

Public Document Pack

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A meeting of **Planning Committee** will be held in The Assembly Room - The Council House (Chichester City Council), North Street, Chichester on **Wednesday 13 September 2017 at 9.30 am**

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

Please note the change of venue detailed above.

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 6)

The minutes relate to the meeting of the Planning Committee on 16 August 2017.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 10 (b).

4 **Declarations of Interests** (Pages 7 - 8)

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

- 5 **CH/16/04132/OUT - Greenacre Nursery, Main Road, Chidham, PO18 8TP**
(Pages 9 - 36)
Reuse of previously developed land for residential development of 10 no. dwellings and associated works.
- 6 **WE/17/00670/FUL - Meadow View Stables, Monks Hill, Westbourne, Emsworth, West Sussex** (Pages 37 - 46)
Change of use of land for the retail use of selling Christmas trees for the period of 1 month each year start 24/11 to 24/12.
- 7 **SDNP/17/01872/FUL and SDNP/17/01873/LIS - Flat 1, Snowhill House, Easebourne Lane, Easebourne, GU29 0AE** (Pages 47 - 56)
Subdivision of a single 3-bedroom flat to create two 1-bedroom flats (inc. minor internal alterations).
- 8 **SDNP/17/03308/CND - Orchard Barn, Common Road, Funtington, PO18 9LG**
(Pages 57 - 69)
Variation of Condition 2 of planning permission SDNP/16/03715/FUL – replace approved proposed site plan 192.01 Rev B with proposed site plan 192.01 Rev C, to improve highway safety.
- 9 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 70 - 90)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **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 (agenda item 3) 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
- 11 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972

2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

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

Committee report changes appear in bold text. Application Status

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

CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 16 August 2017 at 9.30 am

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

Members not present: Mrs P Tull

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Mr A Frost (Head of Planning Services), Miss N Golding (Principal Solicitor), Mrs K Jeram (Member Services Officer) and Mr T Whitty (Development Management Service Manager)

40 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

41 **Approval of Minutes**

That the minutes of the meeting held on 19 July 2017 be approved and signed by the Chairman as a correct record.

42 **Urgent Items**

There were no urgent items.

43 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of application SB/16/03751/FUL as a Chichester District Council appointed member of Chichester Harbour Conservancy.

Mrs Duncton declared a personal interest in respect of applications TG/17/01348/FUL, SY/17/00951/FUL, SB/17/00589/FUL and FB/16/03464/FUL as a member of West Sussex County Council.

Mr Hayes declared a personal interest in respect of applications SB/17/00589/FUL and SB/16/03751/FUL as a member of Southbourne Parish Council.

Mr Hixson declared a personal interest in respect of application CC/17/01158/FUL as a member of Chichester City Council.

Mrs Kilby declared a personal interest in respect of application CC/17/01158/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of applications TG/17/01348/FUL, SY/17/00951/FUL, SB/17/00589/FUL and FB/16/03464/FUL as a member of West Sussex County Council.

Mr Oakley declared a personal interest in respect of planning application CC/17/01158/FUL as he had attended meetings of the Friends of Priory Park.

Mr Plowman declared a personal interest in respect of application CC/17/01158/FUL as a member of Chichester City Council.

Mr Plowman declared a personal interest in respect of application CC/17/01158/FUL as a Chichester District Council appointed member of Chichester Conservation Area Advisory Committee.

Mrs Purnell declared a personal interest in respect of applications TG/17/01348/FUL, SY/17/00951/FUL, SB/17/00589/FUL and FB/16/03464/FUL as a member of West Sussex County Council.

Mr Plowman declared a prejudicial interest in respect of application CC/17/01158/FUL as he was the Chairman of Friends of Priory Park.

Planning Applications

(To listen to the speakers and the full debate of the planning applications follow the [link](#) to the online recording)

The Committee considered the planning applications together with an agenda update sheet at the meeting detailing observations and amendments that had arisen subsequent to the dispatch of the agenda. During the presentations by officers of the applications, members viewed photographs, plans, drawings, computerised images and artist impressions that were displayed on the screen.

RESOLVED

That the following decisions be made subject to the observations and amendments as set out below:-

44 **TG/17/01348/FUL - Land On The East Side Of Meadow Way, Tangmere**

Recommendation to **Permit** agreed.

45 **SY/17/00951/FUL - Selsey Regeneration, 53A High Street, Selsey**

The following information was reported on the agenda update sheet relating to additional supporting information regarding the storage and removal of food waste received from the agent, the substitution of paragraph 8.10, the amendment of condition 3 and the deletion of condition 5.

The following members of the public addressed the Committee:

- Mr C Alden – Parish representative; and
- Mr L Weymes – Agent.

Mr Whitty responded to members' questions and comments. He advised that it could not be presumed that customers would park on double yellow lines outside the premises, which were controlled by civil enforcement. It was noted that the Highways Authority had no objection to the proposal and were satisfied that the nearby public car park was within a sufficient distance not to deter customers from parking there. Whether the waste collection took place daily or weekly, other than the highway impact, was not strictly a planning consideration as other legislation was in place to control this. The Council's Estates team had agreed to include a requirement in the lease that dealt with waste storage and the frequency of collections. He suggested that whether the waste was wheeled to the collection point once a day or once a week it would be unlikely to result in a significant problem with the footfall using the shared access. Condition 4 required details of the final location of collection and servicing of waste collection to be approved. The issue of internal smells from the internal waste storage area was not a planning matter and would be dealt with under food licensing requirements. Condition 6 could be amended to include the final closing times for the clean-up and close down of the premises. The Council's Environmental Health team was satisfied that the proposed ventilation system would not to cause any odour or noise issues to the neighbouring properties. The purpose of the ventilation system proposed was to control odours whilst food was being cooked. Condition 3 could be amended to require that the system was turned off once the cooking of food had finished and that no further mechanical extraction was operated unless approved by the Planning Authority.

In order to obtain a better understanding of the proposed development and its impact on the surrounding area, including the shared access and, in light of the concerns raised in particular about the potential for illegal parking, waste storage and collection, the emission of food and waste smells members favoured a site visit.

Mr Frost advised that during the deferral period officers would request further details regarding the proposed storage and collection of waste, and would establish the intended frequency of the waste collection with the applicant. Officers would also investigate if there was a need for the mechanical ventilation of internal stored waste.

Defer for a Site Visit.

46 **SB/17/00589/FUL - South Barn, Brook Farm, Priors Leaze Lane, Hambrook**

The following information was reported on the agenda update sheet relating to further information provided by the applicant in support of the proposed use and the

consultation response received from Chichester District Council's Economic Development Section.

The following members of the public addressed the Committee:

- Mrs C Hindle – Supporter;
- Mr S McDade – Supporter;
- Ms C Allen – Supporter;
- Mr A Sabin – Applicant; and
- Mr J Brown – CDC Member.

A vote to defer the application for a site visit was not carried.

On balance, the majority of the Committee supported the officer's conclusion that the application should be refused. They considered the proposed live/work building was unacceptable in terms of its proposed scale, mass, height and form; the location could not be supported being in an unsustainable rural location without public transport; the lack of screening and the adverse visual impact that would result; and were of the opinion that the sequential test in relation to flood risk had not been satisfied.

Recommendation to **Refuse** agreed.

47 **SB/16/03751/FUL - Nutbourne Farm Barns, Farm Lane, Nutbourne**

The following information was reported on the agenda update sheet relating to the amendment of the application description and amended condition 3.

Mr Whitty reported the following further updates: The amendment of the recommendation to "Defer for a Section 106 agreement then Permit" to require a recreational disturbance contribution, and the addition of a flood zone condition to secure a sustainable surface water system.

The following members of the public addressed the Committee:

- Mr T Money – Objector; and
- Mr G Potter – Agent.

In a vote the officer recommendation to defer the application for a Section 106 agreement was not carried.

Members expressed a number of concerns about the application for the change of use of the current building to holiday accommodation. Some members expressed concern about the impact on the existing farm operations and the safety of holiday makers. However, the majority of members were not satisfied that the applicant had demonstrated the building could be reused without the need for substantial reconstruction and reinforcing, and considered therefore that the proposal did not involve the re-use of the original building and was in conflict with Policy 46 of the Chichester District Council Local Plan. They did not, therefore, favour allowing this application.

Mr Frost advised that a further reason for refusal should be added, which was of a technical nature, to mitigate the impact of recreational disturbance, which he expected the applicant would address if the application became the subject of an appeal.

Refuse

Note: (this decision was contrary to the officer's recommendation)

48 **FU/17/00535/FUL - Rookmore Riding and Carriage Driving School, Scant Road, East Hambrook**

The following information was reported on the agenda update sheet relating to the substitution of paragraph 8.5.

Miss Bell reported an amendment to the recommendation to read as follows: "Defer for a Section 106 agreement then Permit".

Defer for a Section 106 agreement then Permit.

49 **FB/16/03464/FUL - Avalon 22 Halfrey Road, Fishbourne**

The following information was reported on the agenda update sheet relating to the amendment of paragraphs 6.3 and 6.4 to include the number of representations.

Defer for a Section 106 agreement then Permit.

50 **CC/17/01158/FUL - Priory Park, Priory Lane, Chichester**

Mr Plowman withdrew from the meeting and sat in the public seating area.

The following member of the public addressed the Committee:

- Mr R Plowman – Supporter.

Recommendation to **Permit** agreed.

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

The Committee considered and noted the schedule of outstanding contraventions (copy attached to the official minutes).

3. Outstanding Appeals

The following information was reported on the agenda update sheet relating to decision having been received in respect of the appeal decisions for BI/15/00139/CONSH, BI/15/00194/CONTRV, BI/15/01288/FUL - Land North West of Premier Business Park, Birdham Road, Birdham.

4. Variations to Section 106 Agreements

Miss Bell confirmed that members were consulted during the consideration of all variations to Section 106 agreements in their wards.

6. Court and Other Matters

The following information was reported on the agenda update sheet relating to the following injunctions:

- The removal of Birdham Farm from the Court list following the appeal decision; and
- The grant of an interim injunction by the Court in respect of land at Newells Lane, Funtington.

RESOLVED

That the report be noted.

The meeting ended at 12.20 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 13 September 2017

Declarations of Interests

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

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

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

Personal Interests - Membership of Parish Councils

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

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

Personal Interests - Membership of West Sussex County Council

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

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

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

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

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

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

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

NONE

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

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

- Mrs J E Duncton – South Downs National Park Authority

Parish: Chidham & Hambrook	Ward: Bosham
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CH/16/04132/OUT

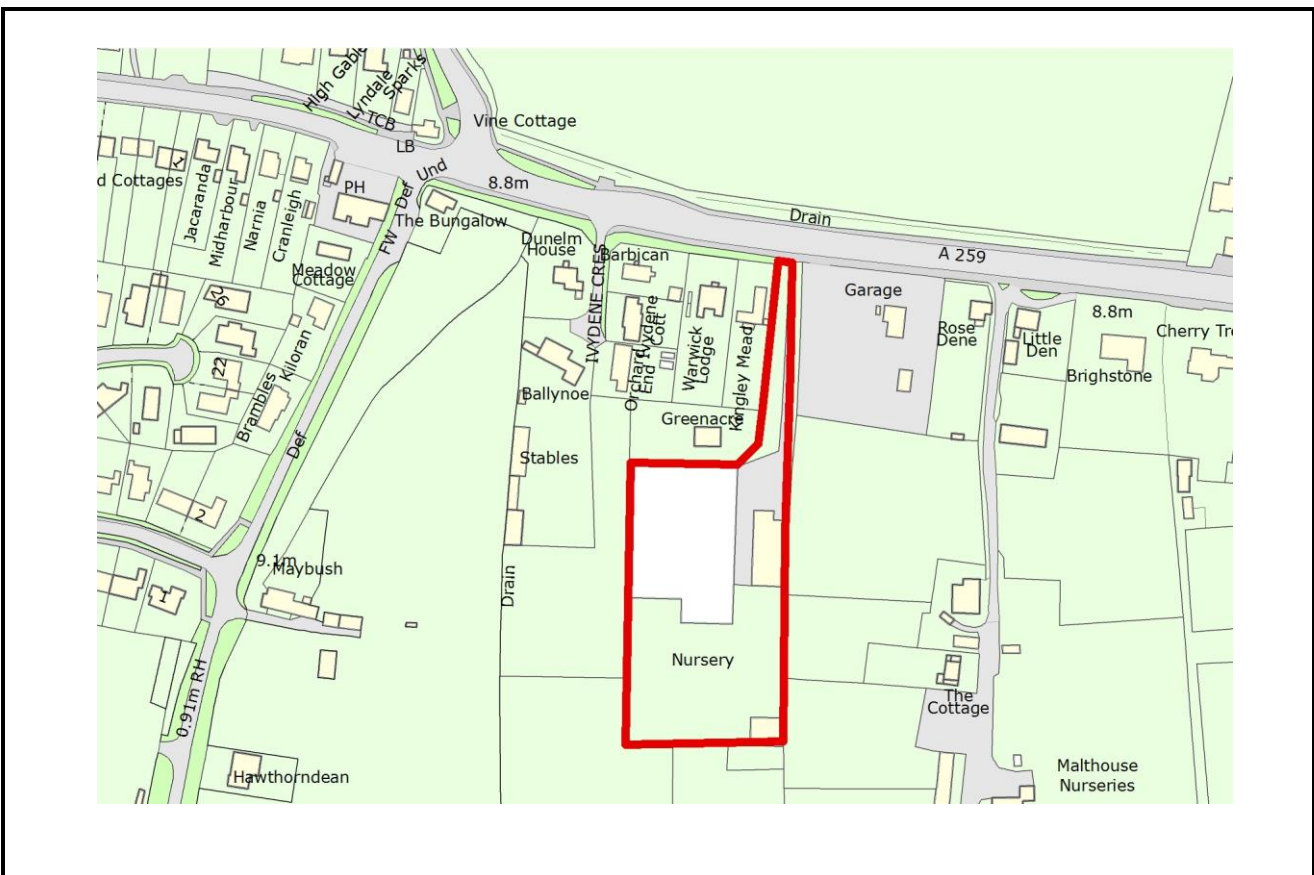
Proposal Reuse of previously developed land for residential development of 10 no. dwellings and associated works.

Site Greenacre Nursery Main Road Chidham PO18 8TP

Map Ref (E) 478904 (N) 105272

Applicant Greenacre (Chidham) Ltd

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

This application was deferred before prior to the meeting on 21 June 2017 following receipt of a legal opinion from the applicant in relation to the principle of redevelopment of the site for residential development and the policy considerations.

Red Card Procedure – Councillor Collins has information or an opinion, which he/she wishes to raise in the debate:-

1. Chidham and Hambrook is in favour of this development, as there are many similarities to the recent Chidham Garage development adjacent to this site;
2. The development makes good use of what is a derelict brownfield site which the Parish Council feels would enhance the area;
3. The Parish Council has concerns with regard to the environmental and safety hazards on the site if left in its current state.

2.0 Site Description and Surroundings

2.1 The application site is a backland site, located to the rear of residential dwellings on the southern side of the A259. The site is located outside the Settlement Boundaries of Chidham and Nutbourne East in the Countryside, and is within Chichester Harbour AONB.

2.2 The site area extends to 0.75ha and contains a horticultural nursery, and a number of former glasshouses now used as storage buildings associated with the storage and restoration of military vehicles. There is a separate dwelling - Greenacre - located immediately to the north of the site that was previously occupied in connection with the nursery, but is now a private dwelling on land within the ownership of the applicant.

2.3 The application site area is rectangular and predominantly flat and has some mature screening in the forms of trees and hedgerows on the boundaries. The site is served by a single point of vehicular access onto the A259 to the north, which is subject to a 40 mph speed limit, and has a pedestrian footpath/cycle access leading to the settlements of Chidham and Hambrook. A small portion of the site - approximately 20% site coverage in the northwest corner - is retained in horticultural use as glasshouses. This is proposed to be redeveloped as part of the application. The remainder of the site is used for the restoration and storage of military vehicles, permitted under a certificate of lawful development in 2012. There is sporadic residential development immediately to the north of the site fronting the A259, and open countryside to the south, east and west, with some intermittent residential development. Immediately to the east of the access is the former Chidham Garage with a recently completed development of houses and a charity shop (Chidham Place).

3.0 Proposal

3.1 The application is made in outline form with all matters reserved, apart from access. Appearance, scale, landscaping and layout are reserved for future consideration.

3.2 The application proposes the demolition of all buildings across the site, including the existing glasshouses in horticultural use, and the erection of 10 dwellings. An illustrative layout and streetscene is submitted with the application to show a residential development, comprising 10 dwellings arranged as a mixture of 2, 3 and 4 bed dwellings

(two pairs of semi-detached dwelling and six detached dwellings) located centrally within the site around a cul-de-sac. The spine road / cul-de-sac would be a low traffic, shared surface, with a secondary pedestrian footpath leading to a small area of public open space located towards the northeast site corner, adjacent to the internal access road.

3.3 An illustrative streetscene is provided to show the scale and pattern of development, along with some of the proposed dwellings. The streetscene drawing shows traditional pitch roof dwellings with gables and barn-end hips, two storeys in height. Scale and design are not matters for consideration with the application, but would be considered as part of a future reserved matters application.

3.4 The indicative housing mix, as amended, is:

Market
3 x 2 bed
5 x 3 bed
2 x 4 bed
Total 10

3.5 The applicant is proposing a commuted sum towards off-site affordable housing in lieu of on-site provision. The existing vehicular access onto the A259 to the north is to be retained and modified with off-site highway works to increase visibility splays to accommodate the proposed development. Thirty two parking spaces are proposed, including 2 visitor spaces, and cycle parking would be provided for each dwelling.

3.6 The application is supported by the following technical documents: Phase 1 Environmental Risk Assessment, Preliminary Ecological Appraisal, Transport Statement and Drainage Impact Assessment.

3.7 A legal opinion has been provided by the applicant in relation to the principle of residential development of the site. The current application incorporates a number of revisions and improvements to the original application. The application, as amended, follows negotiation with officers regarding the scale, bulk and mass of dwellings 5, 6, 7, 8 and 9 and the provision of additional landscaping to bolster the southern and eastern site boundaries, which are shown illustratively on the site layout plan. Further publicity and re-consultation has taken place with statutory and non-statutory consultees and third parties.

4.0 History

12/01364/ELD	PER	Use of land and buildings for the restoration, storage and hire of historic military vehicles and equipment and for the fabrication of metal components.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Support

The application was considered at its Planning Committee on 14th March. Site access was available for Parish Councillors and local residents. 19 local residents attended the meeting, with one Chichester District Councillor and two representatives of the site. Three representations in favour of development and two representations against were heard prior to consideration of the application.

The site plans with this outline application represent the optimum development of the site in relation to the number of properties, site layout and mix of 2, 3 and 4 bed properties. It is hoped that the application for full permission is equally sympathetic to the varied constraints of this unique site.

6.2 Natural England

No objection

No adverse impact on the integrity of Chichester and Langstone Harbours Special Protection Area through an increase in recreational disturbance in combination with other residential development planned for the area. In order to mitigate impact on the SPA, an appropriate financial combination should be made to the Solent Recreation Mitigation Project, to be secured by planning obligation.

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as set out at paragraphs 109 and 118 of the NPPF.

6.3 Southern Water

Advice

Recommend conditions and informatives

There is potential for sewers crossing the site. This needs further on site investigation by applicant before the layout finalised.

Foul drainage - there is insufficient capacity to connect to the foul sewer. Additional local infrastructure is required, otherwise proposed development would increase flows into waste water sewerage system and increase risk of flooding, contrary to paragraph 109 of the NPPF.

Further comments following additional information:

The developer would need to demonstrate the existing connections contributing to the public system by CCTV drainage survey or topographical survey to show drainage connections.

6.4 Environment Agency

No objection, subject to the following conditions.

Without conditions, the proposal would pose an unacceptable risk to groundwater quality. Condition 1 - Site investigation and remediation strategy to deal with risks associated with contamination of the site;

Condition 2 - Verification report to demonstrate completion of works in remediation strategy;

Condition 3 - Remediation strategy to deal with unsuspected contaminated land;

Condition 4 - Infiltration of surface water drainage not permitted without written consent of the LPA;

Condition 5 - Piling and investigation boreholes using penetrative methods shall not be carried out without the written consent of the LPA.

6.5 Chichester Harbour Conservancy

No objection

Chichester Harbour Conservancy has no objection on the grounds that the majority of the site, notwithstanding its countryside location, and having regard to policies H1 and H2 of the 'made' Neighbourhood Plan (2016) is previously developed land providing for some affordable housing provision. This is on the basis that the Conservancy will closely scrutinise the Reserved Matters application in respect of landscaping to ensure an enhancement to the AONB results both from improved native species tree screening and increase biodiversity from the development and would also wish to see-

a) The SRMP payment via a legal agreement before any development commences to mitigate increase recreational disturbance arising from occupiers of the new dwellings; and

b) That a planning condition be imposed that no dwelling be more than two storeys in height.

Further comments following additional information:

Reiterate previous comments

Support the height reduction at the southern end of the site. The palette of materials should be muted to mitigate the landscape impact on the AONB. Supplementary planting buffers should be provided on the south, west and east boundaries of a mix of native and shrub species typical of the AONB. Details should be provided on any future reserved matters application.

6.6 Sussex Police

Development has outward facing dwellings, back-to-back gardens creating active frontages with streets and public areas overlooked. Design has eliminated the need for vulnerable rear pathways. Parking is on curtilage, garage and car barn parking, and on-street parking bays, leaving the street layout free and unobstructed.

Perimeter fencing must be adequate with vulnerable area (side and rear gardens) needing more robust defensive barriers (walls and fencing to a height of 1.8 metres). Gates to rear gardens must be robustly constructed of timber, be at the same height at the adjoining fence and be lockable and located on or near to the front of the building line.

6.7 WSCC Local Development Division (Flood Risk Management)

No objection

Drainage Impact Assessment proposes infiltration via soakaways as primary method to restrict run-off to existing Greenfield run-off rates. In principle, this method is acceptable to meet requirements of the NPPF and PPG, subject to infiltration and groundwater monitoring. Restricted discharge to the ditch on the eastern boundary would also be acceptable if infiltration is not possible. Conditions are recommended to secure a finalised surface water drainage strategy and full details of maintenance and management. Drainage design should demonstrate that surface water generated up to and including the 100 year, plus 40% climate change, critical storm will not exceed run-off from the current site following corresponding rainfall event.

6.8 WSCC Local Development Division (Highways)

No objection

Access - All traffic will need to use the site access off Main Road. The proposal seeks to widen the access to 6.8 metres and create a shared surface layout - used in small residential developments where footfall and vehicle trips are under 100 vehicles per hour. The access road narrows to 3.7 metres, 20 metres from access - wide enough for a refuse vehicle and fire appliance.

Visibility needs to meet DMRB standards for a 40mph road: 2.4 x 40 metres in both directions. The location of the pedestrian crossing nearer to site access acts as a natural traffic calming feature.

Trip generation - Use of the access likely to be intensified with more regular use in terms of trip generation: 10 dwellings would create potential for 60 trips per day, of which 10% would be in the morning and afternoon peak. During busy periods, there would be 6 trips an hour - 1 movement every 10 minutes. This is not considered an issue in highway safety or capacity terms.

Swept paths - show that a refuse vehicle and fire tender can access the development and make the turn in the turning head in order to exit in forward gear. Stage 1 RSA raises an issue that can be resolved at detailed design stage.

Road traffic accident rate - WSCC road traffic casualty and collision database shows 1 recorded incident in last 3 years, 25 metres from access, attributable to driver behaviour and not any defect to the highway.

Parking and sustainability - 32 parking spaces, 2 visitor spaces and 2 cycle spaces per dwelling are provided, in line with WSCC parking standards. Garages are also included. Site is considered to be close to bus and rail links, well located to amenities with good footpath links. Site is considered to be sustainable.

Stage 1 RSA - identifies a number of problems and makes recommendations: review internal layout to accommodate all manoeuvres; visibility splays included to ensure no encroachment of trees; provision of dropped kerbs, tactile paving and pedestrian friendly gully at detailed design and Stage 2 RSA.

6.9 CDC Housing Enabler

The applicant is proposing a development of 10 new residential units. Policy 34 of the Local Plan states that in areas designated as rural under S157(1) of the Housing Act 1985, which Chidham & Hambrook is, an affordable housing contribution will be sought as a financial payment on schemes with a net increase of 6-10 dwellings.

The affordable housing contribution will be calculated in-line with CDC's Planning Obligations and Affordable Housing SPD, meaning the total increase in gross internal floor area will be multiplied by £350.

The applicant is proposing the following mix of units:

- 2 x 2 bedroom houses
- 5 x 3 bedroom houses
- 3 x 4 bedroom houses

Policy H2 of Chidham and Hambrook's Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. For the scheme to be SHMA compliant the scheme needs to deliver 1 more 2 bedroom property and 1 less 4 bedroom property.

To conclude the Housing Delivery Team is unable to support this application until the mix reflects the above SHMA recommendations.

Further comments following additional information:

The applicant is now proposing the following mix of units:

- **3 x 2 bedroom houses**
- **5 x 3 bedroom houses**
- **2 x 4 bedroom houses**

This is now in-line with the SHMA recommendations and is therefore considered acceptable.

6.10 CDC Planning Policy

Object

The application site lies outside the Settlement Boundary (as updated in the 'made' Chidham and Hambrook NP) and the proposed development is contrary to LP policies 2 and 45, which restrict development in the rural area.

The proposal is also contrary to NP policy LP1 since that policy requires additional housing development to be in accordance with development plan policies.

The Local Plan housing provision figure for Chidham and Hambrook Parish has already been exceeded by a considerable margin and there is an existing 5 year housing supply in the Plan area.

Therefore, there is no compelling reason to bring forward additional housing sites where they conflict with Local Plan policy.

The application site is also within the AONB and the proposed development raises conflicts with policy 43 in terms of its impact on the AONB and its setting, and more generally with policies 43, 47 and 48 in terms of its impact on setting integrity and coalescence. The extent to which these policies might provide additional reasons for refusal will need to be carefully considered through a detailed assessment of the visual and landscape impact of the proposal, taking particular account of the views of the Harbour Conservancy.

For the reasons above, there is a planning policy objection.

6.11 CDC Environmental Strategy

Advice

Reptiles - Potential for reptiles on site based on Preliminary Ecological Appraisal. Further reptile surveys are required to be undertaken during active survey period (March-Oct).

Mitigation strategy will be required if reptiles are found on site.

Bats - Low potential for bats. No further survey work required if house is to be retained on site. Lighting scheme will need to account for the presence of bats in the local area.

Nesting birds - Clearance of trees and vegetation to take place outside nesting season (1st March - 1st October).

Ecological enhancements are to be incorporated in the scheme.

Invasive species - Himalayan Balsam plants are present in southwest site corner. Care to be taken to ensure these do not spread.

Recreational disturbance - A contribution is payable of £181 per dwelling towards Chichester Harbour SPA recreational mitigation scheme to be secured by planning obligation and payable at commencement of development.

Further comments following additional information:

The reptile survey has shown that there is a good population of reptiles onsite. Mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016 and we are happy that the proposed mitigation is suitable and this can be conditioned.

6.12 CDC Drainage Engineer

No objection, subject to conditions to secure full details of the drainage strategy, winter ground water monitoring.

Surface water drainage would be via infiltration through soakaways. This approach is acceptable in principle; however, potential for infiltration should be investigated and supported by winter groundwater monitoring and percolation testing. Any soakaway structures should not be constructed lower than peak groundwater level.

If infiltration is not possible (possible given the location) alternative means of drainage to drainage ditch on the eastern side of the site (as discussed in Amended Drainage Impact Assessment) would be acceptable in principle. Ditch flows to a culverted system at the front of the site and runs for approximately 300 metres into Cutmill Creek and eventually, Chichester Harbour. Any discharge should be restricted to Greenfield run-off rates (minimum rate of 5ls) and capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance.

SuDs features should be incorporated into the final layout and design in a manner that enhances the amenity of the site - swales, basins and ponds - and consideration given to whether these will be useable features; for example, detention basins or year round features, such as ponds.

6.13 CDC Environmental Health (Air Quality and Contaminated Land)

Advice

Phase 1 environmental risk assessment report concludes that intrusive ground investigation is to be carried out, as potential for land contamination following historical uses of the site.

There is the possibility of asbestos containing materials on site - the Control of Asbestos Regulations (2012) to be followed by contractors.

Conditions PC21, PC22, PO14 and DC13 should be applied.

A construction management plan is required to control environmental emissions during construction. No air quality assessment is required, as there is likely to be a decrease in vehicle flows and air quality impact predicted to be minimal.

6.14 CDC Contract Services

Individual properties require one waste and one recycling bin (140 litre up to 2 people and 240 litre up to 4 people). For flats, the option is individual or communal bins. Bulk bins have capacity of 1100 litres. Please refer to refuse freighter dimensions. Attention is to be paid to the size, weight and turning circle. Especially important in areas where the freighter is required to serve a small mews/dead-end. Communal collection point for bins at site entrance may be required if there is insufficient room. All surfaces should be in a strong material to take the weight of a 26 tonne vehicle. Parking restrictions and adequate visiting parking should be provided to prevent visitors parking on the road. Collection points should be at the front of properties inside the boundary or the entrance for shared driveways. Communal bin stores should be sufficient size to enable crews to manoeuvre easily.

Further comments following additional information:

It is noted that the Stage 1 Road Safety Audit raises an issue with refuse freighters using a driveway of a private dwelling to turn. This is not ideal and request the developer makes the necessary changes to enable freighters to turn.

6.15 CDC Tree Officer

No objection in principle, subject to the submission of a Tree Protection Plan for trees to be retained.

6.16 3 Third Party Objections

- No requirement for housing - indicative number of 25 in Chichester District Local Plan is met with 106 granted and most built;
- Encroachment into AONB - sets precedent for further encroachment and a new proposal for previously rejected Maybush Copse;
- Dark sky area;
- 8 species of bat identified and commuting within 150 metres of site;

- Extensive redevelopment in Parish over past 5 years is unsustainable - Chidham School is full;
- Since 2011, 200 houses have been built with no infrastructure or facilities - no further development should be allowed without the provision of a new school and doctor's surgery;
- Housing need - 100+ houses permitted already where indicative Local Plan number is 25. Local Plan is under review. Premature to redevelop site;
- Brownfield site - site extends southwards into AONB and is not logical infilling, unlike Chidham Garage;
- Precedent - erosion of AONB southwards by speculative incursion;
- CIL money is no compensation for rapid development in a Parish with few amenities.

3 Third Party Support

- Existing non-horticultural business has created significant, untidy footprint and possible pollution;
- Site is obtrusive presence within AONB and represents opportunity for beneficial regeneration;
- Continued commercial use of 40+ year old glasshouses could increase environmental damage;
- Positive and attractive alternative use of site for housing;
- Benefits: retention of trees to site boundaries south and west for wildlife; retention of existing house; environmentally sympathetic outcome; landscaping and tree planting beneficial to AONB; residential gardens improve environment;
- Grounds of site untidy - development would enhance community and give a better visual effect;
- Additional traffic will not impact local people to any great extent.

1 Third Party Neutral

- Site contains derelict greenhouses and buildings;
- Site not visible from A259;
- Development will enhance community and give better visual effect;
- Site may be resold or left to decay further.

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. Chidham and Hambrook Neighbourhood Plan: The Neighbourhood Plan was made at Full Council in September 2016.

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 5: Parish Housing Sites 2012-2029

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure

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 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours

Policy 54: Open Space, Sport and Recreation

Chidham and Hambrook Neighbourhood Plan

LP1: (Requirement for homes)

EM1: (Management of sea and flood defences, streams and surface water drainage)

EM2: (Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value)

EM3: (Protection and enhancement of landscape, habitat and biodiversity)

CDP1: (The use of s106 Agreements and CIL to support development)

H1: (Local occupancy conditions for affordable housing)

H2: (Diversity of housing to meet local need)

DS1: (Design standard)

DS2: (Provision for car parking)

DS3: (Retention of natural habitat and diversity).

National Planning Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

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

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.4 The Core Planning Principles and relevant paragraphs of the NPPF have been considered including 14, 17, 109, 111, 113, 114, 115, 116, 117, 119, 121, 196, 197, 203, 204 sections 4, 6, 7, 8, 10, 11, 12, Annex 1 Implementation

Other Supplementary Planning Documents and Guidance:

7.5 The following Supplementary Planning Guidance is material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Water SPD

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:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Assessment

8.1 The key issues for consideration are:

- Principle of development and policy position
- Highway access and safety
- Housing mix and tenure
- Landscape Impact
- Other Matters - Contamination, Ecology, Archaeology, Amenity, Flood Risk and Drainage

i. Principle of Development and Policy Position

8.2 The Chichester Local Plan sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (policy 2). The Chidham and Hambrook Neighbourhood Plan is a 'made' plan and forms part of the Statutory Development Plan. Chidham is identified as a service village under LP policy 2, capable of accommodating some small scale housing, consistent with the indicative housing numbers set out at policy 5 of the Local Plan.

8.3 LP Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP identifies four development sites, which have extant permission and which meet the indicative housing number for the Parish. The four sites are: Land to the North of the Willows, Hambrook Hill South (11 units), Wakeford's Field, Broad Road (30 units), Land west of Broad Road, Myra Bailey's Field (28 units) and Flat Farm, Broad Road (8 units net). In addition, the redevelopment of Chidham Garage has delivered a further 9 units (14/01354/FUL) and Land East of Kiln Drive, Lion Park (16/00929/FUL) 16 units. The cumulative number of dwellings permitted within the Plan period therefore exceeds the allocation set out at policy 5 of the Local Plan, with a total of 102 units.

8.4 A certificate of lawful development was granted in 2012 on the application site, in order to regularise the unauthorised use of the land and buildings for the restoration, storage and hire of historic military vehicles and equipment for the fabrication of metal components (12/01364/ELD). The certificate covers approximately 82% of the site coverage. The remainder of the site (approximately 18%) is in horticultural use as a nursery. The area of the site covered by the certificate is previously development land. The made Chidham and Hambrook Neighbourhood Plan does not include any alteration to the settlement boundary of Chidham in the location of the application site. For the purposes of policy 45 of the Local Plan, the site is located outside of the settlement boundary, where development is restricted to meeting specific criteria, including the need for development to require a countryside location and to meet a small scale, local need, which cannot be met within or immediately adjacent to an existing settlement (policy 45 of the Local Plan).

8.5 The Chidham and Hambrook Neighbourhood Plan does not allocate additional housing sites beyond those referred to in paragraph 8.3 above due to the fact that recent permissions have met and exceeded the housing requirement for the plan period. The sub-text to policy LP1 of the Chidham and Hambrook Neighbourhood Plan states that there is no current requirement for the neighbourhood plan to identify new sites for major development.

Policy LP1 of the Neighbourhood Plan also states that development of the following will be supported:

- affordable units on rural exception sites where it can be demonstrated that it meets a local need; and**
- development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time of the development proposal in accordance with Development Plan policies.**

8.6 Following the publication of the officer report in the agenda for the Planning Committee meeting on 21 June 2017, the applicant sought a legal opinion in relation to the principle of residential development and the policy considerations concerning policy LP1 of the Neighbourhood Plan and policies 2 and 45 of the Local Plan. The legal opinion is a material consideration.

In summary, the Legal Opinion concludes that:

(1) The proposal conforms with Policy LP1 of the Chidham and Hambrook Neighbourhood Plan ("the NP"), but not Policies 2 and 45 of the Chichester Local Plan: Key Policies (2014-2029) ("the Local Plan"). That is because the Case Officer is wrong to argue that windfall development can only take place within existing settlement boundaries.

(2) There is a conflict in approach between Policy LP1 and Policies 2 and 45, as Policy LP1 envisages development taking place outside the settlement boundary of Chidham in circumstances not permitted by Policy 45.

(3) In those circumstances, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") Policy LP1 should override Policy 45 as it is the most recently adopted development plan policy.

(4) The location of the development is therefore acceptable in principle.

8.7 The legal opinion concludes that the site *does* meet the definition of windfall site for the purposes of policy LP1 of the Neighbourhood Plan, as 82% of the site is Previously Development Land which meets the definition contained at Appendix 2 of the National Planning Policy Framework: *land which is or was occupied by a permanent structure, including the curtilage of the developed land*. The entirety of the site is therefore defined as Previously Development Land.

8.8 Notwithstanding the fact the site is located outside the settlement boundary, as defined by policy 2 of the Local Plan, policy LP1 of the Neighbourhood Plan provides two exceptions where development will be considered acceptable: rural exceptions sites and windfall development. The proposal is compliant with policy LP1 of the Neighbourhood Plan, being classed as windfall development. Therefore, development of 10 units or less on Previously Developed Land is acceptable in principle in this location.

8.9 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should of high design quality, in a sustainable location and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification *did not* therefore mean that windfall development must comply with policies 2 and 45 of the Local Plan; rather, that it should comply with other policies of the Development Plan.

8.10 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between policies 2 and 45 of the Adopted Chichester Local Plan and policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of policy LP1 of the Neighbourhood Plan. This is referred to at paragraph 7.30 of the Local Plan, which states that a neighbourhood plan and its policies work alongside, and, where appropriate, replace policies in the Local Plan where they overlap.

8.11 The legal opinion has been reviewed by the Council's Principal Solicitor, who agrees with the thrust of the advice given. That is to say a) that the site can be categorised as a windfall site, b) that there is a conflict between policy LP1 of the neighbourhood plan and policies 2 and 45 of the Local Plan and so there is a need to assess the weight to be given to each policy; and c) that as policy LP1 is a more recently adopted policy it carries greater weight in the assessment of the application. Following further careful consideration, officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable.

ii. Access and Highway Safety

8.12 It is proposed to use the existing, single point of vehicular access onto the A259 for all traffic associated with the proposed development, and to widen this access to 6.8 metres width. The A259 is an A Class road, with a 40mph restriction with pavements either side and a cycleway on the southern side. There is a pedestrian crossing immediately to the west of the access on the A259. Visibility splays of 2.4 x 140 metres are stated as achievable in both directions to meet DRMB parameters for a 40mph road.

8.13 The level of trip generation proposed by the development is likely to result in more regular use of the access, of up to 60 trips per day, based on 10 dwellings, of which 10% would be in the morning (08.00-09.00) and afternoon (17.00-18.00) peaks. The level of traffic impact would not have a severe residual impact on the operation of the local highway network, in accordance with paragraph 33 of the NPPF and policy 39 of the Local Plan. Road traffic accident data reveals one recorded incident in the last three years in the vicinity of the vehicular access, but this was not related to any defect in the highway, but poor driver behaviour. The principle of the access is therefore acceptable and would be subject to a s278 Agreement to be secured by a s106 Legal Agreement.

8.14 The internal road layout is a matter for consideration at the detailed design stage; however, the illustrative layout proposes a shared surface, 6.8 metres wide, which is considered acceptable for a small residential development of 10 dwellings where footfall and vehicular movements will be less than 100 vehicles per hour. The internal road layout shows a pinch point of 3.7 metres, 20 metres from the access onto the A259 (in the location of a sub-station) but swept path diagrams show adequate space for a refuse vehicle to pass.

8.15 The applicant has submitted a Stage 1 Road Safety Audit and Designer's Response, which has identified a number of potential issues regarding: vehicle tracking and manoeuvring within the site for larger refuse vehicles and the adequacy of the turning head at the southern end of the site for refuse trucks; the lack of a drawing to show the achievable visibility splays onto the A259; no provision for tactile paving or dropped kerbs at the junction of the new access; and the location of an open surface water gully on a pedestrian desire line.

8.16 A Designer's Response has been submitted to address these problems and states these matters may be addressed at the detailed design stage, which the Highways Authority considers to be satisfactory, subject to a number of conditions and informatives.

8.17 The applicant has provided an updated drawing to show that adequate visibility splays onto Main Road are achievable in both directions. In terms of vehicle tracking and manoeuvring, the layout is shown illustratively with this outline application. Plots 7 and 8 at the southern edge of the site sit within large, spacious plots (35 x 40 metres) and there would appear to be sufficient space within the site to re-design the internal road layout to satisfactorily accommodate the units and provide adequate vehicle tracking as part of a future reserved matters application. Alternatively, a communal collection point for bins would be incorporated at the site entrance, to enable collection by refuse freighters.

8.18 Thirty two parking spaces are proposed (6 dwellings with garages), with two visitor spaces and two cycle spaces per dwelling, which meets the WSCC parking demand calculator. In terms of sustainability, there are good cycling and pedestrian links on the A259, and the site benefits from reasonably good public transport links with the 700 bus service providing 3 buses each hour along the A259 towards Chichester and Havant/Portsmouth. Nutbourne Railway Station is approximately 500 metres from the site and Chidham Primary School is approximately 700 metres; however, there are few local shops in the immediate vicinity, the nearest being at Hambrook (1.5 km) and Southbourne (2km).

iii. Housing Tenure and Mix

8.19 The indicative housing mix proposed with this scheme, as originally submitted, comprised 2 x 2 bed units, 5 x 3 bed units and 3 x 4 bed units, as a mix of detached and semi-detached dwellings. The applicant is offering a commuted sum towards off-site affordable housing, in lieu of on-site provision.

8.20 In line with policy 34 (2) on sites of 6 to 10 dwellings in areas designated as Rural Areas under section 157 (1) of the Housing Act 1985, the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes on site provision. In this case, a commuted sum would be sought towards off-site affordable housing and calculated in accordance with the formula in the Planning Obligations and Affordable Housing SPD, to be secured by s106 Legal Agreement. Policy H2 of the Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. The indicative housing mix was not as originally submitted SHMA compliant, as an additional 2 bedroom unit was required in lieu of a 4 bedroom unit. The applicant has therefore amended the housing mix and illustrative layout to reflect the comments of the Housing Officer to be SHMA compliant: 3 x 2 bed units, 5 x 3 bed units and 2 x 4 bed units.

iv. Landscape and Visual Impact

8.21 The site is located outside a defined settlement boundary within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The impact on the special landscape character and appearance of the AONB and the Rural Area is a material consideration, in accordance with policies 43, 48 of the Local Plan, and paragraph 115 of the NPPF. Paragraph 115 attaches great weight to conserving the landscape and scenic beauty of designated areas, which have the highest status of protection in relation to landscape and scenic beauty. The Neighbourhood Plan policy LP1 was specifically modified by the Inspector, to ensure that great weight continues to be afforded to the protection of the landscape and scenic beauty of the AONB. The impact of the proposed development on the actual or perceived coalescence of settlements is a consideration in terms of policy 43 and 48. Policy 43 requires new development to maintain the integrity and character of the AONB, whilst policy 48 refers to maintaining the predominantly open and undeveloped land between settlements.

8.22 The Chichester Harbour Conservancy has been consulted on the application and raises no objection, owing to the site being previously developed land, providing for some affordable housing provision. This is subject to: the close scrutiny of a reserved matters application for landscaping; securing the recreational mitigation contribution; and a planning condition to restrict the scale of development to 2 storeys.

8.23 The application site is a backland site, located at the end of an existing vehicular access track, on the southern side of the A259. The site is rectangular, generally flat, and contains a number of horticultural glass houses, three of which are currently still in use as a horticultural nursery and one of which is used for the storage of military vehicles authorised by the certificate. The site also contains a hardstanding, a number of permanent structures, derelict outbuildings, vehicles, a disused caravan and paraphernalia associated with its use for the restoration and storage of military vehicles. Some of these items have assimilated into the landscape overtime.

8.24 The surrounding area is characterised by ribbon development along the A259, and there are dwellings and associated curtilages immediately to the north of the site fronting the A259 and some mature trees and vegetation surrounding the site. Flat arable fields and paddocks surround the site to south, east and west. It is acknowledged that the site has an untidy and cluttered appearance, but the site is not readily visible from the A259 to the north, or other nearby roads and public footpaths to the south, due to the low height of buildings, and its backland position. The site is reasonably well screened on its south, east and western boundaries by pollarded fir trees. Any adverse visual impact is therefore confined to views from within the site itself.

8.25 The indicative layout shows a low density residential development containing a mixture of semi-detached and detached dwellings in spacious plots towards the southern edge of the site and smaller plots located closer to residential development on the northern site boundary fronting the A259, arranged a central internal access road. The illustrative streetscene shows a development of comparable scale (two storeys) to neighbouring residential development to the north. It is proposed to retain trees and incorporate these as part of a landscaping scheme, with a small area of public open space.

8.26 Following officer negotiations, the applicant has made a number of revisions and improvements to the revised scheme, in order to lessen the scale, bulk and massing of dwellings, and the visual impact on the AONB, and to provide a greater degree of containment to the site through enhanced landscaping.

8.27 Dwellings located at the southern end of the site (plots 7 and 8 - both 4 bed units) are reduced in height from 9 to 7.2 metres, with eaves lowered from 5 to 4 metres, and the introduction of a 1.5 storey projecting wing at 6.4 metres in height. The link detached garage to plot 7 is removed and replaced with a detached double garage and the garage to plot 8 omitted altogether from the scheme and replaced with car parking spaces. In relation to plots 5, 6 and 9, the ridge height of these dwellings has been lowered from 8.5 to 8.1 metres, and the hips increased to reduce the bulk and mass of the roofline. This has the effect of staggering the height of buildings across the site, with the lowest heights closest to the southern boundary - the most sensitive in landscape terms in views from Cot Lane to the south. Enhanced landscaping is also shown indicatively on the site layout to the southern and eastern boundaries, to provide a greater degree of containment to the site, and to soften views of the proposed development in the wider landscape. The additional comments of Chichester Harbour Conservancy in respect of the careful choice of materials and supplementary planting on the southern, eastern and western site boundaries are noted. A detailed landscaping scheme and the appearance of dwellings, including the use of appropriate, muted materials, would be assessed as

part of a future reserved matters application and samples of materials would be secured by condition.

v. Other Matters

Contaminated Land

8.28 As referred to above, there is potential for contaminated land on the site, given the historical and current use of the site for the restoration of military vehicles. The Environment Agency and Environmental Health Officers have been consulted on this application. The site lies on River Terrace Deposits, underlain by Lambeth Group bedrock (designated a Secondary Aquifer) in the north and Lewes Nodular Chalk bedrock (designated a Principal Aquifer) in the south. The Principal Aquifer designation indicates aquifers with potential to provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. The previous use of the proposed development site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site.

8.29 Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of water pollution. Paragraph 121 states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

8.30 The applicant has undertaken a phase 1 environmental risk assessment, which concludes that further intrusive ground investigation is required. Environmental Health officers have reviewed the findings and conditions are recommended to secure further investigative work and a contaminated land and remediation strategy. The Environment Agency has reviewed the proposal, and is satisfied that subject to the conditions summarised above in relation to decontamination, piling and investigative boreholes, and no infiltration of surface water without the consent of the Planning Authority, the proposal would not pose an unacceptable risk to groundwater quality. Without these conditions, the proposal would adversely affect groundwater quality, contrary to paragraphs 121 and 129 of the NPPF.

8.31 A construction management plan would be required by planning condition, to minimise the impact associated with airborne dust during the construction period, and would be secured by planning condition. Environmental Health Officers are satisfied that the proposal would not affect air quality, given the minimal anticipated traffic flows associated with the proposed development and no air quality assessment is required. A condition requiring electric charging points for electric vehicles is not considered reasonable or necessary therefore in this instance.

Ecology

8.32 The site is identified as having ecological potential and the applicant has undertaken a preliminary ecological appraisal. The Council's Ecologist has reviewed the appraisal and recommends that further reptile surveys are undertaken during the active survey period (of March-October) given the potential for reptiles on site, with a mitigation strategy produced. The applicant has undertaken this further survey work. The reptile survey has shown that there is a good population of reptiles on site and mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016. The proposed mitigation is considered suitable by the Council's Ecologist and this would be conditioned - no works are to commence until the reptile translocation has taken place.

8.33 The survey identifies low potential for bat roosts on site, as the existing dwelling - Greenacre - is to be retained; therefore no further survey work is required in relation to bats. Conditions are recommended to secure a lighting scheme that minimises potential impacts on bats roosting in the wider area. Biodiversity enhancements are proposed, as set out in the Ecological Appraisal, and the Ecologist recommends that these are secured by condition, to comply with policy 49 of the Local Plan and EM2 of the Neighbourhood Plan.

8.34 The site falls within the 5.6 km Chichester and Langstone Harbour Special Protection Area's Zone of Influence where residential development is likely to have a significant effect on the SPA. This scheme does not propose a scheme of mitigation and therefore a financial contribution in accordance with the joint mitigation strategy outlined in Phase II of the Solent Disturbance and Mitigation Project is required. This is currently a sum of £183 per dwelling and would be secured through a planning obligation. Natural England raises no objection to the proposal and is satisfied there would be no adverse impact on the Chichester and Langstone Harbour SPA, subject to an appropriate financial combination to the Solent Recreation Mitigation Project, to comply with policy 50 of the Local Plan and policy EM2 of the Neighbourhood Plan.

Amenity

8.35 In terms of the impact on neighbouring amenity, there are no immediate residential properties adjoining the application site to the south, east or west. Layout is not a matter for consideration with the application, but on the basis of the illustrative layout, there is an existing dwelling to the north, 'Greenacre', that is to be retained. Adequate separation would be maintained to this property, supplemented by mature trees and vegetation on the shared boundary, to maintain an acceptable degree of privacy between this property and the closest proposed dwelling shown on the illustrative layout at plot 1. The vehicular access would be retained as a low traffic, low speed internal access road. There is considered to be no material harm to the neighbouring properties either side of the access through an increase in noise associated with vehicle movements at 'Kingley Mead' to the west, and adjacent new residential development at Chidham Garage, to the east.

Flood Risk and Drainage

8.36 The site is located in Flood Zone 1, which is at low risk of flooding. The applicant has provided a Drainage Impact Assessment, which has been reviewed by West Sussex County Council as the Lead Local Flood Authority and the Council's Drainage Engineer. The principle of infiltration via soakaways is considered acceptable in this location to existing greenfield run-off rates, subject to winter groundwater monitoring and percolation testing to be undertaken. Soakage structures are to be constructed no lower than peak groundwater levels and road and driveways should utilise permeable surfaces.

8.37 The amended Drainage Strategy proposes an alternative means of surface water drainage via an attenuated system to the drainage ditch on the east side of the site, which drains via a culverted system at the front of the site and, in turn, to Cutmill Creek, 300 metres and into Chichester Harbour. This approach would also be considered acceptable in principle by CDC Drainage Engineer and WSCC LLFA. Planning conditions could secure full details of surface water drainage and disposal, to ensure that capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance, and on-going management and maintenance, in accordance with policy 42 of the Local Plan and EM1 of the Neighbourhood Plan.

8.38 In relation to foul water drainage, it is proposed to connect to the existing foul sewer. Southern Water advises there is insufficient capacity in the local foul drainage network to accommodate the development proposals, and for the applicant to enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure upgrades required to service the development. The applicant has provided an Addendum to the Drainage Report and this has been sent to Southern Water for final comment. This states that there would be no net increase in flows to the adopted foul sewer, and no need therefore for a capacity check or upgrade to the foul sewer network. The final details of foul water drainage could be secured by planning condition and a separate Legal Agreement through the Water Industry Act between the applicant and Southern Water.

CIL and Planning Obligations

8.39 In respect of the provision of infrastructure, the Community Infrastructure Levy was adopted by the Council on 26 January 2016 and implemented on 1 February 2016. The proposed development would be CIL liable to a levy of £120 per sq metre for net residential floorspace in the South of the Plan Area.

8.40 In addition to CIL, the following elements are to be secured by s106 Agreement:

- **Provision of a minimum of 110 sq metres of public open space and on-going management and maintenance responsibilities;**
- **A financial contribution of £181 per dwelling (£1,810) towards the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Strategy;**
- **Payment of a commuted sum towards the provision of off-site affordable housing of £332,150.**

8.41 Based on the planning assessment above and relevant consultee responses, it is considered that further details of ecological enhancement, surface and foul water drainage, archaeology, cycle parking and contaminated land strategy and remediation, piling and construction management, would need to be secured by planning condition.

Conclusion

8.42 In summary, the Adopted Chichester Local Plan 2014-2029 and made Chidham and Hambrook Neighbourhood Plan, form the Statutory Development Plan. There is currently a 5 year housing land supply within the Chichester plan area. As such, the development falls to be considered using the plan-led approach (paragraph 196 of the NPPF).

8.43 The proposal is windfall development on Previously Development Land, for a development of 10 or fewer units. Officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable. The site is located in the Chichester Harbour Area of Outstanding Natural Beauty with neighbouring residential development fronting Main Road. Although there would be an encroachment into the Chichester Harbour Area of Outstanding Natural Beauty and surrounding open countryside as a result of the development, the amendments to the illustrative site layout, scale and indicative landscaping scheme, would mitigate the landscape impact to an acceptable degree, subject to detailed consideration at the reserved matters stage.

8.44 The proposed development is therefore in accordance with policies of the statutory Development Plan and the plan-led approach. The application is recommended for approval, subject to the planning conditions, obligations and informatives, summarised below.

Human Rights

8.45 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

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

1) (i) Approval of the details of the layout of the site, the scale and the appearance of the building(s) or place, the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale and the appearance of the building(s) or place, to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3) The development hereby permitted shall be carried out in accordance with the approved plans: 04A Location Plan, Access Arrangements 03 (Iceni Transport).

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

4) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal 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, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) The development hereby approved shall be undertaken in accordance with the mitigation measures as detailed in the Reptile Presence / Absence Survey Report (September 2016) unless otherwise agreed in writing by the Local Planning Authority. No development shall take place until the reptile translocation strategy has been fully implemented.

Reason: In order to comply with the Wildlife and Countryside Act 1981.

6) If the Phase 1 report submitted identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

7) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any on-going monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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.

8) No development shall commence until full details of the proposed surface water drainage scheme, have 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 systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater 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.

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

Reason: To ensure the proposed development is satisfactorily drained.

9) No development shall commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual to be submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of any financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: to ensure that any SUDS scheme is maintained in good working order in perpetuity to prevent any on or off site Surface Water Flooding due to the development.

10) Development shall not commence until full details of the proposed on and off site means of foul sewage disposal, including on-going management and maintenance responsibilities, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No dwelling shall be occupied until the complete off site foul drainage sewerage system upgrades serving all the properties has been implemented in accordance with the agreed terms.

Reason: To ensure satisfactory foul water drainage.

11) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

12) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

13) No development, comprising the superstructure of the buildings, shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

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

14) No part of the development hereby permitted shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The access shall be retained as such thereafter.

Reason: In the interests of road safety.

15) No part of the development hereby permitted shall be occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Main Road, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

16) No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2 metres x 2 metres have been provided either side of the proposed access onto Main Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall be kept free of all obstructions over a height of 0.6 metres adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

17) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide adequate car-parking space for future occupants.

18) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

19) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

20) No part of the development hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be retained as such thereafter.

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

21) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

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

22) Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The previous use of the site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site. The Phase 1 Environmental Risk Assessment provides confidence that it will be possible to suitably manage the risk posed to controlled waters by the development.

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

Reason: In the interests of residential amenity.

24) The garages hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of these properties as dwellings and for no other purpose whatsoever.

Reason: To ensure adequate off-street parking provision in the interests of amenity and highway safety.

25) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The previous use of the site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site. The Phase 1 Environmental Risk Assessment provides confidence that it will be possible to suitably manage the risk posed to controlled waters by the development.

26) The buildings hereby permitted shall not exceed 2 storeys in height and the heights shall accord with the submitted illustrative scale, massing and streetscenes (drawing 03G).

Reason: In the interests of the character and amenity of the locality, and the landscape setting of the Area of Outstanding Natural Beauty.

INFORMATIVES

1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

2) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3) The Phase 1 Environmental Risk Assessment submitted provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will be required before development is undertaken. Conditions 6-7, 21-22 are required in order to ensure that the risks to groundwater quality from the proposed development are adequately understood; that remediation is carried out and verified; and that drainage systems or piling methods are demonstrated not to pose unacceptable risks of groundwater pollution.

4) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk.

5) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

6) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat;
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

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

For further information on this application please contact Katherine Rawlins on 01243 534542.

Parish: Westbourne	Ward: Westbourne
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WE/17/00670/FUL

Proposal Change use of land for the retail use of selling christmas trees for the period of 1 month each year start 24/11 to 24/12.

Site Meadow View Stables Monks Hill Westbourne Emsworth West Sussex PO10 8SX

Map Ref (E) 475550 (N) 108450

Applicant Mr Frank Wickens

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

The application was deferred at the meeting on 19 July 2017 for officers to request the submission of additional information from the applicant. The additional information requested was:

- Where and how are trees stored on the site?
- How do access arrangements work for the day room?
- How many trees are on site at any one time?
- What is the total number of trees sold over the period of 1 month?
- What vehicles (size) are used for deliveries?
- What percentage of sales are via delivery vs. collection?
- What is the average trip generation per day?
- Confirmation that highways visibility requirements are achievable within the applicants land/ownership
- Confirmation of the number of parking spaces available for collection
- Confirmation as to whether any external cover is required.

2.0 The Site and Surroundings

2.1 The application site is a gypsy/traveller site which comprises 1 no. static caravan located to the west of the application site, 1 no. day/utility room to the south of the site and of 1 no. touring caravan to the east of the site. The boundary to the west and south alongside Monks Hill is largely screened by mature vegetation. To the east of the site are open fields within the applicants ownership and to the north, the boundary is largely open to the access track. Parking for approximately 10 vehicles can be accommodated within the application site on existing areas of hardstanding.

2.2 The application site is situated outside of any identified settlement boundary and is located to the east of Monks Hill, a two way road with an unrestricted speed limit. Access to the site is off Monk's Hill by way of a private entrance road. This private entrance road also allows access to existing equestrian land within the applicant's land ownership.

3.0 The Proposal

3.1 The proposed development is for the change of use of the land for the selling of Christmas trees for the period of 1 month: 24 November to 24 December.

3.2 The siting and storing of Christmas trees throughout this period relates to a specific part of the site **(to the right hand side of the day room)** which is largely enclosed by the mobile home, utility block and touring caravan. **No external cover is required and the existing access to the day room is not affected by the proposals.** The application site is accessed off Monks Hill via the existing access arrangements and an existing area of hardstanding would be used for the parking of vehicles.

4.0 History

01/00095/REN	PER	Continued use of field shelter with adjoining hay and feed store continued use of hay and straw store for private use.
94/01033/FUL	PER	Hay/straw store in addition to field shelter and feed store for private use.
96/00437/REN	PER	Continued use of field shelter with adjoining hay and feed store. Continued use of hay and straw store for private use.
04/00048/FUL	PER	Proposed double stable block to accommodate two domestic ponies.
04/02416/FUL	PER	Proposed 1 no. additional stable for domestic pony; 1 no. outdoor menage 40 m x 20 m with sand surface.
14/04206/FUL	REF	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
15/00025/REF	ALLOW	Material change of use of land for stationing of caravans for residential occupation with associated hard standing and utility block.
17/00670/FUL	PDE	Change use of land for the retail use of selling Christmas trees for the period of 1 month each year start 24/11 to 24/12.
17/00769/NMA	PER	Non-material amendment to planning permission WE/14/04206/FUL. To change colour and fenestration of windows and doors.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Westbourne Parish Council

Westbourne Parish Council objects to the planning application. When permission was granted for the development by the Planning Inspectorate, a condition was included by the Inspector that no commercial activity should take place on site. The Council considers that this condition should remain, even if the application is just for a one month period.

When the commercial activity is conducted, the signage placed around the village by the applicant is unsightly and is not in keeping with the local area of village. The Parish Council has received many complaints from local residents about this.

In addition, the site would require vehicles to stop on Monk's Hill on a length of de-restricted road and on a dangerous bend. The commercial activity would pose a danger to the local highway and local residents.

6.2 WSCC Highways

Following my email of 15th May, it has now come to my attention that the vehicle movements anticipated as a result of the proposed use would be negligible and not considered a 'severe' increase. Over the period of 28 days, 60-70 trees are anticipated to be sold with circa two cars at any one time parked within the site. A site visit was carried out and space on site for parking and turning was observed to be sufficient.

Whilst we do not raise any highway capacity concerns, on site it was observed that visibility upon exiting the access could be improved by the clearing/ cutting back of vegetation. If the LPA are minded to approve the proposals, I would advise that a condition be secured for maximum achievable visibility splays to be provided prior to commencement.

I would also advise that an informative be included to ensure that the applicant contacts the WSCC Highways Area Engineer regards permission/ licence for

placement of any signs within highway land. They may require evidence that signage is not to be placed in publically maintained land, subject to their policies, though this should be agreed prior to commencement.

6.3 Third Party Objection

One letter of objection was received throughout the consultation period which detailed the following issues:

- The position of the site concerned together with the speed of traffic would cause a road safety hazard
- There would be the inappropriate use of parking at the playground car park on Monks Hill and probably parking on the road itself
- There would be signs on nearby roads and in Westbourne village (they are often hand painted and ugly)
- Signs are usually never removed or at best only after several months have passed
- Such signage is out of keeping with the village
- There is no demonstrable need for any further outlets to sell Christmas trees locally
- There are nearby well organised garden centres at Stanstead House and at the Wyvale garden centre where there is ample organised and safe parking for vehicles
- In addition there may well be other selling eg logs without planning permission
- The proposed site would be an eyesore which would affect the rural charm of Westbourne with its views of the National Park

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. **Westbourne Neighbourhood Plan has recently been subject to consultation following submission to the LPA under Regulation 16. The Consultation Period ended on 24 July 2017. The Examiner has been appointed and the Neighbourhood Plan is now at Examination.**

National Policy and Guidance

7.2 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

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

For decision-taking this means unless material considerations indicate otherwise:

*- Approving development proposals that accord with the development plan without delay;
and*

- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.3 Consideration should also be given to paragraph 17 (Core Planning Principles).

Other Local Policy and Guidance

7.4 The contents of Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) provides a material consideration for the purposes of the determination of this application.

7.5 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
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of Development
- ii) Impact on the Open Character of the Countryside;
- iii) Transport, Accessibility and Parking; and
- iv) Advertisement/Signage

Assessment

i) Principle of Development

8.2 The application seeks temporary planning permission, for the period of one month per annum, around the Christmas period, for the importing and selling of Christmas trees. The application is retrospective in nature as these activities have been undertaken from the land within the period applied for since 2015. Policy 2 (Development Strategy and Settlement Hierarchy) of the Chichester Local Plan Key Policies (2014-2029) supports retail development where it falls within the sub-regional centre and identified settlement hubs and service villages. This application falls within a countryside location, outside any sub-regional centre or identified settlement hub.

8.3 The proposed development is small scale and restricted to a period of one month a year. The impetus underpinning Policy 2 of the Local Plan is to guide permanent retail development to appropriate areas. However, the nature of the retail development

proposed is more akin to that which may occur within the countryside under permitted development rights (Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (GPDO) Order 2015 (as amended)), but which, due to the presence of buildings on the site and the period of time exceeding 28 days, cannot be exercised here.

8.4 When planning permission was granted on appeal for the change of use of the land for the stationing of caravans for residential occupation, the appeal Inspector placed a condition on the permission preventing any form of commercial activity from taking place on the land, including the storage of materials. This application for commercial use on the site is for a limited time each year only and would provide a form of income for the gypsy occupiers whilst they are not travelling. The proposed commercial activity is considered to be of a small enough scale to ensure the commercial use on the site is secondary to the residential use of the site and due to the specific nature of the product for sale, would be unlikely to expand into other ventures.

ii) Impact on the Open Character of the Countryside

8.5 Policy 48 (Natural Environment) of the Chichester Local Plan Key Policies (2014-2029) requires development to have no adverse impact on the tranquil and rural character of the area.

8.6 The site is located in close proximity to the existing settlement of Westbourne and the location of the christmas trees **(to the right hand side of the day room)** would be shielded along all boundaries with the exception of the north, by existing development. This existing development that shields the exposure of the activities would ensure that the impact upon the rural characteristics of the environment would unlikely be any greater in comparison to the existing development on the site.

8.7 The nature of the activities is small scale and localised. **The applicant has provided further information on the scale of the activity and has advised there are no more than 50 christmas trees on site at any one time and that the total number sold during the one month period is between 100 and 150.** The applicant has stated that the christmas trees are all brought to site from his own car **(Subaru Forester)** and trailer **(8ft by 5ft in dimensions)** and that he makes christmas tree deliveries **(on average 60-70 trees are delivered and 40-70 sold on site)** to reduce the number of cars coming onto the site. **Over the time period concerned there are normally 2 cars per day visiting the site and the busiest day would have 5 cars during the whole day.** On this basis **that the number of trees to be sold is unlikely to be greater than 150**, it is assessed that the vehicles visiting and parking on the site would be intermittent and limited and would not demonstrably harm the rural characteristics of the area.

8.8 Equally, it is noted that the limited period for which permission is sought would not result in any demonstrable or irreversible harm throughout the period outside that which is permitted.

8.9 Taking account of the surrounding cluster of development, the proposed siting of the christmas trees and exposure of existing development, the grant of planning permission for a limited period of 1 calendar month a year (24.11-24.12) **for the selling of up to**

approximately 150 christmas trees would have no significant impact on the natural tranquilly of the surrounding area.

8.10 Therefore, the development would accord with the contents of Policy 48 (Natural Environment) of the Chichester Local Plan Key Policies (2014-2029).

iii) Transport, Accessibility and Parking

8.11 Policy 39 (Transport, Accessibility and Parking) of the Chichester Local Plan Key Policies (2014-2029) requires development to provide for safe and sufficient access that should not add to problems of safety, congestion, air pollution or other damage to the environment.

8.12 The applicant has advised that the Christmas trees are collected by him from Cranleigh, Surrey and normally three trips of 40-50 trees at a time are required. The first 50 are bought onto site on the 24th November and then the further 2 trips are undertaken as and when necessary. The trees are collected in the applicant's car and trailer.

8.13 To the north of the application site is an area of hardstanding used in connection with the existing use of the site which allows for the parking of approximately **10 vehicles**. Given the scale of the facility that would be restricted to the area detailed on the plans, this would not give rise to significant parking issues at peak hours of demand.

8.14 No objections have been raised from West Sussex County Highways regarding the proposed parking on site or the use of the access (the applicant has confirmed it is possible to achieve a visibility splay of 2.4m by 55m to the south and 2.4m by 45m to the north **on land within his ownership** and this will be conditioned to be retained for the duration of the permission to allow for maximum visibility when exiting the site). **West Sussex County Highways has been reconsulted on the application following the submission of additional information from the applicant as requested by the Committee. No additional comments from West Sussex County Highways have been received.**

8.15 It is also detailed within the applicant's submission that they operate a delivery service too, at customer request, which further reduces the requirement for vehicles frequenting the site.

8.16 In light of the above considerations, it is assessed that the development would provide for safe and sufficient access in connection with the development. Therefore, the development would accord with the contents of Policy 39 (Transport, Accessibility and Parking) of the Chichester Local Plan Key Policies (2014-2029).

iv) Advertisement/Signage

8.17 Concern was raised during the public consultation period about the proliferation of advertisements throughout the temporary use of the site. However, any advertisement, unless otherwise permitted, would require express consent under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

8.18 The applicant has provided details (photographs) of two advertisements he wishes to erect to advertise the selling of Christmas trees. One of the signs measures approximately 3.6m by 3.6m and will be placed on the tree at the southern entrance to the site. The other sign will measure 0.9m by 0.6m and the applicant wishes this to be placed opposite the entrance to the site. The location of this advertisement falls outside the ownership of the applicant and outside the red and blue line boundaries as denoted on the location plan, it would therefore be for the applicant to gain any further consents required to display such signage. **The applicant has confirmed he understands the need for separate advertisement consent for the signage.**

8.19 Should any advertisements be placed on any land without the benefit of consent then the Local Planning Authority possesses sufficient controls to remove unauthorised advertisements through the planning enforcement process.

Conclusion

8.20 Based on the above, it is considered the principle of the proposed development is acceptable as the development is for a limited period only and is normally able to be undertaken for 28 days under consent granted by the GDPO without the benefit of planning permission and the associated controls. The proposed development complies with development plan policies 1, 2, 39 and 48 and therefore the application is recommended for approval.

Human Rights

8.21 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 informatives:-

1) The development hereby permitted shall be carried out in accordance with the approved plans: Plan 2 Proposed Site Layout Plan.

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

2) The use shall not commence until visibility splays of 2.4m by 55m to the south and 2.4m by 45m to the north are provided at the site access onto Monks Hill in accordance with a plan to be submitted to and approved by the local planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

3) The retail use hereby permitted shall solely comprise the selling of Christmas trees during the period of 24 November to 24 December each year only. **The site shall be laid out in accordance with Plan 2 Proposed Site Layout Plan at all times during this period.**

Reason: To clarify the extent of the permission and to safeguard the long term tranquillity of the countryside.

4) The activities hereby permitted by this consent shall not be undertaken by any other persons, other than the occupants of the gypsy/traveller accommodation at Meadow View Stables, Monks Hill, Westbourne.

Reason: To ensure a sufficient level of visual amenity and to maintain the tranquility of the countryside.

5) The development hereby permitted shall run in parallel with planning permission ref: WE/14/04206/FUL (APP/L3815/W/15/20006346).

Reason: For clarity and in the interest of proper planning.

INFORMATIVES

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

2) The applicant must contact WSCC Highways Area Engineer and/or any other land owner regarding permission/licence for the placement of signs within the highway land or land outside the applicant's control. This temporary permission does not override the need for separate advertisement consent where this is required.

For further information on this application please contact Claire Coles.

Report to	Planning Committee
Date	
By	Head of Planning Services
Local Authority	Chichester District Council
Application Nos.	SDNP/17/01872/FUL and SDNP/17/01873/LIS
Applicant	Cowdray Estate
Application	Subdivision of a single 3-bedroom flat to create two 1-bedroom flats (inc. minor internal alterations).
Address	Flat 1 Snowhill House Easebourne Lane Easebourne GU29 0AE

Recommendation: That the applications be approved for the reasons set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Reason for Committee Referral: Parish Objection – Officer recommends Permit

Executive Summary

The proposal seeks planning permission and listed building consent for the subdivision of a 3 bedroom flat into two 1 bedroom flats. The property forms part of a larger building, which is also subdivided into flats and is grade II Listed. The site is located on the edge of Easebourne, just outside the Settlement Policy Area and within the Conservation Area. The site is located within a sustainable location close to amenities and public transport links. The conversion of the building to two 1 bedroom flats is considered acceptable, will meet an identified housing need, will not result in harm to the historic character and fabric of the listed building and will preserve the character and appearance of the Conservation Area. The use of the building as two flats will not harm the residential amenity of neighbouring properties. Parking provision will remain on site. The proposal is therefore recommended for approval.

1 Site Description

1.1 Snowhill House is a Grade II Listed building located within the Easebourne Conservation Area and the wider South Downs National Park. The Settlement Policy Area lies adjacent to the site. The building is set in a prominent position, elevated from the A272 and comprises of a stone façade under a tiled roof. The building is subdivided into four flats. The main part of the building is two storey with a single storey element attached to the side elevation. The application site forms part of one of the flats within the building and is the single storey part of the building immediately adjacent to the car parking area.

2 Proposal

2.1 The proposal seeks planning permission for the subdivision of Flat 1 into two one bedroom units. Listed building consent is also sought as the conversion requires some internal alterations to the building including the blocking up of the doorway between the two properties and the removal of an internal partition in flat one to create a kitchen area.

3 Relevant Planning History

3.1 12/00109/LBCNP Demolition of part and rebuilding of Listed Building seriously damaged in a fire . Permit

3.2 12/00613/FULNP Demolition and re-construction of existing residential building following a serious fire . Permit

3.3 SDNP/13/03650/FUL - Retrospective renewal/replacement of boundary fencing to Snowhill Flats, with close boarded fence. Refused

3.4 SDNP/14/05551/FUL - Retrospective erection of a new boundary fence with associated landscaping. Approved

3.5 SDNP/14/05552/LIS - Retrospective erection of a new boundary fence with associated landscaping. Approved

4 Consultations

4.1 Parish Council Consultee

The Parish Council object to this planning application as it considers there is a greater need in the village for family accommodation, rather than for single or couple occupation.

4.2 CDC - Rural Housing Officer

There is generally a lack of 1 bedroom properties in the district. The housing delivery team support the provision of 1 bedroom units, especially in rural areas where they are few and far between, as they are generally more affordable for first time buyers and they also provide an opportunity for older people wishing to down size. From a Housing Authority perspective we would not object.

5 Representations

5.1 No comments received

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the **Chichester District Local Plan First Review (1999)**. The following documents are also material considerations in the determination of these applications:

- SDNPA Partnership Management Plan 2014
- South Downs Local Plan – Pre-Submission September 2017

The relevant policies to this application are set out in section 7, below.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 **Planning Policy**

7.1 Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the determination of the application.

7.2 National Planning Policy Framework (NPPF)

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

- Section 7, 11 and 12
- Paragraphs 14, 17, 60, 61, 64 and 115

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

7.3 Chichester District Local Plan First Review 1999

The following policies of the **Chichester District Local Plan First Review (1999)** are relevant to this application:

- RE1 - Development in the Rural Area Generally
- RE14 - Conversions in the Rural Area
- BE11 - New Development
- BE12 - Alterations, Extensions and Conversions

- BE4 - Buildings of Architectural or Historic Merit
- BE5 - Alterations to Listed Buildings
- BE6 - Conservation Areas

7.4 The South Downs Local Plan - Pre-Submission 2017

The National Park Authority has published the South Downs Local Plan Pre-Submission 2017. This was approved by the South Downs National Park Authority on 11 July 2017. The document and the policies contained therein are a material consideration when determining planning applications and appeals within the National Park; however at this stage it is acknowledged that the policies will carry limited weight. The following policies are considered relevant to this application:

SD1 (Sustainable Development within the South Downs National Park)
 SD5 (Design)
 SD7 (Relative Tranquillity)
 SD9 (Biodiversity and Geodiversity)
 SD12 (Historic Environment)
 SD13 (Listed Buildings)
 SD15 (Conservation Areas)
 SD26 (Supply of homes)

7.5 Partnership Management Plan

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

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9

8 **Planning Assessment**

The principle of the subdivision of the existing 3-bedroom flat into two 1-bedroom flats

8.1 Snowhill House is sited outside although adjacent to the Settlement Policy Area. Although the principle of a new residential unit of accommodation would not normally be considered acceptable, in this instance as the proposal is for the subdivision of an existing building and it is adjacent to the settlement policy area within a sustainable location, with bus stops, the A272 and being surrounded by residential development, the proposal in this particular circumstance is considered acceptable. This accords with paragraph 49 of the National Planning Policy Framework which states that 'housing applications should be considered in context in the favour of sustainable development' and Policy RE14 of the Chichester District Local Plan 1999 for the conversion of existing buildings as the building is structurally sound and worthy of conversion to two units of accommodation, no extensions are required for the use of the building, it will also ensure that the historic character and integrity of the listed building is preserved and the type and level of accommodation will not harm the surrounding area.

The impact of the alterations on the character and appearance of the listed building

8.2 The proposed changes to the building are considered to be acceptable and will not harm the historic character and integrity of the Listed Building. Externally the proposal does not require any alterations. Internally the alterations are considered to be acceptable and will not harm the historic integrity of the building; the partition wall in flat one is considered to be modern and its removal in this particular circumstance is considered acceptable. Discussions with the Historic Building Advisor have been undertaken and no objection has been received. The comments made by the Historic Building Advisor were that the door between flat one and two should remain in-situ as this will ensure that the historic character of the property is retained. The step should also remain between the proposed kitchen and sitting area for flat 1. The proposal therefore accords with Policy BE4 and BE5 of the Chichester District Local Plan 1999.

The impact on the surrounding area/Conservation Area

8.3 The proposed internal sub-division of the building would have no impact on the visual amenity of the surrounding area. The building is already used as flats, therefore the car parking areas for the flats already exist, no external changes are proposed. The only exception to this is a bin and bicycle store, following negotiations with the agent these have been moved from the entrance to flat 1, so that they are not so visible from within the surrounding area, this also ensures that the character and appearance of the Conservation Area is preserved and enhanced, in accordance with Policy BE6 of the Chichester District Local Plan 1999.

The impact on residential amenity

8.4 The proposed accommodation is essentially on the ground floor of the north western section of the building, part of which is single storey. The self-contained nature of the units to be created and degree of separation from the remaining units within the building will ensure that the proposal would not result in harm to the residential amenity of neighbouring properties, or to the other flats within the building in particular. No external changes are proposed. The increase in vehicular movements on the site by creating an additional unit is not considered to result in harm to residential amenity.

Car Parking

8.5 Parking provision is proposed in the form of one car parking space for each flat. This is considered to be acceptable given that the site is located within a sustainable location and accords with the West Sussex County Council parking standards. The parking demand for 2, 1-bed flats (2 spaces) is the same as the existing provision for the larger 3 -bed unit. Therefore there would be no additional demand for parking over and above that currently provided and therefore will be no impact on car parking provision for other flats within the building.

Bin and bicycle storage

8.6 Bin and bicycle storage is proposed for both flats and this is considered acceptable. Details of the storage units will be required through imposition of a condition in the event that permission is granted.

Housing need

8.7 The Parish Council has objected in respect of the loss of family homes within the village. The Council's housing officer has been consulted and has advised that there is a housing need for smaller units within the district. The provision of 2 x one bed units would help meet this need and it is not therefore considered that the loss of the existing flat is objectionable.

9 Conclusion

9.1 The proposed subdivision of a 3- bedroom flat to create two 1-bed units of accommodation within this location is considered to be acceptable. The proposal would accord with Policy RE14 of the Chichester District Local Plan 1999 and given its location immediately adjacent to the settlement policy area and the amenities of Easebourne it would be located within a sustainable location. The applications are therefore recommended for approval.

10 Reason for Recommendation and Conditions

10.1 It is recommended that the application be approved for the reasons set out below.

SDNP/17/01872/FUL

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

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

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

10.4 The door between the flat one and flat two should remain insitu with the architrave and door retained.

Reason: to ensure that the historic character and integrity of the Listed building remains intact

10.5 The step between the kitchen and sitting room in flat one should remain in place.

Reason: to ensure that the historic character and integrity of the Listed Building remains intact.

10.6 Prior to the commencement of development on the site details of the cycle parking stores shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter unless otherwise agreed in writing.

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

10.7 Prior to the commencement of development on the site details of the bin stores shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter unless otherwise agreed in writing.

Reason: To ensure that they do not harm the setting of the Grade II Listed Building and preserve the character and appearance of the Conservation Area.

SDNP/17/01873/LIS

10.8 3 year time expiry listed building

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

10.10 The door between the flat one and flat two should remain insitu with the architrave and door retained.

Reason: to ensure that the historic character and integrity of the Listed building remains intact

10.11 The step between the kitchen and sitting room in flat one should remain in place.

Reason: to ensure that the historic character and integrity of the Listed Building remains intact.

10.12 Prior to the commencement of development on the site details of the cycle parking stores shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter unless otherwise agreed in writing.

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

10.13 Prior to the commencement of development on the site details of the bin stores shall be submitted to and approved in writing by the Local Planning Authority and retained thereafter unless otherwise agreed in writing.

Reason: To ensure that they do not harm the setting of the Grade II Listed Building and preserve the character and appearance of the Conservation Area.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Charlotte Cranmer

Tel: 01243 534734

email: ccranmer@chichester.gov.uk

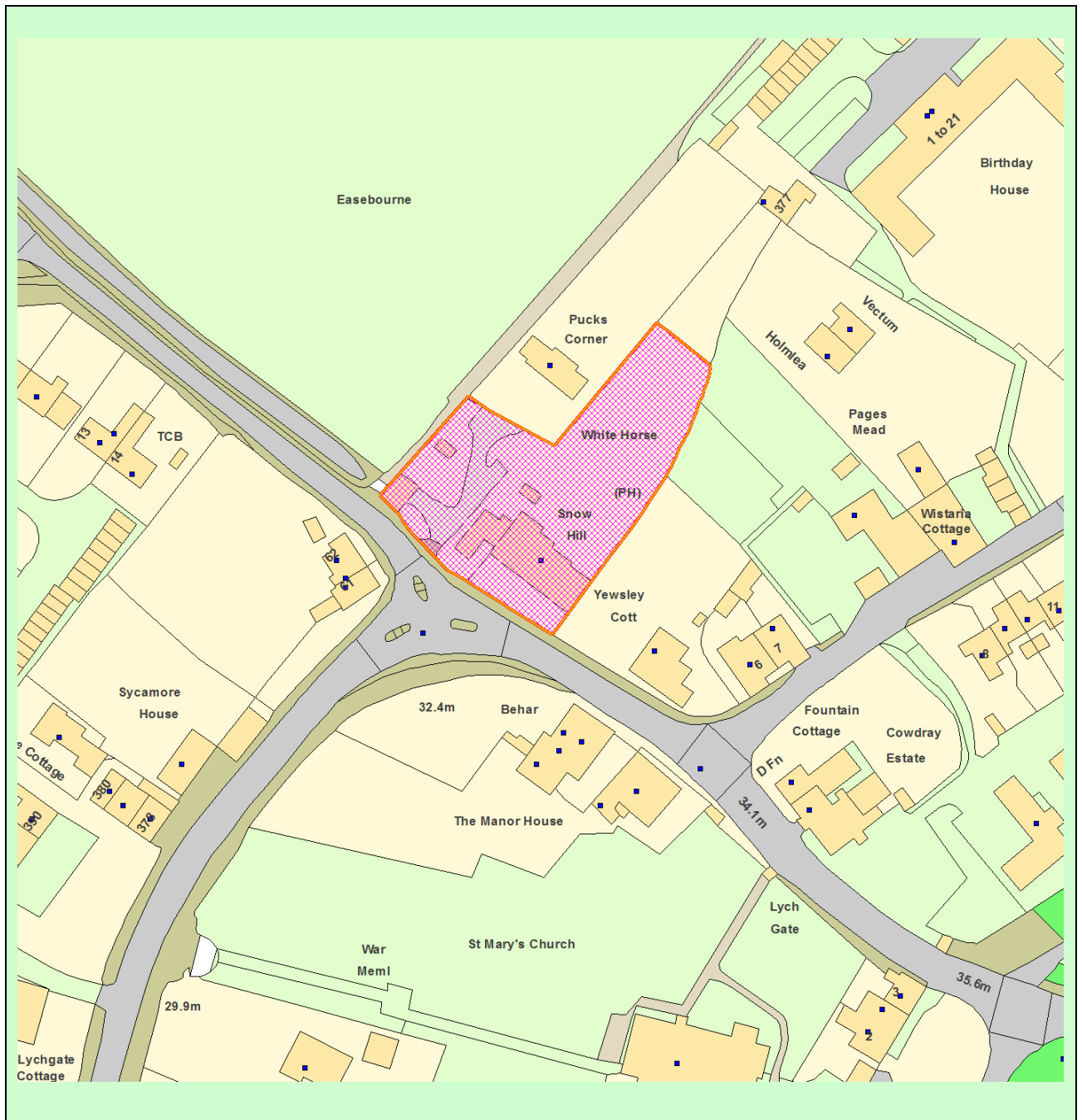
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees CDC Historic Buildings Advisor, CDC Rural Enabling Officer

Background Documents CDCLPFR 1999 (saved policies), South Downs Local Plan Pre-submission Draft 2017, NPPF, NPPG, WSCC parking standards

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location Plan (A4)	1235 P 000		19.05.2017	Approved
Plans - Site Block Plan (A4)	1235 P 002		19.05.2017	Approved
Plans - Existing and Proposed Floor Plans (A3)	1258 L 001		19.05.2017	Approved

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

Report to **Planning Committee**
Date **13 September 2017**
By **Head of Planning Services**
Local Authority **Chichester District Council**
Application No. **SDNP/17/03308/CND**
Applicant **Mr D Roycroft**
Application **Variation of Condition 2 of planning permission
SDNP/16/03715/FUL - replace approved proposed site plan 192.01
Rev B with proposed site plan 192.01 Rev C, to improve highway
safety.**
Address **Orchard Barn Common Road Funtington PO18 9LG**

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

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Reason for Committee Referral: Parish Objection – Officer recommends Permit

Executive Summary

This proposal is solely in respect of revisions to the means of access to service the redevelopment of Orchard Barn. It will result in a net reduction in vehicles being serviced from the existing, substandard access onto Common Road, with all four dwellings (including the existing dwelling) utilising the new access permitted under reference SDNP/16/03715/FUL. The Highways Authority considers that there is a net benefit in highway safety and does not raise any objection to the application. All other details remain as approved under planning permission SDNP/16/03715/FUL. The proposal is therefore recommended for approval.

1 Site Description

1.1 Orchard Barn is a substantial detached two-storey property located on the eastern side of Funtington village constructed in the 1970's. The dwelling is sited on the eastern side of extensive, well-maintained mature gardens to the north and west of the building. A hard surface tennis court occupies a large part of the site toward the western side of the garden, with a young orchard and vegetable garden in the northwest section. Part of the garden is sub-divided by mature hedges. Adjacent to the western side of the existing house is a large detached triple garage building and extensive gravelled turning/parking area. The site as a whole was previously part of the grounds to Funtington Hall which lies to the south-west.

1.2 The boundaries to the curtilage of the property are generally well screened, with mature hedging and shrub planting to the east boundary and a notable screen along the north boundary of a double line of mature deciduous trees providing an effective foil to the agricultural buildings of Lynch Farm beyond. The boundary treatment to the west and part south is a little weaker, comprising timber fencing, which allows views of the upper floors of the dwellings to the south west. The site generally appears to have a fall in levels from north to south, although this is more pronounced on the western side.

1.3 Access to Orchard Barn is via a shared drive off Common Road. This drive also services 1 to 4 Funtington Hall, with 1 and 2 being a Grade II listed building. In addition, the wall fronting Common Road to the west of this shared access is also listed Grade II.

1.4 The application site is located within the designated conservation area and a number of trees within the site are subject to a Tree Preservation Order reference FU/71/00518/TPO, including the substantial Sweet Chestnut tree (T1) in the rear garden and the Indian Bean Tree (T4) between the existing house and garage.

1.5 The character of the conservation area is largely of historic dwellings flanking Common Road in a linear pattern interspersed with modern infill development. Dwellings on the northern side of the B2146 tend to be larger and in generous plots. In this context, the grounds to Orchard Barn are unusually large and comparable in size to that of Funtington Hall to the south-west.

2 Proposal

2.1 The application is made under Section 73 of the Town and Country Planning Act 1990 for a variation of condition 2 of planning permission SDNP/16/03715/FUL (development in accordance with the approved plans) to revise the access arrangements so that all of the development associated with the Orchard Barn site is to utilise the new point of access permitted under SDNP/16/03715/FUL. All other aspects of the development are to remain as previously approved.

3 Relevant Planning History

3.1 SDNP/15/01300/PRE - Formation of new access, demolition of detached garage and erection of 2 detached dwellings, hard and soft landscaping and associated works. ADVICE GIVEN 21.04.2015

3.2 SDNP/15/05620/MPO - Discharge of planning obligation of the Section 37 agreement relating to a historic planning permission. APPROVED 29.01.2017

3.3 SDNP/16/03715/FUL - Erection of 3 no. dwellings. Retention of existing dwelling. New access via Common Road to serve existing dwelling and 2 of the new dwellings, retaining the current access point to serve the remaining new dwelling. Associated works and hard and soft landscaping. PERMIT 26.04.2017

4 Consultations

4.1 Funtington Parish Council

In the representations which were read to the District Council's Planning Committee when it considered Application No. SDNP/16/03715/FUL on 20th April 2017 it was stated :-

"The principal ground for objection by the Parish Council, and incidentally by local residents, is the danger which is likely to be occasioned by the proposed access ways onto the B2178 Common Road. The existing access way already serves four residential units at Funtington Lodge plus Orchard Barn itself. At this point the B2178 is narrow often rendering it difficult for not infrequent large vehicles, e.g. PSVs, articulated lorries and farm vehicles which use the road to pass, often using the pedestrian footway. The present access way is located on what constitutes a blind corner for vehicles travelling in either direction. There is no footway on the northern side of the carriageway despite there being residential property on that side and, contrary to the application details, the road is not illuminated. The proposal to make another vehicular access so close to the existing access to serve a further three properties is totally unacceptable. Further there is a public bus stop to the west of the application site on the northern side of the B2178 with no footway for passengers who have to wait on the verge or on the carriageway in wet weather. Traffic often has to negotiate slow moving or parked PSVs close to the existing access"

The Highway Safety Considerations set out in Charter House Planning's letter of 27th June 2017 clearly bears out the Parish Council's objection on road safety grounds to Application SDNP/16/03715/FUL. The proposal to reduce the number of properties utilizing the existing access from 5 to 4 by increasing the number of properties using the proposed eastern access from 3 to 4 in no way reduces the potential risk and may in fact exacerbate it insofar as it would increase the potential volumes of traffic using that access in close proximity to existing accesses to the east and to the Downs Road junction.

Bearing in mind that the access way forms such an implicit part of the overall development of the Orchard Barn site it is questioned whether this application should be one merely to consider the amendment of a condition contained in permission SDNP/16/03715/FUL or, more properly, as a new application for the development as a whole.

Finally, the comments made by the Highway Authority regarding road safety so far as the original application was concerned was so divorced from local knowledge, observation and experience, particularly bearing in mind the frequent accidents at this location which thankfully do not result in death or bodily injury and are therefore not recorded in police records, as to make them at least questionable. We are concerned whether WSCC, as Highway Authority, or the Planning Authority would be held responsible when the almost inevitable accident resulting in death or injury occurs. As a Parish Council we put it on record that we strongly oppose this application on road safety grounds.

4.2 WSCC – Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application SDNP/16/03715/FUL for the erection of 3 dwellings at the site with the installation of a new access point to serve the existing dwelling and 2 of the new dwellings. An existing access is to be retained to serve the third proposed dwelling. In summary no highways concerns were raised and consent was granted by the Local Planning Authority. This application seeks to variation of Condition 2 of the aforementioned planning consent to replace approved proposed site plan 192.01 Rev B with proposed site plan 192.01 Rev C.

After inspection of plan 192.01 Rev C the principle of this revision will result in all three proposed dwellings and the existing dwelling (Orchard Barn) utilizing the approved new point of access. This point of access has been established as acceptable and in accordance with recognised guidance and standards under SDNP/16/03715/FUL. The revision will result in one less dwelling utilizing the existing point of access, which under SDNP/16/03715/FUL was established as being severely sub-standard. As a result the Local Highways Authority would view this revision to be of benefit to highway safety and would not wish to raise any highways concerns.

5 Representations

5.1 Applicants supporting information

- Application is for a minor amendment to permit all four homes to be accessed from the new safe access, with all traffic from the site removed from the existing substandard access.
- When assessing the new access in respect of SDNP/16/03715/FUL, the Highway Authority commented in detail about how it meets current national standards in relevant guidance.
- In terms of trip generation and highway capacity, this revision will not result in any difference from that approved but will represent a highway safety gain.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the **Chichester District Local Plan First Review (1999)**. The following documents are also considered to be material considerations in the determination of this application:

- SDNPA Partnership Management Plan 2014
- South Downs Local Plan – Pre-Submission September 2017

The relevant policies to this application are set out in section 7, below.

6.2 National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

7.1 Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

It is also necessary to have regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.2 National Planning Policy Framework (NPPF)

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

- Sections 6, 7, 11, and 12
- Paragraphs 7, 14, 17, 32, 49, 53, 56, 60, 61, 64, 115, 118, 128, 129, 132 and 134

Further Government advice and guidance relating to minor material amendments to a planning permission may be found in the National Planning Practice Guidance (NPPG), paragraphs 013 to 015.

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

7.3 Chichester District Local Plan First Review 1999

The following policies of the **Chichester District Local Plan First Review (1999)** are relevant to this application:

- BE1 - Settlement Policy Boundary
- BE4 - Buildings of Architectural or Historic Merit
- BE6 - Conservation Areas
- BE11 - New Development
- BE13 - Town Cramming
- H4 - Size and Density of Dwellings
- TR6 - Highway Safety

7.4 The South Downs Local Plan – Pre-Submission 2017

The National Park Authority has published the South Downs Local Plan Pre-Submission 2017. This was approved by the South Downs National Park Authority on 11 July 2017. The document and the policies contained therein are a material consideration when determining planning applications and appeals within the National Park; however at this stage it is acknowledged that the policies will carry limited weight. The following policies are considered relevant to this application:

SD5 (Design)
SD12 (Historic Environment)
SD13 (Listed Buildings)
SD21 (Public Realm, Highway Design and Public Art)
SD25 (Development Strategy)
SD26 (Supply of Homes)

7.5 Partnership Management Plan

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

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9
- General Policy 50

8 Planning Assessment

8.1 The main issue with this planning application is considered to be whether the proposed revision to the access arrangements servicing the development would be acceptable in highway safety terms.

8.2 Planning permission for the development of the Orchard Barn site was granted by the Planning Committee on 26th April 2017. This scheme proposed the formation of a new point of access to the site onto Common Road to serve Orchard Barn and two of the proposed new dwellings approximately 25.0 metres to the east of the existing point of access. The third dwelling (Plot 1) was to have been served from the existing access, thus maintaining the same number of dwellings historically serviced by that access (4 in total). In its assessment of the 2016 planning application, the Highways Authority had advised that this existing access was considered substandard and that intensification of its use would not be supported.

8.3 This application proposes that all four dwellings (the three new units and Orchard Barn) would be serviced from the new point of access. This would result in a net reduction in the number of dwellings serviced by the existing substandard access point. The Highway Authority consider that the proposed access would be of an appropriate standard to accommodate one further dwelling and given the consequent reduction in the use of the existing access it has concluded that the proposal will not increase the risk to highway safety and in fact the Highway Authority regard this revision as a net benefit in highway safety terms. As a result, the Highway Authority has no objection to the application.

8.4 This does not represent a new proposal as all other aspects of the development considered as part of SDNP/16/03715/FUL (i.e. density, form, design and layout) remain as previously approved and the dimensions of the proposed access have not been altered. The Committee's attention is drawn to the fact that the existing planning permission represents the 'fallback' position for the applicant and consequently this is a material consideration in respect of this application. Therefore the merits of those other aspects of the development do not fall to be considered.

9 Conclusion

9.1 This proposal is solely to consider revisions to the means of access to service the redevelopment of Orchard Barn. It will result in a net reduction in vehicles being serviced from the existing, substandard access onto Common Road, with all four dwellings (including the existing dwelling) utilising the new access permitted under reference SDNP/16/03715/FUL. The Highways Authority considers that there is a net benefit in highway safety and does not raise any objection to the application. Therefore it is concluded that there would be no conflict with the relevant Development Plan policies referred to above, the statutory duties of the Act, the policies of the NPPF or the purposes of designation of the South Downs National Park.

9.2 The recommendation includes relevant conditions from SDNP/16/03715/FUL to be carried over. The previous planning permission was subject to a planning obligation in respect of recreational disturbance to Chichester Harbour, which was paid on 28.04.2017. In the light of the fact that this application is concerned with a variation of one aspect of the previously approved development that does not impact upon terms of the obligation attached to SDNP/16/03715/FUL, it is concluded that a further unilateral undertaking is not necessary in this instance.

10 Reason for Recommendation and Conditions

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

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of planning permission reference SDNP/16/03715/FUL (28.04.2016)

Reason: In order to reflect the time limit imposed on SDNP/16/03715/FUL and to comply with Section 73(5)(a) of the Town and Country Planning Act 1990 (as amended) and Section 51(3) of the Planning and Compulsory Purchase Act 2004.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans approved under Condition 2 of SDNP/16/03715/FUL (with the exception of 192.01 Rev B) and those listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Agreement of materials

No development shall commence until details, and samples where appropriate, of the following materials to be used in the development have been submitted to and agreed in writing by the SDNPA: Bricks, stone and any other wall facing materials, Brick bonds, Mortar mix and finish, Rain water goods (including their relationship with eaves and verges), Slates, tiles and any other roof coverings, including rooflights. Thereafter the development shall be undertaken in full accordance with that agreement unless otherwise agreed in writing by the SDNPA.

Reason: For the avoidance of doubt and in the absence of these important details from the application

4. Sample panel

No development shall commence until a sample panel of new facing brickwork/ stonework/ tiling or other cladding at least one square metre in size has been constructed on site and agreed in writing by the SDNPA. The panel shall be constructed using the proposed facing materials (brick, stone etc), bonds, mortar and finish to joints. The approved sample panel shall be retained on site and available for inspection until the work has been completed. Thereafter, the development shall be carried out to match the standard of workmanship in the approved panel to the satisfaction of the SDNPA.

Reason: To ensure that the development is undertaken to an appropriate standard.

5. Site Levels

Before development commences details, including plans and cross sections of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto, shall be submitted to and approved by the SDNPA in writing. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory relationship between the new development and adjacent buildings, amenity areas and trees to comply with Policy BE11 of the CDLPFR 1999

6. Access design

The access from the site to the public highway shall be designed, laid out and constructed with kerb radii, visibility splays and sight lines in all respects in accordance with plans and details to be submitted to and approved by the Local Planning Authority before any other operation or use authorised by this permission is commenced.

Reason: In the interests of road safety and to accord with approved policy.

7. Completion of highway works

Before any part of the development hereby permitted is first occupied the access, turning area, and parking and, where applicable, cycle parking areas shall be completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

8. Pedestrian Crossing Point

No part of the development shall be first occupied until such time as a tactile paving dropped crossing point serving the development has been constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9. Visibility

No part of the development shall be first occupied until visibility splays of 2.4 x 43 metres to the west and 2.4 x 120 metres to the east have been provided at the proposed site vehicular access onto Common Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

10. Tree Protection

No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of five metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

11. No authorisation of works to protected trees

Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order.

Reason: To clarify the extent of this permission.

12. Surface water drainage scheme

Before the development hereby permitted is begun, a scheme showing the proposed means of surface water disposal including all necessary on-site and off site works shall be submitted to and approved by the Local Planning Authority. Before the development hereby permitted is brought into use the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

Reason: To ensure that the proposed development is satisfactorily drained.

13. No Class A PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/ alterations of the building(s) in the interests of the proper planning and amenities of the conservation area.

14. No Class E PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority by way of a planning application.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

15. Construction Method Statement

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors,
- (ii) loading and unloading of plant and materials,
- (iii) storage of plant and materials used in constructing the development,
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- (v) wheel washing facilities,
- (vi) measures to control the emission of dust and dirt during construction,
- (vii) turning on site of vehicles,
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

16. Landscaping

No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

17. Landscaping implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

14.1 In reaching this decision, the local planning authority has worked with the applicant in a positive and proactive way.

Tim Slaney
Director of Planning
South Downs National Park Authority

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email: dprice@chichester.gov.uk

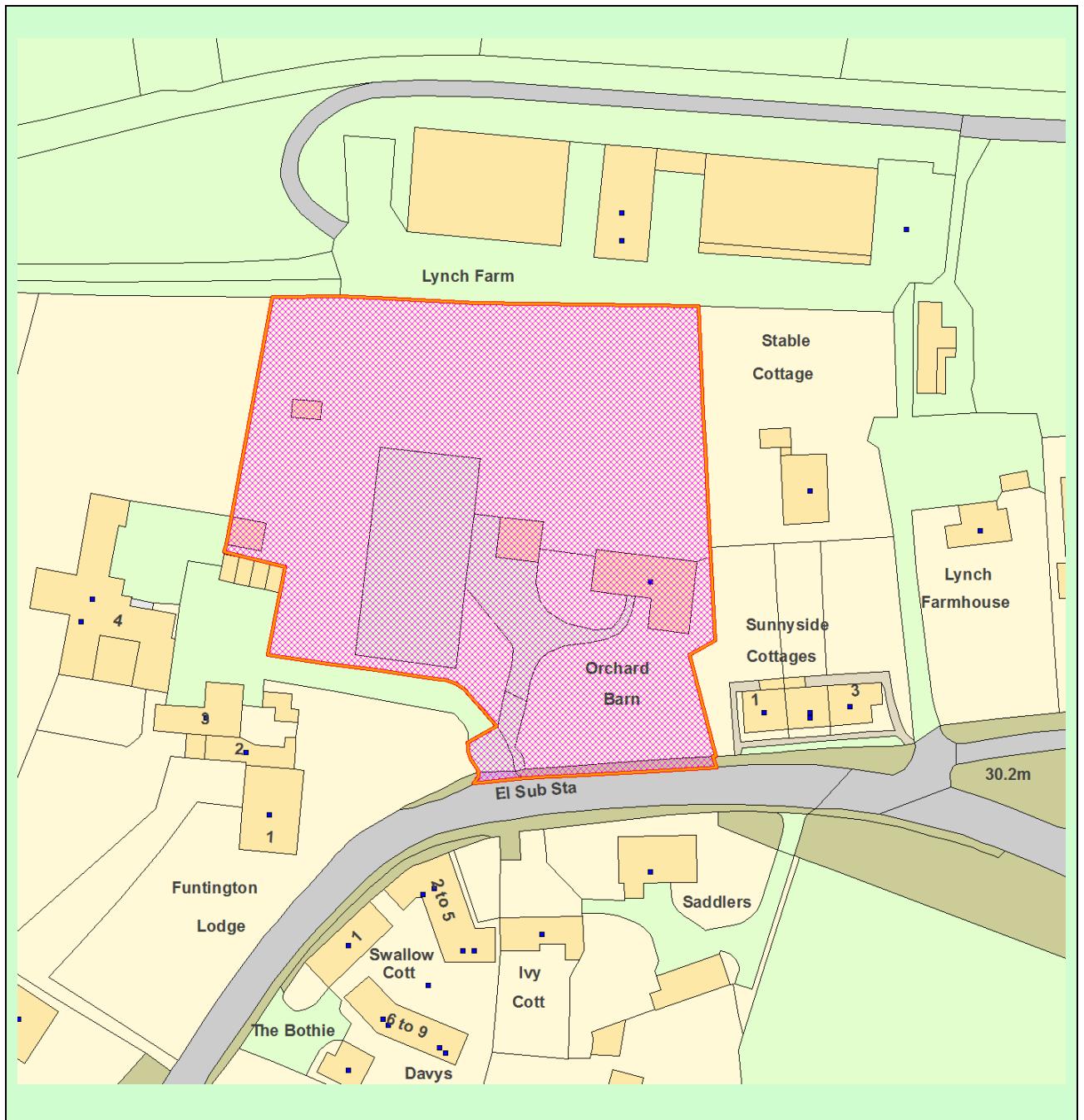
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees WSCC as Highway Authority

Background Documents CDCLPFR 1999 (saved policies), South Downs Local Plan Pre-submission Draft 2017, NPPF, NPPG and SDNP/16/03715/FUL.

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Site Location plan (A4)			14.07.2017	Approved
Plans - Proposed Site Plan (A1)	192.01	C	14.07.2017	Approved

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

Agenda Item 9

Chichester District Council

Planning Committee

Wednesday 13 September 2017

Report of the Head of Planning Services

Schedule of Planning Appeals, Court and Policy Matters

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

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

- WR – Written Representation Appeal
- H – Hearing
- I – Inquiry
- FT – Fast Track (Householder/Commercial Appeals)
- () – Case Officer Initials
- * – Committee level decision

1. NEW APPEALS

Reference/Procedure	Proposal
FU/16/03868/FUL WR (C Boddy)	Cotfield, Funtington Road, Oakwood, East Ashling PO18 9AL - Conversion of existing outbuilding to residential annexe.
WW/17/00533/FUL WR (P Hunt)	37 Marine Drive West, West Wittering, Chichester West Sussex, PO20 8HH - Demolition of existing property and construction of replacement dwelling.
WR/16/02717/OUT PI (K Rawlins)	Stable Field, Kirdford Road, Wisborough Green West Sussex - Outline with some matters reserved - access. 1 no. village doctors surgery (use class D1); village community uses (use class D2) to include outdoor activity area, activity room, gym, community building, 30 extra-care units (use class C2) to include affordable accommodation, community allotments and landscaped recreational areas. With associated new vehicle, pedestrian access, ancillary uses and infrastructure.

SDNP/16/01317/LDE Wisborough Green PI (J Shore)	Mockbeggars, Horsebridge Hill, Bedham, Wisborough Green, RH20 1JP - Application for a certificate of lawfulness for an existing use relating to use of land as residential curtilage.
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2.DECISIONS RECEIVED

Reference/Decision	
BI/15/00139/CONSH PI (S Archer) Awaiting decision	Land North West Of Premier Business Park, Birdham Road Birdham, West Sussex – appeal against an enforcement notice re access track, hardstanding and fencing. Linked to BI/15/01288/FUL and BI/15/00194/CONTRV
<p>"... There are 14 appeals made on grounds (a), (e) and (g). On day 1 of the inquiry a case on ground (b) was introduced. ... All the appeals on ground (e) were withdrawn on day 2 of the inquiry. ... On day 6 of the inquiry Mr Masters confirmed ground (f) was not at issue. ... In respect of some of the appeals the appellant sold his/her interest in the land after making the appeal. ... Therefore the new owner will be treated as a third party.</p> <p>...</p> <p>Enforcement notice BI/24 - the wording of the alleged breach should describe the development as a material change of use of the land to use for the stationing of caravans for the purpose of human habitation. ...</p> <p>Enforcement notice BI/23 - The notice has taken effect and the compliance period of 6 months has expired. In brief the requirements were to cease the use and to remove the caravans and associated domestic paraphernalia from the land. ...</p> <p>Enforcement notice BI/29 - There was no appeal against the notice and the 3 months period for compliance has expired. The notice requires the stable building to be dismantled and removed from the land.</p> <p>MATERIAL CHANGE OF USE TO A MIXED USE: ENFORCEMENT NOTICE BI/31 - ...</p> <p>The Council submitted that there is an obvious physical and functional connection between the plots. ... To claim otherwise is contrary to the appellants' case that they are highly dependent on each other. ... The issue on ground (b) is whether or not the matters stated in the notice have occurred - a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses. ... From 2015 onwards the land was subdivided and transferred or sold to a number of people. to form a residential caravan site along with other primary uses.... The internal access track was a unifying feature both physically and functionally. Another aspect of functional interdependency was the mutual support and family ties between the occupiers of the plots... The appellants agreed to make a single ground (a) appeal. The evidence supports the description of the mixed use cited in the alleged breach of planning control No prejudice has been caused by the issue of a single enforcement notice. In conclusion the appeals on ground (b) do not succeed. ...</p> <p>Appeal on ground (a), deemed planning application - ... The development for which planning permission is being sought is a material storage change in the use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of</p>	

horses.The oral accounts came across as being open and were subject to cross examination. Paragraph 116 of the Framework states that planning permission should be refused for major developments in designated areas, including AONBs. ... The policy was addressed in an appeal decision for a development of 46 houses on land to the south of Church Lane, Birdham. ...which concluded that the scheme was a major development in the AONB. and I consider the approach to be appropriate. ... The development is a material change of use, not operational development. ... The site is a sizeable area when compared to the settlement pattern of Birdham village. ... The proposal is for up to 22 caravans (11 of which would be statics), the site is located within the landscape setting of the village. ... The site also is a short distance from the Causeway at Birdham Pool, a matter of significance given that the landward portion of the AONB is very small compared to the area covered by water. .. The mixed use can reasonably be concluded to be major development for the purposes of paragraph 116 of the Framework. ... For the purposes of applying Planning Policy for Traveller Sites (PPTS) "gypsies and travellers"... I am satisfied that Mr Mark Goddard, Mr George Smith (plot 3), Mr George Smith (plot 4), Mr Sibley, Ms Boyden and Mr and Mrs Hughes (plot 7) all have gypsy status. In particular the evidence of Mr Hughes, Mr Sibley and Ms Boyden brought out the importance of a regular pattern of travelling and the keeping and dealing in horses to their way of life and livelihoods. The mixed use is very much associated with a gypsy way of life and planning policies for travellers apply. ... Policy 50 of the Local Plan requires appropriate avoidance/mitigation for development resulting in a net increase in residential development within the 5.6 km zone of influence of the SPA. ... On day 2 of the inquiry the appellant paid to the Council a financial contribution. ... There is compliance with Policy 50 of the Local Plan. To focus on the Premier Business Park takes insufficient account of the relationship of the field to the historic core of Birdham village and its essential contribution to the open rural setting of the village. ... the undeveloped appeal site made a positive and important contribution to the special qualities of the landscape character of the AONB. ... The consequences of the new land use on landscape character are detrimental. ... The site layout, the form and materials of the residential caravans and the treatment of surrounding space is not in keeping with the predominant settlement form and pattern both within the village and around Birdham Pool. ... Implementation of a landscape scheme would not overcome the fundamental harm... The mixed use development fails to conserve and enhance the natural beauty and locally distinctive features of the AONB, it detracts from its distinctive character and special qualities. ...

None of the criteria of LP Policy 43 are met. There is also conflict with criteria in LP Policy 48 that seek to protect the tranquil and rural character and the distinctive local landscape character. There is conflict with Policy 4 of the Neighbourhood Plan in that the mixed use development does not maintain the local character of the landscape, rather it has an urbanising effect. The appeal site when in agricultural use would have been dark at night and following the direction of Policy 5 the new use should be resisted. ... The presence of the Business Park is not good justification for the in-depth development of adjacent lands. ... Even with a successful landscape scheme, the important open views across the heritage landscape and agricultural heritage would be lost. ... There would be an acceptable level of amenity for the residents of nearby dwellings and for residents of the development. ... There is nothing material to suggest that the development dominates the nearest settled community in terms of its social effects. The piecemeal nature and the apparent lack of consideration to planning policy requirements do not support a conclusion that the site is well planned. ... no case was made that it was essential to live on the site on grounds of animal welfare. ... The

effect on highway safety is acceptable and no material impact on bridleways has been identified. ... Countryside LP Policy 45 is relevant. ... Not all criteria are met and the development is not supported by the policy. It follows that the proposal does not comply with LP Policy 2 and Policy 15 of the Neighbourhood Plan. A planning policy statement issued on 31 August 2015 introduced a planning policy that makes intentional unauthorised development a material consideration in the determination of planning applications and appeals. The policy statement was also laid in the House of Commons as a written ministerial statement. ... The development has caused serious harm to the special qualities of the AONB and to visual amenity. By intentionally implementing the development an iterative approach towards the design of a scheme has not occurred. The local planning authority has had to have recourse to enforcement action, costly in time and resources. The policy is directed at such consequences. I conclude that the change of use amounted to intentional unauthorised development within the meaning of the 31 August 2015 planning policy statement. ...

Need - A Gypsy and Traveller and Travelling Showpeople Assessment (GTAA) was carried out in 2012/13. The GTAA identified a need for 59 pitches during the plan period 2012 to 2027. These figures are incorporated into LP Policy 36.... The Council maintained that as of February 2017 there was a surplus of 6 pitches in the 5 year supply for the period 2017 to 2022, amounting to a 7.3 years supply. ... Since the base date of September 2012 there has been a significant increase in the stock of traveller sites in the district. ... The Council's assessment on need, site provision and 5 year supply is reasonable when judged against Policy 36. However,.... ... The GTAA no longer provides a robust evidence base to establish up to date accommodation needs in the district, bearing in mind legislative amendment and review of guidance. There has been no new provision of permanent public pitches even though families on the waiting lists for public sites are a consistent and important element of need. By all accounts no pitches are available on the two public sites, turnover is low and waiting lists persist. ...

In view of these considerations I am unable to conclude that need has been met in the district or that there is a supply of specific deliverable sites to provide 5 years' worth of sites against an up to date locally set target. There are no available alternative sites in the form of allocated land or pitches on public sites. Nonetheless, new private sites are an alternative source of supply. According to the Council's evidence, there is a supply of pitches on privately owned land. ... Until a new GTAA, or similar study, is carried out the need for additional pitches is unable to be quantified. The indicators suggest that within the district there probably is a need, given that no public pitches have been developed over the last five years or so.... Whilst probably there is numerically five years' worth of sites..., there is no year five year supply to meet probable need. ... Of the Coastal West Sussex authorities, Chichester has the largest Gypsy and Traveller population.The Site Allocation DPD was not progressed As a result no land has been identified and allocated for sites and a policy aim at local and national level has not been met. the 'failure of policy' argument provides a small degree of support for the development at the present time. ... The appellants' case is that if they are not allowed to stay on the appeal site they would have nowhere else to go For some of the families affordability would appear to be a critical issue. ... Up to date evidence on individual needs was restricted to those families currently living on the site... The loss of the home and settled base without an alternative permanent site would have serious consequences....particularly so for Mr and Mrs Goddard. ... The evidence of the residents has several inter-related themes,the need for a secure and settled base, proximity to family and friends, and provision of health and education. The best interests of the children are evident in each of these issues. ... The land is the home of the eleven family households,... the personal circumstances and human rights of the appellants

provide considerable weight in favour of the development. ... The development has provided additional traveller pitches and has met individual needs for a settled base. These are important considerations when account is taken of general need, the difficulty travellers have in finding suitable and affordable land, the lack of available alternative sites especially as regards public provision and the very limited progress on a Site Allocations DPD, which would provide direction on and promote delivery of additional pitches in acceptable locations... The environmental considerations are compelling. ... The adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. ... it is also highly relevant whether or not a home was established unlawfully in considering whether a requirement that the individual leave his or home is proportionate to the legitimate aim pursued. ... When a 'risk' has been taken, even given the underlying reasons, some responsibility has to lie with the new land owner. This is especially so on plot 6 given its enforcement history. ... The location of the development on the appeal site has been shown to be unacceptable when assessed against the core planning principles and policies that seek to conserve the much valued environment for the enjoyment of all. ...

The community interest in protecting the environment has great weight because of the AONB designation. The interference with residents' rights would be justified. In each case ..the interference with the Article 8 Convention rights of the family or individual occupiers is necessary and proportionate in pursuit of the legitimate aim of regulating land use. ... There would be a serious interference with the right of each household to the peaceful enjoyment of their possessions. Nevertheless the residents would not be deprived of their possessions in that there would be no expropriation of property. The public interest centres on regulating the use of land and upholding planning control in accordance with the statutory framework in a designated AONB. ... The interference with every person's rights under Article 1 of the First Protocol is proportionate and necessary in the public interest. ... The material change of use is not sustainable development. ... The purpose of a time-limited permission would be to allow time for alternative acceptable sites to come forward, whether by site allocations in a DPD or by private provision. ... In the event a Site Allocations DPD is progressed.....a period of four years strikes the right balance. ... [but]... balanced against the rights of each family is the legitimate public interest objective of protecting the nationally important unique landscape and scenic beauty of the AONB. ... The development is not acceptable for a time limited period. ... The evidence and my assessment of the planning merits and human rights implications do not support a grant of planning permission for part of the development or part of the land.

Conclusion - The mixed use development is unacceptable and the appeal on ground (a) does not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application. Appeals on ground (g) - ... The public interest lies in remedying the breach of planning control as soon as possible. On the basis of all the relevant evidence I conclude that the families' circumstances justify a period of 12 months to cease the uses with a view to reducing the seriousness of interference with home and family life. An additional three months should be allowed to carry out the remedial works. To this extent the appeals on ground (g) succeed.

OPERATIONAL DEVELOPMENT ENFORCEMENT NOTICE BI/30 - The access track and areas of hardstanding... The development causes diminution in the important view across the heritage landscape and agricultural heritage to the north of Birdham Road. ...

... an access track appropriate to the keeping of horses would be much less intrusive and harmful than the unauthorised track. ...

The design and form of the existing gates and fence are not essential to achieve the purposes of a means of enclosure at the site access. The access track and associated works are visually intrusive and detrimental to special qualities of the landscape character of the AONB. The development, in the form undertaken, is not necessary to provide safe access and security of the land. The development fails to comply with the development plan when read as a whole. ... The appeal on ground (a) does not succeed.

The compliance period needs to be consistent with the period for the requirements on notice BI/31 to be carried out. On that basis a period of 15 months is reasonable. ... I uphold the enforcement notice with a correction and a variation and refuse to grant planning permission on the deemed application. ...

SINGLE PITCH SITE - Appeal Ref APP/L3815/W/15/3132281 - ... in April 2015 aerial photographs show that the site for the single pitch was part of a field. ... The pitch was proposed for and is occupied by Mr William Hughes and his family. Mr and Mrs Hughes have gypsy status. ... The appellant relies on a payment of £2462 intended to satisfy the mitigation requirement in respect of the 14 resident families. ... the Council was of the view that the proposal remained contrary to policy because there was no financial contribution or appropriately worded unilateral undertaking towards the appeal... I conclude that the proposal is likely to have a significant effect on the SPA either alone or in combination with other plans and projects. ... The proposed single pitch would create an isolated parcel of residential development clearly identifiable by the mobile home, residential activity and paraphernalia, parked vehicles, extensive hard surfaces and means of enclosure. ... The undue length of track is necessitated by the location of the pitch away from the road frontage. ... Its presence would interrupt and be harmful to the appearance of the open landscape. The Premier Business Park pre-dated the designation of the AONB. It has a limited effect in ameliorating the visual harm from the single pitch, which by contrast is set well back and visually divorced from the commercial site. A landscape strategy was proposed. ..Nonetheless the proposal would cause diminution of important local views. Positive weight should be given to the opportunity for adequate play space for the children. Nevertheless the site is in an inappropriate location in open countryside where traveller sites should be very strictly limited. ...

Need - LP Policy 36 identifies the potential need for permanent pitches., ...Reliance has been placed on private site provision to meet the numerical target confirmed through LP Policy 36. ... No increase has been made in public pitch provision in Chichester despite its important contribution in meeting identified need. The Council's evidence, shows there currently is a supply of pitches on privately owned land.

However, overall I am unable to conclude that need, based on factors regarding quantity and form/type, has been met in the district or that there is a supply of specific deliverable sites to provide 5 years' worth of sites against an up to date locally set target. ... Until a new GTAA is carried out the need for additional pitches is unable to be quantified adequately. ... The range of circumstances leads me to conclude that the 'failure of policy' argument provides a small degree of support for the development. In the probable absence of an alternative pitch the family may well have to return to unauthorised camping, with the social, environmental and economic costs this would

entail. ... The proposed single pitch caravan site fails to meet all the criteria set out in LP Policy 36. ... The personal circumstances of the appellant and his family highlight the difficulties in finding a permanent settled base. ... Mr Hughes developed the pitch before gaining planning permission. The fact that the home was established unlawfully is relevant to the fair balance. However, the two children have their own individual rights which are not affected by such actions. ... The opportunity to acquire land at Birdham ended a period of unauthorised encamping. ... The Framework recognises the importance of a home. ... Balanced against these considerations is the harmful impact on the landscape and scenic beauty of the AONB. ... The SPA is an internationally important site. ... In conclusion, the interference with the private rights of the appellant and his family is necessary and proportionate because of the public interest in protecting a unique and much valued natural environment. The appellant indicated that he would accept a temporary permission. ... weighing the adverse impacts against the benefits, the balance is against allowing the proposed caravan site for a temporary period. ...

Conclusion - The material change of use to provide a single pitch is not in accordance with the development plan as a whole. ... The appeal should be dismissed.

Appeal Ref: APP/L385/C/15/63065780 - enforcement notice (BI/24) the appeal is proceeding on a ground (G) only. ... The main issue is whether the compliance period of six months is reasonable. ... In this instance the compliance period for enforcement notices BI/30 and BI/31 are relevant considerations. ... Clearly there is a conflict between the public and private interests. ... A compliance period of 12 months strikes a fair balance between the rights of the appellant and his family and the interests of the community. I am satisfied that this period of time is proportionate in the circumstances. ... A reasonable period for compliance is 12 months and the enforcement notice will be varied accordingly, prior to upholding it. The appeal on ground (g) succeeds to that extent.

Subject to the correction and variation, the appeals are dismissed and the enforcement notice is upheld and in respect of the appeal by Mr W Hughes planning permission is refused on the planning application deemed to have been made under section 177(5) of the 1990 Act as amended.

COSTS DECISION

" ... The Council seeks principally a full and/or partial award of costs on procedural grounds of unreasonable behaviour present in the appellants' conduct of the case and/or alternatively a full and/or partial award of costs is sought on substantive grounds on the basis that the development is not in accordance with the development plan and no other material considerations are advanced that indicate a decision should be made otherwise. ...

I recognise that the appellants and residents on the site were unlikely to be familiar with the full extent of planning guidance and procedures. However, they were professionally represented throughout by a chartered town planner. ... The appellants also engaged a barrister who is very experienced in gypsy and traveller appeals. In this case inexperience is not an extenuating circumstance. ... The appellants did not make an application for costs. ...

Conclusions

... Unreasonable behaviour has been demonstrated: failure to adhere to deadlines and the introduction of fresh evidence necessitated extra expense in preparatory work that

otherwise would not have arisen; the very late introduction of the ground (b) appeal unnecessarily prolonged the inquiry proceedings; the making and withdrawal of the appeals on grounds (e) and (f) resulted in unnecessary expense in the time spent addressing the grounds of appeal, primarily in Mrs Archer's evidence (including written evidence) and the associated inquiry time spent in trying to clarify on what basis these grounds of appeal were made. A partial award of costs is justified for those reasons. Following on from that conclusion, there is an issue as to who should be named in the Costs Order. ... At the inquiry Mr Masters and Mr Weymes confirmed that they were representing and presenting a case on behalf of all appellants and all additional residents who were in occupation on the appeal sites at the time of the inquiry. ... However, the new residents were not responsible for making the appeals. ... Weighing up all the considerations my conclusion is that only the appellants should be named in the costs order. ...

Costs Order

... IT IS HEREBY ORDERED that the appellants, namely Mr Wayne Smith, Mr Wayne Goddard, Mr William Hughes, Mr Frazer Sibley, Ms Kathy Boyden, Mr Daniel Hughes, Mr Keith Hughes, Mr Paul Watson, Ms Lauren Hughes, Mr Glen Keet, Mrs Kimberley Goddard, Mrs Bonnie Hughes, Ms April Lamb, Ms Carla Baker and Mrs Katie Keet, shall pay to Chichester District Council the costs of the appeal proceedings described in the heading of this decision limited to:

- those additional costs incurred in preparatory work as a result of the appellants' failure to adhere to deadlines and the introduction of fresh evidence on their behalf;
- the unnecessary expense incurred by reason of the additional inquiry time spent dealing with the introduction of appeals on ground (b) in relation to enforcement notice BI/31; and
- the wasted expense incurred in responding to the appeals on grounds (e) and (f) in relation to enforcement notice BI/30 and the appeals on ground (e) in relation to enforcement notice BI/31; ..."

COSTS DECISION - The application is made by Chichester Harbour Conservancy
 Conclusions: ... A partial award of costs is justified. ...

BI/15/00194/CONTRV PI (S Archer) Awaiting decision	Land North West of Premier Business Park Birdham Road Birdham, West Sussex – appeal against an enforcement notice re Use of land as a Traveller Site. Linked to BI/15/01288/FUL and BI/15/00139/CONSH
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As above

BI/15/01288/FUL PI (S Archer) Awaiting decision	Land north west of Premier Business Park, Birdham Road Birdham, West Sussex PO20 7BU - Proposed single pitch site including the provision of a utility building for settled gypsy accommodation together with existing stables. Linked to BI/15/00194/CONTRV and BI/15/00139/CONSH
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As above

CH/16/01902/PA3P H (M Tomlinson) DISMISSED	Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Part 3 Class P application for prior approval - Proposed change of use of 3 no. B8 storage buildings to 3 no. dwellings. Revised application further to CH/15/02290/PA3P. LINKED TO CH/14/00399/CONMHC
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"... There is no dispute that all limitations are met with the exception of limitations (a) and (b). Article 3 paragraph 5 (b) states that permission granted by Schedule 2 does not apply if an existing use is unlawful. ... The existing use of Building A is in breach of Condition 9 of that planning permission. The permitted use of Buildings B and E is a mixed use of storage and maintenance and thus is not a single primary use for storage. Therefore to qualify for Part P rights the appellant has to demonstrate that the storage use taking place in Buildings A, B and E was lawful on the 19th March 2014. I have found that the buildings the subject of Appeal B are within a wider planning unit and thus are part of a mixed use. A use within a mixed use planning unit cannot be considered as falling within a use class as a mixed use is a sui generis use outwith the UCO. ... The application for planning permission CH/93/01741/COU was dated 6 October 1993 with reference to plans dated 31 January 1994 in various conditions and the site plan dated 31 October 1994. The planning permission decision notice is not dated but it was a retrospective planning permission. Therefore it is more likely than not that carpets were stored in Building A and the use of Buildings B and E were in use for the storage and maintenance of vehicles used in connection with a concrete pumping business on the date that planning permission was granted under reference CH/93/01741/COU was approved and for some time after. Mr Snowdon states that the use for general storage started in the late 1990's. This is imprecise and there is nothing to demonstrate who occupied the buildings and what was stored. The statements in the Statutory Declaration by Mr Snowden are general statements. There is no detail about who occupied which building, for how long, the dates of that occupation, and what was stored in the building.

It does record that carpets have not been stored in Building A for well in excess of 10 years and since the late 1990's Buildings A, B and E have been occupied by individual tenants and used for general storage and distribution uses. There is no information as to the frequency of deliveries and collections from each building, the products stored or how much was stored in each building. While it is stated the storage use was continuous in the buildings, it is not clear how this has been assessed or demonstrated. Mr Snowdon does not state when or why or even if he ever went into the buildings. The evidence is general and imprecise. I therefore conclude, that the evidence provided in the Statutory Declaration is less than precise and has failed to demonstrate on the balance of probabilities that the use of Buildings A, B and E has been carried out for a continuous period of 10 years in breach of the relevant conditions of planning permission CH/93/01741/COU by 19th March 2014 or even at the date of the application. As such, the appellant has failed to demonstrate on the balance of probabilities that the storage use of Buildings A, B and E were lawful on 19th March 2014, or if not in use on that date the last use before that date, and therefore fails to comply with limitation P1.1.(a). ... The development for which prior approval was sought could not have been permitted by Schedule 2, Part 3 Class P of the GPDO since it does not comply with limitations P.1. (a). For the reasons given above the appeal is dismissed. ... "

<p>CH/14/00399/CONMHC H (R Hawks) Awaiting decision DISMISSED</p>	<p>Cockleberry Farm, Main Road, Bosham, West Sussex, PO18 8PN - Appeal against an enforcement notice regarding the stationing of mobile homes for the purposes of human habitation. LINKED TO CH/16/01902/PA3P</p>
<p>As above</p>	
<p>CC/16/03484/FUL WR (C Boddy) ALLOWED</p>	<p>18 Lavant Road, Chichester, West Sussex, PO19 5RG – Demolition of existing property and construction of 3 no. dwellings, with associated access, parking and landscaping</p>
<p>"... The appeal is allowed. ... The main issue is the effect of the proposed development on the character and appearance of the surrounding area. ... The dwellings would be close together but their design, including greater separation at first floor level between the front elevations would lessen the massing effect. In any case, they would be seen in the context of the variety of designs, sizes and degrees of separation of other properties in the vicinity and the plots would still be fairly wide, of similar width to that relating to the adjacent property at No 16. I have also had regard in this respect to an extant planning permission for two dwellings at No 22 Lavant Road, that would replace an existing dwelling, and would be side by side in fairly close proximity, including at first floor level. The proposed northern access drive would cause the two frontage dwellings to be closer together than they might otherwise be, in the above context they would not appear incongruous within the streetscene or cramped within what would still be fairly large plots. ... Chalet style design ... such a design would ensure that it would not dominate those trees. ... That third dwelling, in a back-land position, would also not appear unusual in the context of other existing back-land development in the vicinity, including at No 20a Lavant Road. It would also not be clearly visible from Lavant Road due to the intervening dwellings. It would be seen from Baytree Close to the northeast of the site. ... I am satisfied that the UPO would meet the tests set out in paragraph 204 of the Framework. Furthermore, the Council confirms that the UPO would address the concerns relating to the second reason for refusal relating to the absence of such mitigation. ... It is therefore unlikely that there would be any overlooking that would amount to a harmful loss of privacy to the residents of The Light House. ... It is therefore unlikely that there would be any overlooking that would amount to a harmful loss of privacy to the residents of The Light House. ... I consider that it would be appropriate to secure further bat survey work and any necessary mitigation measures by condition. This would need to include the submission of an amended site layout plan were it concluded that the tree would need to be retained in the interests of protecting bats. With such a condition in place, it is unlikely that the proposed development would adversely affect bats. ..."</p>	
<p>LX/16/03786/FUL Loxwood WR (Paul Hunt) DISMISSED</p>	<p>Land at Oakhurst Farm, Oakhurst Lane, Loxwood, Billingshurst, RH14 0QR - Demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building.</p>

"... The development proposed is demolition of existing kennels building which has consent to be converted into a dwelling under application reference LX/15/00138/FUL and the erection of a new residential building to the west of the existing building. ... The dwelling would comprise a single storey building that would be substantially larger than the approved kennels conversion, albeit smaller floor area than the existing kennels and approved pheasant rearing building, and of a traditional timber framed and clad design, with a substantial slate roof above. In addition, it is proposed to erect a double garage with biomass heating plant room that would reflect the design of the dwelling. The resulting buildings would have a simple appearance that would be similar to those approved for the conversion of the kennels. Removal of the kennel enclosures would benefit the appearance of the site. However, the bulk and bland appearance of the proposed buildings would result in them appearing prominent and incongruous in this isolated rural location. ... For these reasons, I conclude that the demolition of the kennels building and erection of a dwelling would have a harmful impact on the character and appearance of the surrounding rural area. As such, the development would be contrary to Policies 1, 33, 45 and 48 of Chichester Local Plan (LP), Policy 10 of the Loxwood Neighbourhood Plan (NP) and the National Planning Policy Framework (the Framework) that seek to ensure development is of a high standard of design that recognises the distinctive character of its surroundings and is well related to existing groups of buildings. ... The approved conversion of the kennels would result in a large, albeit single storey, dwelling in close proximity to the designated heritage asset of the listed building at Oakhurst Cottage. This would affect the setting of the listed building that is currently located in an isolated position within the open countryside... In this case, the only public benefit of the proposed development would be the removal of the existing kennel building and completion of the pheasant rearing building could not take place that would otherwise be partially visible from surrounding footpaths and bridleways. However, whether considered individually or cumulatively, neither of those matters constitute public benefits that would outweigh the harm to the designated heritage asset. ..."

[O/16/02254/OUT](#)

I (J Bushell)
ALLOWED

Land To The South Of Oving Road/B2144, Shopwhyke West Sussex - Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure.

Appeal Ref: APP/L3815/W/16/3165228

Land at the corner of Oving Road and A27, Chichester PO20 2AG

Decision date: 18 August 2017

The application Ref 16/02254/OUT

Decision: The appeal is allowed and outline planning permission is granted for development of the site to provide 100 dwellings (Use Class C3), with associated access, parking, outdoor space, landscaping and infrastructure

The main issues are:

- whether the appeal site would be suitable for housing;
- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether there are any other material considerations which would justify a determination other than in accordance with the development plan.

Suitability of the Site for Housing

I find that the proposed development would be contrary to Policy 45 of the Local Plan, being outside of the settlement boundary for Chichester.

It would be contrary to Policy 2, being within the Rest of Plan Area as defined by that policy and the scale of development would not be consistent with the indicative housing numbers for Chichester and Oving parishes as set out in Policy 5.

Character and Appearance

The scale and nature of the proposed development would result in the sense of openness being reduced and some very local views into open countryside would be lost. I therefore find that the proposal would result in modest harm to the rural character and appearance of the area due to the introduction of built development. However, with screening and landscape enhancements these effects would be largely confined to the immediate vicinity of the site with no significant intrusion into the open countryside. Nevertheless, the proposal would conflict with Policies 33, 47 and 48 of the Local Plan.

Other Material Considerations

The Council's position, based on the most recent data available on 30 April 2017 is that it can demonstrate a 6.0 year supply in respect of the period 2017-2022 with a potential supply of 3,636 dwellings and showing a surplus of 613 new dwellings. This is based on predicted completions for the 2016/17 monitoring period.

In terms of delivery rates the Council's assumption is that sites will deliver 65 to 75 homes per annum based on no more than four house sales per month achieved by a single housebuilder on each site with higher numbers where two or more developers are involved.

On the basis of more extensive evidence provided by the appellants I find the Council's delivery rates to be over-optimistic and I have therefore assumed a rate of 40 dpa on sites with a single developer.

The appellants' case was that an overall reduction of 842 units should be made to the Council's supply equating to a shortfall of 384 units when compared against the Council's claimed surplus of 458 for the period 2016-2021. For the period 2017-2022 the Council's surplus was assessed as 613 dwellings. My own assessment for the period 2017-2022 indicates a reduction in supply of 658 dwellings equating to a shortfall of 45 dwellings when measured against the plan requirement. On this basis I find that the Council cannot demonstrate five years' supply of housing land based upon the five year housing requirement of 3,023 dwellings reflecting the updated housing land supply position at 30 April 2017.

Relevant policies for the supply of housing which, according to paragraph 49 of the Framework, should not be considered to be up-to-date if the local planning authority cannot demonstrate five year supply of deliverable housing sites. Accordingly, paragraph 14 of the Framework is engaged which states that the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or unless specific Framework policies indicate that development should be restricted, none of which apply in this case.

The provision of up to 100 dwellings would make a significant contribution to the supply of housing when considered against the Council's failure to meet its housing requirement. This contribution should be seen in terms of addressing the undersupply of 45 dwellings by a considerable margin and also in terms of the housing requirement and the Framework advice to boost significantly the supply of housing.

Conclusion

Taking all of this into account, including all other material considerations, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole. On this basis a decision other than in accordance with the development plan is justified.

SY/15/00376/CONADV
WR (S Archer)
DISMISSED

2 Sherrington Mews, Ellis Square, Selsey, West Sussex
PO20 0FJ - Unauthorised advertisements.

" Appeal Ref:APP/L3815/G/16/3157809 - Unit 2, Sherrington Mews, Ellis Square, Selsey, Chichester, West Sussex, PO20 0FJ

The appeal is .. against a Discontinuance Notice relating to the display of an advertisement with deemed consent. ... The appeal is dismissed. The Discontinuance Notice shall come back into effect immediately and that the display of the advertisement with deemed consent cease by the end of 14 days from the date of this decision. ... Unit 2 forms part of a two storey mews style terrace development positioned around a .large rectangular shaped courtyard known as Sherrington Mews. ... The front of the terrace of the Unit 2 forms part faces Manor Road. The notice relates to the display of a non-illuminated fascia sign above the front door of Unit 2. ... Notwithstanding the presence of business uses within Sherrington Mews, the impression created by the terrace fronting the highway is distinctly residential. with small open front gardens. ...

Each property features a distinctive pitched roof porch with exposed timber at the front. It is within this triangular space that the advertisement which is the subject of the notice has been placed. ... No other signs are in a similar position. ... Given the position, size and form of the sign, it has a prominence which is out of keeping with its locality. ... This terrace has clearly been designed to replicate housing and complement the residential properties opposite. Against that context, the sign is severely out of character with the property and its surroundings causing substantial injury to amenity. ...

[TG/16/03798/FUL](#)
Tangmere
WR (R Ballam)
DISMISSED

1 Boxgrove Corner, Arundel Road, Tangmere, PO18 0DU –
Erection of 1 no. 3 bed chalet bungalow.

The appeal was dismissed on the following grounds:

[The proposal] comprises a new dwelling outside the development boundaries of the settlement... The proposal would not require a countryside location, or meet essential, small scale and local need... For these reasons, [it was concluded that] the proposed development would be contrary to the development strategy for the area, in particular

Policy 1 of the NP and Policies 2 and 45 of the LP. This conflict with the development plan carries great weight in the planning process.

...[It was concluded] that the proposed single dwelling would be contrary to the relevant policies of the development plan, comprising the Council's Local Plan and the Tangmere Neighbourhood Plan. Whilst there are a number of material considerations in favour of the scheme, they mostly relate to the basic requirements of development plan policy and are not of such weight, either individually or cumulatively, as to warrant a decision other than in accordance with the aforementioned development plan.

[WH/16/02827/FUL](#)
WR (C Boddy)
DISMISSED

Maudlin Mill, Sidengreen Lane, Maudlin, Westhampnett, Chichester, West Sussex, PO18 0QU - Construction of a workshop with first floor office.

The appeal is dismissed.

The proposed two storey building would be largely screened in any views from the north, including from the South Downs National Park, by the existing adjacent building and, if built, the extant one, and by boundary vegetation. However, it would be positioned in a significantly more prominent location in respect of Stane Street than those existing and extant buildings, being immediately adjacent to the site's access. As such, there would be limited scope for screening or softening from the roadside vegetation and it would be clearly visible when passing the site and on the closer approaches. That would be regardless as to whether or not any existing trees would be removed due to the positioning of the proposed building.

Due to the building's height, proximity to the road, and generally utilitarian appearance, it would introduce a jarring and incongruous feature into the otherwise predominantly verdant setting of Stane Street in the vicinity of the site.

I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area.

The proposal would be of relatively small scale compared with the existing building and extant scheme on the wider commercial site. It is therefore unlikely that movements and activity would be materially different to those that could currently take place on the site or in the future were the extant scheme implemented. There would also remain a substantial area within the site and wider commercial site for the turning of large vehicles. Although the access drive is not in very good condition, appropriate improvements could be secured by condition were the appeal allowed.

Costs Decision

The applicant claims that the Council acted unreasonably in refusing planning permission, especially in light of the most recent appeal decision allowing the proposed Use Classes B1/B2 industrial development of the site. It is claimed that policy 26 of the Local Plan is the important one and which would be fully satisfied by the appeal proposal.

The Council did not take account of policy 26 in coming to its decision and importantly, the council rightly also referred to policy 48. The unacceptable harm to the character and appearance of the surrounding area was an over-riding factor that would outweigh any benefits of the scheme. It is therefore unlikely that had the Council taken account of policy 26, its decision would have been different.

It was reasonable on the part of the Council to consider the proposal on its own merits in a situation where the previous appeal scheme remains to be implemented, and where it assessed there to be a need for further details to be certain that the existing access would be fit for purpose.

I find that the Council did not behave unreasonably.

3.OUTSTANDING APPEALS

Reference/Status	Proposal
SDNP/17/00030/APNB Bepton WR (R Grosso MacPherson) Awaiting decision	Padwicks Farm, Whites Lane, Bepton, GU29 0LY - Agricultural storage building.
SDNP/16/02175/FUL BURY WR (B Stubbington) In Progress	Timberley Farm, Bury Common, Bury, Pulborough, West Sussex RH20 1NP - Widen existing farm entrance.
CC/16/03216/ADV WR (R Ballam) In Progress	The Fat Fig, 42 South Street, Chichester, West Sussex PO19 1DR - 1 no. fascia sign attached to the front elevation, 2 no. vinyl signs on the windows and 1 no. hanging sign.
CC/16/03916/ADV WR (P Hunt) In progress	The Chantry, 27 - 28 Southgate, Chichester, West Sussex PO19 1ES - 1 no. illuminated fascia sign, 2 no. menu signs, 1 no. non-illuminated projection sign and 2 no. written logo signs. 6 no. flood lights and 2 no. lanterns.
CC/17/00002/FUL WR (P Hunt) In progress	46 South Street, Chichester, PO19 1DS - Attic storey extension to create an additional apartment.
CC/17/00416/DOM WR (P Hunt) In progress	Clydesdale Lodge, 44A Caledonian Road, Chichester PO19 7PJ - Rear first floor extension with a roof garden.

<p>E/17/00237/FUL WR (M Tomlinson) In progress</p>	<p>138 Easton Lane, Sidlesham, PO20 7JY - Change use of 2 no. roomed seasonal bed and breakfast accommodation building to dwellinghouse to include the addition of attached garage.</p>
<p>EWB/16/03920/FUL WR (C Boddy) In progress</p>	<p>27 Coney Six, East Wittering, PO20 8DL - 2 no. dwellings, garage and associated works.</p>
<p>SDNP/16/05784/FUL Fernhurst WR (R Grosso MacPherson) In progress</p>	<p>Ashurst, Lickfold Road, Fernhurst, GU27 3JB - Replacement dwelling including realigned driveway.</p>
<p>SDNP/16/05918/HOUS Graffham FT (B Stubbington) In progress</p>	<p>Summerfield Cottage, Graffham Street, Graffham, GU28 0NP – Proposed new driveway with off road parking.</p>
<p>SDNP/16/04701/LIS Harting H (Rafa Grosso MacPherson) In progress</p>	<p>East Harting Farm, Hollist Lane, East Harting, Petersfield, GU31 5LU – Extension to annex.</p>
<p>SDNP/17/01197/FUL Harting WR (D Price) In progress</p>	<p>Tye Oak Farm Cottages, Hollist Lane, East Harting, West Sussex - Demolition of existing dwellings, replacement detached two-storey dwelling and a detached single storey three bay garage.</p>
<p>SDNP/17/00178/HOUS HEYSHOTT WR (J Shore) In Progress</p>	<p>Cottage On The Green, Peace Road, Heyshott, Midhurst West Sussex, GU29 0DF - Demolition and replacement of detached annexe.</p>
<p>SDNP/14/00448/COU Lurgashall WR (S Pattie) In Progress</p>	<p>Northurst Farm Dial Green Lane Lurgashall Petworth West Sussex GU28 9HA – appeal against an enforcement notice re: COU of land to garden land.</p>

<p>SDNP/15/00361/COU Lurgashall H (R Hawks) Awaiting decision</p>	<p>Old Hearne Farm, Jays Lane, Lurgashall, Haslemere, West Sussex, GU27 3BL – appeal against an enforcement notice: Without planning permission, the erection of a building and laying of a stone pavement. Linked with SDNP/16/04559/FUL</p>
<p>SDNP/16/04559/FUL Lurgashall H (J Shore) Awaiting decision</p>	<p>Old Hearne Farm, Jays Lane, Lurgashall, Haslemere West Sussex, GU27 3BL - Retention of the east barn and its immediate surroundings for mixed agricultural and equestrian purposes. Linked with SDNP/15/00361/COU</p>
<p>SDNP/16/00204/OPDEV Midhurst WR (S Archer) In progress</p>	<p>Flat 2, Thomond House, North Street, Midhurst, GU29 9DJ – Formation of door opening.</p>
<p>SDNP/16/04426/FUL Midhurst WR (J Shore) In progress</p>	<p>Land to The rear of Fourwinds, Chichester Road West Lavington, Midhurst, West Sussex, GU29 9QE - Construction of detached 5 bedroom dwelling.</p>
<p>NM/15/00375/CONCOU I (R Hawks) In Progress Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>Land North Of Fisher Common Nursery Fisher Lane North Mundham West Sussex – appeal against an enforcement notice: Change of use of barn to single dwelling. Linked to NM/16/00424/ELD</p>
<p>NM/16/00424/ELD North Mundham I (Reg Hawks) Public Inquiry to be held at 10am 9-11 January 2018 at City Council, Old Court Room</p>	<p>10 Acres, Land North of Fisher Common Nursery, Fisher Lane, North Mundham, PO20 1YU - Continuous occupation for in excess of 4 years of barn style building erected under planning permission 10/00517/FUL granted on 28 April 2010. Linked to NM/15/00375/CONCOU</p>
<p>PS/13/00015/CONCOU I (R Hawks) Awaiting decision</p>	<p>Crouchlands Farm, Rickmans Lane, Plaistow, Billingshurst West Sussex, RH14 0LE. Use of anaerobic digestion tanks and equipment for importation of waste and export of biomethane. Construction of a digestate lagoon without planning permission. Appeal against two enforcement notices. Linked to s78 appeal against refusal of planning permission by WSCC.</p>

<p>SI/15/03440/ELD I (M Tomlinson) In progress</p>	<p>The Cottage, Chichester Road, Sidlesham Common Chichester, West Sussex, PO20 7PY - Use of land as private residential garden land in connection with The Cottage Chichester Road Sidlesham Common Chichester West Sussex PO20 7PY.</p>
<p>SB/16/00176/CONCOU WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex – appeal against an enforcement notice: Stationing of metal container buildings. LINKED TO SB/16/02811/FUL</p>
<p>SB/16/02811/FUL WR (R Ballam/E Kierans) In progress</p>	<p>Land East Of Inlands Road, Inlands Road, Nutbourne, West Sussex - Siting of metal shipping container for storage of agricultural equipment and animal feeds. LINK TO SB/16/00176/CONCOU</p>
<p>SB/16/03569/OUT Southbourne I (Rhiannon Jones) Public Inquiry to be held at 10am 12-15 September 2017 at WSCC , Edes House</p>	<p>Land East of Breach Avenue, Southbourne - Outline with all matters reserved except access - development of up to 34 dwellings, access, retention of orchard, public open space and other associated works.</p>
<p>SDNP/16/00334/COU Stedham H (Shona Archer) In progress</p>	<p>The Old Studio, Bridgefoot Lane, Stedham, West Sussex, GU29 0PT – appeal against an enforcement notice: Use of annexe as a self contained residential unit.</p>
<p>SDNP/16/00069/COU Upwaltham I (Shona Archer) Public Inquiry to be held 10am 31 October and 1 November at CDC Committee Room 2</p>	<p>The Mill, Eartham Lane, Eartham, Chichester, PO18 0NA – appeal against an enforcement notice - use of workshop as single dwelling.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

Stockbridge Halls of Residence (Former Chichester Girls High School site), Stockbridge Road, Chichester

The Stockbridge Halls of Residence comprises 5 accommodation blocks which house students from both the University of Chichester and Chichester College. Application was made to vary the existing S.106 agreement attached to planning permission CC/09/01276/OUT relating to the development. The effect of the variation will be to allow students to bring cars at certain pre-arranged times into the previously agreed 'parking exclusion zone' established by the planning agreement and through the planning permission.

The application for the variation effects accommodation block buildings A, B, C and D and will bring the use of these blocks in terms of the use of cars by students, into line with the use restrictions pertaining to those already placed on accommodation block E at the re-developed Chichester Girls High School site (block E is the retained and converted former Edwardian school building sited north of blocks A-D which provides 88 single, en-suite study bedrooms). The proposal will also enable guests of the students living in blocks A-D to stay overnight at the site rather than vacating the premises by 11pm thus bringing these blocks into line with the arrangements already in place for Block E.

The Deed of Variation establishes a car parking exclusion zone for all 5 blocks covering a broad swathe of land east and west of the campus including residential estate roads where the random parking of student cars has the potential to cause highway safety issues and access problems for local residents. The proposed restriction only permits students to bring cars within the car parking exclusion zone for the purposes of moving in and out of their student study bedroom on the first and last day of occupation of their tenancy and for a period of not longer than 3 hours on these days. The amended Student Site Management Scheme will ensure that the new restrictions are adhered to and enforced.

Consultations with the statutory highways authority, Highways England, and the local highway authority, WSCC, have both generated no objection to making the car exclusion criteria consistent across all the student accommodation blocks at the Stockbridge campus. The associated introduction of controlled parking zones (CPZ's) in the vicinity of the campus since the original s.106 agreement was completed which are regularly patrolled by parking wardens has also made a big difference in terms of instances of unauthorised parking.

In terms of the deletion of the clause relating to overnight guests, the Council's principal environmental health officer has raised no objection reporting that they are unaware of any complaints from local residents about student noise. Minutes of meetings between the College and local residents' groups submitted with the application for the variation support the impression that the halls of accommodation are generally well run with the odd isolated incident acted upon swiftly and appropriately. The student accommodation is managed, maintained and supervised to a high standard, compliant with the ANUK code (Accreditation Network United Kingdom) for the safety, standard of facilities and management of student accommodation.

Members are asked to note that the Deed of Variation is now completed and the changed elements of it will be encompassed within the management scheme for the site.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage
NONE		

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Breach of Enforcement Notices and Stop Notices	Court action is being held in abeyance after the outcome of the Planning Inspectorate's decision as occupants have one year to find alternative accommodation.
Land at Newells Lane, Funtington	Application for Injunction Without Notice for apprehended/anticipated breach of Planning legislation	Injunction granted against Mr Frederick Bath who purchased the relevant piece of land where unauthorised operation has taken place. Undertaking given by the seller, Mrs Sullivan not to carry out or allow others to carry out any work/development etc in breach of planning legislation on the land retained. Court hearing on 25 September to consider whether injunction should be confirmed, varied or discharged. Mr Bath to attend the hearing.
Court Hearings		
Site	Matter	Stage
Land at Decoy Farm, Oving	The Council is seeking payment of its costs (£27,473.83) incurred from carrying out default works under section 178 of the T&CP Act 1990 to secure compliance with ENs O/10 and O/11 to clear the land and demolish a building	The defendants are opposed to the Council's claim and have entered a counter claim stating that the Council exceeded its powers when it appointed contractors to enter land and carry out the requirements of the notice(s). A Case Management Conference Hearing took place at Worthing County Court on 21 August 2017. The Judge held that the defendants and the claimant should present the case at a Pre-Trial Review Hearing in April 2018 (statements and other evidence to be exchanged before then) with a Trial to be set in June 2018. Costs budgetting is to be agreed by the parties by 21 Sept 2017.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

NONE