LP policies SD1, SD4, and SD5 which require development to conserve and enhance landscape character with a landscape-led approach which contributes positively to the overall character and appearance of the area.</p>	

<p>*SDNP/18/05965/FUL Bury Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Land East Of Flint Acre Farm Bignor Park Road Bignor RH20 1EZ - Change use of land from agricultural to equestrian use. Erection of private stable building, associated hard standing, new 5 bar gate and access to the highway including culvert to ditch.</p>
<p>Appeal Decision: APPEAL DISMISSED</p> <p>The southern boundary of the site adjacent to the road is formed with a hedgerow, trees and other foliage of mixed density and height. Although the proposed stable building would be positioned behind a relatively dense section of hedgerow and therefore reasonably well screened from the road it would still be seen in local views. The proposal would include an area of hardstanding and the removal of a section of existing hedgerow approximately 6 metres east of the existing access to allow construction of a new access: the existing access would be closed off and hedging would be planted in its place. The proposed new access and hardstanding area would be very readily visible from the road, and in combination with the proposed stable building and existing development along Bignor Park Road, would result in a localised amplification of development which would be at odds with the rural landscape character of the surrounding area. ... The area is characterised by open fields and an irregular pattern of development. The proposed development would result in a contiguous stretch of development along this part of Bignor Park Road thereby disrupting the sporadic pattern of development and detract from the positive contribution the site makes to the undeveloped rural landscape. As such the proposal would be contrary to the aims of the National Planning Policy Framework¹ which places great weight on conserving and enhancing landscape and beauty in National Parks. ... For the reasons outlined above, I conclude that the proposed development would cause significant harm to the character and appearance of the South Downs National Park. Consequently, it would not accord with Policies SD1, SD4 and SD24 of the SDLP which, amongst other things, seek to ensure development proposals conserve and enhance landscape character. The Authority has referred to Policies SD2, SD7 and SD8 of the SDLP in their refusal notice. However, these are not directly relevant to character and appearance issues.</p>	

3. CURRENT APPEALS

<u>SDNP/18/00149/FUL</u> Fittleworth Parish Council Case Officer: Derek Price Written Representation	Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed new grain and secure fertilizer storage building.
<u>SDNP/18/01138/FUL</u> Milland Parish Council Case Officer: Charlotte Cranmer Informal Hearing	The Black Fox Inn Portsmouth Road Milland GU30 7JJ - Change of use from Class A4 public house to Class D1 children's nursery and pre-school with associated works.
<u>SDNP/18/01956/APNB</u> Fittleworth Parish Council Case Officer: Derek Price Written Representation	Fitzleroi Farm Fitzleroi Lane Fittleworth Pulborough West Sussex RH20 1JN - Proposed grain and straw storage building
<u>SDNP/18/03090/HOUS</u> Kirdford Parish Council Case Officer: Beverley Stubbington Written Representation	Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.

SDNP/18/01575/FUL Sutton & Barlavington Parish Council Case Officer: Beverley Stubbington Informal Hearing	The Croft Bignor Road Sutton RH20 1PL - Change of use from ancillary residential accommodation, domestic storage and stabling to ancillary residential accommodation, guest accommodation, staff accommodation, holiday let, domestic garaging, hobby room.
SDNP/18/03091/LIS Kirdford Parish Council Case Officer: Beverley Stubbington Written Representation	Little Bignor Farm A272 Wakestone Lane To Croucham Lane Kirdford RH14 0LJ - Demolition and replacement of existing side extension.
* SDNP/19/00893/MPO Sutton & Barlavington Parish Council Case Officer: Derek Price Informal Hearing	The Croft Bignor Road Sutton Pulborough West Sussex RH20 1PL - Application to discharge the S.106 Undertaking relating to planning permission SN/11/02662/DOMNP.
SDNP/19/00273/FUL Fittleworth Parish Council Case Officer: Charlotte Cranmer Written Representation	Stables North-West of Hesworth Common Hesworth Common Lane Fittleworth West Sussex - Replacement of existing equestrian buildings with a building to be used for stabling and an associated self-contained unit of holiday accommodation.

SDNP/18/06483/FUL Marden Parish Meeting Case Officer: John Saunders Written Representation	East Marden Farm Wildham Lane East Marden Chichester West Sussex PO18 9JE - Replacement of former agricultural buildings with 3 no. dwellings for tourism use.
SDNP/18/05112/FUL Easebourne Parish Council Case Officer: Charlotte Cranmer Written Representation	Cowdray Cafe Easebourne Lane Easebourne Midhurst West Sussex GU29 0AJ - Proposed extensions and minor internal alterations.
SDNP/18/03666/LIS Sutton & Barlavington Parish Council Case Officer: Claire Coles Written Representation	Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.
SDNP/18/03665/HOUS Sutton & Barlavington Parish Council Case Officer: Claire Coles Written Representation	Farm Cottage Barlavington Lane Sutton RH20 1PN - Single storey side and rear extension with external conservation repairs.

<u>SDNP/15/00492/COU</u> Rogate Parish Council Case Officer: Steven Pattie Public Inquiry	Laundry Cottage Dangstein Dangstein Road Rogate Petersfield West Sussex GU31 5BZ - Appeal against RG/36
<u>SDNP/15/00209/COU</u> Compton Parish Council Case Officer: Shona Archer Written Representation	Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/9 erection of a dwellinghouse in a barn.
<u>SDNP/16/00110/COU</u> Milland Parish Council Case Officer: Steven Pattie Informal Hearing	Land West of Junction With Dangstein Road Borden Lane Borden Milland West Sussex - Appeal against ML/25
<u>SDNP/15/00210/COU</u> Compton Parish Council Case Officer: Shona Archer Written Representation	Cowdown Farm Cowdown Lane Compton Chichester West Sussex PO18 9NW - Appeal against CP/7

1. VARIATIONS TO SECTION 106 AGREEMENTS

2. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

3. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

4. POLICY MATTERS

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