

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 11 March 2020 at 9.30 am**

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

AGENDA

1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 10)

The minutes relate to the meeting of the Planning Committee on 5 February 2020.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 13 (b).

4 **Declarations of Interests** (Pages 11 - 12)

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

5 **BI/19/02797/FUL - Martins Cottage, Martins Lane, Birdham, PO20 7AU** (Pages

13 - 32)

1 no. self-contained unit for tourist accommodation use.

- 6 **CH/19/03029/FUL - Plot C, Pond Farm, Newells Lane, West Ashling, Chichester, PO18 8DF** (Pages 33 - 46)
To use land as a Travellers caravan site consisting of 1 no. mobile home and 1 no. touring caravan with associated development.
- 7 **CH/19/03030/FUL - Plot F, Pond Farm, Newells Lane, West Ashling, Chichester, PO18 8DF** (Pages 47 - 60)
Use of land as a gypsy and travellers caravan site consisting of 1 no. pitch containing 1 no. mobile home and 1 no. touring caravan
- 8 **EWB/19/00431/AGR - Hundredsteddle Farm, Hundredsteddle Lane, Birdham, Chichester, PO20 7BL** (Pages 61 - 76)
Grain store and machinery store.
- 9 **SY/19/02962/FUL - Land West Of Tidewall Cottage, 85 East Street, Selsey, Chichester, PO20 0BU** (Pages 77 - 91)
Erection of 1 no. dwelling.
- 10 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters Between 16 January 2020 and 19 February 2020** (Pages 93 - 101)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters Between 16 January 2020 and 19 February 2020** (Pages 103 - 105)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **National Design Guide** (Page 107)
That the Committee notes the updated design guidance and how it can be used to inform new development proposals.
- 13 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 14 **Exclusion of the Press and Public**
The committee is asked to consider in respect of the following item(s) whether the public interest including the press should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members of the Cabinet and senior officers only (salmon paper)**

Or

There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
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

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

CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions
CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East Pallant House on Wednesday 5 February 2020 at 9.30 am

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

Members not present: Mr G Barrett

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mr D Power (Senior Planning Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

19 **Chairman's Announcements**

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

Apologies for absence had been received from Mr Graeme Barrett.

20 **Approval of Minutes**

Resolved

That the minutes of the meeting held on 8 January be approved and signed by the Chairman with the amendments as requested by Rev. Bowden and Mr Oakley:

Item 6 - that with regards to the conclusion, that following words were added:

The reason for allowing the proposal was that the Committee considered that the public benefit of securing optimal use of the building outweighed the less than substantial harm that would arise as a result of the replacement windows, having regard also to the context of its surroundings, including the significant built form that exists around the application site.

Item 11 - that the recommendation to endorse included the full recommendation:

That the Planning Committee endorses the broad approach proposed for the development of the Tangmere Strategic Development Location (SDL) as set out in the draft Masterplan dated November 2019.

Item 12 - that the comment regarding the developers' progress is altered to:

Mr Whitty has received assurance from developers that they were not stalling proceedings.....'

Item 13 - that a comma was added to the following sentence between the word 'residential' and 'that':

Members further debated how such buildings are established as residential, that they were not liable for Community Infrastructure Levy, and the type of buildings deemed convertible.

21 **Urgent Items**

The Chairman reported that an urgent item would be considered under agenda item 11(b):

To consider the Council's response to a High Court challenge to a planning permission recently issued to 23 Southgate, Chichester (The Vestry).

22 **Declarations of Interests**

Mr Oakley declared a personal interest in respect of planning applications WW/19/02489/FUL, SI/19/02417/FUL and NM/19/00677/FUL as a member of West Sussex County Council.

Mrs Purnell declared a personal interest in respect of planning applications WW/19/02489/FUL, SI/19/02417/FUL and NM/19/00677/FUL as a member of West Sussex County Council.

23 **WW/19/02489/FUL - Thatch End, Seaward Drive, West Wittering, PO20 8LL**

Mrs Stevens introduced the application.

Additional information was provided on the agenda update sheet, listing further information from the agent regarding proposed sustainability measures, and an additional condition in relation to the submission of a detailed scheme regarding the provision of photovoltaic cells.

Mrs Stevens gave two further verbal updates, the first in relation to condition 4, to include a requirement for further information regarding the prevention of litter, and the second in relation to condition 15, which required the addition of the words 'until the' to be inserted between the words 'and' and 'car' in the first sentence to read;

‘The dwellings hereby permitted shall not be occupied unless and until the car charging points.....’

The following members of the public addressed the Committee:

Mr Keith Martin – Parish Council
Mrs Kerry Simmons - Agent

The Chairman read a statement received from Mr Barrett to be read in his absence; ‘I would therefore like to support the Parish Council and the Wells Farm Estate in objecting to this application on the grounds of over development and that it was contrary to the management policy’.

Members sought clarification regarding the number of proposed car charging points, whether the S106 requirement was due to recreational disturbance and if that would be in line with the latest guidance, what weight could be given the Village Design Statement, the importance of the boundary hedge and whether the bin and bike store would interfere with the provision of a continuous hedge, further information regarding the size of the plot, parking and turning space and what weight should be given to the extant planning permission. Mrs Stevens responded that the S106 recreational disturbance payment was in line with the 2020 guidance, which will change in April, with the new financial year. The bike and bin store could be relocated to provide a continuous hedge. The Village Design Statement carries some weight and is a material consideration, although it is not a document which has been through examination, Mrs Stevens therefore advised that the National Planning Policy Framework and the Local Plan would carry greater weight. The existing plot size was 31 metres in width, other nearby plots 16 to 18 metres in width and the proposed plan would provide one plot of just under 16 metres and the other 15.5 metres, there was a mix of plot sizes but narrower plots were more predominant. There was sufficient space for parking and turning and condition 15 would be amended to clarify a minimum of one car charging point per dwelling. The extant permission was due to expire imminently, however as planning permission had previously been granted, the previous granting of permission was also a material consideration. If there has been no significant change in the circumstances on site, or change in local policy or national policy, Mrs Stevens advised that it would not be reasonable to refuse permission. The existence of planning permission even if shortly due to lapse is still a material consideration that carries significant weight.

Members sought clarification regarding the views to the sea and Mrs Stevens confirmed that the current property is some distance from the sea and was not aware of any views to the sea from within the street scene.

Members sought further clarification regarding if the work had begun very recently, would the applicant be in the position of reapplying for permission. Mr Whitty responded that the difficulty the applicant would have in implementing the permission would be that a pre-commencement condition (drainage) had not yet been discharged, and therefore they could not rely on the permission being extant, and would not be able to fulfill the requirements of the condition in time, but the

permission had previously been granted under the same policies as currently exist and this in itself was a material consideration.

Members proposed and seconded that two conditions were added, the first to ensure that the boundary hedge was continuous and the bike and bin store moved away from the boundary, and the second to add to condition 15 that a minimum of one car charging point per dwelling was required, which was agreed by the Committee.

Members further commented that this was not a conservation area, and the Chairman sought clarification regarding whether solar-voltaic tiles should be included in the conditions, the weight that should be afforded to the policies of the company managing the estate and for further comments on the inclusion of conditions and amendments. Mr Whitty responded that condition 3 and the update sheet sought to secure the sustainability measures which the applicant would be required to submit. The management of the estate was a civil matter and a separate one for the applicant. Condition 15 requested details of the car charging points, which must be in line with the West Sussex County Council standards which included a year on year increase, so therefore was dependent upon when work took place on that condition, and it was not necessary to specify the number, but that a minimum requirement could be prescribed. Mr Whitty advised that regarding the bins, the committee should not seek to amend the design as a result of preference but should only seek a further condition if it considered the matter so important that planning permission would be refused. Mr Whitty added that condition 13 stated 'notwithstanding information provided, no part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with the scheme...' and therefore suggested that officers make a note that the bins are placed adjacent to property and that could be included as part of that condition. In response to Members suggestion that a minimum of one charging point per dwelling was included, officers agreed this request would be appropriate.

Recommendation to **Permit** agreed with additional conditions and amendments as discussed.

24 **SI/19/02417/FUL - Chalk Lane Nursery, Chalk Lane, Sidlesham, PO20 7LW**

Mr Power introduced the application.

Further information was provided on the agenda update sheet detailing an additional condition in relation to the removal the existing building, and an amendment to an existing condition regarding legislation pertaining to not constructing a building or structure on the site without planning permission being granted.

Mr Power also drew the Committee's attention to the report and explained that an omission had occurred in regards to the recommendation which should read 'Recommendation to permit with S106'. As with the previous application, condition 8 required the addition of the words 'until the' to be inserted between the words 'and' and 'car' in the first sentence to read; 'The dwelling hereby permitted shall not be occupied unless and until the car charging points.....'

The following member of the public addressed the Committee:

Mr Adrian Hadland – Parish Council

Members commented upon the frustrations of parcels of land in unsustainable areas being used to construct dwellings and this application would not build on the original footprint of the current building, which would be demolished and not converted. Mr Whitty responded that he understood Members frustrations, but on a point of clarification in relation to class Q, the Parish Council have previously been, and will continue to be, consulted on Class Q applications and the current application should be considered having regard to the permission for the conversion of the existing building to a single dwelling, afforded by the Town and Country (General Permitted Development) Order. With regard to the Council's upcoming guidance on determining Class Q Prior Approvals, legislation could not be changed or policy created, the guidance was to ensure consistency in these situations was applied. Class Q related to whether a building was capable of conversion without structural intervention and this had been proved in this application and was a material consideration.

Members sought clarification regarding the materials to be used, whether the buildings were currently for agricultural use, that in the previous item on the agenda the conditions relating to hours of construction and deliveries were separate, but together on this application, whether there was a planting plan, whether the cross-hatched area was the amenity area and whether the building shown was on the 1990 permission and was used for storage. Members sought further clarification regarding whether there would be permitted development rights for another agricultural building, for which a further application for conversion may be forthcoming at a future date. Mr Power responded that the materials would include brick walls with a tiled roof, the buildings were considered to be in agricultural use when the class Q application was considered and during the officer's site visit for the current application there was nothing to indicate otherwise. The previous item on the agenda was within a built-up residential area and in this instance the location was rural and therefore there was less opportunity for disturbance during construction and therefore the condition in relation to hours of construction was less prescriptive. A landscaping plan was not submitted with this application and the hatched-area within the plan is a carry-over from the prior approval proposals. With regards to the 1990 permission noted within the planning history, this did not relate to the building that formed this application. Mr Whitty added that the effects of class Q permitted development rights were that if a proposal was implemented, an application for prior approval could not be sought for an additional agricultural building and planning permission would be required. However this application would not be enacting the prior approval, so it would not prevent an applicant from seeking prior approval for an agricultural building. The hatched area was not proposed as part of this application, and was shown as part of the prior approval and Mr Whitty added he considered that a landscaping requirement should be included within the conditions.

Members commented that the hours of work including demolition should be controlled and that a landscaping plan which should include boundary treatment, could be conditioned. Mr Whitty confirmed a condition could be added to control the hours of work, and with regards to a landscaping plan, suggested that the

recommended conditions could be amended to include the requirement for further details regarding boundary treatments.

Members sought advice regarding if the application was refused, what were the implications for an appeal. Mr Whitty advised that if the application was refused on the principle of development, and if the applicant chose to appeal, the Authority was likely to lose the appeal given that it was necessary to take account of the prior approval, and the application was effectively replacing one for another, with no net gain of dwellings on the site.

Members commented that the possibility of an appeal should not be a consideration, and each application should be decided upon on its own merits. Mr Whitty advised that the Committee must act reasonably and if minded to refuse permission, provide precise reasons for refusal based in policy. The Committee must also be mindful if at an appeal it was found the council acted unreasonably then it could be subject to an award of costs.

Members sought clarification regarding whether permitted development rights could be removed on specific areas of the site, and Mr Whitty confirmed a condition could be applied to land within the blue line provided on the plan, preventing further conversions under class Q at a future date.

Members sought advice as to whether refusing such applications had been tested and Mr Whitty advised that it had been tested on many occasions, across the country. That representations had been made to Government, regarding the loopholes associated with prior approvals, and the Authority had also provided feedback to the Local Government Association on this matter, during a recent visit. The only way in which to exercise frustrations was to lobby Government, but it could not be undertaken by refusing this application, case law suggested the Authority would lose on appeal.

Members proposed and seconded that a condition that class Q was removed from the site in future and that a separate condition was added regarding the times of construction.

The Chairman commented that conversions are not liable to Community infrastructure Levy (CIL) and Parish Councils were missing out on this opportunity, therefore with the new Local Plan, could CIL be introduced for conversions and for applications such as this. Mr Whitty confirmed that CIL regulations were set out in legislation, regarding when CIL can be collected, although the Authority sets the rates. Conversions were liable for CIL but developers were able to discount the existing floor area, so only additional floor-space was liable.

Recommendation to **Permit** agreed with the conditions as cited on the update sheet, add that the recommendation to permit is subject to S106 and to amend section 8 to include the words 'until the' and further/amended conditions:

- To confirm the hours of work is to be permitted
- To require a landscaping plan with boundary treatments

The Committee took a ten minute break

25 **NM/19/00677/FUL - South Mundham Farm, South Mundham Road, South Mundham, PO20 1LU**

Mr Power introduced the application.

Additional information was provided on the agenda update sheet a further condition regarding the removal of existing buildings on the site, and the summary of two letters of objection.

The following members of the public addressed the Committee:

Mr Timothy Russell – Parish Council
Mrs Gillian Nott – Objector
Mr Kris Mitra – Agent

Members sought clarification with regards to the number of proposed dwellings, the fall-back position relating to policy 46 and permitted development rights, vehicles movements likely to be generated in the absence of public transport, and whether landscaping would screen parked cars. Members sought further clarification regarding car charging points, demolition times, potential CIL requirements, potential to control internal alterations and further permitted development rights and the threshold for the requirement of affordable houses. Mr Power responded that the area on the plan within the red and blue lines were in the same ownership and with regards to the fall-back position, the site had two prior approvals, one for the Atcost shed to be converted to three dwellings and another for shed two to also be converted to three dwellings and under Class Q of the General Permitted Development Order (GPDO) there is a maximum of five dwellings allowed solely under Class Q and therefore technically only one of the prior approvals could be implemented, hence the reason for having the fall-back position for three dwellings for plot numbers 4, 5 and 6. This did not prevent six dwellings across the whole site to be permitted under two separate prior approvals. Plot's 1, 2 and 3 would be considered under policy 46 as conversions of existing buildings. Mr Power summarised that were six dwellings on the site for the application, however only three were considered as part of fall-back and three as a conversion. There are no controls over the highways movements for the existing use of the site. Mr Power confirmed that six dwellings for the site, was not considered a significant increase compared to the existing agricultural use. A landscaping plan was provided early in the application process and small changes have been made to the layout of the proposal, with a reduction in the amount of car parking in the middle of site, and specifically changes to plot 4, and the layout also showed significant planting to the south and north side of site, and therefore a condition has been included, due the changes. With regards to the charging points there would be one for each plot which could be confirmed by condition. The floor-space in comparison to the fall-back position is just considering the Atcost shed which was approximately 510 square metres and plots 4, 5 and 6 was approximately 530 square metres, approximately 177 per plot, therefore there was a small but not significant increase. Condition 20 would not control internal alteration but would control new windows, and given the eaves of the roof, it would not be possible to build another floor. Mr

Power confirmed that the threshold for affordable housing was ten dwellings, but the fall-back is for three dwellings therefore, there would be only three dwellings in relation to the requirement for affordable housing.

Mr Whitty clarified that with regards to the floor-space of the Atcost shed, permitted development rights allow conversion of 465 square metres, therefore the difference is greater but consideration could be given to the better layout, form and sustainability measures that would come with a new build. In terms of class Q, if the class Q permission were implemented, instead of the current application, this would prevent further class Q conversions, therefore Mr Whitty advised the addition of a condition to prevent a further 'class Q conversions'. Mr Whitty further clarified that in regard to the two buildings, at the time the legislation allowed class Q restricted conversion to three dwellings, which has now been expanded to five dwellings. Whilst each of the buildings could gain prior approval as an alternative to another, the GPDO would only afford permission for the implementation of conversion of up to 3 units (or 5 if subsequently granted prior approval). It was important that the restriction was not by-passed.

Members sought further clarification regarding the CIL regulations and Mr Whitty responded that the regulations allowed a discount for any building on the site, but in regards to this application, there was more than 530 square metres of buildings to be demolished which could all likely be discounted and therefore there would potentially be no CIL requirement.

Members sought further clarification regarding the potential to restrict the creation of further floor-space by creating an upper floor. Mr Whitty confirmed that condition 20 would prevent the insertion of new windows and habitable floor space would be difficult to provide given the eaves levels as it would be unlikely to meet building regulations, but a further condition could be added to ensure a further floor was not created.

Resolved

Recommendation to **Permit** agreed with the conditions as cited on the update sheet, and further/amended conditions:

- To confirm the hours of construction work to be permitted
- To confirm that one car charging point per dwelling was required
- To require a landscaping plan with a maximum number of trees to screen the car parking area
- To confirm that the amount of permitted habitable floor space
- To remove class Q within the areas highlighted on the plans.

26 **Schedule of Outstanding Contraventions**

Mrs Archer confirmed that the schedule gave the CDC figures of 163 and 89 totalling 252, which should be corrected to 75 and 28 totalling 103 regarding 'The number of 'On Hand' cases awaiting compliance with either an EN or the outcome of an appeal/application'.

Members sought an update on progress regarding WE/16/00191/CONCOU and Mrs Archer confirmed that the owners would be prosecuted for failure to comply with the notice.

Mrs Archer confirmed that further action was being taken regarding 0/17/00074/CONENF.

Members sought an update regarding HART/SDNP/18/00587/TPO in relation to evidence not being available to demonstrate that the notice had not been complied with. Mrs Archer responded that it had been difficult to establish who was in occupation at the property and a further visit would be taking place.

Members sought clarification regarding B1/15/0039/CONSH and Mrs Archer confirmed that a court hearing was currently awaited before an injunction was obtained, and the issue of additional pitches were being progressed separately.

Members sought clarification with regards to PS/13/00015/CONAGR and the integrity of the lagoon and Mrs Archer responded the Environment Agency which held responsibility in relation to this matter, had issued its own notice. Mr Whitty added that the Authority had also established a multi-agency response in the event of a spillage, and that there was currently an issue with rain gathering in the plastic covering, but this was being attended to by the owners.

Members also sought clarification regarding progress in relation to WE/17/00403/CONENG as the owner was not currently complying and Mrs Archer responded that a review of the situation would be taking place on site.

Members also sought clarification regarding progress in relation to WE/19/00217/CONCOU and Mrs Archer confirmed that the application was yet to be determined and therefore the matter could not be progressed until this had taken place.

27 Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters, Between 10 December 2019 and 15 January 2020

Miss Golding confirmed that the additional court matter would be discussed as a part 2 matter.

28 South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters, Between 10 December 2019 and 15 January 2020

Mr Whitty drew the Committee's attention to SDNP/18/03665/HOUS and SDNPA/18/03666/LIS which were listed as 'Dismissed' in error and should both read 'Appeal Allowed'.

29 Exclusion of the Press and Public

RESOLVED

That in accordance with Section 100A of the Local Government Act 1972 the public and the press be excluded from the meeting during consideration of the following item on the Agenda for the reason that it was likely in view of the nature of the business to be transacted that there would be disclosure to the public of “exempt information” being information of the nature described in Paragraph 7 (Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

30 **Consideration of late item: 23 Southgate, Chichester (The Vestry). To consider the Council's response to a High Court challenge to a planning permission recently issued.**

A discussion took place and it was resolved:

Not to contest the claim, and to authorise the Authority’s Senior Solicitor to sign a consent order to agree to the planning permission dated 9th December 2019, being quashed by the court.

The meeting ended at 12.20 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 5 February 2020

Declarations of Interests

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

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

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

Personal Interests - Membership of Parish Councils

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

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

Personal Interests - Membership of West Sussex County Council

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

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

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

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

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr H Potter – South Downs National Park Authority

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

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

NONE

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

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

NONE

Personal Interests – Other Membership of Public Bodies

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



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

Parish: Birdham	Ward: The Witterings
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BI/19/02797/FUL

Proposal	1 no. self-contained unit for tourist accommodation use.		
Site	Martins Cottage Martins Lane Birdham PO20 7AU		
Map Ref	(E) 482656 (N) 100342		
Applicant	Mrs A Pockney	Agent	Mrs Natalie McKellar

RECOMMENDATION TO PERMIT WITH A S106

		
	<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>

1.0 Reason for committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site comprises land associated with Martins Cottage, a 2 storey detached dwelling on the northern side of Martins Lane within the parish of Birdham. Martins Lane is a country lane characterised by a collection of individually designed properties in various styles. Whilst Martins Cottage and the access to the application site is located within the Birdham Settlement Boundary, the land to which this application relates falls just outside of it, and therefore it is within the countryside. The site is also located within the Chichester Harbour Area of Outstanding Natural (AONB). The character of the area becomes increasingly rural to the west end of Martins Lane, however there are a number of dwellings to the northern side of Martin's Lane and the application site is bounded by residential properties to the east, west and south, thereby providing a residential character to its surroundings despite the site falling outside of the settlement boundary. The site is currently occupied by a shed, greenhouse and planting.

2.2 The application site comprises part of a field to the rear of the main house adjacent to a barn which was converted to 2 no. 2-bed holiday lets in 2006. The site is accessed via a gravel driveway on the southern side of the main house, and there is also an existing parking and turning area. The wider field is bounded by mature vegetation whilst the existing units of holiday accommodation sit within a soft landscaped area creating amenity space for the enjoyment of guests. The existing holiday units are clad in natural horizontal timber under a clay tiled roof with conservation style rooflights and natural timber window frames. The converted building is therefore sensitive to its rural setting. The holiday lets business is operated by the occupier of Martins Cottage and therefore there is a close functional relationship between the buildings surrounding the application site.

3.0 The Proposal

3.1 The application seeks planning permission for the erection of a new building to provide 1 no. self-contained unit for tourist accommodation use. The proposed building would measure 6m x 10.7m and would have an underside eaves height of 2.1m and ridge height of 6m. The existing shed and greenhouse on the site would be demolished.

3.2 The building would include a ground floor utility, WC, kitchen and open plan living area 2 bedrooms and bathrooms within the roof space. A small area of garden is proposed to be situated to the east and west of the newly created unit for recreational use in association with the holiday accommodation.

4.0 History

78/00046/78	REF	Extension and new roof.
78/00077/BI	PER	Rear extension and new roof.
85/00034/BI	PER	Alterations to store and garage.

97/00377/DOM	PER	Removal of flat roof to complete pitch of tiled roof to the ridge.
05/02655/FUL	PER	Change of use of redundant farm building to 2 no. units of holiday accommodation, and associated works
06/02312/FUL	PER	Change of use from redundant farm building to 2 no. units holiday accommodation.
09/03422/DOM	PER	Garden room extension. Existing pitched roof raised and extended over garden room to accommodate two ensuite bedrooms.
10/05039/DOM	PER	Garden room extension. Existing pitched roof raised and extended over garden room to accommodate two ensuite bedrooms (alterations to planning permission BI/09/03422/DOM.).
17/01480/PRESS	ADV GIV	Erection of 1 no. 2 bed tourist unit to expand the existing provision of tourist accommodation on the site.

5.0 **Constraints**

Listed Building	No
Conservation Area	No
Rural Area	Yes (adjacent to settlement boundary)
AONB	Yes
Tree Preservation Order	No
EA Flood Zone	
- Flood Zone 2	No
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Parish Council**

The Parish Council STRONGLY OBJECTS to this application and considers that the application development does more in the way of harm in its proposed location. Whilst the Parish Council supports the growth of businesses within the Parish there appears to be no evidence that this application increases local employment and do not outweigh the potential for harm to the AONB and the nearby SSSI.

It is also considered that the proximity of the development to neighbours boundaries would impact on the peaceful enjoyment of those owners.

Consideration must also be given to the increase in vehicle movements via a narrow drive way and road access.

6.2 Chichester Harbour Conservancy

Further to consideration yesterday by Members of the Conservancy's Planning Committee, it resolved that no objection be raised, subject to negotiation of the deletion of the rooflight window and their replacement by a number of well-proportioned dormer windows and then imposition of planning conditions requiring;

Details of external facing and roofing materials to be agreed;

That in line with the NPPF, the applicant shall demonstrate a net gain to biodiversity in accordance with a scheme of works to be agreed and then implemented (it is suggested that bird or bat boxes might be incorporated into the fabric of the new building);
Implementation of the submitted landscaping scheme in the first available planting season following completion of the new building;

That the accommodation shall not be used as an independent dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
that the owner of the site shall maintain a guest register and ensure that for 2 weeks of every calendar year, no occupation of the tourist accommodation unit applied for is used;
and,

That permitted development rights under Class AA to Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) be removed.

6.3 WSCC Local Highway Authority

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.

Summary

This proposal is for the erection of 1 self-contained unit for tourist accommodation use. The site is located on Martins Lane, an unclassified road subject to a speed limit of 30 mph in this location.

WSCC in its role as Local Highway Authority (LHA) was previously consulted regarding highways matters for this site under application 05/02655/FUL, raising no objections. This application was permitted by the planning authority.

Access and Visibility

The existing access on Martins Lane will be utilised for this proposal and no alterations are proposed. There are no apparent visibility issues at the access. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning

2 car parking spaces are proposed for this development. The 2 car parking spaces demonstrated in the plans meet the minimum specifications for single car bays of 2.4m x 4.8m as set out in Manual for Streets (MfS). The proposed parking provision is considered sufficient to meet the needs of the site. There is adequate room for vehicles to turn and exit onto Martins Lane in a forward gear.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

No cycle parking has been demonstrated in the plans. The applicant is advised to include secure and covered cycle parking to help promote the use of sustainable alternative modes of transport to the private car.

Sustainability

The site is situated in Birdham Village. The nearest shop is an approximate 14 minute walk from the site. Bus stops on nearby Main Road offer connections to Chichester and West Wittering every 20 minutes. Cycling is a viable option in the local area.

Conclusion

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

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

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide carparking space for the use

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

6.24 Third party objection comments

A total of 13 third party representations of objection (from 10 parties) have been received concerning the following matters:

- a) Noise disturbance from increased activity and proximity of holiday to boundary with neighbours.
- b) Harmful impact on outlook from gardens and habitable rooms to south.
- c) New building on agricultural land in AONB.
- d) Dominant building in the area.
- e) Overlooking from rooflights.
- f) Activity from guests on holiday is likely to be noisy.
- g) Building would be too close to the boundary.
- h) Birdham is a residential village and does not require holiday homes which will spoil the atmosphere of a thriving community.
- i) Building could accommodate 8 guests.
- j) Increased traffic to Martins Lane which is used for walking and cycling.
- k) Proposal would set a precedent for the area and field.
- l) If permitted please condition any activity detrimental to the quiet enjoyment of neighbouring properties and gardens. To include music being played outside, large gatherings of people and external fire and/or BBQ.
- m) Letting length should be limited.
- n) Mental health and wellbeing would be severely affected by tourist accommodation in such close proximity all year round.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made in July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 30: Built Tourist and Leisure Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Birdham Neighbourhood Plan

Policy 3 - Habitat Sites
Policy 4 - Landscape Character and Important Views
Policy 5 - Light Pollution
Policy 6 - Biodiversity
Policy 15 - Rural Area Policy
Policy 19 - SUDS Design & Management
Policy 20 - Surface Water Run-off
Policy 21 - Wastewater Disposal
Policy 22 - Development for Business Use

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020.

Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 Consideration should also be given to Sections; 4 (Decision-Making), 6 (Building a strong, competitive economy), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- The new Chichester Harbour Management Plan (2019-2024)
- The Chichester Harbour Planning Principles (Management Plan version April 2019)
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- CDC Waste Storage and Collection Guidance

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area and AONB
- v. Impact upon amenity of neighbouring properties
- vi. Impact upon highway safety and parking
- vii. Sustainability
- viii. Ecological considerations

Assessment

i. Principle of development

8.2 The application site adjoins the settlement boundary of Birdham, a settlement designated as a Service Village in Policy 2 of the Chichester Local Plan (CLP). The village is therefore considered a sustainable location for new development with facilities including a school, shops, petrol station, community facilities and bus stops providing access to Chichester. Although the site lies outside of the settlement boundary due to the immediate proximity of the site to the settlement boundary it is considered that the site would be considered sustainable and therefore there is a presumption in favour of development. In addition, the site is well positioned for tourists to access local attractions including Chichester Harbour, Chichester Marina and the beaches at East and West Wittering, and there is access to nearby footpaths and cycle ways ensuring that sustainable modes of transport could be utilised by tourists staying in the proposed holiday let thereby ensuring that there would not be a dependence on the private motor car.

8.3 Tourism is an important part of the Local Economy, and increasing overnight stays forms part of the Council's strategy to providing a thriving rural economy, as such policy 30 of the Local Plan is supportive of tourism development in the countryside where it cannot be accommodated elsewhere or it would expand an existing tourism facility and it would support the objectives of rural regeneration or diversification. Policy 22 of the Birdham Neighbourhood Plan (BNP) is supportive of proposals to assist the expansion of existing businesses across the parish especially those that deliver employment opportunities. Policy 23 also supports the retention of existing businesses including those related to tourism.

8.4 The existing tourist accommodation facility on the site includes 2 units within a converted barn building. The existing holiday accommodation is managed by the applicant who lives at Martins Cottage and there is an active and established web site for details of the accommodation and bookings. The information submitted alongside the current planning application demonstrates that the existing holiday lets are busy year-round, providing an extended tourism season, which is encouraged by Policy 30 of the Local Plan. The information provided demonstrates that during 2018 there were 6 weeks when the existing holiday lets at Martins Cottage were vacant and during the low season, occupancy averages at around 60% rising to 94% in the high season.

8.5 The application is also accompanied by a business plan which justifies the layout and amount of accommodation proposed. In accordance with the submitted business plan the proposed tourist accommodation would be run and managed by the owner of Martins Cottage in conjunction with the existing and fully established holiday lets. There would also be an opportunity to employ a number of local people to provide cleaning and gardening services for the upkeep and maintenance of the site and there is sufficient parking available for this purpose. As shown above the existing units are well used, demonstrating that there is a local demand for tourism accommodation. Also, according to the Tourism Office there has been a consecutive yearly increase in demand for tourist accommodation locally since 2010. It is therefore considered that sufficient information has been provided to demonstrate that the proposal would meet an identified demand for tourism accommodation in this location and that the development requires the proposed countryside location because it would result in the expansion of an existing well used tourism facility and it would contribute to the local rural economy. The proposal therefore accords with local planning policies.

8.6 Given the forgoing it is considered that the proposal would be sited in a sustainable location where there is a demonstrable demand for tourism accommodation which would benefit the local economy and there is an opportunity available to expand an existing tourism facility. Therefore the proposal would accord with the development strategy for the District and local area as set out within the national and local planning policies. It is considered that in principle the proposal would be acceptable subject to the other material considerations below.

ii. Design and impact upon character of the surrounding area and AONB

8.7 The proposed tourist accommodation would be provided within a barn style building with a clay tiled half-hipped roof with low eaves with natural timber cladding to the elevations which would reflect the appearance of the existing holiday lets on the site. The use of the high quality materials combined with the simple form of the building with low eaves and a roof plane interrupted only by rooflights, rather than dormer windows which would appear overly residential and at odds with the functional design of the building, would minimise its visual impact within its rural setting. It is considered that due to the scale, design and appearance it would not detract from the scenic beauty of the AONB. The request of the harbour conservancy to replace the rooflights with dormer windows is noted; however it is considered that the introduction of dormer windows would detract from the visual amenity and character of the proposed building. The potential impacts of light spill from the proposed rooflights would be instead be managed by a condition requiring dusk to dawn blinds.

8.8 The building would be set in a similar position to domestic sheds and a greenhouse, which are to be removed as part of the proposals, immediately adjoining the residential curtilage of the existing dwelling and adjacent to neighbouring properties. The proposed unit has been designed to reflect its rural setting and therefore it would tie in with existing built form on site and would not be considered to encroach on the surrounding rural landscape in a harmful manner. For these reasons it is considered that the proposed development would result in a use compatible with the existing approved tourist accommodation and the surrounding residential environment, and the proposal would not result in harm to the character and appearance of the local area and it would conserve the qualities of the AONB.

8.9 The proposal would include landscaping to demarcate the area of amenity space and outside seating area associated with the tourist holiday accommodation. A patio and area laid to lawn is proposed and there would be available space for storage of associated paraphernalia such as beach equipment as well as the requisite bin storage areas. Conditions are recommended to ensure these areas are provided in accordance with the submitted details.

8.10 The proposal by reason of its size, design and appearance would be appropriate having regard to the character and appearance of the site and its surroundings, and the proposal would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies. Therefore, it is considered that the development would comply with NPPF section 12 and 15 and CLP policies 2, 33, 43, 45, 47 and 48 and the BINP.

iii. Impact upon amenity of neighbouring properties

8.11 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.12 The new unit of tourist accommodation is proposed to be separated from the southern boundary with the adjacent property known as Ling Cottage by a distance of 7m. The site boundary comprises established and mature vegetation over 2m in height which provides a degree of screening. The south elevation of the proposed building would include a ground floor window that would be screened by the mature boundary vegetation and there would be no windows at first floor level on the south elevation of the proposal. The proposed first floor rooflights would be required to have sill heights no lower than 1.7m from finished first floor level or to be obscure and fixed if below this height. This would prevent any overlooking from the rooflights. The new building and Ling Cottage would have a side to back relationship within a separation distance of 29m, which is far in excess of the Council's design guidance, and it is considered that distance would provide sufficient space so that the impact on this neighbour would not be harmful.

8.13 The proposed building would also be sited to the north of Penmayne Cottage, which at an oblique angle would be afforded a separation distance of 19m. Such an arrangement and relationship would not result in a harmful level of overlooking or an oppressive impact on the amenities of Penmayne Cottage and its garden. The main outlook and private garden of this property lies to the west. The sole outlook from one of the bedrooms lies to the north elevation of this neighbouring bungalow however; this is at a distance of 11m from the boundary. The boundary here includes established and maintained planting including evergreens that are at least 2.5m high. It is considered that given the separation distances, orientation, relationship and existing boundary treatments the proposal would not be overbearing, oppressive or harmful to the living conditions and privacy of this property and garden.

8.14 During the course of the application concerns have been raised about increased activity and resultant noise disturbance with particular reference to large external gatherings, playing of external music and nuisance from smoke related to fires and BBQs. The use would be one of modest residential activity alongside existing residential properties and tourism units such that the proposal would not likely result in a significant impact upon the amenities of the neighbouring properties given the activities which are of concern could occur in the existing neighbouring residential properties or the holiday lets.

8.15 On balance the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties and gardens, in particular to their outlook and privacy and the tranquil character and enjoyment of the locality. Therefore, it is considered that the development complies with policy 33 of the current CLP and 127 of the 2019 NPPF.

iv Impact upon highway safety and parking

8.16 The proposed holiday accommodation would utilise the vehicular access and driveway serving Martins Cottage and the existing holiday let. Provision would be made for the parking for two cars, within an area of gravel hard standing. This would be in addition to the existing parking spaces for Martins Cottage and the existing holiday lets.

8.17 The Local Highway Authority have been consulted and have not raised an objection stating that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. The Local Highway Authority have advised conditions securing bicycle parking, vehicle parking and turning and these are included within this recommendation.

8.18 The existing vehicular access would be retained and sufficient space for parking and turning one site would be provided. Therefore, the proposal would be in accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Sustainability

8.19 Policy 40 of the CLP concerns Sustainable Design and Construction for all new dwellings and determines that evidence will be required by the developer to demonstrate that all 10 criteria have been considered, although this should be proportionate to the scale of development. The proposal would incorporate a range of measures to protect and enhance the environment including;

- The proposed tourist unit will be constructed using English Oak from a sustainable source.
- The unit would incorporate low flow rate sanitary fittings, along with A rated appliances to provide a water consumption no greater than 110 litres per person per day.
- All glazing would have low heat loss and be designed where possible to maximise natural daylight and reduce summer solar gain.
- Low energy lighting installations would be used externally and internally throughout with appropriate thermostat controls to facilitate more efficient heating according to need.

- All insulation materials would be low polluting and designed to exceed current building regulation standards.
- Construction site impacts can be reduced by the adoption of a site waste management plan (SWMP) by the main contractor as permitted by the site constraints e.g. waste segregation, recycling and monitoring.

8.20 In addition, the applicant is content to accept a condition requiring the installation of an electric car charging point in accordance with a scheme to be approved in writing by the Local Planning Authority. Therefore a condition is recommended requiring a scheme detailing the full sustainable design and construction measures to be included alongside conditions for landscaping and ecology enhancements. Subject to these conditions it is considered that the proposal would protect and enhance the environment and the proposal would therefore comply with policy 40 of the CLP.

vi Ecology and Recreational Disturbance

8.21 The land is considered to support habitats of value at a site level only. Despite this, the site contains habitats which have potential to support a variety of species and the development proposal will result in the loss of one single cherry tree, and a small portion of semi-Improved tall grassland. The application submission is supported by an ecology survey and it is recognised that the proposed development represents an opportunity for habitat enhancement to benefit a variety of wildlife. Such enhancement measures are in line with the recommendations of the NPPF. It has been recommended that the cherry laurel is removed from the hedge boundary, and in replacement native woody fruit bearing species are planted such as hazel, oak, honeysuckle and bramble, with emphasis on linking the hedge to the woodland west of the site. This enhancement would benefit potential populations of bats, birds, dormice, great crested newts, reptiles and hedgehogs. Furthermore, allowing tall grasses to grow along previously mown areas would serve to create additional habitat for potential populations of bats, breeding birds, great crested newts, reptiles and hedgehogs.

8.22 The applicant is encouraged to consider including integral bat roosting opportunities into the building fabric such as bat tiles and internal voids/access points for bats to provide a net benefit for roosting bats through the development. For example, bat tubes could be placed on the south, west and east facing walls as demonstrated within figure 5 of the submitted Phase One Habitat survey. A condition is therefore recommended to ensure that the following precautionary mitigation measures are provided:

- 3 x bat tubes
- Installation of Heras fencing to protect the hedge.
- A nesting bird check during the nesting bird season (typically 1st March to 31st August).
- A two phase strim to ensure there is little risk to reptiles.
- No vegetation to be stored on the construction zone.

8.23 In addition, if hedgehogs or evidence of badgers are found on the construction zone, an ecologist should be contacted for advice. The enhancements specified in the above sections would provide additional cover, and species diversification of the hedge would increase potential for protected species to use the habitats present. Installing bat tubes on the new build will provide additional roosting features for potential bat populations, whilst incorporating a sensitive lighting scheme will ensure bats are not displaced. With the mitigation and enhancement opportunities implemented in full, there is expected to be a little to no loss in biodiversity at the site. If any protected species are found during the proposed work, work should be stopped immediately, and an ecologist must be contacted for advice. The proposal would therefore comply with policy 49 of the CLP.

8.24 The site is located within the catchment zone for SPA mitigation and therefore CLP policy 50 and the Planning and Affordable Housing SPD applies. A Unilateral Undertaking and associated contribution towards the Solent Bird Aware mitigation project have been submitted and processed. In accordance with the LPA's standing agreement with Natural England the likely significant impact on the SPA would be mitigated in an appropriate manner. The proposal would therefore accord with policy 50 the CLP.

Conclusion

8.25 The principle of expanding the existing tourist facility is supported by the current development plan and there is identified justification for expansion and a need for a rural tourist accommodation in this locality. The application proposal is for small scale tourist accommodation in an appropriate and sustainable location and the design of the proposal would be sensitive to its countryside location within the AONB, which would assimilate well within its landscape setting and complement the existing tourist accommodation on site in terms of scale and design, and it would be sited away from neighbouring properties to ensure that their amenities would be safeguarded. It is therefore considered that the proposal would accord with national and local planning policies and therefore the recommendation is to permit.

Human Rights

8.26 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 WITH S106 subject to the following conditions and informatives:-

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

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

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

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

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

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

4) No development shall be carried out on site until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent 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.

5) Notwithstanding any details submitted no development/works shall take place above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

6) No works shall be carried out above slab level until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The enhancements should be informed by the submitted ecological reports. Thereafter the approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

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

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- (b) details of the materials and finishes, and
- (c) provision of gaps within boundary treatments to allow small mammals to move freely

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

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance of the AONB.

8) Prior to first occupation of the building hereby permitted the rooflights hereby permitted shall be fitted with blinds that shall be operated between dusk and dawn at any time that the building is occupied. Thereafter the blinds shall be maintained and operational between dusk and dawn in perpetuity.

Reason: In the interests of conserving and enhancing the AONB and in the interests of protecting the wildlife habitats.

9) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

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

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

11) Notwithstanding the details provided, no part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

12) Notwithstanding the information provided no part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

13) Notwithstanding any indication shown on the approved plans, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, the glazing to the rooflights hereby permitted to the west elevation shall be;

- (i) glazed with obscure glass which has been rendered obscure as part of its manufacturing process to Pilkington glass classification 5 (or equivalent of glass supplied by an alternative manufacturer), and
- (ii) non-opening below 1.7 metres from the finished floor level within the room in which the glazing is installed.

Or the sills of the rooflights shall be no lower than 1.7m from the finished floor level within the room in which the windows are installed.

Thereafter the rooflights shall be retained as such in perpetuity.

Reason: To protect the privacy of the occupants' of the adjoining residential property/ies and their private amenity space.

14) The holiday let hereby permitted shall not be occupied unless and until a minimum of 1 electric car charging point has been provided is operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging point shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation only and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation. In the interest of visual and neighbouring amenities.

16) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order); no fences, walls or other means of enclosure shall be erected, constructed or established on the application site without the grant of planning permission under the Town and Country Planning Act.

Reason: in the interest of visual amenities and to conserve and enhance the special character of the AONB.

17) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and residential amenity.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - SUBSTITUTE PLAN 5/2/20 SITE & LOCATION PLAN 16177/P01 A (A1)	16177/P01 A		14.02.2020	Approved
PLAN - Proposed Plans and Elevations (A1)	16813SOB F		08.11.2019	Approved
PLANS - Plans PLAN -	Q/2019/1900 7/L01 REV. 2			Approved

INFORMATIVES

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

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

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

- 1) The applicant is advised to ensure that all waste arising from the development hereby permitted is disposed of in accordance with the current Waste Regulations.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q0NQHKERJX000>

Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/19/03029/FUL

Proposal	To use land as a Travellers caravan site consisting of 1 no. mobile home and 1 no. touring caravan with associated development.		
Site	Plot C Pond Farm Newells Lane West Ashling Chichester West Sussex PO18 8DF		
Map Ref	(E) 479672 (N) 106374		
Applicant	Mr Hughes	Agent	Mr Angus Murdoch

RECOMMENDATION DEFER S106 THEN 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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located on the western side of Newells Lane, and immediately south of the A27. The site, known as Plot C Pond Farm, is located to the south-east corner of Pond Farm, which is a cluster of lawful temporary and permanent gypsy and traveller sites.

2.2 Plot C comprises an existing gypsy and traveller pitch which is unauthorised. The site is accessed via a part tarmacked/ part gravelled track forming part of the Bridleway network (Bridleway 3594). The parcel of land which is the subject of this application comprises a mobile home, timber storage building and timber kennel. The majority of the site is laid to gravel surface. The site contained by neighbouring pitches to the west.

3.0 The Proposal

3.1 The application seeks retrospective planning permission for the use of the land as a gypsy and traveller pitch site consisting of 1 no. mobile home and 1 no. touring caravan with associated development.

4.0 History

98/01388/FUL	REF	Retention of 2 no site cabins and their use for residential purposes.
98/01644/FUL	REF	Erection of block of sixteen stables and establishment of stud farm.
98/01645/FUL	REF	Retention of access tracks and hardstanding.
99/01845/FUL	REF	Erection of block of fourteen stables: Tack room: Staff: Food and Hay Store and private ways.
06/05017/FUL	REF	Siting of 1 no. mobile home for settled gypsy accommodation. Siting of 1 no. touring caravan and installation of septic tank.
08/02836/FUL	REF	Stationing on the land 2 no. caravans for settled gypsy accommodation. Retention of ancillary residential accommodation.
11/02367/FUL	REF	Siting of 1 no. mobile home for settled gypsy accommodation.

19/00765/FUL	REF	To use land as a Travellers caravan site consisting of 1 no. mobile home and 1 no. touring caravan with associated development.
12/00016/REF	APPWDN	Siting of 1 no. mobile home for settled gypsy accommodation.
19/00067/COND	LODGED	To use land as a Travellers caravan site consisting of 1 no. mobile home and 1 no. touring caravan with associated development.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further comments received 19.01.2020

The Council's Planning Committee objects to this application on the basis that there is an over-development of the plots of Pond Farm, that the development is intrusive in a wildlife corridor and the additional traffic which will use a single track country lane.

Original comments received 23.12.2019

The Planning Committee met on 19 December 2019 and requests an extension of time in order to consider this application alongside other Pond Farm applications once all site/location plans are lodged online. The next Planning Committee meeting will take place on 23 January 2020 therefore extension is requested until Friday 24 January 2020.

6.2 WSSC Highways Authority

Summary

This proposal is for the use of land as travellers caravan site, consisting of one pitch for one mobile home and one touring caravan. The site is located on a privately maintained road. Access to the maintained highway network is at the junction with Newells Lane, an unclassified road subject to national speed limit in this location. The privately maintained

road, which forms part of the site access, is maintained as Public Right of Way (PROW) Bridleway 3594.

Content

The existing access will be utilised for this proposal and no alterations are proposed. There are no apparent visibility issues at the junction onto Newells Lane. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern. The LHA appreciates that the site has operated since 2011 with no known highway safety concerns.

Part of the privately maintained lane between Newells Lane and the site is maintained as Bridleway 3594. It is conceivable that the PROW (Public Right of Way) will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from this exercise of private access rights.

Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. There appears to be sufficient space within the proposed site to accommodate adequate parking provision. There also appears to be sufficient space for on-site turning to be achievable, allowing vehicles to exit the site onto the publicly maintained highway in a forward gear.

Conclusion

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

6.3 Natural England (summarised)

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

6.4 CDC Drainage Engineer

The site is wholly within flood zone 1 (low risk), and the proposal is to drain the development via soakaways which is acceptable in principle. We therefore have no objection to the proposal on flood risk grounds.

6.5 CDC Environmental Strategy Officer

Bats

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

We require that a bat box is installed on a tree onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

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

We would like a bird box to be installed on a tree within the grounds of the site.

Enhancements

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include;

Any trees removed should be replaced at a ratio of 2:1

- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site as detailed above
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site

Recreational Disturbance

For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

6.6 Third party representations

No representations have been received during the course of the application.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on June 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:
- Policy 1: Presumption in Favour of Sustainable Development
 - Policy 2: Development Strategy and Settlement Hierarchy
 - Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
 - Policy 39: Transport, Accessibility and Parking
 - Policy 45: Development in the Countryside
 - Policy 48: Natural Environment
 - Policy 49: Biodiversity
 - Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- 7.3 Chidham and Hambrook Neighbourhood Plan:
- Policy LP1: Land Use
 - Policy EM2: Chichester Harbour Zone of Influence
 - Policy EM3: Visual Amenity
 - Policy DS1: New Development
 - Policy DS2: Parking Provision
 - Policy DS3: Landscaping
 - Policy R2: Public Rights of Way

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 Consideration should also be given to sections 2 (achieving sustainable development), 4 (decision making) and 12 (achieving well-designed places). The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

Other Local Policy and Guidance

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

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

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

- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development and current gypsy and traveller site provision
- ii. Impact upon the character and appearance of the locality
- iii. Highways Matters
- iv. Ecological Considerations
- v. Impact upon Chichester Harbour Special Protection Area (SPA)
- vi. Planning Balance

i. Principle of development and current gypsy site provision

8.2 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), to and outline how their needs will be met. The Council published a Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013, and this document formed the evidence base for the adopted local plan.

8.3 Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites. Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the

period up to 2027. It is a criterion based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

- 8.4 Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 61 Gypsy and traveller pitches have been granted planning permission and occupied. Against the 2013 GTAA, the Council considers that it is able to demonstrate an identified 5 year supply of pitches as identified within the adopted Local Plan. The assessment of new sites and the need of occupiers would be considered on a case by case basis with the already met need taken into consideration.
- 8.5 The Council has published the Chichester Local Plan Review 2035: Preferred Approach (Local Plan Review). Consultation on the document took place between the 13 December 2018 and 7 February 2019. At this stage the preferred approach plan and its supporting documents has no or little weight (NPPF paragraph 48).
- 8.6 Notwithstanding this, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane, concluded that the Council does not have a 5 year supply of sites within the District. This is in the context of the publication of the Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) 2019 (revised) which has identified the requirement for a further 66 pitches in five years from 2018. The Inspectors' decisions in relation to Keynor Lane also noted that a number of other Inspectors in recent years had concluded that CDC has an unmet need.
- 8.7 Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging local plan and has not yet been through examination, due to the requirement of the Council to update their figures on supply annually (PPTS policy B), reliance on the 2013 GTAA is no longer appropriate, due to it being outdated. The supply evidence within the GTAA 2019 is therefore a significant material consideration which must carry weight in this decision.
- 8.8 The council is in the process of a full assessment of the best locations for pitches in the District to be assessed through the Local Plan process. The urgent need for permanent pitches and accommodation must be given significant weight and officers consider the principle of the intensification of the site is entirely appropriate on this basis.
- 8.9 It is considered for the above reasons, the proposal can be considered to be acceptable, in principle, subject to the below considerations.

ii. Impact upon the character and appearance of the locality

- 8.10 Paragraph 25 of the PPTS advises that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy 45 of the CLP seeks to ensure that proposals respect and enhance the landscape character of the surrounding area.
- 8.11 The application site is an area characterised by meadow land, with a pond to the east of the application site. A public bridleway runs immediately north of the site (3954), whilst Bridleway 260 runs approx. 50 metres adjacent to the south of the site. When viewing the site from Bridleway 3954 to the north of the site, the predominant views of Pond Farm are those of authorised permanent pitches. Bridleway 260 to the south of the site is lined with mature vegetation and trees to the north behind which is sited pasture land, with additional pasture land situated to the south. Along the southern side of the bridleway, in close

proximity to Newells Lane are the residential properties Newells Green and Orchard Cottage. The character of the right of way is one of enclosure by such mature vegetation in this location, giving the user a feeling of being immersed in the countryside. Whilst some views of the application site are possible from Bridleway 260, these could not be considered to be unduly intrusive as a result of the distance and the presence of a paddock to the south of the application site, whilst mature planting along the bridleway also assists in providing a sense of detachment from the development when viewed from the south. Limited views of the site are possible from Newells Lane due to a combination of mature vegetation and set back from the public highway.

8.12 The area as a whole maintains an attractive rural character and remains predominantly undeveloped. Therefore, whilst only limited views are available of the site, it is considered that on balance the mobile home together with the associated development would result in an urbanising form of development out of character with the rural area. The proposed development would therefore result in a degree of harm to the character of the surrounding rural area.

8.13 The impact on the landscape character of the area must be weighed up against the lack of a 5 year supply of sites.

iii. Highways Matters

8.14 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should not create problems of safety.

8.12 The application proposes to utilise the existing means of highways access from the gypsy and traveller site which is along Bridleway 3954 in an easterly direction. WSCC Highways have been consulted on the application commenting that the junction onto Newells Lane is operating in a safe manner, whilst sufficient parking can be provided on site.

8.13 Paragraph 98 of the NPPF 2019 requires the Local Planning Authority consider the impact of a proposal upon the public right of way networks. WSCC Highways have commented that it is conceivable that the PROW (Public Right of Way) will be affected by an increase in vehicular traffic either before or after the development is completed. The proposal is for an additional pitch comprising 1 no. mobile home and 1 no. touring caravan and it is notable that the use of the land for the stationing of a caravan has taken place on Plot C since 2013, albeit an unauthorised use. Officers therefore consider that the proposal would not give rise to an increase in vehicular movements when compared to the existing circumstances to the extent that the proposal would have a detrimental impact upon Bridleway 3954.

8.14 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF 2019 and Policy 39 of the Chichester Local Plan.

iv. Ecological considerations

8.15 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded.

8.16 It is notable that, whilst unauthorised, the positioning of a mobile home on the site has occurred and the majority of the site been laid to gravel. A precautionary approach with regard to nesting birds and bats is therefore considered proportionate and appropriate in this instance. The CDC Environmental Strategy Officer has recommended a number of enhancements that can be secured via condition in order to provide net gains for biodiversity for which provision is made under paragraph 175 of the NPPF 2019.

8.17 Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact upon the biodiversity value of the site.

v. Impact upon Chichester Harbour Special Protection Area (SPA)

8.18 Policy 50 of the Chichester Local Plan acknowledges the collective impact which all new dwellings (including caravans) within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per bedroom basis towards a mitigation project 'Solent Disturbance Mitigation Project'.

8.19 In April 2018 the scale of charging altered to following a sliding scale contribution based on the number of bedrooms, which is used to fund a package of wardens, education, green infrastructure improvements and monitoring. The contribution amount as of April 2019 averages £579.00 per net additional dwelling. The scale charges differ according to the number of people expected to live in the property which is calculated per bedroom. As mobile homes vary in the number of bedrooms, the charge is taken to be the average amount per mobile home, which for this application equates to £579.

8.20 The LPA have undertaken an appropriate assessment and subject to the mitigation being paid and a planning obligation being provided to tie the mitigation to the permission the requirements of policy 50 would be met. As such the recommendation is to defer for S106 and then permit.

vi. Planning Balance

8.21 The Council cannot demonstrate a 5 year land supply to meet an up-to-date locally set target (rather than the target in the Local Plan Policy 36). As such, this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal.

8.22 The application relates to an existing site, albeit unauthorised, that does not result in ecological or highways concerns.

8.23 The site is not located within any statutory protected landscape, although it is recognised that there would be an impact on the rural character of the area. The identified harm to the character of the area however would not outweigh the level of unmet need within the district; the lack of a 5 year supply. Additionally, officers recommend a landscaping

condition requiring planting to the rear of the site which would further screen views of the site from bridleway 260 which would minimise the level of harm identified.

8.24 For the reasons above, it is concluded that there is a sound justification for the proposal to be supported.

Conclusion

8.25 For the reasons set out above it is considered that the significant deficit in supply of gypsy and traveller pitches identified in the GTAA 2019 (revised) would outweigh the low level of harm to the character of the area, and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

Human Rights

8.26 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.

8.27 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded there would be no breach if planning permission were to be granted.

RECOMMENDATION

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

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

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

2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites dated August 2015 (or its equivalent in replacement national policy).

Reason: To accord with the terms of the application and in the interests of proper planning.

3) No more than 2 caravans shall be stationed on the site at any one time, and no more than 1 of those 2 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

4) Within 6 months of the approval hereby issued, a minimum of 1 car charging point has been provided and operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging points shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

5) Within 6 months of the date of this permission a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures:

- a) any trees removed should be replaced at a ratio of 2:1
- b) filling any gaps in tree lines or hedgerows with native species
- c) bat and bird boxes installed on the site, and
- d) provision of gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details within 12 months of the date of this permission

6) No part of the development hereby permitted shall be first occupied until the car parking and caravan touring spaces has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

7) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting or amending that Order) no commercial activities whatsoever shall take place on the land including the storage of materials.

Reason: In the interests of protecting the rural character of the surrounding area.

9) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

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

10) 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 walls, fences, gates, or other means of enclosure (including bunding) shall be erected, or placed within/to the boundary of the plot anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

11) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location Plan	1		09.12.2019	Approved
PLAN - Site Plan	2		09.12.2019	Approved

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

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

3) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q28Q8KER0PD00>

Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/19/03030/FUL

Proposal	Use of land as a gypsy and travellers caravan site consisting of 1 no. pitch containing 1 no. mobile home and 1 no. touring caravan.		
Site	Plot F Pond Farm Newells Lane West Ashling Chichester West Sussex PO18 8DF		
Map Ref	(E) 479614 (N) 106382		
Applicant	Mr M Cannaway	Agent	Dr A Murdoch

RECOMMENDATION TO DEFER FOR S106 THEN 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

1.1 Parish Council objection - Officer recommends Permit.

2.0 Site Description

- 2.1 The application site is located on the western side of Newells Lane to the south of the A27, and comprises an existing gypsy and traveller site accessed via a part tarmacked/part gravelled track forming part of the Bridleway network (Bridleway 3594). The site, known as Plot F Pond Farm, is located at the southern end of Pond Farm, which is a cluster of lawful temporary and permanent gypsy and traveller sites.
- 2.2 The site, known as Plot F, comprises a gravelled area containing the mobile home and ancillary structures, and a large paddock to the west and southwest of the site. The main habitable area is bounded by screen fencing and comprises a mobile home, two timber storage buildings, and a former storage container presently used as stables. The western part of the site is bounded by post and rail fencing, open to the paddock beyond, which itself is bounded by post and rail fencing and heras fencing. Beyond the western boundary lies a mature field hedgerow, dividing the site from the neighbouring plot (Plot D).

3.0 The Proposal

3.1 The application seeks planning permission for the use of land as a gypsy and travellers caravan site consisting of 1 no. pitch containing 1 no. mobile home and 1 no. touring caravan. A temporary planning permission was permitted in 2013 for the use of the land as a 1no. gypsy and traveller pitch containing 1no. mobile home and 1no. touring caravan.

4.0 History

10/04422/COU	REF	Stationing of 1 no. mobile home for settled gypsy accommodation.
13/02975/FUL	PER	Application for retention of change of use of land to a single pitch Gypsy site for a 5 year period including stationing of one mobile home to provide settled accommodation.
19/00542/FUL	REF	Use of land as a gypsy and travellers caravan site consisting of 1 no. pitch containing 1 no. mobile home and 1 no. touring caravan.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

The Council's Planning Committee objects to this application on the basis that there is an over-development of the plots of Pond Farm, that the development is intrusive in a wildlife corridor and the additional traffic which will use a single track country lane.

6.2 WSCC Highways Authority

Summary:

This proposal is for the use of land as travellers caravan site, consisting of one pitch for one mobile home and one touring caravan. The site is located on a privately maintained road. Access to the maintained highway network is at the junction with Newells Lane, an unclassified road subject to national speed limit in this location. The privately maintained road, which forms part of the site access, is maintained as Public Right of Way (PROW) Bridleway 3594.

WSCC in its role as Local Highway Authority (LHA) was previously consulted regarding highways matters for this site under application 19/00542/FUL, raising no objections. This application was refused by the planning authority on grounds unrelated to highways.

Content:

The existing access will be utilised for this proposal and no alterations are proposed. There are no apparent visibility issues at the junction onto Newells Lane. An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the junction is operating unsafely or that the proposal would exacerbate an existing safety concern.

Part of the privately maintained lane between Newells Lane and the site is maintained as Bridleway 3594. It is conceivable that the PROW (Public Right of Way) will be affected by an increase in vehicular traffic either before or after the development is completed. Developers/landowners should ensure that public use of the PROW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if

the surface is to be improved. The applicant would be liable for any damage to the surface arising from this exercise of private access rights.

The plans have not demonstrated the location of the existing or proposed parking bays. However, there appears to be sufficient space within the proposed site to accommodate adequate parking provision. There also appears to be sufficient space for on-site turning to be achievable, allowing vehicles to exit the site onto the publicly maintained highway in a forward gear.

Conclusion:

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

6.3 CDC Drainage Engineer

Flood Risk: The site is wholly within flood zone 1 (low risk), and the proposal is to drain the development via soakaways with permeable surfacing which is acceptable in principle. We therefore have no objection to the proposal on flood risk grounds.

6.4 CDC Environmental Strategy Officer

Bats:

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

We require that a bat box is installed on a tree onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds:

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

Enhancements:

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include;

Any trees removed should be replace at a ratio of 2:1

Filling any gaps in tree lines or hedgerows with native species

Bat and bird boxes installed on the site as detailed above

We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site.

6.5 Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent *People Over Wind* Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site.

Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006.

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

6.6 CDC Environmental Health

No objection: Given the distance from the A27 and surrounding development it is not considered the occupiers of the site would be subject to significant noise disturbance from the A27.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocations Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on June 2016 and forms part of the Development Plan against which applications must be considered.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople

Policy 39: Transport, Accessibility and Parking

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

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

7.3 Chidham and Hambrook Neighbourhood Plan:

Policy LP1: Land Use

Policy EM2: Chichester Harbour Zone of Influence

Policy EM3: Visual Amenity

Policy DS1: New Development

Policy DS2: Parking Provision

Policy DS3: Landscaping

Policy R2: Public Rights of Way

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development, for decision-taking this means:

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

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

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

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

7.6 Consideration should also be given to sections 2 (achieving sustainable development), 4 (decision making) and 12 (achieving well-designed places). The Planning Policy for Travellers Sites (2015) is also relevant to the consideration of the application.

Other Local Policy and Guidance

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

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

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

- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development and current gypsy and traveller site provision
- ii. Impact upon the character and appearance of the locality
- iii. Highways matters
- iv. Ecological considerations
- v. Impact upon Chichester Harbour Special Protection Area (SPA)
- v. Planning balance

i. Principle of development and current gypsy site provision

8.2 The Housing Act 2004 places a duty on local authorities to produce assessments of accommodation need for Gypsies, Travellers and Travelling Showpeople (GTTS), and to outline how their needs will be met. The Council published a Gypsy Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in 2013, and this document formed the evidence base for the adopted local plan.

8.3 Policy H of the Planning Policy for Traveller Sites (PPTS) 2015 relates to determining planning applications for traveller sites and requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. It also advises that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and planning policy H for traveller sites. Policy 36 of the Local Plan is the most relevant Development Plan Policy for assessing applications for Gypsy and Travellers pitches. The policy sets out the need for pitches and plots for the period up to 2027. It is a criterion based policy which sets out criterion to identify sites and to determine planning applications within the Plan area.

8.4 Since September 2012, which is the base date of the provision figure in the adopted Local Plan, 61 Gypsy and traveller pitches have been granted planning permission and occupied. Against the 2013 GTAA, the Council considers that it is able to demonstrate an identified 5 year supply of pitches as identified within the adopted Local Plan. The assessment of new sites and the need of occupiers would be considered on a case by case basis with the already met need taken into consideration.

8.5 The Council has published the Chichester Local Plan Review 2035: Preferred Approach (Local Plan Review). Consultation on the document took place between the 13 December 2018 and 7 February 2019. At this stage the preferred approach plan and its supporting documents has no or little weight (NPPF paragraph 48).

- 8.6 Notwithstanding this, recent appeal decisions, notably appeals 3209147 and 3209145, Land South of Keynor Lane, concluded that the Council does not have a 5 year supply of sites within the District. This is in the context of the publication of the Gypsy, Traveller and Travelling Showpeople Assessment (GTAA) 2019 (revised) which has identified the requirement for a further 66 pitches in five years from 2018. The Inspectors' decisions in relation to Keynor Lane also noted that a number of other Inspectors in recent years had concluded that CDC has an unmet need.
- 8.7 Whilst the GTAA 2019 (revised) forms part of the evidence base for the emerging local plan and has not yet been through examination, due to the requirement of the Council to update their figures on supply annually (PPTS policy B), reliance on the 2013 GTAA is no longer appropriate, due to it being outdated. The supply evidence within the GTAA 2019 is therefore a significant material consideration which must carry weight in this decision.
- 8.8 Planning permission was granted in 2014 for use of the land for the temporary stationing of a mobile home for occupation by a traveller (as defined in Planning Policy for traveller sites) for five years. This was to allow for a full assessment of the best locations for pitches in the District to be assessed through the Local Plan process. This process is underway, however the identified need has not been addressed to date. The urgent need for permanent pitches and accommodation must be given significant weight and officers consider the principle of the intensification of the site is entirely appropriate on this basis.
- 8.9 It is considered for the above reasons, the proposal can be considered to be acceptable, in principle, subject to the considerations set out below.
- ii. Impact upon the character and appearance of the locality
- 8.10 Paragraph 25 of the PPTS advises that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Policy 45 of the CLP seeks to ensure that proposals respect and enhance the landscape character of the surrounding area.
- 8.11 The application site is an area characterised by meadow land, with a pond to the east of the application site. A public bridleway is located approximately 95 metres to the north of the site (3954), whilst Bridleway 260 runs approx. 100 metres adjacent to the south of the site. When viewing the site from Bridleway 3954 to the north of the site, the predominant views of Pond Farm are those of authorised permanent pitches. Bridleway 260 to the south of the site is lined with mature vegetation and trees to the north behind which is sited pasture land, with additional pasture land situated to the south. Along the southern side of the bridleway, in close proximity to Newells Lane are the residential properties Newells Green and Orchard Cottage. The character of the right of way is one of enclosure by such mature vegetation in this location, giving the user a feeling of being immersed in the countryside. There would be limited views of the site (Plot F) from Bridleway 260, and therefore the proposal could not be considered to be unduly intrusive as a result of the distance and the presence of a paddock to the west of the application site, whilst mature planting along the bridleway also assists in providing a sense of detachment from the development when viewed from the south. Limited views of the site are possible from Newells Lane due to a combination of mature vegetation and set back from the public highway.

8.12 The area as a whole maintains an attractive rural character and remains predominantly undeveloped. Whilst only limited views are available of the site, it is considered that on balance the mobile home and day room, together with the associated development would add to the formal built development in contrast to the rural character of the area. The proposed development would therefore result in a degree of limited harm to the character of the surrounding rural area.

8.13 The impact on the landscape character of the area must be weighed up against the lack of a 5 year supply of sites.

iii. Highways matters

8.14 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should not create problems of safety.

8.15 The application does not propose to alter the existing means of highway access from the site, which is along Bridleway 3954 in an easterly direction. WSCC Highways have been consulted on the application and have commented that the junction onto Newells Lane is operating in a safe manner, and that sufficient parking can be provided on site.

8.16 The application seeks to change the gypsy and traveller pitch from temporary to permanent and therefore the development is already present on site. The application would not, therefore, result in an intensification of vehicular traffic along Bridleway 3954. The proposal is not considered to have a detrimental impact upon the public right of way network as the LPA is required to consider under paragraph 98 of the NPPF 2019.

8.17 Overall, the scheme is not considered likely to result in highways safety issues and the proposal is acceptable in accordance with the NPPF 2019 and Policy 39 of the Chichester Local Plan.

iv. Ecological considerations

8.18 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded.

8.19 The Parish Council have raised objection to the proposal on the basis that the development is intrusive in a wildlife corridor. It notable that the application seeks a permanent permission for an existing gypsy/traveller pitch and therefore no additional development is proposed. A precautionary approach with regard to nesting birds and bats is therefore considered proportionate and appropriate in this instance. The CDC Environmental Strategy Officer has recommended a number of enhancements that can be secured via condition in order to provide net gains for biodiversity for which provision is made under paragraph 175 of the NPPF 2019.

8.20 Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact upon the biodiversity value of the site.

v. Impact upon Chichester Harbour Special Protection Area (SPA)

8.21 Policy 50 of the Chichester Local Plan acknowledges the collective impact which all new dwellings (including caravans) within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per bedroom basis towards a mitigation project 'Solent Disturbance Mitigation Project'.

8.22 In April 2018 the scale of charging altered to following a sliding scale contribution based on the number of bedrooms, which is used to fund a package of wardens, education, green infrastructure improvements and monitoring. The contribution amount as of April 2019 averages £579.00 per net additional dwelling. The scale charges differ according to the number of people expected to live in the property which is calculated per bedroom. As mobile homes vary in the number of bedrooms, the charge is taken to be the average amount per mobile home, which for this application equates to £579.

8.23 The LPA have undertaken an appropriate assessment and subject to the mitigation being paid and a planning obligation being provided to tie the mitigation to the permission the requirements of policy 50 would be met. As such the recommendation is to defer for S106 and then permit.

v. Planning balance

8.24 The Council cannot demonstrate a 5 year land supply to meet an up-to-date locally set target (rather than the target in the Local Plan Policy 36). As such, this is a material consideration of significant weight. There is also a significant level of unmet need in the District and again that it is a significant material consideration in favour of the proposal.

8.25 The site is not located within any statutory protected landscape, although it is recognised that there would be an impact on the rural character of the area. The identified harm to the character of the area however would not outweigh the level of unmet need within the district; the lack of a 5 year supply and the needs of the applicants. Additionally, officers recommend a landscaping condition requiring planting to the rear of the site which would further screen views of the site from bridleway 260 which would minimise the level of harm identified.

8.26 For the reasons above, it is concluded that there is a sound justification for the proposal to be supported.

Conclusion

8.27 For the reasons set out above it is considered that the significant deficit in supply of gypsy and traveller pitches identified in the GTAA 2019 (revised) would outweigh the low level of harm to the character of the area, and therefore on balance the proposed development would be acceptable subject to conditions and S106 planning obligation.

Human Rights

- 8.28 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.
- 8.29 In reaching the above conclusion Officers have taken into account rights under Article 8 and Article 1 of the First Protocol of Human Rights and concluded there would be no breach if planning permission were to be granted.

RECOMMENDATION

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

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

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

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

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

3) Development shall not commence until the 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 the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, 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: Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

4) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites dated August 2015 (or its equivalent in replacement national policy).

Reason: To accord with the terms of the application and in the interests of proper planning.

5) No more than 2 caravans shall be stationed on the site at any one time, and no more than 1 of those 2 permitted caravans shall be a static caravan. All caravans stationed on the site shall comply with the definition of caravans as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan Sites Act, as amended.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area.

7) Within 6 months of the date of this permission details of a scheme showing a minimum of 1 electric car charging point to be provided and a timeframe for the charging point to become operational shall be submitted to and approved in writing by the Local Planning Authority. The car charging points shall be provided in accordance with the approved scheme and thereafter shall remain maintained and operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

8) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended, there shall be no external illumination on the development hereby permitted other than in accordance with a lighting scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include details of the proposed location, design, level of luminance and any measures to avoid light spillage. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

9) Within 6 months of the date of this permission a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures:

- a) any trees removed should be replace at a ratio of 2:1
- b) filling any gaps in tree lines or hedgerows with native species
- c) bat and bird boxes installed on the site, and
- d) provision of gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details within 12 months of the date of this permission

Reason: To ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting or amending that Order) no commercial activities whatsoever shall take place on the land.

Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location.

11) 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 walls, fences, gates, or other means of enclosure (including bunding) shall be erected, or placed within/to the boundary of the plot anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Detailed Landscape Proposals	01		09.12.2019	Approved
PLAN - Location and Site Plan	PRR1		09.12.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

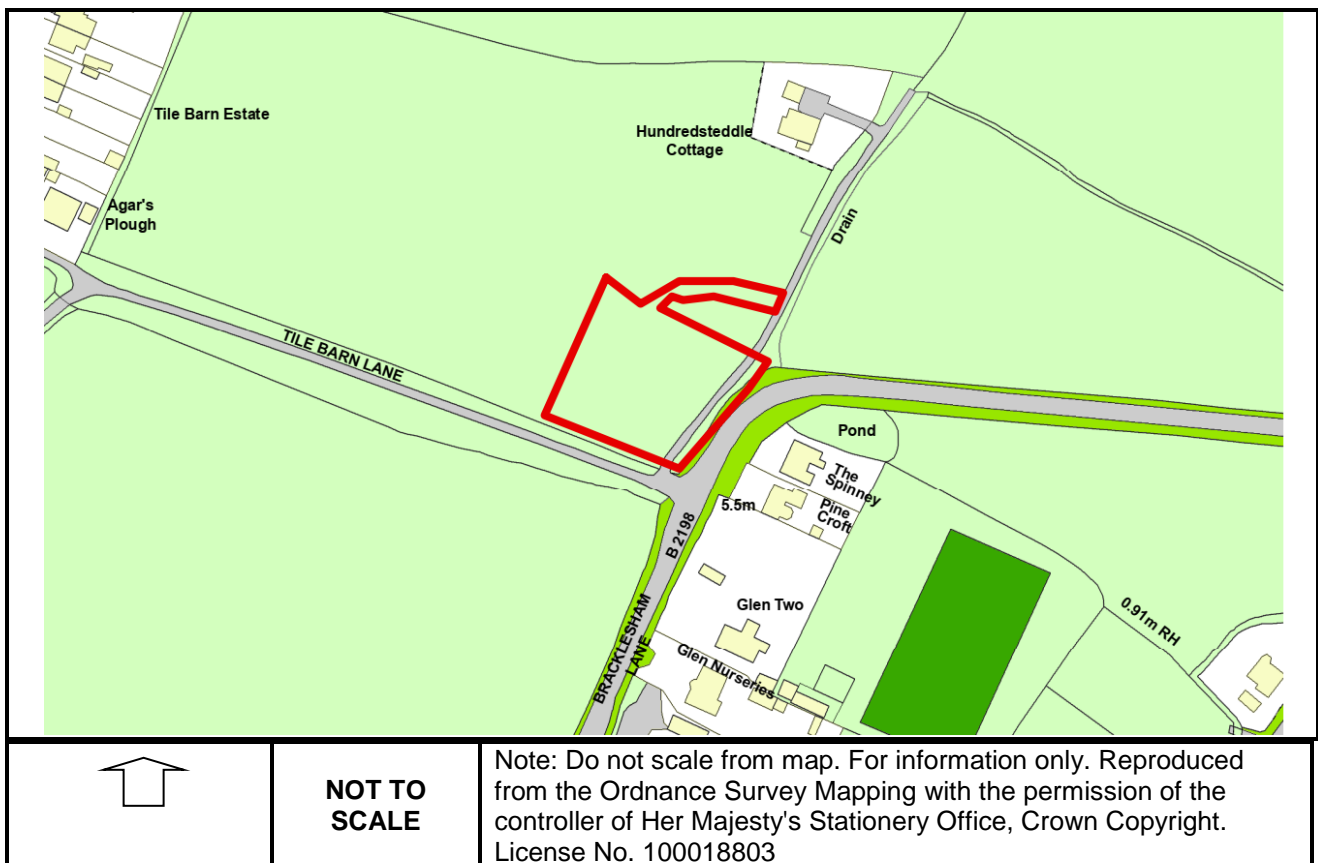
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q28QGDER0PD00>

Parish: East Wittering And Bracklesham	Ward: The Witterings
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EWB/19/00431/AGR

Proposal	Grain store and machinery store.		
Site	Hundredsteddle Farm Hundredsteddle Lane Birdham Chichester West Suss PO20 7BL		
Map Ref	(E) 481599 (N) 98740		
Applicant	Mr A Strange	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT



NOT TO SCALE

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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit.

2.0 The Site and Surroundings

2.1 The application site is located outside of any settlement boundary and is, therefore, within the countryside. Hundredsteddle Farm is located within the Somerley Conservation Area and includes part of the main farmhouse and a number of agricultural buildings, all of which are located within the Conservation Area and the Parish of Birdham.

2.2 The application site itself is located 0.5 km to the south of the main farm, within the Parish of East Wittering and outside of the Conservation Area. The application site lies to the west of Bracklesham Lane (B2198), with public rights of way to the south and to the north east. To the south of the site is Tile Barn Lane, with a mature hedge between. The site has an existing track off Tile Barn Lane, which serves a property to the north of the site known as Hundredsteddle Cottage This lies outside of the applicant's ownership.

3.0 The Proposal

3.1 An application was submitted seeking confirmation as to whether prior approval would be required for the erection of an agricultural building under application 19/00114/PNO. The Council issued a decision, confirming that prior approval would be required to consider the siting, design and external appearance of the building. Further information was then provided relating to these matters, which forms the current application.

3.2 This application proposes an agricultural building measuring 36.4 metres in length, 18.2 metres in width and with an eaves height of 6.8 metres and a ridge height of 9.2 metres. The building would be located on a concrete base, with an access track and a turning area to the north and west.

4.0 History

94/00087/DOM	PER	Detached garage.
94/00153/LBC	WDN	Detached double garage.
94/01487/DOM	PER	Re-site previously approved detached garage.
BI/00024/92	PER	Alterations to BI/38/89, windows, chimney and roof lines
BI/00025/77	PER	Outline - wooden garage
BI/00026/92LB	PER	Alterations to BI/40/89LB, windows, chimney and roof lines

BI/00038/89	ALLOW	Rear roof slope to provide dormer window extension
BI/00040/89LB	ALLOW	Rear roof slope altered to provide dormer window extension
05/01887/PE	REC	Proposal for change of use
05/02881/COU	REF	Change of use of agricultural machinery storage to B1/B8 use (business/industrial storage/distribution).
05/04136/COU	PER	Change of use of former agricultural barns to B1 (Business) use.
18/03294/PNO	PPREQ	Grain store and machinery store
19/00114/PNO	PPNRQ	Grain store and machinery store.
19/02070/PASUR	ADVGIV	Change of use for paddock for a campsite with 8 tents.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council's

Birdham Parish Council

Original comments (21/02/2019)

Birdham Parish Council raised a considerable number of concerns this application but after much debate, a decision of No Objection was raised. However, a number of conditions were requested;

1. The colour pallet chosen should reflect that of the Harbour conservancy design guide.
2. Construction should not begin until a suitable landscaping design has been created and once agreed it should be enforced.
3. Any lighting employed on and in the site should be low energy and suitably controlled so as to reduce light pollution.

East Wittering and Bracklesham Parish Council

Further comments (11/12/2019)

Having viewed the substitute plan, East Wittering and Bracklesham Parish Council cannot see how our previous objections have been addressed (outlined below) and, as such, does not support the application:

1. The development will have an adverse impact upon the character and street scene of the neighbourhood, creating over-massing on the site. It will have a deleterious impact upon the semirural aspect of the neighbouring properties in Bracklesham Lane and Tile Barn Lane.
2. The development is contrary to policy 45 of the Local Plan, as it is not well related to the existing farm house and outbuildings on Hundredsteddle Farm, it takes prime arable farming land out of productive use and its scale, siting and design will have a considerable impact upon the landscape of the area. It is also contrary to policy 48 of the local plan, as it will have severe negative impacts upon the openness of the views in and around the coast towards to the South Downs.
3. We have significant concerns about the safety of large articulated vehicles safely completing the turn out of Tile Barn Lane and onto the B2198, particularly those heading North-East towards Chichester. The double bends at Somerley are a well-known accident black spot, and we do not believe that a large vehicle could complete the turning movement without crossing the median line onto the opposite carriageway.

The proposed access to the new development is a public footpath (route no.13) which provides a safe off-road walking route to the beach for holiday makers staying at the nearby caravan parks in Birdham and which is particularly busy in the summer and autumn. This poses a risk to safety as pedestrian users, including families and small children will conflict with large farm vehicles and trailers during the harvest, when activity at the site will be most intensive.

Original comments (13/03/2019)

East Wittering and Bracklesham Parish Council OBJECTS to this application on the following basis:

1. The development will have an adverse impact upon the character and street scene of the neighbourhood, creating over-massing on the site. It will have a deleterious impact upon the semi-rural aspect of the neighbouring properties in Bracklesham Lane and Tile Barn Lane.
2. The development is contrary to policy 45 of the Local Plan, as it is not well related to the existing farm house and outbuildings on Hundredsteddle Farm, it takes prime arable farming land out of productive use and its scale, siting and design will have a considerable impact upon the landscape of the area. It is also contrary to policy 48 of the local plan, as it will have severe negative impacts upon the openness of the views in and around the coast towards to the South Downs.
3. We have significant concerns about the safety of large articulated vehicles safely completing the turn out of Tile Barn Lane and onto the B2198, particularly those heading North-East towards Chichester. The double bends at Somerley are a well-known accident black spot, and we do not believe that a large vehicle could complete the turning movement without crossing the median line onto the opposite carriageway.

The proposed access to the new development is a public footpath (route no.13) which provides a safe offroad walking route to the beach for holiday makers staying at the nearby caravan parks in Birdham and which is particularly busy in the summer and autumn. This poses a risk to safety as pedestrian users, including families and small children will conflict with large farm vehicles and trailers during the harvest, when activity at the site will be most intensive.

6.2 WSCC Highways

Further comments (13/08/2019)

This latest consultation response seeks to bring together all the recently submitted documents provided in support and in representation of the application.

It is important to note that the prior notification application before me is made under Schedule 2, Part 6, Class A of the General Permitted Development Order (GPDO) for the erection of a building reasonably necessary for the purpose of agriculture. This only allows the Local Planning Authority (LPA) to consider the siting, design or external appearance of the building.

It is not within the remit of the Local Highways Authority (LHA) to determine if the proposed meets the conditions set out within Schedule 2, Part 6, Class A of the GPDO.

On this basis the comments in this consultation response should be considered as advice only at this stage.

Context:

The proposal seeks the erection of a grain store and machinery store at Hundredsteddle Farm, Hundredsteddle Lane, Birdham. Access will be achieved via a point of access from a private access track, part of which is also considered a public right of way FP13. This track then adjoins Tile Barn Lane, a private access way, before immediately adjoining the maintained highway network via Backlesham Lane (B2198). Backlesham Lane is subject to a 40 mph speed limit at this point, though given the alignment of the road approaching vehicle speeds would not be anticipated at 40 mph.

Overtaking is prohibited in this location by the presence of double solid white lines. The LHA accepts the principle that the provision of such a storage building will allow the farm to store produce and equipment on site more efficiently potentially reducing the need for delivery and collection from the site by large HGV's.

Current Access Arrangements:

The applicant has stated that currently unloading and servicing takes place from the public highway near the former Bell Inn circa 700 metres north of the application site. There is a clear highway benefit in reducing or removing such a practice from the public highway. However, there is some conjecture from local representations as to how much this is practice is occurring or if it is required.

The applicant has submitted a statement from Bosham Transport Limited which states that they have used the Backlesham Lane / Tile Barn Lane access arrangements for a number of years serving the site. This statement also indicates that the Hundredsteddle access is not suitable for larger vehicles due to its single track nature. A similar statement has been provided by G Gentle & Sons indicating that the Backlesham Lane / Tile Barn have been used to serve the site as existing.

Vehicle tracking plans (1871-002 and 1871-003) have been provided to demonstrate the limitations of access via Hundredsteddle Lane. These show that 3rd party land would be required to improve these internal access arrangements. The LHA is minded to view that such limitations of access are an existing situation. (This was primarily intended to relate to the corner annotated that the track needed widening at a 90 degree bend in Hundredsteddle Lane. On review of the location plan, this corner is within the blue edge and, therefore, 3rd party land would not be needed to improve this. 3rd Party Land would be needed to implement any additional widening Hundredsteddle Lane towards Bell Lane, again these 'limitations' as previously discussed would be considered existing situations.)

Intended Access Arrangements:

Access to the proposed building would be directly achieved via an existing internal farm track part of which is also considered a public right of way FP13. This track then adjoins Tile Barn Lane, a private access way, via an existing, albeit unmade, point of access from the internal farm track. Tile Barn Lane then immediately adjoining the maintained highway network via Backlesham Lane (B2198) via an informal bellmouth type junction. Such an arrangement will result in large farm vehicles being required to perform a hairpin turn manoeuvre if access the site from the north or leaving the site and heading north.

Tile Barn Lane itself current serves 16 houses and a substantial caravan park at Stubcroft Farm. A bus stop is located immediately south of the access point. The applicant has provided swept path tracking plans 1587-002 and 1587-003 to demonstrate movements of a tractor and trailer and tractor and grain trailer at the Backlesham Lane / Tile Barn Lane access arrangements. These plans reveal that the geometry of the access is suitable to facilitate such vehicle movements.

It should be noted that for such movements a left hand turn out of the site will require the vehicle to cross the centreline of the Backlesham Lane carriageway. The applicant states that the building sought would allow for operational efficiencies that would overall reduce movements and spread the vehicular activity at the site. While in principle the LHA accept this the applicant has not quantified this statement with actual vehicle movements.

The LHA would question if a tractor and trailer / tractor and grain trailer would be the largest vehicles accessing in the site. Other supporting documentation states that the site is being served via articulated HGV's so it is questioned why tracking for such vehicles has not been provided?

The applicant has not provided any visibility splays at this access point, or demonstrated the forward visibility approaching from either direction.

Intensification of Use:

In order for any unacceptable impact on highway safety, contrary to the National Planning Policy Framework (paragraph 109), to be substantiated, it must first be demonstrated that a material intensification of use is occurring at the site access point. The principle of the application seems to be to relocate some of the existing farming operations to the new building and provide additional storage provision. The applicant has not quantified how many movements will be relocated to the Backlesham Lane / Tile Barn access. While, in principle, it may be the case, is not clear from the documents provided if this proposal will result in a significant decrease in vehicular activity for the site in general. This has not been quantified by the applicant. It also needs to be taken into account that the Tile Barn Lane junction does seem to already facilitate some vehicular activity associated with the site in addition to those created by 16 dwellings and the caravan park.

Local Representations:

There has been significant local representation to the proposal, including the submission of a Transport Technical Note prepared by Highway Planning Limited. The key findings from this document are:

If the existing practice of HGVs stopping on Bell Lane to unload is creating a safety problem, this can be addressed via the involvement of the police.

No explanation as to why smaller vehicles could not be used to serve the site with the existing access arrangements.

Swept path tracking of a 15.5m articulated lorry and grain tanker would require significant widening of the existing access and bellmouth.

Swept path tracking of a 15.5m articulated lorry and grain tanker performing a left turn out of the site requires significant overrun into the opposing flow of vehicles on Bracklesham Lane.

North of the access, a maximum visibility splay of 2.4 x 73 metres is achievable. Design Manual for Roads and Bridges Standards for a 40 mph road would require visibility splays of 120 metres.

The LHA is minded to agree with the principle findings of this Technical Note. It should be noted that visibility splays of 73 metres would be considered acceptable, using the Design Manual for Roads and Bridges (DMRB) calculation coefficients for stopping sight distance, for approach speeds of 33 mph.

WSPCC operates a departure from standards to allow recorded road speeds to be used with DMRB stopping sight distance calculation coefficients; this departure from standards would require the support of a 7 day automated speed survey. The LHA would also advise that if 85th percentile wet weather speeds were recorded below 40 mph there would likely be justification to apply the Manual for Streets (MfS) calculation coefficient for stopping sight distance. For 39 mph this would equate to 63 metres. Given the alignment of Bracklesham Lane at this point such speeds may exist but a 7 day automated speed survey would be required to demonstrate this with any certainty. Splays south of the access have not been demonstrated by either the applicant or the objectors.

Conclusions:

On balance, the LHA would advise that the documents provided to date do not allow for determination that safe and suitable access is achievable. The LHA appreciates that highways matters are not to be considered under Schedule 2, Part 6, Class A of the GPDO. As such, if the LPA is minded to conclude that the application does not meet the conditions of Schedule 2, Part 6, Class A of the GPDO, any subsequent full application should be supported by way of a Transport Statement. Within this, the applicant should either demonstrate that the access point will not be subject to a material change in type / quantity of vehicle movements or demonstrate that the access is safe and suitable. The applicant may wish to consider creating a new point of access which does not require

hairpin type movement and accords to current guidance and standards. The applicant may also wish to enter into pre-application discussions with WSCC as the LHA.

Original comments (26/03/2019)

Context:

The proposal seeks the erection of a grain store and machinery store at Hundredsteddle Farm, Hundredsteddle Lane, Birdham.

Access will be achieved via a new point of access from a private access track, part of which is also considered a public right of way F.P.13. This track then adjoins Tile Barn Lane, a private access way, before adjoining the maintained highway network via Backlesham Lane (B2198). Backlesham Lane is subject to a 40 mph speed limit at this point, though given the alignment of the road approaching vehicle speeds would not be anticipated at 40 mph.

The Local Highway Authority accepts that the provision of such a storage building will allow the farm to store produce and equipment on site more efficiently reducing the need for delivery and collection from the site by large HGV's. There is a clear highway benefit to this particularly with the existing arrangements where unloading takes place from the public highway near The Bell Inn circa 700 metres north of the application site.

Access:

Access from Bracklesham Lane onto the access ways that lead to the application site seem restricted. The applicant should provide swept path tracking to demonstrate how large agricultural / articulated vehicles will manoeuvre from Bracklesham Lane onto Tile Barn Lane and then onto the access way and into the site.

The applicant should also clarify if this point of access is currently used to access and service the farm.

While it is appreciated this proposal will not in itself increase vehicular activity for the farm it would be beneficial to have a view as to how much vehicular activity the buildings will generate.

The Local Highway Authority would then be able to determine to what extent an intensification of use is occurring at this access point onto the maintained highway network. This is in order to determine if other adequacies of the access point, such as visibility, need to be demonstrated.

6.3 Third Party Representations

39 letters of objection have been received (including comments from the Tile Barn Lane Residents Association and the Campaign to Protect Rural England- Sussex), which are summarised as follows:

- The accident safety record for the B2198 is worse than the national average
- The proposal would have a significant harmful impact on highway safety.

- The existing access is unsafe.
- No assessment has been provided to demonstrate that there are no other existing facilities which are suitable and available to meet any identified storage need.
- The proposed siting is in a green field site away from the existing farmstead or group of buildings.
- The proposed building is more than four times larger than is required to store the average maximum yield.
- The isolated location of the application site has a harmful impact on the landscape and the rural character of the area.
- The application is for a very large machinery and grain store, to serve what is a very small farm. There are buildings available at the farm which could be used for this use or where new ones could be built.
- No evidence that transport to a grain store needs to be in such vehicles.
- This would be a very dominant structure in an open and rural part of Somerley (much of which is a Conservation Area).
- The development is out of scale, being far too large for this small farm.
- Light pollution/Noise pollution
- Misleading points in the Agricultural Justification

11 letters of support have been received (including from the National Farmers Union), which are summarised as follows:

- No doubt that the applicant needs a large barn to store the farm machinery with which he works, and also to store grain at certain times of the year.
- We have to take into account that the entrance/exit to Tile Barn Lane is used frequently by caravanners staying at Stubbcroft Camp site. Some of these caravans are very large, and are slow to get to the correct carriageway on the road. This has been going on for many years now
- Good to see this investment into local agricultural business
- Farmers need to have a suitable and fit for purpose yard for their operations and would create jobs
- It is still essential, that in order to function efficiently it needs to have modern storage facilities for growing crops such as :- Wheat, Barley, Peas, Beans, and Oil Seed Rape.
- Great for the local economy
- Would reduce traffic and support our local farmers
- Sympathetically sits in the landscape
- Planning Practice Guidance describes prior approval as a "*light-touch process which applies where the principle of the development has already been established....* [where] *It is important that a local planning authority does not impose unnecessarily onerous requirements on developers and does not seek to replicate the planning application system*".

7.0 Planning Policy

- 7.1 The proposal should comply with the criteria set out within Class A - agricultural development on units of 5 hectares or more, Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In considering the merits of the application, Part 6 limits the Council's consideration to siting, design and external appearance of the building. In consequence, the planning policies relevant to the consideration of this application are as follows:

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.2 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, the Council had planned to publish a Submission Local Plan under Regulation 19 in March 2020. However, this is currently under review and a revised timetable will be published, in due course. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. In the light of the above, at this stage, it is considered that very limited weight should be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.4 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 12 (Achieving Well-Designed Places).

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:

- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of the development
- ii) Siting, design and external appearance of the building
- iii) Other matters and material considerations

i) Principle of the development

8.2 An application was submitted to the Council seeking confirmation as to whether prior approval would be required for the erection of an agricultural building under Part 6 of the GDPO (Planning reference: 19/00114/PNO). The Council confirmed that prior approval would be required. Whilst recognising that the principle of the development is established through the provisions of the GPDO, this enables it to consider the siting, design and external appearance of the building. Further information was then provided relating these matters and this now forms part of the current application. Any final approval must accord with the requirements of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8.3 Part 6 of Schedule 2 of the General Permitted Development Order (GDPO) Class A permits the erection of an agricultural building on units of 5 hectares or more, provided that it is not within a separate parcel of land which is less than 1ha in area and if it is considered to be reasonably necessary for the purposes of agriculture within the unit. Based on the information submitted to the Council, it is considered that the requirements set out within Part 6 of the 2015 GPDO (as amended) have been met and the principle of the development is considered to be acceptable.

ii) Siting, design and external appearance of the building

8.4 The application has been amended since its original submission, re-orienting the building with its length along the hedge row to the south. The dimensions of the proposed building are set out in paragraph 3.2 of this report would measure 36.4 metres in length, 18.2 metres in width and would have an eaves height of 6.8 metres and a ridge height of 9.2 metres.

- 8.5 The steel portal framed building would be used to accommodate two large tractors, four trailers of varying size, a seed drill, fertiliser spinner, a plough, five secondary cultivation equipment, three rollers, an excavator, sprayer, two rotorvators and a pick-up truck. The proposed barn would have 3 bays, each of which would be divided by retaining concrete walls. Each bay would have its own roller shutter door and personnel door. As the farm is larger than 30 hectares in area, the farm is required to grow a minimum of three different crops in order to meet compliance with regulations. Each crop is sold at different times of the year and this creates the need to store the crop in the proposed bays.
- 8.6 It is understood that the family business growing combinable crops such as wheat, oil seed rape, beans, peas and barley, with wheat capable of yielding well above the national average at 12.5 tonnes per hectare.

Siting of the Development

- 8.7 There are a number of existing agricultural buildings located at the main farm but because of their limited size and poor accessibility, they are understood not to be suitable for the demands of modern agriculture. They still have limited potential use for the storage of smaller machinery and for a small proportion of bagged seed. These buildings are accessed from Hundredsteddle Lane, which is a narrow road and which passes close by several privately owned dwellings. The road is not accessible for articulated lorries, as demonstrated by the fact that the applicant has provided tracking to demonstrate this. The existing farm buildings could not be used to store grain, because the walls are not sufficiently reinforced and the barns are not watertight. The applicant has advised that the capacity of the barns only allows storage of approximately 30% of their machinery. The remaining items are left outside, leaving farm machinery outside negatively affects farm profitability.
- 8.8 The current access road is not capable of handling articulated lorries as it is too narrow and the corner is too sharp. Notwithstanding the above, if the existing buildings were to be used or a new building proposed at the main grouping, this would require a new access road from the southern end of the farm. This would have a visual impact on the landscape, located within the Conservation Area and would be in close proximity to neighbouring houses. Deliveries to the Farm currently occur via Hundredsteddle Lane, which is unable to accommodate articulated HGV's. HGVs are therefore currently offloaded on the main B2198, which is likely to cause highway concerns. WSCC Highways have expressed some concerns with use of the existing access on to Tile Barn Lane, however, there are no preferable existing access points to the farm that could accommodate the required vehicular movements and would result in a better or safer access. As the principle of the development is established through the GPDO the remit of the Local Planning Authority is limited to establishing the most favourable siting of the building, rather than the consideration as to whether the principle of development in itself is acceptable.
- 8.7 The applicant has provided detailed information in order to demonstrate that there is a need for the new grain store. During the previous prior notification application, the issue of need was considered in terms of whether there was agricultural justification for the development. Whilst this application also considered that prior approval was required, the issue of need was not raised as a concern and it is considered that the need for the barn has been demonstrated to be necessary.

- 8.8 If a new building were to be located close to the existing complex of buildings, a new access track would be required crossing the field. This would have a greater impact to the Conservation Area. The applicant has provided reasons as to why the proposal can't be located within the main farm grouping. The location of building isolated from the main farm group is not uncommon within a countryside setting.
- 8.9 The location of the building has been amended since its submission re-orientating the building in line with the hedge to the south. The building would therefore be partly screened to the south by the existing mature hedge row. There are also public right of ways to the immediate east of the site which forms the access to Hundredsteddle Cottage, and further to the west of the site. In order to mitigate the visual impact of the development, the applicant has included a landscaping scheme to the west, north and east, incorporating new tree belts and meadow land.
- 8.10 Given the buildings orientation, along the hedge row and landscaping to other elevations, the building mass and bulk would be reduced. While the building would be visible from public view points and it is not considered to be harmful to the wider landscape. Any visual harm would be limited aided by mitigation in the form of landscaping.

Design and external appearance of the building

- 8.11 The proposed building would be constructed from box profile steel sheet with a cement fibre roof, the existing colour of the walls would be green with a grey roof. The building would measure 36.4 metres in length, 18.2 metres in width, with an eaves height of 6.8 metres and a ridge of 9.2 metres. The design of the building reflects its use as an agricultural building. The height of the building is a requirement for the movement of material and trackers within and around the building. The design and external appearance is therefore considered acceptable.

Other Matters

- 8.12 The principle of the development is considered acceptable under Part 6 of the GDPO, the only matters to consider are sitting, design and external appearance of the building. In considering these matters the council considered other locations for the development, while having regard to the constraints of the existing farm complex, access and highways implications, ecological matters, light pollution and neighbouring impact. It is therefore considered that given the development is acceptable in principle, under Part 6 of the GDPO the sitting, design and external appearance of the building would result in the least harm having regard to those matters.
- 8.13 Comments have been received that the hardstanding would exceed the 1000 sq metres limited by Part 6 of the GDPO. However, Part 6 Class A, paragraph A.2 (2) (c) gives permitted development right for the deposit of material to form a hard surface necessary for agricultural purposes, with the proviso that if the area to be covered exceeds 0.5 ha the prior notification procedure applies. Therefore this can be considered under the current application but is not considered under the 1000 sq metres limit.

Conclusion

8.14 The proposed development by way of its size, siting and design of the development within an open would not result in adverse impacts to the character and appearance of the rural area. The proposed development would therefore accord with Policies 45 and 48 of the Local Plan and the guidance contained within the National Planning Policy Framework.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1. The development must be carried out within a period of 5 years from the date on which approval is given.

Reason: In accordance with the current GPDO 2015 (as amended).

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

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

3. All planting and seeding comprised in the approved details of landscaping as per approved plan 05 REV E be carried out in the first planting and seeding seasons following the completion of the building and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenities and to ensure visual integration of the building into the natural landscape.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Elevations and Floor Plans	18-51667		14.01.2019	Approved
PLAN - The Location Plan	1A		14.01.2019	Approved
PLAN - Block Plan	2A		14.01.2019	Approved
PLAN - SUBSTITUTE PLAN 15.11.19 PROPOSED SITING (A1)	05	REV E	06.12.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PMM2WUER0UX00>

Parish: Selsey	Ward: Selsey South
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SY/19/02962/FUL

Proposal	Erection of 1 no. dwelling.		
Site	Land West Of Tidewall Cottage 85 East Street Selsey Chichester West Suss PO20 0BU		
Map Ref	(E) 485913 (N) 93029		
Applicant	Messrs N.P.T.P Kimber, Grocott, De Dean	Agent	Douglas Briggs Partnership

RECOMMENDATION TO REFUSE



	<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

- 1.1 Red Card: Cllr John Elliott - Important information/opinion to raise in debate (Incorrect information regarding the front wall)

2.0 The Site and Surroundings

- 2.1 The application site is located within the Selsey settlement boundary and within the Conservation Area. The site lies on the northern side of the road and comprises a rectangular parcel of land with dwellings and their gardens to the east and west. To the rear (north) lies a garage compound accessed via Gainsborough Drive. The application site appears to have been separated off from the surrounding properties, although historic aerial photographs indicate that it may have once formed part of the garden land of 85 East Street.
- 2.2 The surrounding residential properties have a close connection to the road and there is a close tight knit character to the locality. There is a pavement to the south side of the road only, and on-street vehicular parking is restricted to the southern side of the road only by double yellow lines to the northern side of the road. The properties on the northern side of the road benefit from off-street parking, in the form of private driveways and shared parking courts.
- 2.3 The area encompasses a wealth of historic properties and features, including the front boundary tide walls which are important features of this section of the Conservation Area and therefore they contribute to its character and significance. Within close proximity of the site on East Street there are 10 buildings identified as positive buildings which includes 85 East Street, directly to the east of the application site. There are also five grade II listed buildings. The front boundary stone and brick walls to the properties in East Street also make a strong contribution to the historical character of the area.

3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of 1no. dwellinghouse, with associated parking and landscaping. Alterations to the front gardens of number 85 are also proposed including the demolition and rebuilding of the wall to the front of 85 East Street and the provision of a pedestrian access.
- 3.2 The proposed building would measure approximately 9m (w) x 10m (d) x 7m (h) whilst the underside of the eaves height would measure 4m at the front and 5.3m at the rear. The rear garden would measure 8.7m deep and there would be approximately 1.3m between the side elevations of the house and the boundary of the site. The proposed external materials and finishes are proposed to include; clay tiled roof, brick walls with imitation stone sills and the dormers would include zinc walls and cheeks. The dwelling would include a kitchen, utility, dining room, lounge, bathroom and bedroom at ground floor with three bedrooms and a bathroom at first floor level.

3.3 A private garden is proposed to the rear of the new building and lay-by parking for two cars is also proposed to the front of the site. The existing wall in front of 85 East Street is proposed to be demolished and rebuilt in a setback position to provide space for the lay-by and the necessary visibility spays. A new brick and stone 1m high wall would be constructed in front of the new dwelling.

4.0 History

11/04176/PE	CLOSED	Erection of 3 bed detached house with integral garage.
15/04116/FUL	WDN	Erection of house.
16/00373/FUL	REF	Erection of 1 no. dwelling.
19/01824/FUL	WDN	Proposed 1 no. dwelling.
16/00077/REF	DISMIS	Erection of 1 no. dwelling.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Selsey Town Council OBJECT to this application on the basis that the demolition of the tidewall is contrary to the old Selsey Conservation Area CACA.

6.2 WSCC Local Highway Authority

Additional comments (06/02/2020)

I did undertake a site visit to East Street on 30/01/2020 with a colleague. During the visit, it was observed that the road was lightly trafficked and typical speeds were around 20 mph. Whilst the issue regarding 3rd party land is acknowledged, we were comfortable that the proposed arrangement which would result in vehicles exiting the layby would be foreseen by drivers. This is aided by forward visibility to the layby in both directions being achievable. Whilst on-site I drove the locality a number of times and was comfortable with this approach.

On the basis of the above, the LHA considers the demonstrated visibility to be sufficient for this proposal. Other considerations include the presence of street lighting on East Street, which will assist in maintaining visibility for drivers and pedestrians exiting their cars during times of darkness.

Finally, the LHA does note that a similar application was submitted in 2015 (15/04116/FUL), which also proposed a layby parking arrangement. At that time, the LHA also raised no objections. As such, the principle of a layby parking arrangement in this location has already been established. It would be very difficult for the LHA to justify an objection based on the issues raised. As such, our original comments remain valid.

Original comments (23/12/2019)

Summary:

This proposal is for the erection of a four-bedroom residential dwelling. The site is located on East Street, a C-classified road subject to a speed limit of 30 mph. WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application SY/19/01824/FUL. The LHA raised no objections to this proposal. The applicant withdrew the application.

Access and Visibility:

Access to the site will be via a private layby parallel to the carriageway. The applicant has submitted a highway visibility report with speed survey data to support this application. The seven-day survey on East Street from 2016 found that 85th percentile dry weather speeds were 26 mph westbound and 29 mph eastbound; therefore, this shows that typical speeds on East Street are lower than the posted speed limit.

The applicant has demonstrated vehicular visibility splays of at least 43m in both directions from the driver's viewpoint. The visibility splays do cross third party land and therefore cannot be secured in perpetuity. However, the LHA appreciates that East Street does have good forward visibility and that drivers would anticipate vehicles indicating and exiting the layby.

Furthermore, an inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning:

Two car parking spaces are proposed parallel to the carriageway on the private layby. The parking area demonstrated in the plans has approximate dimensions of 2.4m x 12.1m, which meets the minimum specifications for parallel parking bays for two parking spaces as set out in Manual for Streets (MfS).

The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 3 car parking spaces. Consequently, any overspill parking would have to be accommodated on-street. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be considered a detriment to highway safety. The LHA does not anticipate that highway safety would be detrimentally affected through this proposal. The Planning Authority may wish to consider the potential impacts on on-street parking from an amenity point of view. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, the Local Highways Authority (LHA) request that developers provide all new homes with electric vehicle (EV) charging points. Based upon current EV sales rates within West Sussex, the applicant should provide a minimum of 20 % of all proposed parking spaces with active charging points, with ducting in place for the remaining 80% to provide 'passive' provision for future upgrades. Due to the small-scale nature of this proposal, the anticipated provision of active EV spaces for this development would be one space, in accordance with the above WSCC guidance and Chichester Local Plan policy.

In terms of cycle parking, WSCC parking standards require at least two cycle parking spaces for dwellings with three or more bedrooms. The plans have demonstrated a cycle store to the rear of the site, which would be able to store a number of cycles. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

The layby layout of the parking area will allow vehicles to exit the site onto East Street in a forward gear.

Sustainability:

The site is situated in a sustainable location within walking distance of shops, schools and other amenities. Bus stops on East Street offer regular connections between Selsey and Chichester. Cycling is viable option in the area.

Conclusion:

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

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

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

6.3 CDC Conservation and Design

The application site is located next to a non listed building in the Old Selsey Conservation Area. The principle of development on this plot is not opposed in principle but the current proposals present multiple challenges to the character and appearance of this part of the conservation area.

In order to facilitate a dwelling in this location a large parking bay is proposed at the front of the property. This necessitates the relocation of a large section of flint tidewall. This tidewall is referred to in the conservation area character appraisal and forms a key part of the historic interest of the immediate streetscene and the wider character of the conservation area. The tidewall historically functioned as a defence against rising high tides and is an interesting and characterful addition to the local built form. Its position hard up against the road is an important part of its function, demarcating the historic front boundary of traditional properties that were much closer to the highway and thus forming a key part of its historic interest. This position is maintained remarkably consistently along the length of East Street, even on other modern developments, and throughout the conservation area. The relocation of this large section of wall some distance back would harm its material significance and the historical importance of its location hard up against the highway. The wall would be read more as a modern garden wall than as the important piece of historic streetscape that it currently is.

The location of the new wall behind the overtly modern parking bay is also problematic. The parking bay is an incongruous modern street form which in itself causes harm to the conservation area. East Street is narrow with buildings close up to the highway. This forms part of its historic character and the imposition of the modern parking bay disrupts this historic rhythm. Locating the wall behind this modern intervention exacerbates the already established harm of removing it from its historic location.

Overall, the issues around the creation of a modern parking bay and the removal of the tidewall from its historic location fail to preserve or enhance the character of the Old Selsey Conservation Area. The harm to the heritage asset is less than substantial and must be weighed against any clear public benefits of the proposals.

6.4 Third party objection comments

7 x third party representations of objection (from 6 households) have been received concerning the following matters:

- a) Narrow section of East Street with on road parking to the south side only.
- b) This is already a dangerous street for traffic, cyclists and pedestrians.
- c) The wall along the front of the property was demolished after a vehicle drove into it.

- d) The proposal for parking on the north side, will cause highway safety concerns.
- e) Route for the 51 bus which passes in each direction every 15 minutes during weekdays.
- f) The house is located in the centre of the new Conservation Area which was confirmed in September 2017.
- g) This part of the conservation area has a number of listed buildings (6) on a small section of East Street alone as well as its historical significance.
- h) There are also a number of older house noted as contributing 'positive features' to the heritage of the street in the Conservation Area documentation.
- i) One of the specific grounds for designating this part of East Street as a Conservation Area is the presence of old tide walls which are distinctive to the region. The proposed demolition of one of these to allow for the new development goes against the letter and spirit of heritage conservation and protection.
- j) New builds need to be proportionate in scale and appropriate to their location, which is not the case for this proposed dwelling.
- k) 81a East Street; are very concerned at size of new property being proposed at 85, being far too large for the plot and road.
- l) Parking layout result in car doors opening onto the road.
- m) The proposed building appears to be too large for the plot and will be built too close to 83A.
- n) Loss of light to 83A
- o) The rear part of the building will extend beyond the building line removing all privacy currently enjoyed by 83A, 83, 81A and 81 East Street.
- p) Justification for the size and appearance of the proposed building is based on the premise that approval was given "recently" for the development at 81/83. This approval was given some 10 years ago, 7 years before the creation of the Conservation Area.
- q) Development would be out of character with the area.
- r) Loss of front boundary wall and rebuilding 4m back from its current position and obstruction form the street scene with the parking arrangement would be harmful to character of conservation area.
- s) Common route for parents and children from East Selsey to go to both the primary and secondary schools.
- t) Visibility splays are drawn inaccurately and are not achievable.
- u) The pavement outside 83A, 83 and 81 East Street is privately owned in its entirety. Visibility for vehicles attempting to exit the layby could be further reduced as that pavement is not under local authority control.
- v) Vehicle knocked and damaged by passing vehicles on two separate occasions since moving here three years ago.

2.25 Applicant/Agent's Supporting Information

The applicant has provided the following support information during the course of the application:

- a) The tide walling will not be lost.
- b) 3 parking spaces are not required.
- c) The ground floor bedroom could be used for other purposes.
- d) Sweeping down tops are proposed to the top of the new wall which are characteristic of the local area.

7.0 **Planning Policy**

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Selsey at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029 (CLP)

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 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.5 Consideration should also be given to Sections 4 (Decision-Making), 5. (Delivering a sufficient supply of homes), 9 (Promoting Sustainable Transport), 11. Making effective use of land 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
 - Surface Water and Foul Drainage SPD
 - CDC Waste Storage and Collection Guidance
 - CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
 - Selsey Conservation Area Character Appraisal

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon heritage assets
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Recreational disturbance

Assessment

i. Principle of development

8.2 The application site is located within the designated Settlement Boundary Area of Selsey. Within the development strategy and settlement hierarchy, contained within policy 2 of the Chichester Local Plan (CLP), Selsey is designated as a settlement hub. Policy 2 of the CLG states that new development that meets identified local needs will reinforce the role of the settlement hubs as centres providing a range of homes, workplaces, social and community facilities.

8.3 The settlement hubs are areas that provide suitable levels of services and facilities and can also limit the need to travel and are capable of supporting sustainable modes of transport and encouraging users to seek alternative to the private motor car as required by CLP policy 8. Therefore a new dwelling in this location is supported by the development strategy and the proposal would be acceptable in principal.

ii. Design and impact upon character of the surrounding area

8.4 High quality design is seen as a key part of sustainable development within the 2019 NPPF and Policy 33 of the CLP sets out that each proposal must meet the highest standards of design and a high quality living environment in keeping with the character with the surrounding area and its setting in the landscape. Policy 33 of the CLP also requires that the scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.5 The character of this part of the road includes a mix of architectural styles, whilst some are modern, most are historic cottages and the buildings for the most part form a tight knit arrangement. The lack of front gardens and low stone boundary walls also contribute towards the character of the streetscene, and this is considered important to the character and appearance of the locality, which forms part of a conservation area.

8.6 It is considered that the proposed lay-by parking arrangement, which would introduce a large area of hardstanding alongside the road and would necessitate the loss of a historic flint wall, results in a contrived form of development that would be at odds with the important established historic character of the streetscene. By reason of the siting and appearance of the proposed front walls they would detract from the visual amenity and character of the streetscene. Although the design and architectural detailing of the proposed dwelling would not be considered unacceptable in principle, it is as a result of the size and scale of the proposed dwelling that insufficient space can be provided for on-site parking, and this is also indicative of a cramped and contrived form of over-development.

8.7 It is therefore considered that due to the design of the development, which would not accommodate on-site parking and instead would result in the loss of a flint wall and the provision of a wide lay-by parking area, the proposal would fail to maintain the strong sense of place and local distinctiveness, and it would not be sympathetic to the surrounding built environment. Rather, the proposed development would detract from the visual amenity and character of the locality. The proposal would therefore conflict with section 12 of the NPPF and policy 33 and 47 of the CLP.

iii. Impact upon heritage assets

8.8 Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, requires that the Local Authority give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In addition section 16 of the NPPF states heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to the significance and policy 47 of the CLP states that permission will only be granted where it can be demonstrated that the proposal conserves or enhances the special interest and settings of the designated heritage assets.

8.9 In order to facilitate a dwelling in this location a large parking bay is proposed at the front of the property to facilitate space for parking two vehicles. This necessitates the relocation of a large section of coursed stone tide wall. This tide wall is referred to in the Selsey Conservation Area Character Appraisal and it forms a key part of the historic interest of the immediate street scene and the wider character of the conservation area. The tide wall historically functioned as a defence against rising high tides and is an interesting and characterful part of the built environment. The demolition of this wall would result in the total loss of the remaining section of historic fabric that in itself is irreplaceable. Furthermore, the relocation of this large section of wall some distance back from the road would harm its material significance and the historical importance of its existing location hard up against the highway. The wall would be read more as a modern garden wall than as the important piece of historic streetscape that it currently is.

8.10 The proposed parking arrangement would also result in an incongruous modern street form, which would cause harm to the conservation area. East Street is narrow with buildings close up to the highway. This forms part of its historic character and the provision of a wide modern parking lay-by would disrupt the existing historic pattern of development. Locating the replacement wall behind this modern intervention exacerbates the already established harm of removing it from its historic location. It is important to note that the conservation area appraisal does not support the loss of front boundary walls to provide off street parking, and this is a material consideration.

- 8.11 The Council's Historic Buildings Advisor has raised concerns regarding the loss of the front tide wall and its replacement in a setback position with a modern intervention in the form of the parking layby and the appearance due to the regularity and amount of quoins and stone infill panels. The applicant has provided a letter dated the 8th January 2020 stating that the wall would not be lost. Based on the submitted plans it is clear that the proposal includes the demolition of the remaining section of tide wall to the front of 85 East Street and that this would be replaced by a wall of a similar height but different appearance, in a setback position. Officers are of the opinion that such a proposal would result in the loss of the remaining historic section of tide wall and rebuilding walls in a different position, and this would not respect the distinct traditional character of the tide walls abutting the road. The new walls, as show on the submitted plans, would also be of a modern appearance.
- 8.12 The site lies in a prominent location within the conservation area; however, notwithstanding the issues raised above, there is no objection in principle to the provision of a dwelling on the application site. The gap between the buildings is an anomaly within this part of the street scene and a new dwelling on the site could respond positively to the existing close knit relationships between buildings. In respect of the design and appearance of the proposed dwelling, although it would result in a cramped and contrived form of development that more widely would impact on the character of the area due to the issues with the provision of parking, the proposed dwelling itself would not result in harm to the character or appearance of the conservation area.
- 8.13 It is considered that the proposed loss of the remaining section of tide wall would result in harm to the significance of the conservation area and would not preserve or enhance the character of the conservation area. The less than significant harm identified would not be outweighed by any identified public benefits, and therefore the proposal would be contrary to the policies contained within the NPPF and the CLP.
- iv. Impact upon amenity of neighbouring properties
- 8.14 The NPPF states (paragraph 127) that planning should ensure a good quality of amenity for existing and future users of places, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.
- 8.15 Officers have assessed the impact of the proposed property and parking on the amenities of the neighbouring properties. The proposed dwelling would be closely related to the properties and gardens on both sides. If the scheme were otherwise acceptable and being recommended for approval overlooking could be prevented by ensuring first floor windows to the side walls were obscure glazed and fixed below 1.7m from finished floor level. Due to the siting of the proposed dwelling it would comply with the Council's design guidance in respect of the relationships with neighbouring properties. It is therefore considered that the proposal would not be overbearing or oppressive or otherwise harmful to living conditions, including in respect of loss of light, outlook and private amenities.
- 8.16 Overall, the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties and gardens, in particular to their outlook and privacy. Therefore, it is considered that the development complies with CLP policy 33 and 127 of the NPPF.

v. Impact upon highway safety and parking

8.17 The road is relatively narrow with parking permitted on its southern side, and due to a narrowing of the road close to the application site vehicles have to slow to give way to oncoming traffic, as there is only space to pass in single file. The proposed parking arrangement has been given careful consideration due to the narrow and active nature of this C class road, which is also a bus route, combined with on road parking, double yellow lines (to the north of the road) and pedestrian and cycling activity. The Local Highway Authority (LHA) visited the site during the course of the application and it does not raise a highway safety objection. Conditions have been requested concerning vehicle and cycle parking and visibility splays

8.18 Based on the above it is considered that the access and parking arrangement would accord with policy 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway, although this does not outweigh the concerns regarding this parking arrangement as set out in section ii and iii of this report.

vi. Recreational Disturbance

8.19 The development lies within the 3.5km zone of influence upon the Pagham Harbour Special Protection Area (SPA), where increases in net residential development are likely to have a significant effect on the SPA. An appropriate assessment has been carried out by the Local Planning Authority, and it was concluded that the development may have an adverse impact because there have been no appropriate avoidance and/or mitigation measures submitted that would enable the Local Planning Authority to ascertain that the permanent use would not adversely affect the integrity of the SPA. No mitigation measures or contributions have been provided and, therefore, the proposed dwelling is contrary to paragraph 177 of the 2019 National Planning Policy Framework, policy 51 of the Chichester Local Plan: Key Policies 2014-2029, and Planning Obligations and Affordable Housing Supplementary Planning Document (SPD) July 2016.

Conclusion

8.20 Based on the above assessments, it is considered the proposal would detract from the visual amenity of the locality and would result in harm to the conservation area which is a designated heritage asset contrary to sections 12 and 16 of the NPPF and policies 33, 40 and 47 of the CLP, and there are no other considerations that would outweigh the identified harm.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

- 1) The proposed layby parking arrangement to the front of the site combined with the construction of a new boundary wall would, by reason of their siting, design and appearance result in a departure from the established historic character of the streetscene which would detract from the visual amenity character of the locality. Furthermore, the resultant demolition of the remaining section of stone tide wall would result in the total loss of a historic tide wall which contributes significantly to the distinct character of the conservation area, and this would cause less than substantial harm to the significance of the heritage asset which would not be outweighed by any public benefits. As such the proposal would be contrary to sections 12 and 16 of the National Planning Policy Framework, policies 33, 40 and 47 of the Chichester Local Plan: Key Policies 2014-2029 and the Selsey Conservation Area Character Appraisal.
- 2) The development lies within the 3.5km zone of influence upon the Pagham Harbour Special Protection Area (SPA), where increases in net residential development are likely to have a significant effect on the SPA. There have been no appropriate avoidance and/or mitigation measures submitted that would enable the Local Planning Authority to ascertain that the permanent use would not adversely affect the integrity of the SPA. No mitigation measures or contributions have been provided and, therefore, the proposed permanent use is contrary to paragraph 177 of the 2019 National Planning Policy Framework, policy 51 of the Chichester Local Plan: Key Policies 2014-2029 and Planning Obligations and Affordable Housing Supplementary Planning Document July 2016.

INFORMATIVES:

- 1) This decision related to plans: 6218.001 G, 6218.002 F & 6218.003.
- 2) The applicant is advised, in the event of an appeal against this refusal of planning permission, that on receipt of a Unilateral Undertaking under S.106 of the Town and Country Planning Act 1990 (as amended) and the payment of the contribution towards the joint mitigation strategy outlined in the Bird Aware Solent Disturbance and Mitigation Project reason for refusal 2 would be withdrawn by the Local Planning Authority. Full details of the Unilateral Undertaking and the contribution requirements are available upon request.

- 3) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q1OT42ER0SR00>

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Chichester District Council

Planning Committee

Wednesday 11 March 2020

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Between 16-Jan-2020 and 19-Feb-2020

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

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

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>19/00088/CONHH</u> Sidlesham Parish Case Officer: Sue Payne Written Representation	Red Barn Selsey Road Sidlesham Chichester West Sussex PO20 7NE - Appeal against Erection of a building in woodland.

2. DECISIONS MADE

Reference/Procedure	Proposal
<p><u>17/00061/CONENG</u> Birdham Parish</p> <p>Case Officer: Emma Kierans Written Representation</p>	<p>Land North Of Cowdry Nursery Sidlesham Lane Birdham West Sussex - Appeal against BI/40</p>
<p>Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD</p>	
<p>“...The appeal is dismissed and the enforcement notice is upheld. ... the works are more than could be considered a conversion of the original building, so do not accord with the prior approval under Class Q, Part 3, Schedule 2 of the GPDO. The resulting building does not, therefore, benefit from that planning permission. ... Since no planning permission has been granted for the development it thereby constitutes a breach of planning control. For these reasons, I conclude that the appeal under ground (c) should fail. ... As I have concluded that the dwelling does not comply with Policies 2, 33, 37, 45 and 48 of the LP, it would also not comply with Policy 1 of the LP that supports development that accords with policies of the LP. For the reasons set out above, I conclude that the proposed development would not accord with the development plan. The appeal on ground (a) therefore fails. ... Given my conclusions as to the extent of the work, I conclude that the requirements of the notice do not exceed what is necessary in order to remedy the breach of planning control. As such, the appeal fails on ground (f). ... The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.”</p>	
<p><u>18/00010/CONMHC</u> Chidham & Hambrook Parish</p> <p>Case Officer: Tara Lang Public Inquiry</p>	<p>Land Rear Of Hambrook Meadows Broad Road Hambrook Chidham Chichester West Sussex PO18 8RF - Appeal against Enforcement Notice CH/56 for the creation of a hard standing and stationing of a mobile home.</p>
<p>Appeal Decision: APPEAL WITHDRAWN</p>	
<p>WITHDRAWN</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 488 331">19/02039/DOM East Wittering And Bracklesham Parish</p> <p data-bbox="196 365 488 432">Case Officer: Maria Tomlinson</p> <p data-bbox="196 454 512 499">Householder Appeal</p>	<p data-bbox="639 230 1489 365">Meadows Cottage 10 Meadows Road East Wittering Chichester West Sussex PO20 8NW - Demolition of existing single storey extension, to south elevation. Erection of two storey side extension and front porch.</p>
Appeal Decision: APPEAL ALLOWED	
<p data-bbox="180 544 1489 1019">“..... the development with its set-back position and roof height lower than the existing building, would not represent a visually incongruous or dominant addition to the host building. Taking into account the wide variety in the architectural styles and size of properties in the locality of the site, in combination with the fact that the host building is substantial and has a noticeably strong gable end design, the proposed two-storey side extension would not detract from the overall appearance of the host building when viewed from the street....., I conclude that the proposed development would not have a harmful effect on the character and appearance of the host building or the wider area. Consequently, it would accord with Policies 33 and 47 of the Chichester Local Plan: Key Policies 2014-2029 (LP), chapter 12 of the National Planning Policy Framework, and the PGN3 which, amongst other things, seek to ensure that the design of proposals have an acceptable appearance and respect the character of existing development in the surrounding area.....”</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>18/00393/CONHH</u> Appledram Parish</p> <p>Case Officer: Emma Kierans Written Representation</p>	<p>Ferndale 133 Birdham Road Appledram Chichester West Sussex PO20 7DY - Appeal against Enforcement Notice AP/5</p>
<p><u>19/00740/DOM</u> Appledram Parish</p> <p>Case Officer: William Price Householder Appeal</p>	<p>Ferndale 133 Birdham Road Appledram PO20 7DY - Retrospective erection of 6ft featherboard fence and gates. Additional trees to be planted.</p>
<p><u>18/02204/ELD</u> Birdham Parish</p> <p>Case Officer: Shona Archer Written Representation</p>	<p>Kellys Farm Bell Lane Birdham PO20 7HY - Erection of a building and use as a dwellinghouse</p>
<p><u>19/00046/CONCOU</u> Birdham Parish</p> <p>Case Officer: Steven Pattie Written Representation</p>	<p>Kellys Farm Bell Lane Birdham Chichester West Sussex PO20 7HY - Appeal against BI/46</p>
<p><u>19/00845/FUL</u> Birdham Parish</p> <p>Case Officer: Daniel Power Written Representation</p>	<p>Common Piece Main Road Birdham West Sussex - Use of land for the stationing of a static caravan.</p>
<p><u>19/01352/DOM</u> Bosham Parish</p> <p>Case Officer: Oliver Naish Householder Appeal</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.</p>

Reference/Procedure	Proposal
<p>19/01721/FUL Bosham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land South East Of Church Farm Old Park Lane Bosham West Sussex - Change of use of land for the stationing of 3 no. shepherd huts to be used as tourist accommodation.</p>
<p>19/02416/DOM Chidham & Hambrook Parish</p> <p>Case Officer: William Price</p> <p>Householder Appeal</p>	<p>Hollies Broad Road Hambrook Chidham PO18 8RF - Proposed ground floor rear extension with first floor rear extension over and a double garage.</p>
<p>17/00371/CONCOM Donnington Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Donnington Manor Farm Selsey Road Donnington Chichester West Sussex PO20 7PL - Appeal against D/9</p>
<p>19/00350/LBC Donnington Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Hardings Farm Selsey Road Donnington Chichester West Sussex PO20 7PU - Replacement of 8 no. windows to North, East and South Elevations (like for like).</p>
<p>16/00320/CONCOU Earnley Parish</p> <p>Case Officer: Steven Pattie</p> <p>Written Representation</p>	<p>Witsend Nursery Third Avenue Batchmere Chichester West Sussex PO20 7LB - Appeal against E/32</p>
<p>19/02407/PA3Q Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land South Of 102A First Avenue Almodington Batchmere Chichester West Sussex PO20 7LQ - Notification for Prior Approval for a proposed change of use of agricultural buildings to 4no. dwellinghouses (Class C3).</p>

Reference/Procedure	Proposal
<p>19/00731/DOM East Wittering And Bracklesham Parish</p> <p>Case Officer: Calum Thomas Householder Appeal</p>	<p>5 Charlmead East Wittering PO20 8DN - Creation of habitable space at first floor level.</p>
<p>18/00323/CONHI Funtington Parish</p> <p>Case Officer: Sue Payne Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p>19/01400/FUL Loxwood Parish</p> <p>Case Officer: William Price Written Representation</p>	<p>Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p>16/00325/CONCOM North Mundham Parish</p> <p>Case Officer: Shona Archer Written Representation</p>	<p>6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28</p>
<p>18/00187/CONMHC North Mundham Parish</p> <p>Case Officer: Tara Lang Written Representation</p>	<p>Fisher Granary Fisher Lane South Mundham Chichester West Sussex PO20 1ND - Appeal against NM/29</p>
<p>19/00405/FUL North Mundham Parish</p> <p>Case Officer: Caitlin Boddy Written Representation</p>	<p>Fisher Granary Fisher Lane South Mundham PO20 1ND - Use of land for the stationing of a caravan for use as a holiday let.</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 403 264">19/00269/FUL</p> <p data-bbox="197 271 384 304">Oving Parish</p> <p data-bbox="197 365 478 432">Case Officer: Maria Tomlinson</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="639 230 1461 371">Merston Drier Barn Marsh Lane Merston Oving West Sussex - Change of use from agriculture to a mixed use comprising of agricultural storage and the storage of up to 10 vintage cars.</p>
<p data-bbox="197 566 459 600">17/00104/CONBC</p> <p data-bbox="197 607 552 640">Plaistow And Ifold Parish</p> <p data-bbox="197 678 552 745">Case Officer: Sue Payne Written Representation</p>	<p data-bbox="639 566 1422 707">Burgau Barn Plaistow Road Ifold Loxwood Billingshurst West Sussex RH14 0TZ - Appeal against Enforcement Notice PS/68 and planning permission refusal for 18/01685/FUL.</p>
<p data-bbox="197 824 403 857">18/01685/FUL</p> <p data-bbox="197 864 552 898">Plaistow And Ifold Parish</p> <p data-bbox="197 936 587 1003">Case Officer: Daniel Power Written Representation</p>	<p data-bbox="639 824 1414 898">Burgau Barn Plaistow Road Ifold Loxwood RH14 0TZ - Retrospective single storey side extension.</p>
<p data-bbox="197 1070 419 1104">19/00716/DOM</p> <p data-bbox="197 1111 552 1144">Plaistow And Ifold Parish</p> <p data-bbox="197 1182 584 1249">Case Officer: William Price Written Representation</p>	<p data-bbox="639 1070 1398 1144">Sunnydene The Drive Ifold Loxwood RH14 0TE - Retrospective replacement hedge, fencing and gates.</p>
<p data-bbox="197 1317 488 1350">16/00026/CONMHC</p> <p data-bbox="197 1357 448 1391">Sidlesham Parish</p> <p data-bbox="197 1451 587 1518">Case Officer: Steven Pattie Written Representation</p>	<p data-bbox="639 1317 1445 1391">Zsaras Yard Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/71</p>
<p data-bbox="197 1574 483 1608">18/00005/CONAGR</p> <p data-bbox="197 1615 448 1648">Sidlesham Parish</p> <p data-bbox="197 1709 552 1776">Case Officer: Sue Payne Written Representation</p>	<p data-bbox="639 1574 1437 1686">Greenwood Group Highleigh Nurseries Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/70</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 448 297">19/01103/LBC Sidlesham Parish</p> <p data-bbox="197 365 475 432">Case Officer: Maria Tomlinson</p> <p data-bbox="197 454 552 499">Written Representation</p>	<p data-bbox="639 230 1487 297">Highleigh Farmhouse Highleigh Road Sidlesham PO20 7NR - Installation of replacement windows to match existing.</p>
<p data-bbox="197 566 485 633">18/00389/CONCOU Southbourne Parish</p> <p data-bbox="197 701 587 768">Case Officer: Steven Pattie</p> <p data-bbox="197 734 552 779">Written Representation</p>	<p data-bbox="639 566 1433 633">1 Green Acre Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Appeal against SB/117</p>
<p data-bbox="197 846 485 913">18/03145/OUT Southbourne Parish</p> <p data-bbox="197 981 616 1048">Case Officer: Jeremy Bushell</p> <p data-bbox="197 1014 411 1059">Public Inquiry</p> <p data-bbox="197 1059 475 1104">Awaiting Decision</p>	<p data-bbox="639 846 1469 992">Land North Of Cooks Lane Southbourne Hampshire - Outline application with all matters reserved except Access for the erection of 199 dwellings and associated development.</p>
<p data-bbox="197 1182 485 1249">18/03428/FUL Southbourne Parish</p> <p data-bbox="197 1317 587 1384">Case Officer: Daniel Power</p> <p data-bbox="197 1350 456 1395">Informal Hearing</p> <p data-bbox="197 1395 475 1440">Awaiting Decision</p>	<p data-bbox="639 1182 1487 1328">Field South Of 230 Main Road Southbourne Hampshire - Material change of use of the land for stationing of caravans for residential occupation for single pitch Gypsy site with facilitating development (hard standing and utility building).</p>
<p data-bbox="197 1507 499 1574">18/00100/CONCOU West Itchenor Parish</p> <p data-bbox="197 1641 587 1709">Case Officer: Steven Pattie</p> <p data-bbox="197 1675 552 1720">Written Representation</p>	<p data-bbox="639 1507 1449 1574">Northshore Yacht Limited The Street Itchenor Chichester West Sussex PO20 7AY - Appeal against WI/16</p>

Reference/Procedure	Proposal
19/02126/FUL Wisborough Green Parish Case Officer: Daniel Power Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 0DG - Change of use of 1 no. existing timber clad store room into 1 no. new dwelling. Removal of temporary tent garage and replacement with 1 no. timber clad garage.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Premier Park Birdham	Occupation of mobile homes as settled Gypsy accommodation and retention of stables and track.	Application lodged with the High Court on 27 November. Barrister instructed. Several telephone attempts made and letter sent to the High Court asking for information on the hearing date. Awaiting for hearing date from the Queen's Bench Division of the High Court.
High Court Matters		
Site	Matter	Stage
23 Southgate, Chichester (The Vestry)	Challenge to issue of planning permission dated 9 th December 2019	Consent Order has been signed on behalf of the Council but the interested party, Sussex Inns Limited, have filed grounds for defence to the claim. Permission of the court to proceed with the claim is required and is awaited.

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 16/01/20 and 19/02/20

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

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

* - Committee level decision.

1. NEW APPEALS

<p>SDNP/19/01293/LDE Heyshott Parish Council Parish</p> <p>Case Officer: Derek Price Written Representation</p>	<p>Northend House Polecats Heyshott GU29 0DD - Lawful Development Certificate for the retention and continued use of the existing driveway.</p>
<p>SDNP/19/01322/LDE Heyshott Parish Council Parish</p> <p>Case Officer: Derek Price Written Representation</p>	<p>Northend House Polecats Heyshott GU29 0DD - Retention of existing gates and brick piers serving access to Northend House.</p>
<p>SDNP/19/04837/HOUS Milland Parish Council Parish</p> <p>Case Officer: Piotr Kulik Householder Appeal</p>	<p>Yew Tree Cottage Fernhurst Road Milland Liphook West Sussex GU30 7LU - Two storey side extension including new front dormer.</p>
<p>SDNP/19/03168/LIS Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik Written Representation</p>	<p>Rooks Cottage North Lane South Harting GU31 5PZ - Replacement of 6 no. windows and 1 no. door on west elevation. Replacement of 1 no. door on adjacent single storey.</p>

<p><u>SDNP/18/04604/FUL</u> Funtington Parish Council Parish</p> <p>Case Officer: Piotr Kulik Written Representation</p>	<p>The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.</p>
<p><u>SDNP/19/04389/CND</u> Petworth Town Council Parish</p> <p>Case Officer: Louise Kent Written Representation</p>	<p>Wickers Glasshouse Lane Kirdford GU28 9PA - Demolition of 1 and 2 storey extensions to dwelling house. Construction of 1.5 storey extensions - Variation of condition 2 of planning permission SDNP/19/02389/HOUS - Amended plans referred to in consideration of this application.</p>
<p><u>SDNP/17/00447/GENER</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Emma Kierans Written Representation</p>	<p>Jays Farm Jays Lane Lurgashall Haslemere West Sussex GU27 3BL - Appeal against LG/16</p>
<p><u>SDNP/18/00087/GENER</u> Heyshott Parish Council Parish</p> <p>Case Officer: Emma Kierans Written Representation</p>	<p>Northend House Polecats Heyshott Midhurst West Sussex GU29 0DD - Appeal against Enforcement Notice HY/3</p>
<p><u>SDNP/18/00082/GENER</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Emma Kierans Written Representation</p>	<p>Coombe House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Appeal against FH/27</p>

2 DECIDED APPEALS

None

3. CURRENT APPEALS

<p>SDNP/17/04166/LDE Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Derek Price Public Inquiry Awaiting Decision</p>	<p>Buriton Barn Buriton Farm Buriton Farm Lane Treyford GU29 0LF - Existing Lawful Development - C3 residential use for the site area and building.</p>
<p>SDNP/19/02109/FUL Midhurst Town Council Parish</p> <p>Case Officer: Louise Kent Written Representation</p>	<p>Arundel House Rumbolds Hill Midhurst GU29 9ND - Conversion of 2 upper floors to 2 no. flats.</p>
<p>SDNP/17/00755/COU Fittleworth Parish Council Parish</p> <p>Case Officer: Tara Lang Written Representation</p>	<p>Lithersgate Common Bedham Lane Fittleworth West Sussex - Appeal against FT/10</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

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Chichester District Council

Planning Committee

9 March 2020

National Design Guide

1. Contact

Report Author: Derek Price, Principal Planning Officer, Development Management
Tel: 01243 534560. Email: dprice@chichester.gov.uk

2. Recommendation

2.1 That the Committee notes the updated design guidance and how it can be used to inform new development proposals.

3. Background

3.1 The focus of the design guide is on good design in the planning system and is primarily aimed at:

- local authority planning officers, who prepare local planning policy and guidance and assess the quality of planning applications;
- councillors, who make planning decisions;
- applicants and their design teams, who prepare applications for planning permission; and
- people in local communities and their representatives.

As well as helping to inform development proposals and their assessment by local planning authorities, the design guide supports paragraph 130 of the National Planning Policy Framework which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design Guide is a comprehensive document which contains information and guidance too detailed to include in this report, however, a brief presentation will be made at committee explaining the key principles of the document.

4. Background papers

The National Design Guide
The National Planning Policy Framework (NPPF)
The National Planning Practice Guidance (NPPG)

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