

Public Document Pack

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A meeting of **Planning Committee** will be held virtually on **Wednesday 12 August 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 9)

The minutes relate to the meeting of the Planning Committee on 8 July 2020.

3 **Urgent Items**

The Chair 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 5 TO 9 INCLUSIVE

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

- 5 **LX/20/01481/FUL - Land South West Of Guildford Road, Loxwood, West Sussex** (Pages 13 - 46)
Demolition of existing dwelling and erection of 50 dwelling to include 35 private unites and 15 affordable units, creation of proposed vehicular access, internal road and footpaths, car parking, sustainable drainage system, open space with association landscaping and amenity space (resubmission of planning application reference LX/19/01240/FUL).
- 6 **CC/20/00970/FUL - Prebendal School Playing Field, Avenue De Chartres, Chichester, PO19 1PX** (Pages 47 - 58)
Replacement and relocation of Pavilion.
- 7 **SI/20/00434/FUL - The Fairways, Brimfast Lane, Sidlesham, PO20 7PZ** (Pages 59 - 75)
Removal of existing building granted prior approval for change of use to C3 dwelling houses under 19/00757/PA3P and existing stable / storage building, and erection of a single storey new build dwelling and detached car port.
- 8 **SY/20/00605/FUL - Selsey Country Club, Golf Links Lane, Selsey, Chichester, West Sussex, PO20 9DR** (Pages 77 - 91)
Erection of Marquee between 1st April and the 30th September each year inclusive.
- 9 **WW/20/00359/DOM - 3 Royce Close, West Wittering, PO20 8ND** (Pages 93 - 102)
Two storey side extension and single storey extensions to front and rear.
- 10 **Schedule of Outstanding Contraventions** (Pages 103 - 131)
The Planning Committee is asked to consider the schedule for the period up 30 June 2020 which updates the position with regards to planning enforcement matters.
- 11 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters Between 17 June 2020 and 21 July 2020** (Pages 133 - 149)
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 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters Between 17 June 2020 and 21 July 2020** (Pages 151 - 158)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.

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

The Planning Committee will consider any late items announced by the Chair 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**

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)

**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

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

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



Minutes of the meeting of the **Planning Committee** held in Virtually on Wednesday 8 July 2020 at 9.30 am

Members Present: Mrs C Purnell (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

Members not present: Rev J H Bowden

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mrs F Stevens (Development Manager (Applications)), Mr J Saunders (Development Manager (National Park)), Mr S Shaw (County Highways (Development Management) Team Manager) and Mr T Whitty (Divisional Manager for Development Management)

88 **Chairman's Announcements**

The Chairman welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Rev. Bowden.

89 **Approval of Minutes**

That the three sets of minutes of the meetings held on 6 May 2020, 13 May 2020 and 3 June 2020 be approved and signed by the Chairman with the following correction to the minutes of 13 May 2020:

LX/19/01498/FUL – Land at Nursery Green, Loxwood, RH14 0SA - ‘...delivery vehicles are capped at a 10 metres in height’, which should be recorded as ‘....10 metres in length’.

90 **Urgent Items**

The Chairman announced that an urgent item would be taken at 15b on the agenda: Covid-19 Signage Report.

Mr Oakley explained he had requested and received information from officers regarding the issue of posting site notices during the current pandemic. Mr Whitty

confirmed that he would forward the details of this correspondence to all Members of the Council for information.

91 **Declarations of Interests**

Mr Oakley declared a personal interest in respect of planning applications KD/20/00389/FUL, PS/19/02182/FUL and SI/19/01193/FUL as a member of West Sussex Council.

Mr Potter declared a personal interest in respect of planning application SDNP/19/02132/HOUS as an appointed member of South Downs National Park Authority.

Mrs Purnell declared a personal interest in respect of planning applications KD/20/00389/FUL, PS/19/02182/FUL and SI/19/01193/FUL as a member of West Sussex Council.

92 **KD/20/00389/FUL - Lower Barn (Near Chandlers Barn), Skiff Lane, Wisborough Green, RH14 0AA**

Mr Price presented the item to Members and drew attention to the information provided in the Update Sheet.

The Committee received the following speaker:

Tony Piedade – Parish Council

Mr Price responded to Members' comments and questions. Mr Price explained that the design had been negotiated to keep the glazing to a minimum to ensure light emissions were limited to concur with the Dark Skies policy, and a condition had been included regarding the requirement for external illumination to be in accordance with an approved lighting scheme. Landscaping conditions had also been included and the curtilage drawn tightly to retain control of the extent of the landscaping. Mr Price further noted that the surrounding land was also owned by the applicant and some planting had already taken place along the boundary of the footpath. With regards to complying with Class Q guidance, there were some minor discrepancies, but holistically Mr Price considered the result was a development which was more easily assimilated into the landscape. Mr Price also confirmed that a new build must be constructed to meet building regulations and therefore would be more energy efficient.

In response the question of altering the condition in relation to ecological enhancements, Mr Whitty explained that in accordance with procedure, conditions could not be applied which required details prior to commencement without the applicants consent, and added that the relevant condition was well drafted and secured the requirements. Mr Whitty agreed on the matter of the application not according with the Local Plan or policy 46, but explained other materials matters must be considered. In regards to Class Q, there was limited control and policy could not be applied, as when Class Q was granted, particular matters only could be

considered in accordance with Government mandate, for example noise, and highway impact, which resulted in a situation pertaining only to Class Q. Mr Whitty also confirmed that Class Q did not exist within the National Park, and that Class Q was now removed from new agricultural buildings. Mr Whitty added that Government required local authorities to impose local conditions only when absolutely necessary and timings must be appropriate, which was the reason for the Government introducing that conditions prior to commencement, must have the applicants consent.

With regards as to whether the adjacent field could become a garden, Mr Price confirmed the parameter was drawn tightly to ensure that any attempt to change the land use around the development would require planning permission, and should this occur without the grant of planning permission, enforcement could be applied. Mr Price also confirmed that the proposed footprint of the new building was the same as the existing building, but the roof profile had changed to provide an improved aesthetic.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

Members took a five minute break.

93 **PS/19/02182/FUL - Little Springfield Farm, Plaistow Road, Ifold, Loxwood, RH14 0TS**

Miss Bell presented the item to Members.

The Committee received the following speakers:

Sara Burrell – Parish Council
Paul White - Agent

Miss Bell responded to Members' comments and questions. With regards to the amount of employment the site would generate, taking into consideration the size of the plot, number of building and designated usage (part B8 and B1C) it would be a significant number, but could not provide a precise figure. Light pollution from the proposed limited number of roof-lights could be controlled by way of a condition. There was an expectation that security lighting would be installed but light emission could be minimised, and the access road would not be lit. With regards to the area being located within a flood zone, a condition would be included stating that the floor level would be no lower than 29.2 metres 'above ordnance datum'. On the matter of whether the proposal was an efficient use of land for housing, the site was wider than the allocation of the Neighbourhood Plan which drew the boundary tight to the employment development, and this was the reason for the highlighting of an inconsistency with the plan. With regards to the open space, a development of eight dwellings would not trigger such a requirement (which was ten units) and fifty units would trigger the requirement for an equipped play area. With regards to further dwellings at a future date, the submission of a planning application would be required. Miss Bell confirmed that residential gardens would be expected to have

close boarded fencing and the developer had also given an undertaking that trees would be planted and a landscaping proposal would be expected. With regards to foul water, Miss Bell believed this location may be too great a distance from the sewer to connect with it and the Environment Agency had commented that the development may require an environmental permit which was obtained via a separate process, although had not raised an objection. Miss Bell confirmed the access road currently served the employment land and therefore was likely to be suitable, but would need to be maintained, and details of all surfaces within the site itself would be required. On the matter of the timing and current status of the Neighbourhood Plan, Miss Bell partially agreed that had the neighbourhood plan been a made document, and had an application been submitted which met the requirements of the made neighbourhood plan, the recommendation would have been positive, but added that the application did not wholly comply with the neighbourhood plan and the neighbourhood plan was not currently a made document. On the matter of the loss of the industrial unit, the Inspector had accepted this at the previous appeal and therefore the application could not be refused based on this loss.

With regards to the refusal for the original planning application, Miss Bell drew the Committee's attention to the appeal inspector's comments which included stating the proposal to be unsustainably located, but would not result in a material loss of industrial land. Should the current application be approved, it would be deferred for a S106 agreement, and a contribution would be required for affordable housing as the number of units proposed, were below the eleven units which would trigger the requirement for the provision of affordable housing within the site. Miss Bell confirmed that a condition would be included to seek ecological enhancements if the application was permitted. With regards to the home offices, the housing officer had concerns that these rooms may be used as bedrooms and therefore the applicant had removed windows and included roof-lights. It was considered that this would have an impact on amenity for occupiers and the inclusion of windows would be sought. Miss Bell explained the bell-mouth of the access road was five metres in width and would reduce to 2.5 metres in width, a pavement had not been included and it would not be possible to widen the road.

Mr Whitty added that if Members granted permission, officers would find this contrary to the development plan and therefore this departure would have to be advertised. Mr Whitty also confirmed that as the open space and equipped play area was not required by policy, this could not be secured within a S106 agreement.

With regards to flood zone, Miss Bell confirmed that the site was predominantly in flood zone 1, and other parts of the site were in flood zone 2 and 3 adjacent to the water course running to the north of the site across the access road. On the matter of where the dwellings would be located within the site and use of land, Miss Bell explained that applicant had looked to keeping the housing development itself within the previous developed land boundary and to also reflect the boundary within the Neighbourhood Plan site, but the open space was outside the area of previously developed land. Furthermore the amount of open space could not be justified. Miss Bell added in response to the location being within a rural area, that eight dwellings in an urban area would not require a commuted sum for affordable housing. Mr Whitty also added on the matter of efficient use of land, the over-provision of open

public land was outside the existing previously development area, and advised that consideration for housing should be restricted to the area where the current built form existed.

In a vote Members agreed the recommendation.

Recommendation to **Refuse** agreed.

Members took a five minute break.

94 **SI/19/01193/FUL - Units 1 To 7 Purchase Farm, Easton Lane, Sidlesham, Chichester, West Sussex, PO20 7NU**

Miss Bell presented the item to Members and drew attention to the information provided in the Update Sheet.

The Committee received the following statement and speakers:

A statement from Sidlesham Parish Council (*read, and noted as not endorsed by Cllr D Johnson*)

Jill Sutcliffe – Objector
Yvonne Tulloch – Objector
Simon Wallace – Objector
Dan Gick – Supporter
Paul White – Agent

Miss Bell responded to Members' comments and questions. Miss Bell confirmed that there was a 2010 permission in place. There was an area of hardstanding which was currently a car park, which would be reinstated. This would provide a habitat suitable for Great Crested newts and the ecologist would be consulted on any amended details for this area. Miss Bell further suggested that Members may also wish to support an informative for trees in addition to planting around the boundary of the area. Currently on site were ten portacabins, four of which would remain. Miss Bell also reminded the Committee that much of the development may take place under the 2010 permission and the current application was not considered an extensive increase. With regards to vehicle movements a full assessment had not taken place. In the relation to the restricted occupancy position, the use was already established under the 2010 permission. Miss Bell explained that two conditions specifically related to a Noise Mitigation and Management Scheme, and the noise levels must be adhered to. The agent had also mooted putting additional acoustic measures in place in their address to the Committee. A further condition also related to storage being located within the main building and not externally. Foul drainage conditions had not been included on the original permission and current changes would not require a condition in this regard, however should incidents occur, the environmental protection team would become involved. On the matter of the uncontrolled and retrospective application, Miss Bell explained that a considerable amount of negotiation had taken place and a much improved application had resulted from that work.

Mr Shaw confirmed that the applicant had not provided information regarding the number of trips likely to be generated and agreed those details may have been helpful, but the 2010 permission was a material planning consideration, many of the trips were permitted under that consent and they would not be significantly different in comparison with the current application. Mr Shaw added that the level of information requested must be only what is explicitly required to determine the application. Mr Shaw confirmed that he was not aware of any specific congestion caused by the development. The road was not ideal but a review of the road safety record for the whole of Eastern Lane documents only one accident in the last six years.

Mrs Archer confirmed that the land which was currently hardstanding and was to be reinstated was at present subject to an enforcement notice therefore, any failure to undertake works would be supported by the notice formally, if compliance was not achieved.

With regards to the proposed application, the control of vehicle movements relating to hours of operation and noise requirements, and the definition of vehicles, Miss Bell confirmed that this would result in an improved situation for neighbours of the site, and their concerns had been taken into consideration as part of the negotiations. Mrs Archer also confirmed that the areas which were outside the permissions could be reviewed, and further notices issued if necessary.

On the matter of deferral for the inclusion of further conditions to meet the concerns expressed by neighbours of the site, Mr Whitty confirmed that a deferral could be agreed by the Committee however, this application had been in progress for a long period of time, and considerable negotiations had taken place. Mr Whitty advised that it was not the remit of the Committee to apply conditions requested by interested parties, but to apply the tests encompassed in Government guidance which advises conditions must be reasonable in respect of planning. Should Members step outside these parameters, the Council would be open to appeal and the significant associated costs. On the matter of Members concerns regarding vehicle movements, a condition could be added, but it was important not to be overly restrictive and cause negative impact on the operation of the business, and therefore Mr Whitty suggested that this could be delegated to officers for further negotiation.

Miss Bell confirmed there were operational changes on the proposed planning application and the new conditions would be applied. With regards to whether the level of employment had changed from the 2010 permission and would lead to the necessity to add a foul drainage condition to the consent, a restriction on the number of employees had not previously been included, and Miss Bell advised therefore that it would not be reasonable to add such a condition. Miss Bell also added that acoustic fencing could be discussed as part of the relevant condition, and also the addition of trees.

Cllr Briscoe made a proposal to defer for further officer negotiation and officer delegated decision, which was seconded by Cllr Sutton.

Miss Golding gave the formal proposal: To delegate to officers, to enable them to carry out further negotiations regarding conditions, in particular, regarding large vehicle movements and noise buffering, and further landscaping to the south-west corner.

In vote Members approved the proposal.

Delegation to Officers agreed.

Members took a thirty minute lunch break

95 **SI/20/00622/FUL - Red Barn, Selsey Road, Sidlesham, PO20 7NE**

Mrs Stevens presented the item to members.

Mrs Stevens responded to member's comments and questions. With regards to dusk-dawn screen/blinds for the proposed windows, Mrs Stevens advised that they were not recommended as a condition as the windows were at low level, they were not required on other windows, there were limited public views and therefore, screens were not considered necessary.

Mrs Stevens also confirmed that with regards to a S106 a unilateral undertaking had been secured and therefore the recommendation was to permit with a S106.

In a vote members agreed the recommendation.

Recommendation to **Permit** agreed.

96 **WW/20/00700/FUL - 1 and 2 West Cottages, Cakeham Road, West Wittering, Chichester, West Sussex, PO20 8LQ**

Mrs Stevens presented the item to the members.

The Committee received the following speakers:

Bridget Wright – Parish Council
Kerry Simmons – Agent

Mrs Stevens then responded to member's comments and questions. Mrs Stevens explained that the applicant had agreed to install a dusk-dawn screen/blind to restrict light spillage and this was included in the conditions. Mrs Stevens confirmed that other windows within the development were not subject to the dusk-dawn screen/blind condition. The dwelling was not within the Area of Outstanding Natural Beauty which was subject to the Dark Skies policy, and this was also not included in the Local Plan or Village Design Statement. With regards to the protective fencing, Mrs Stevens confirmed that would be required, until all construction equipment, materials and soil had been removed. Mrs Stevens added that the conditions had been updated to reflect the point in construction which had been reached.

In a vote members agreed the recommendation.

Recommendation to **Permit** agreed.

97 **WH/20/01615/NMA - Chichester Contract Services, Stane Street, Westhampnett, Chichester, West Sussex, PO18 0NS**

Mrs Stevens presented the item to Members.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

98 **SDNP/19/02132/HOUS - The Old Tanneries, Byworth Road, Byworth, Petworth, GU28 0HL**

Mr Price presented the item to Members and drew attention to the information provided in the Update Sheet.

In a vote Members agreed the recommendation.

Recommendation to **Permit** agreed.

99 **Local Validation List**

Mrs Stevens presented the item to members and drew attention to the information provided in the Update Sheet.

Mrs Stevens responded to Members' comments and questions. With regards to whether recent Government announcements would render the consultation document out of date, Mrs Stevens explained that this would not present an issue as changes which were due to be introduced were included within the General Permitted Development Order (GPDO). The GDPO set out information which must be submitted with applications for approval or prior notification, and Mrs Stevens gave the example of converting an office building to residential accommodation, for which the Council were not permitted to require further/additional information.

With regards to the quality of applications for tree works, Mrs Stevens confirmed the list would not alter the information required and that separate regulations were in place, which currently required very limited details to be submitted. Mr Whitty added that within the National Park, South Downs National Park Authority had their own Local List, which was recently updated following the adoption of their Local Plan. With regards to future changes to the permitted development regulations, and the broad statements made recently by the Prime Minister, there may be implications forthcoming, but that was not a reason to not take the Local List forward, and currently the Council did not have one in place.

The Chairman advised that the document was for consultation purposes and therefore members were able to provide further comments via that process.

In a vote members agreed that document go out for consultation.

Recommendation to agree Consultation **Agreed**.

100 **Chichester District Council, Schedule of Planning Appeals, Court and Policy Matters Between 14 May 2020 and 16 June 2020**

Members agreed to note this item.

101 **South Downs National Park, Schedule of Planning Appeals, Court and Policy Matters Between 14 May 2020 and 16 June 2020**

Members agreed to note this item.

102 **Late Item: Covid-19 Signage Report**

Mrs Stevens presented the item to Members and drew attention to the information provided in the Update Sheet.

Members agreed to note this item.

103 **Exclusion of the Press and Public**

The meeting ended at 2.43 pm

CHAIRMAN

Date:

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Chichester District Council

Planning Committee

Wednesday 8 July 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: Loxwood	Ward: Loxwood
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LX/20/01481/FUL

Proposal	Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space (resubmission of planning application reference LX/19/01240/FUL).		
Site	Land South West Of Guildford Road Loxwood West Sussex		
Map Ref	(E) 503718 (N) 131983		
Applicant	Thakeham Homes Ltd	Agent	

RECOMMENDATION TO DEFER FOR SECTION 106 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

Parish Objection - Officer recommends Permit

Significant major application where officers consider decision needs to be made by the Committee

2.0 The Site and Surroundings

- 2.1 The application site is located to the west of Guildford Road on the north-western outskirts of Loxwood. It comprises approximately the southern two-thirds of a single field of rough pasture of approximately 2.9ha and is currently grazed by sheep. The northern boundary and the land immediately beyond that boundary is separated from the site by a stock proof post and wire fence. It is currently in use as a series of rectilinear paddocks for equine grazing and schooling. The site is bounded to the east by the residential rear gardens of those detached dwellings which front onto Pond Copse Lane, a private road which also defines the line of public footpath no. 811/1. The west site boundary is defined by a screen of hedging and mature trees including major oaks. Beyond the west boundary are fields in arable farming use. The south site boundary is marked by a line of mature trees beyond which is a pony paddock and the house and curtilage of Hawthorn Cottage. The south-east corner of the site is occupied by Hollyview House, a detached 2 storey property, its curtilage and outbuildings which front onto the B2133 Guildford Road.
- 2.2 The site has a pronounced slope rising from East to West broadly levelling to a plateau about two-thirds of the way up. In terms of its wider topography it actually occupies the western most side of a shallow valley orientated N-S with the eastern ridge of this valley defined by the line of PROW no. 796. A high voltage overhead cable crosses the south-east corner of the site. The site is located in the Environment Agency's Flood Zone 1 i.e. in an area least likely to be the subject of flooding.
- 2.3 The majority of the site is outside of but adjacent to the west boundary of the current made Neighbourhood Plan settlement boundary for Loxwood. The boundary passes across the rear part of the gardens of those houses fronting Pond Copse Lane. Hollyview House and most of its curtilage is within the settlement boundary as is the proposed cycle/pedestrian link to Guildford Road which passes to the south of Oakfield Cottage. In policy terms therefore the majority of the site is in the countryside or 'Rest of Plan' area.

3.0 The Proposal

- 3.1 This application for full planning permission is described on the application form as:

Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space (resubmission of planning application reference LX/19/01240/FUL).

3.2 The proposed development would be accessed by a single new vehicular access from Guildford Road formed following the demolition of Hollyview House and its ancillary structures in the southeast corner of the site. A 1.2m wide footway to the south of the site access will link to the footway provided by the Loxwood Nursery development. The proposed mix of dwellings which amounts to a net increase of 49 dwellings overall includes two-bedroom bungalows; three and four bedroom chalet bungalows; two, three and four bedroom houses and one and two bedroom flats. The layout comprises a simple perimeter block structure with most dwellings fronting onto the 5 metre wide tarmac perimeter road. Some properties are accessed via block paved shared driveways with widths varying between 4.1m and 4.5m. A total of 134 car parking spaces are shown provided across the site comprising 117 allocated spaces including some garages, 7 unallocated and 10 visitor spaces. A central area of open space enclosed by the perimeter block road includes an area of informal local play comprising natural features such as mounds, stepping stones, log balancing beams.

3.3 The overall housing mix comprises:

6 x 4 bed (2 chalet bungalows, 4 houses)
 20 x 3 bed (3 chalet bungalows, 17 houses)
 22 x 2 bed (16 houses, 2 bungalows, 4 flats)
 2 x 1 bed (2 flats)

3.4 In terms of the split between market and affordable units the proposal breaks down as follows:

Unit size	Private	Affordable	Total
1 bed	0	2	2
2 bed	13	9	22
3 bed	16	4	20
4 bed	6	0	6
TOTAL	35 (70%)	15 (30%)	50

3.5 Based on the whole site area the density of development is approximately 17dph. Taking the residential area alone the density is at 26dph. The maximum height of the proposed dwellings is at 2 storeys with a maximum ground to roof ridge height of approximately 9m. The style and appearance of the housing draws on the local architecture utilizing hipped, half-hipped and gabled roofs in clay tiles over red brick elevations, the use of clay tile hanging and occasional use of weatherboarding. Porches/entrance canopies, projecting bay windows, decorative brick detailing and working chimneys are also part of the design package. No road lighting is proposed, only domestic lighting associated with the dwellings.

- 3.6 Existing mature boundary trees and hedging to the west and south are retained and reinforced with gapping up where necessary. New planting is proposed along the line of the existing post and wire fence on the north boundary to form a new landscape buffer which will extend round to the west boundary. The east site boundary incorporates a surface water attenuation basin with a native hedgerow and belt of tree and shrub planting 4-5m wide along the eastern boundary itself. A further line of trees along the western side of the attenuation basin are proposed to provide additional screening. A further attenuation basin is shown located north of the proposed access road adjacent to Guildford Road. This area is also identified for the location of a small pitched roof, brick built building housing an electricity sub-station and this replaces the LPG storage tanks which were proposed in the previous application.
- 3.7 In terms of foul drainage the applicant is applying to Southern Water for a new connection to the existing mains network in Guildford Road.
- 3.8 A 3m wide pedestrian/cycle link is proposed from the site through the existing field access gate south of Oakfield Cottage linking to Pond Copse Lane and there onto Guildford Road.
- 3.9 In terms of the energy sustainability of the development, the applicant is proposing a combination of fabric first, air source heat pumps to all dwellings and PV panels to the apartments which in combination will deliver a 37% carbon saving.

4.0 History

18/02467/EIA	EIANR	Screening opinion - Proposed residential development of up to 60 no. units.
19/01240/FUL	REF	Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Loxwood Parish Council (LPC) strongly objects to this repeat application by Thakeham Homes Ltd.

LPC objected to the original application 19/01240/FUL on the basis of prematurity and the content of that objection is still relevant with regard to the emerging revised Loxwood Neighbourhood Plan Policies. The site is still not an allocated site within the LPC current Neighbourhood Plan and is outside the current settlement boundary for the village.

The emerging Neighbourhood Plan is to accommodate further housing allocations proposed in CDCs Preferred Approach Revised Local Plan, 2019-2035. In a "Call for Sites", ten sites were proposed by developers and land owners and these are currently under assessment by LPC's Neighbourhood Plan Steering Group. The appellant's site is amongst these. It is too soon to predict the outcome of this site assessment process. A village questionnaire has been circulated to all residents of the parish asking them to state their site preferences for the increased number of houses required by CDC. 373 responses have been received and these will be analysed in conjunction with other evidence to determine suitable sites. LPC consider that pre-empting the wishes of the residents by the submission of this appeal is premature and contrary to the 2011 Localism Act. It may well be that the Appellant's site is amongst the preferred options, in which case it would become an allocated site within LPC's revised Neighbourhood Plan.

All the comments and evidence of letters/meetings contained in LPC's original objection letter relating to the problems of sewage disposal within the parish of Loxwood and adjoining village of Alfold have not been resolved. The legislation governing the right to connect to the waste water infrastructure does not mitigate against the inadequacy of the existing infrastructure as admitted by the provider, Southern Water. The 2018 legislation requiring only a "per dwelling" contribution to infrastructure improvements by developers is woefully inadequate. In their Business infrastructure Plan for the next five years 2020-2025, recently submitted to OFWAT, Southern Water have stated in meetings with LPC that Loxwood does not carry enough priority and is not included in the infrastructure development plans for this period, nor indeed is it likely for the following 5-year period 2025-2030.

Statements to the contrary presented by Thakeham Homes Ltd. indicating that Southern Water will upgrade the waste water infrastructure within 24 months based on a desk top study have not been substantiated in discussions between Loxwood Parish Council and senior development managers of Southern Water.

In order to resolve this ongoing issue and as agreed at the virtual meeting held between LPC and CDC on the 24 June, before a decision on the application is decided, a meeting should be held between CDC/LPC and Southern Water to resolve Southern Water's contradictory position with respect to the Loxwood Sewerage system.

In addition to the above, two local residents on Pond Copse Lane which borders the proposed development site have written to LPC advising that there is evidence of surface water flooding to the south east corner of the site. Although the site is classified as being in Flood Zone 1, the provision of a SuDS does not satisfactorily dispose of this problem as the overflow from any such system will be directed into the existing ditches which are already inadequate at times of heavy rainfall. A development of the size proposed will direct a large volume of surface water into already overloaded ditches and stream. Also, Southern Water is not disposed to maintain private SuDS as a matter of policy. Further, LPC has been actively involved in flood management and has commissioned Water Environments, a consultancy company specialising in modelling fluvial and pluvial water flows, to examine the surface water run offs in Loxwood. Their evidence shows that a one in a hundred-year event causes flooding in gardens bordering the site on Pond Copse Lane. The re-run results will certainly point to a worse situation for this flooding scenario. LPC's Neighbourhood Plan policy 18 requires all new developments to be aware of and mitigate against increases to surface water flooding even outside flood zones 2 and 3.

Given these circumstances, if CDC is minded to grant permission for this development against the evidence before them on the basis that CDC cannot demonstrate a current 5 year housing supply, then LPC would urge the District Council to impose the following planning conditions:

- that work should be phased and not be allowed to commence on this site until Southern Water can demonstrate that infrastructure improvement works have been satisfactorily carried out and that adequate capacity subsequently exists within both their waste water and surface water systems. This would be in line with Southern Water's own assessment of the application. LPC urges CDC to take note of the fragile state of the Sewage system in Loxwood and the plight of the many residents downstream of the site who are already the victims of sewage overflow into gardens and toilets and who should not be liable to exacerbated conditions due to this development without the necessary infrastructure improvements;
- that traffic calming measures be discussed and agreed with Loxwood Parish Council before planning consent is agreed. This is to ensure a joined - up approach along the Guildford Road to the problem of traffic speed.

6.2 Southern Water

Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such

works in the most economic manner to satisfy the needs of existing and future customers. The overall time required to deliver network reinforcement depends on the complexity of any scheme. Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that outline planning approval has been granted.

[Officer Comment: As part of its consultation response SW has also provided copies of correspondence it is having with Thakeham Homes requesting details of its proposed build rates and anticipated occupation so that it can plan for the required works to the network in readiness for the site to be occupied.]

6.3 Natural England

Natural England has no comments to make on this application.

6.4 WSCC - Highways

No Objection. The LHA previously provided highways comments for the site under application LX/19/01240/FUL to which no objections were raised. This current resubmission does not include any alterations to the previously proposed highway access works. The Local Highway Authority does not consider that the 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. Conditions recommended regarding the highway works including traffic calming, provision of car and cycle parking, visibility splays, construction management plan and a travel plan statement.

6.5 WSCC - Lead Local Flood Authority

Current surface water flood risk based on 30 year and 100 year events - Low Risk

Modelled groundwater flood hazard classification - Low Risk

Records of any historic flooding within the site? - No

The FRA included with this application states that attenuation with a restricted discharge to the watercourse would be used to control the surface water runoff from the site. The disposal of surface water via infiltration/soakaway should be shown to have been investigated through winter groundwater monitoring in conjunction with the District Drainage Engineer.

[Officer Comment: the Council's Drainage Engineer has recommended conditions to address this which are appended to the recommendation]

6.6 WSCC - Fire and Rescue

1 fire hydrant needs to be installed on the development before first occupation.

6.7 CDC - Housing Enabling Officer

No Objection. The affordable mix is in line with the SHMA recommendations and will contribute to creating a mixed, balanced and sustainable community. The proposed split of affordable rented to shared ownership is also compliant with the planning obligations and affordable housing SPD as it provides 70% affordable rented and 30% shared ownership. The affordable units are dispersed in 2 clusters of 10 and 5 units which complies with this requirement. The development should be delivered tenure blind and the affordable units should not be externally distinguishable from the market units. The market mix of units is acceptable.

6.8 CDC - Environmental Strategy Officer

The Outline Bat Mitigation Strategy (March 2020) and the mitigation proposed is suitable. A condition should be used to ensure this takes place. 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. We are satisfied with the bat and bird boxes which have been included within the Draft Ecological Mitigation and Enhancement Strategy Plan and a condition should be used to ensure this takes place. A trapping and translocation exercise for slow worms as part of mitigation strategy to be secured by condition.

Local Plan Policy 40 compliance - satisfied that the criteria for renewable energy and a fabric first approach to reduce CO2 emissions within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 37.02%. This will be achieved with a fabric first approach and through installing PV and heat pumps onsite. We are pleased to see the commitment by the application to install electric car charging points also within the site.

6.9 CDC - Drainage Engineer

The FRA / Drainage strategy remain unchanged from the original submission, and so our comments remain broadly the same.

Flood risk: the application site is within flood zone 1. The land to the east of the proposed development is at risk of surface water flooding, it will therefore be very important to ensure that the design of the surface water drainage scheme is appropriate.

Surface water drainage: I note that some groundwater monitoring and infiltration testing has been completed. Infiltration rates were found to be low but not so low as to preclude the use of infiltration. Full winter groundwater monitoring and further infiltration testing should therefore be completed to examine if infiltration can be used. If on-site infiltration is to be utilised, any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. Conditions recommended regarding approval of the full details of the proposed surface water drainage system and full details of the maintenance and management of the SuDS system.

6.10 CDC - Archaeology Officer

There is nothing known of the history or archaeology of this site that would lead to the conclusion that measures to mitigate impact might be justified.

6.11 CDC - Contract Services Officer (Waste)

Information provided on standard bin sizes and attention drawn to waste storage and collection service guide. Adequate turning space must be provided for the Council's freighters. All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

[Officer Comment: an informative is attached to the recommendation regarding the surface treatment.]

6.12 5 Third Party Objections

- i. site is outside settlement boundary
- ii. neighbourhood plan (NP) should be allowed to run its course, site is not proposed for housing in NP
- iii. NP questionnaire results on new housing sites not yet publicised so application is premature
- iv. vacant properties through Covid-19 should be used for housing first
- v. historic flooding and increased surface water flooding on east part of site
- vi. serious problems with foul drainage, system is overwhelmed
- vii. noise and light pollution
- viii. unneighbourly/overshadowing/loss of privacy
- viv. harmful landscape impact
- x. no major local employment opportunities
- xi. little public transport options
- xii. dangerous to cyclists and pedestrians on Guildford Road

6.13 Applicant/Agent's Supporting Information

In addition to the Planning and Design and Access Statements, the application is accompanied by a suite of supporting documents on: Affordable Housing; Arboricultural Impact Assessment; Flood Risk Assessments; Landscape and Visual Appraisal and Landscape Strategy; Bat Mitigation Strategy; Phase 2 Ecological Surveys and Assessment; Energy and Sustainability; Ecological Appraisal; Transport Statement; Utilities Statement. These documents and relevant appendices can be read in full on the Council's website.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) adopted by the Council on 14th July 2015 and all made neighbourhood plans. The Loxwood Neighbourhood Plan 2013 - 2029 (LNP) was made on 14.07.2015. It was subject to a High Court legal challenge in 2016 partly on the grounds that the Council had not given adequate or intelligible reasons for concluding that the LNP should allocate land for only 60 new dwellings. The challenge was unsuccessful (on all grounds) and the judge dismissed the appeal. The LNP forms part of the Development Plan against which applications must be considered.
- 7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

Chichester Local Plan 2014-2029:

Policy 1 Presumption in Favour of Sustainable Dev
Policy 2 Dev Strategy and Settlement Hierarchy
Policy 4 Housing Provision
Policy 5 Parish Housing Sites 2012 - 2029
Policy 6 Neighbourhood Development Plans
Policy 8 Transport and Accessibility
Policy 25 Development in North of the Plan area
Policy 33 New Residential Development
Policy 34 Affordable Housing
Policy 39 Transport, Accessibility and Parking
Policy 40 Carbon Reduction Policy
Policy 45 Development in the Countryside
Policy 49 Biodiversity
Policy 52 Green Infrastructure
Policy 54 Open Space, Sport and Recreation

- 7.3 The policies of the made LNP relevant to this application are:

Loxwood Neighbourhood Plan

Policy 1: Housing Allocation - a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary.
Policy 2: Settlement Boundary.
Policy 3: Site Assessments and Allocation of Sites.

7.4 In addition the LNP states that all developments on allocated and windfall sites should conform to the following policies as detailed below:

- Policy 7 - Street Lighting
- Policy 8 - Infrastructure Foul Water
- Policy 9 - Built Environment - Housing Density
- Policy 10 - Built Environment - Vernacular
- Policy 15 - Telecommunications and Connectivity
- Policy 16 - Traffic Calming
- Policy 17 - Environmental Characteristics
- Policy 18 - Flood Risk

7.5 Work on reviewing the current LNP by the Loxwood Neighbourhood Plan Steering Group is underway in response to the Local Plan Review's proposed allocation of 125 homes for the parish up to 2036 (draft policy S5). From an initial 'Call for Sites' a shortlist of 8 potential housing sites were set out in a questionnaire and the residents of Loxwood were invited to give their views on where the additional housing should be allocated in the event that the proposed allocation of 125 new homes was confirmed as part of the Local Plan Review. The current application site was 1 of the 8 proposed sites. The deadline for returning the questionnaire was 26 June 2020 and the Parish Council website indicates that the results of that questionnaire will be available shortly.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

7.6 Work on a Review of the Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is well underway. Consultation on a Preferred Approach Local Plan (Regulation 18) took place between 13 December 2018 and 7 February 2019. Following consideration of all responses to the consultation period, the Council will publish its Submission Local Plan under Regulation 19. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2021.

7.7 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

- S1 Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Development Hierarchy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements
- S6 Affordable Housing
- S19 North of the Plan Area
- S20 Design
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S29 Green Infrastructure

Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM29 Biodiversity

DM32 Green Infrastructure

DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

- 7.8 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019 and related policy guidance in the NPPG.
- 7.9 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.*
- 7.10 The following policies of the revised NPPF are relevant to this application: 2, 8, 9, 11, 12, 14, 15, 29, 30, 47, 48, 49, 50, 60, 61, 62, 72, 73, 74, 75, 170, 213, 215 and 216.
- 7.11 Paragraph 48 of the NPPF advises on the weight which may be attached to relevant policies in emerging plans according to their stage of preparation and the degree of consistency to the policies in the Framework. The more advanced in preparation emerging plans are and the closer their policies align with the Framework, then the greater the weight that may be given. Paragraph 30 provides that once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

Other Local Policy and Guidance

- Interim Planning Statement for Housing Development
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Chichester Landscape Capacity Study
- Loxwood Village Design Statement 2003

Interim Planning Statement for Housing Development

- 7.12 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.
- 7.13 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft Interim Policy Statement for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 12 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.
- 7.14 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
 - Support communities to meet their own housing needs
 - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
 - Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues with this application are considered to be:

- i. Principle of development and the policy position
- ii. Drainage
- iii. Highway Impact
- iv. Housing mix, Density and Affordable housing provision
- v. Design and Layout
- vi. Impact on the Landscape
- vii. Other matters - including Ecological considerations, Impact upon the amenity of neighbouring properties and Sustainability measures

Principle and Policy Position

8.2 The primacy of the development plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that applications:

'should be determined in accordance with the development plan unless material considerations indicate otherwise'

8.3 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for Loxwood in the countryside or Rest of Plan Area and would not meet an 'essential, small scale and local need' (policy 45). Additionally, the proposal in combination with the 43 dwellings now built at the Nursery Green site would be significantly in excess of the indicative housing numbers for the Parish of Loxwood as set out in Policy 5 of the Local Plan (60 homes). Neither is the site one of the allocated sites identified in the made Loxwood Neighbourhood Plan and so it conflicts with policies 1 and 2 of that Plan. Prima facie therefore, and following a s.38(6) development plan approach, this application is contrary to policy and should be refused.

8.4 However, as from 15 July 2020 the Council's housing policies in the Local Plan are no longer up-to-date and can no longer be relied upon in decision making. The Local Plan Inspector in 2015 agreed that for a period of 5 years from the date of the Plan being adopted - i.e. by 15 July 2020 - the Council could rely on a suppressed housing delivery target of 435 dwellings per annum (dpa) because of acknowledged strategic constraints in relation to transport capacity issues on the A27 and foul drainage capacity issues. The agreed delivery target of 435 dpa was on condition that the Council committed to undertaking a Review of the Plan and the changed housing requirements of the Plan area within the 5 year period. That review is well underway but it is not complete. The Chichester Local Plan Review - Preferred Approach for the period up to 2036 has yet to reach the stage where it can be submitted to the Secretary of State for examination and the Council's timetable indicates that this is not now anticipated until the Spring of 2021. The housing numbers stated in the Local Plan Review indicate the proposed direction of travel, the 'preferred approach' but they are not confirmed. The provisional allocation for Loxwood is 125 new homes (policy S5). Consequently in terms of the decision-making

process, the decision maker cannot rely or place any weight on these emerging policies. The Council is effectively therefore in a state of limbo between a now out of date Local Plan with out of date housing policies and allocations and a Review of that Plan which is not sufficiently advanced in the process towards adoption to be afforded any weight in decision making. Added to that the government requires Council's to now calculate their housing need through the standard method which on the basis of the Updated Position Statement on the Five Year Housing Land Supply at 15 July shows a need of 628 dpa i.e. significantly in excess of the previous 435 dpa.

- 8.5 The Committee are advised that the current application is a resubmission of the same application for 50 dwellings (the first application - 19/01240/FUL) which was refused full planning permission under officer's delegated powers on 23 September 2019. That first application is now at appeal and due to be considered by way of a public inquiry on 29 September 2020. The first and primary reason for refusing the first application (and the issue on which the subsequent appeal would be contested) was that at the time of the decision the Council could demonstrate a 5-year housing land supply and adopted housing policies in the context of the Local Plan were not therefore out-of-date. The provisions in paragraph 11(d) of the NPPF (known as the 'tilted balance') i.e. where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies, was not therefore engaged. During the intervening 10 month period since the first application was refused, circumstances have changed. By the time the Inquiry opens in September 2020, the degree of change, particularly in terms of the basis for how housing land supply is now calculated and the Council's position in that respect will be material to how the appeal is determined. The Council will not have a 5 year housing land supply, in fact, measured against the revised housing need of 628 dpa there is likely to be a significant shortfall as outlined above. The Council will not therefore be able to rely at the Inquiry on the key plank of its reason for refusal 1 i.e. that it has a 5 year housing supply because by then - indeed now - its housing policies are out-of-date and the tilted balance in the NPPF needs to be applied. It does not necessarily follow that the absence of a 5 year housing supply means the appeal would be allowed on that basis alone, however, for the appeal to be dismissed the Council would have to demonstrate that the adverse impacts of permitting 50 houses on this site would significantly and demonstrably outweigh the benefits.
- 8.6 Other than the conflict in principle with the Council's Local Plan housing strategy at the time of refusing the first application, the Council did not cite other reasons for refusal which were not capable of being resolved by the applicant. On the current application the applicant has addressed the bat mitigation issue (refusal reason 2 on the first application) and parties are close to completing the section 106 agreement (refusal reason 3). As the Council cannot now demonstrate a 5 year housing land supply it cannot state that it still has a supply as a reason for refusing the current application in the way that it did on the first application. As the current application is the same in all other respects as the first application, save for the replacement of the LPG tanks in the south-east corner of the site with a small electricity sub station building, it would be very difficult without the evidence for the Council to now justify introducing new reasons for refusal which it did not consider previously.

8.7 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5 year housing supply and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2021, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has committed to using the Interim Planning Statement for Housing Development (IPS). When considered against the 12 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

1) The site boundary in whole or in part is contiguous with an identified Settlement Boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).

The site is immediately adjacent to the western boundary of the existing settlement boundary for Loxwood (part of the site at Hollyview House and south of Oakfield Cottage are within the boundary). This criterion is therefore satisfied.

2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy

Loxwood is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate and the criterion is therefore satisfied.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

It is considered that the development meets this point. There is no actual or perceived coalescence likely to arise from permitting this development.

4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

For the residential part of the development site the proposals achieve a density of around 26 dwellings per hectare. In the context of the rural edge of settlement location and the pattern of existing housing adjacent this is considered acceptable. The proposal meets this criterion.

5) Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

It is considered that the proposal would comply with the above criterion.

6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

Not applicable in this instance.

7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the section 106 agreement.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The proposals address Local Plan policy 40. The development is targeting a 37% total reduction in carbon emissions which betters the minimum 29% overall reduction sought in the IPS. The development will meet this criterion through a combination of fabric first, air source heat pumps and solar PV panels. A maximum 110 litres per person per day water use will be conditioned.

9) Development proposals shall be of high quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The development is of a high standard of design and layout (see later assessment). This criterion is satisfied.

10) Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The development is sustainably located with appropriate pedestrian and cycle linkages to the existing facilities in Loxwood.

11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

This criterion is considered to be satisfied (refer to the assessment below). The drainage system is designed through SuDS to satisfactorily manage the discharge of surface water from the development.

12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

Not applicable in this instance.

8.8 The proposed development is considered to meet all the relevant criteria in the IPS. In the absence of an up-to-date Local Plan the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above the 'principle' of housing development on this site is considered acceptable.

Drainage

- 8.9 Foul Water - A significant issue of local concern raised by several third parties and the Parish Council to this application and the first application now at appeal is the inadequacy of the existing foul water drainage system and how this system would fair under the additional loadings resulting from the current proposal for 50 dwellings. Southern Water (SW) as the statutory undertaker has acknowledged that there is an increased risk of flooding from the development unless any required network reinforcement is provided. The 'rehabilitation' of the offsite network infrastructure where necessary will be part-funded through Southern Water's New Infrastructure Charge with the remainder funded through its Capital Works programme. The applicant has a 'right to connect' their development to the public sewerage network under s.106 of the Water Act. The timetable thereafter for delivering the connection and any necessary off-site upgrades is a matter for SW to agree with the developer following the grant of planning permission. As part of its consultation response to the Council, SW included separate correspondence it has initiated with the developer to enable it to plan for the required works to the network in readiness for the site to be occupied. Whilst the level of concern locally is noted, SW is committed under its statutory duty to provide a fit for purpose foul drainage system to service the proposed development and is regulated in this regard by the industry regulator OFWAT. Any failings on behalf of SW to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT. SW has not advised the Council that the proposed development should not go ahead because it cannot be satisfactorily drained and for the Council to try to cite such a reason as a reason for refusing the application would not therefore be either tenable or reasonable.
- 8.10 Surface Water - As with foul drainage, concern has been expressed in third party representations about surface water flooding with reference to historic occurrences. The application details for this development indicate that the proposed means of surface water drainage for the site is via attenuated discharge to the existing watercourse and not exceeding existing greenfield run-off rates. The proposals show the provision of SuDS attenuation basins at the foot of the west to east slope on the site. The site is in FZ1 and at the lowest risk of surface water flooding although the Council's Drainage Engineer has flagged that land east of the site i.e. encompassing those properties at Pond Copse Lane is at risk (given the local topography). Infiltration rates to ground were low but not so low as to preclude the use of infiltration. Overall, and subject to a condition requiring details of the surface water scheme to be approved to ensure there is no overall increase in flows into the surface water system, no technical objection is raised. Similarly no objection is raised by the County Council's Flood Risk Management Team.

8.11 With the imposition of appropriate condition/s as recommended by consultees it is considered that the surface water drainage component of the application can be successfully addressed indeed potentially offering a betterment in terms of attenuating flows and controlling the rate of discharge to the local watercourse. In terms of the foul drainage proposals, it is not doubted that a technical solution is available or can be delivered for the proposed development. The point is more one of timing and in particular Southern Water's current apparent uncertainty about delivery of the necessary infrastructure upgrades. Thakeham Homes has advised officers that its anticipated programme from the date of planning permission would be an initial 6 month period to the start of works on site. This would be in order to finalise full acquisition of the land, clear planning conditions and complete the detailed architectural design. It then envisages a further 12 month period from the start on site to first house occupation, so a period of approximately 18 months from the date of planning permission to first occupation. As soon as permission is granted Thakeham Homes advise that it will be pressing Southern Water for details and commitments on its duty to provide the necessary infrastructure. Clearly there are potential variables in this programme which might be out of the developers control such as the possibility of further restrictions associated with any second wave of the Coronavirus pandemic. Officers note the comments and continuing frustrations of the Parish Council and the comments from third parties regarding sewage disposal and apparent shortcomings in the existing network but ultimately it is the statutory duty of Southern Water to ensure that the development is satisfactorily drained.

Highway Impact

8.12 The single point of vehicular access to the site from Guildford Road will be provided following demolition of Hollyview House. WSCC has confirmed that it does not wish to raise transport grounds to resist the application in principle. It notes that the development proposes traffic calming measures on Guildford Road which will provide an overall benefit to road users in accordance with the requirements of policy 16 of the LNP. The traffic calming scheme involves the use of visual narrowings, central white hatching and road markings to narrow the carriageway widths, as well as surface treatments and signing (30mph roundels) to seek to reduce traffic speeds through the village. Subject to conditions the proposals are broadly acceptable from a highway safety and capacity point of view and no objection is raised. WSCC has confirmed that the proposed 134 parking spaces are acceptable as are the street widths, service vehicle tracking plots, the designers response to Road Safety Audit issues raised on the layout and the site's overall accessibility criteria in terms of walking, cycling and access to bus and rail services and basic amenities within Loxwood village centre. The sustainability of the site in terms of its location relies in part on the construction of a 1.2m wide footway on the west side of Guildford Road linking in to the section of path provided as part of the new housing development to the south at the Nursery Green site and thereon to the centre of Loxwood and its amenities. If the full 1.2m width is not available for this new path, then a suitable crossing point over the road to the pavement on the east side of Guildford Road is to be provided and this would be secured through the s.106 agreement.

8.13 It is considered that the applicant has demonstrated to the satisfaction of the Local Highway Authority (LHA) that the development is sustainable in terms of the measures it will deliver to manage the additional traffic it will generate onto the network. WSCC has confirmed that there is no objection in terms of the impact on the local highway network. The LHA is satisfied that in terms of the relevant policy test in NPPF para 109, the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. It is considered that whilst there would be a material change in vehicle movements arising from the proposed development onto Guildford Road, the nature of this 'change' is not of a level that could substantiate a refusal of the planning application on highway grounds.

Design and Layout

8.14 The proposed development is serviced by a single primary route which meanders around the site resulting in an informal perimeter block layout with most dwellings fronting onto and positively addressing the public realm. The development comprises an attractive mix of bungalows, chalet bungalows and 2 storey houses at a residential site density of 26 dph. Buildings are arranged as a variety of detached, semi-detached and terraced forms. The materials palette includes elevations of red brick and tile hanging, some weatherboarding but no render. Roof forms are also varied with steep gables, hipped and half-hipped. The layout also results in some significant gaps between buildings and the location of reduced height buildings on part of the western edge is considered to be a successful approach both in breaking up the massing of the development and providing variety. It is considered that the layout embraces a more rural feel as a consequence which reflects the comment in the Loxwood Village Design Statement which, albeit produced in 2003, records that, 'Loxwood's rural charm derives from the informality in the positioning of the buildings. The shape and layout of houses have altered over time, reflecting an evolutionary development process.'

8.15 The 15 affordable housing units comprising 6 no. flats and 9 no. houses are located in two separate groups of 10 units and 5 units on the site. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. No objection to the affordable housing component of the proposals is raised by the Council's Housing Enabling Officer.

8.16 Overall the design, materials, detailing and appearance of the development suggest that this will be an attractive, high quality rural housing scheme, as opposed to mass housebuilding, and that it will be appropriate to its rural context and surroundings.

Impact on the Landscape

- 8.17 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape (NPPF para 170). The existing enclosure of the site afforded by the mature landscaping to the southern and western site boundaries, the hedgerows and mature trees to the north and the residential development at Pond Copse Lane which backs onto the site to the east mean that the site is discreetly located in the wider landscape. Occupying as it does the western slope of a shallow valley, development of the upper slope of the valley will afford only distant and fleeting glimpses of the development from points along Merryhills Lane to the east over the existing foreground of built development, hedgerows and vegetation and against a wooded backdrop. Whilst it is inevitable that building a housing estate on a rural field would effect a fundamental change in its previously open appearance and character, the very fact that that change would occur is not in itself a reason for refusing the application.
- 8.18 The application is accompanied by a Landscape Visual Impact Assessment (LVIA). This acknowledges that the site is located within Zone 17 as defined in the Chichester Landscape Capacity Study (LCS) and has been assessed as having a 'Low' landscape capacity for new development. The point is made however that Zone 17 is an extensive all-encompassing area and the site forms a very small part of it. Arguably when the LCS methodology is applied at the site level the site has a 'higher' capacity for development by virtue of its particular characteristics - containment from the wider landscape and its immediate physical and visual relationship to the village.
- 8.19 It is considered that by reason of the surrounding vegetation only minor localised harm would result from the loss of this open undeveloped land at the edge of the settlement and the contribution that that land makes to the countryside setting. The LVIA pinpoints two public vantage-points from short sections of footpath 810 to the west of the site and from 811/1 to the north whereby the development will be viewable. However these views are at distance and would be filtered by natural boundary screening (from fp 810) where the proposed development would to an extent be seen in the context of, and directly related to, the existing settlement.
- 8.20 The existing degree of natural enclosure of the site which is well screened to all but immediate localised viewpoints combined with the close relationship with the existing adjacent development at Pond Copse Lane and the absence of any formal landscape designation protecting the field in question means that substantiating a material objection to the application on landscape grounds is not considered to be a reason for resisting the application.

Other matters

Ecological Considerations

8.21 The mature boundary hedgerows and tree line particularly to the west and south boundaries provide potentially important wildlife corridors. Bats in particular are known to utilise the hedge lines for foraging and the house to be demolished is a known bat roost. In response to the second reason for refusal on the first application on the site (the application now at appeal) the applicant has now provided an Outline Bat Mitigation Strategy in respect of the loss of the bat roost in Hollyview House. The Strategy includes the provision of 3 no. bat boxes on nearby trees, then an initial 'soft' demolition of Hollyview House supervised by an ecologist with full demolition only taking place once the building is cleared of any roosts and signed off as such by the ecologist. The Council's Environment Officer has confirmed that this strategy is acceptable and requires that a condition is imposed to ensure this takes place. Conditions are recommended regarding bat and bird enhancements and slow worm mitigation and for two hedgehog nesting boxes to be included on the site together with gaps at the bottom of the fences to allow their movement across the site.

Impact upon the amenity of neighbouring properties

8.22 A consequence of developing out a field where there is no development will clearly have some bearing on the established amenities of existing adjacent residential properties who currently enjoy an unimpeded outlook onto a rural field grazed by sheep. However, loss of or change of 'outlook' is not necessarily a reason for not permitting new development. The eastern most line of proposed dwellings would have (as an average) an approximately 50 metre wall-to-wall distance to the rear wall elevations of the detached dwellings which front Pond Copse Lane. Although the land rises from east to west raising the relative overall height of the 12 no. proposed dwellings in this line (2 x chalet bungalows, 10 x 2 storey houses) relative to the existing housing on Pond Copse Lane, the separation distance is considerably in excess of the separation distance within the Council's design guidance note PGN3. This stipulates 21m back-to-back for 2 storey or 30m for 3 storeys. The relationship that would result in this instance is front wall (proposed) to back wall (existing) and combined with the line of tree planting proposed on the western edge of the SuDS basin and the buffer tree and hedge planting on the east boundary itself is considered to satisfactorily address any potential issues of the development resulting in overlooking or the development being overbearing.

8.23 Issues raised by local residents regarding surface and foul water drainage of the development of the site are dealt with separately in this report and are subject to technical solutions. It is not considered that the proposed development in terms of drainage necessarily militates against the proposals from the perspective of residential amenity.

8.24 Whilst the marked change to the character and appearance of the site resulting from the development will clearly create a different outlook for existing Pond Copse Lane residents, this change does not automatically translate into a development that would be harmful to their established amenity. Loss of 'view' is not a planning consideration. The layout of the housing has been carefully considered to acknowledge and address the relationship and adopts significantly more than the required separation distances. It is not considered therefore that there are substantive grounds to demonstrate that the development would result in material harm to established amenity.

Sustainability measures

8.25 The applicant has indicated that it is intended to, where possible, exceed Building Regulations in respect of energy efficiency, thermal specification, lighting, fixtures and fittings. The overall approach to energy is to reduce energy demand and carbon emissions as far as possible through thermally efficient, well designed and suitably orientated buildings. This approach will reduce ongoing energy demands and carbon emissions. The applicant's submitted Energy Statement confirms that the approach relies on a combination of measures which will result in a total carbon saving of 37.02% which exceeds the 29% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of air source heat pumps on all dwellings (except the apartments) and through the installation of approximately 32 sqm of solar photovoltaic panels on apartments 16-19 and 39 and 40 equating to 5.60 kWp of solar PV output. Conditions are attached to the recommendation to secure the stated energy savings as well as a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure which proposes passive provision across the site and active charging provision as per the requirements of the Parking Standards requirements. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

Significant Conditions

8.26 Key conditions attached to the recommendation include securing the vehicular, pedestrian and cycle access, the precise details of the surface water drainage, the sustainable components and the bat mitigation.

Section 106 Agreement

8.27 This development is liable to pay the Council's CIL charge at £200 sqm which will address most of the infrastructure matters. At the time of preparing this report work was advancing on preparing a section 106 agreement which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- 30% Affordable Housing (15 units) to the required SHMA mix. Tenure 70:30 (rent:shared ownership)
- Landscape buffer on north and west site boundary, provision, management and on-going maintenance
- Open space and equipped play space, provision, management and on-going maintenance
- Provision of 1.2 metre wide footway and crossing facilities along Guildford Road and the traffic calming measures
- S.106 Monitoring fee £1,692.

Conclusion

8.28 This application is a re-submission of a previous application for 50 dwellings which was refused by the Council under Officer's delegated powers and which is now the subject of an appeal. In order to substantiate reaching a different decision on the proposal submitted this time around it would be necessary for the Council to demonstrate that there has been a material shift in circumstances. The material shift in circumstances here is that whereas on the first application, which is now at appeal, the Council was able to demonstrate that it had a 5 year supply of housing land, under this application that is no longer the case as the housing policies in the Local Plan are now out of date. Government policy in the NPPF requires local planning authorities to demonstrate that they have a rolling 5 year supply and when there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development.

8.29 The first application was refused on the basis that the Council had a 5 year housing supply and could therefore rely on the Local Plan to resist new housing applications outside of the settlement boundary in Loxwood. In the absence of that supply now, that reason falls away. The Council also cited an absence of a bat mitigation strategy as a secondary reason for refusal on the first application but on the current application this matter has been successfully addressed and so also falls away. In terms of assessing the current application against the Interim Planning Strategy for Housing the application scores well and officers consider that overall this is a good site for additional housing in Loxwood. No adverse consultation responses have been received and the layout and design/appearance of the proposals suggest a high quality development well related to the existing housing context in Loxwood. On-going local concerns regarding sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. On the basis of the consultation responses received from Southern Water no formal objection to the application proposals are raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis, noting also that no such reason for refusal was cited on the first application. The application will deliver much needed housing including 15 units of affordable housing and will help to address the Council's housing supply shortfall.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 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 not be carried out other than in accordance with the following approved plans:

T051_P01; T051_P02; T052_P10 Rev C; T051_P11 Rev C; T051_P12 Rev C;
T051_P13 Rev B; T051_P35 Rev B; T051_P50 Rev B; T051_P51 Rev B;
T051_P100; T051_P101; T051_P102; T051_P103; T051_P104; T051_P105;
T051_P106 Rev B; T051_P107; T051_P108; T051_P109; T051_P110 Rev A;
T051_P111; T051_P112; T051_P113; T051_P114; T051_P115; T051_P116;
T051_P117; T051_P118; T051_P119; T051_P120; T051_P121; T051_P122;
T051_P123; T051_P124; T051_P125; T051_P126; T051_P127; T051_P128;
T051_P129; T051_P130; T051_P131 Rev B; T051_P132; T051_P133; T051_P134;
T051_P135.

Reason: For the avoidance of doubt and in the interests of proper planning and to ensure the development complies with the planning permission. .

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,

- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (r) hours of construction.

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

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

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

5) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

6) **No development shall commence** unless and until details of the proposed means of foul water sewerage disposal including the proposals for the associated off-site infrastructure improvements have been submitted to and been approved in writing by the Local Planning Authority, in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

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

7) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Phase 2 Ecological Surveys and Assessment (October 2018) by Southern Ecological Solutions and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include; the submission of a strategy for the trapping and translocation of slow worms, the provision of 5 no. bat boxes (in addition to those provided as part of the Bat Mitigation Strategy), 2 no. hedgehog nesting boxes and the provision of bird boxes as identified in the Strategy.

Reason: To accord with the terms of the application and to enhance the ecological and biodiversity value of the site.

8) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed 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(s) have been submitted to and been 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

9) **No development above slab level shall commence** until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

10) **Before construction commences above slab level** on any dwelling hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority showing how the development shall comply with the terms of the submitted Energy Statement prepared by Southern Energy Consultants dated 22 July 2020. The details shall include the proposed location, form, appearance and technical specification of the air source heat pumps (including acoustic performance) and the form and siting of the solar PV panels which shall be designed to be inset and flush fitting with the plane of the roof. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with policy 40 of the Chichester Local Plan Key Policies 2014-2029 and the Council's Interim Planning Statement for Housing Development (July 2020) and to accord with the terms of the application.

11) **Before construction of any dwelling above slab level** the developer shall provide details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (August 2019) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (August 2019) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

12) **No development shall commence on the Sustainable Urban Drainage System (SUDS)** until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SUDS system serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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.

13) All works for the demolition of Hollyview House and garage shall be carried out strictly in accordance with the measures set out in the Bat Mitigation Strategy in Annex 3 of the Outline Bat Mitigation Strategy prepared by Southern Ecological Solutions, 17 March 2020 unless any variation is specifically agreed as part of any subsequent Natural England European Protected Species (EPS) mitigation license. Details of the proposed location of 3 no. bat boxes shall be submitted to and be approved in writing by the Local Planning Authority. The bat boxes shall be installed in accordance with the approved details and before any works of demolition of Hollyview House and its garage take place.

Reason: To ensure that the process of demolition is not harmful to the protected species.

14) Notwithstanding the illustrative landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and boundary fencing shall include gaps underneath to enable the passage of small mammals (hedgehogs). The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. 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 amenity and of the environment of the development.

15) **No dwelling shall be first occupied** unless and until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and retained for that purpose thereafter.

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

16) **No dwelling shall be first occupied** until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and shall include the provision of a residents Travel Information Pack to the first occupants of each dwelling.

Reason: To encourage and promote sustainable transport.

17) **Before first occupation of any dwelling** on the site hereby approved a timetable shall be submitted to and be approved in writing by the Local Planning Authority for the provision of the unallocated/visitor car parking spaces as shown on drawing no. T051_P11 Rev C. The unallocated/visitor car parking spaces shall then be provided in accordance with the approved timetable and once provided the unallocated/visitor car parking spaces shall be retained for parking purposes thereafter.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application and in the interests of proper planning.

18) **No dwelling shall be first occupied** until such time as the vehicular access to the site and related highways works serving the development, including traffic calming, have been constructed in accordance with the details shown on drawings ITB13023-GA-004 Rev G and ITB13023-GA-005 Rev B.

Reason: To accord with the terms of the application and in the interests of road safety.

19) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure

20) **No dwelling on the site hereby permitted shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it - including where shown visitor/unallocated spaces, associated footways and turning heads – have been constructed in accordance with the approved Site Layout drawing T051_P11 Rev C. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car parking spaces for the development in accordance with the terms of the application, adopted guidance and in the interests of road safety.

21) **No dwelling shall be first occupied** unless and until visibility splays as have been provided at the proposed site vehicular access onto Guildford Road in accordance with drawing ITB13023-GA-004 Rev G. Once provided the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority.

Reason: In the interests of road safety.

22) **Before first occupation of any dwelling**, details showing the precise location, installation and ongoing maintenance of 1 no. fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrant shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Services Act 2004.

23) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

24) **No part of the development hereby permitted shall be occupied** until the domestic refuse and recycling storage facilities including provision of green waste bins to service that part of the development 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 domestic 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 facilities for the storage of domestic waste in the interests of general amenity and encouraging sustainable management of waste.

25) Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

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

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

INFORMATIVES

1) S106

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

2) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.

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

For further information on this application please contact Jeremy Bushell on 01243 534734

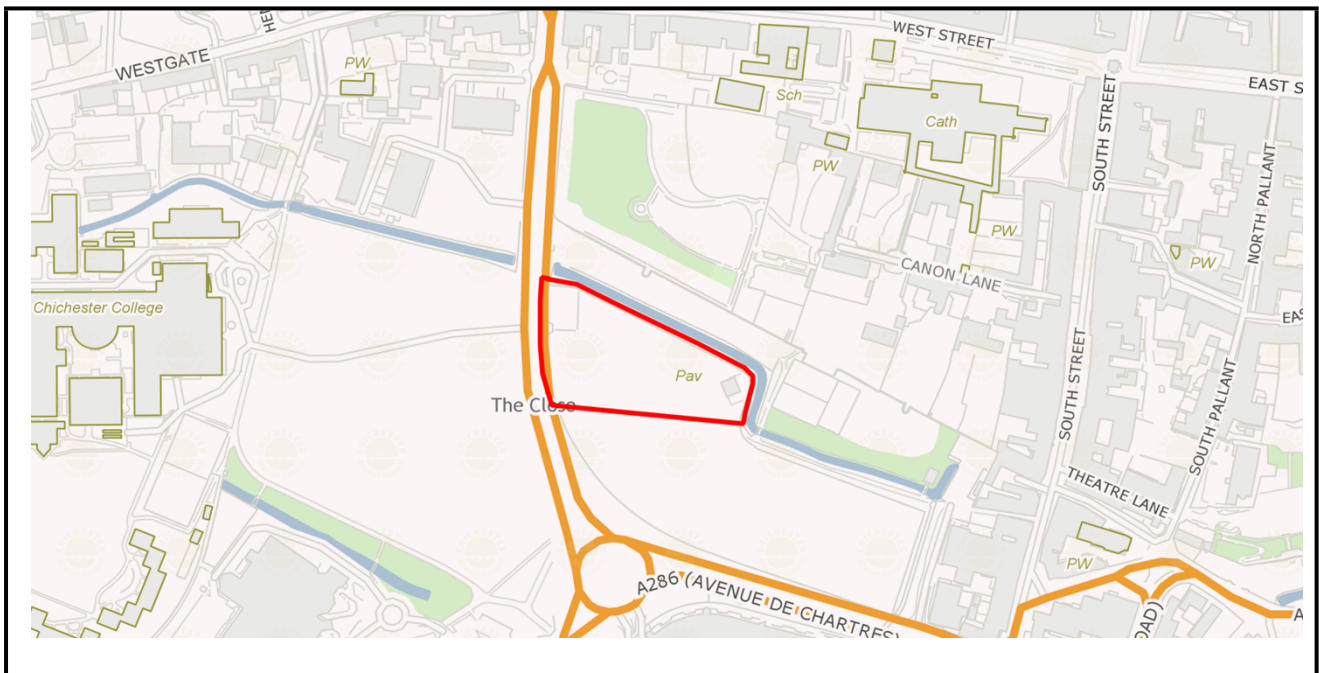
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QBZ4IFERKFW00>

Parish: Chichester	Ward: Chichester Central
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CC/20/00970/FUL

Proposal	Replacement and relocation of Pavilion.		
Site	Prebendal School Playing Field Avenue De Chartres Chichester PO19 1PX		
Map Ref	(E) 485805 (N) 104543		
Applicant	Mr Mark Chapman	Agent	Mr Angus Eitel

RECOMMENDATION TO REFUSE



	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 Red Card: Cllr Bell - When there is an exceptional level of public interest

2.0 The Site and Surroundings

- 2.1 The application site comprises the playing field for Prebendal School. The site is located within the defined Settlement Boundary of Chichester and within the Chichester Conservation Area. The Scheduled Ancient Monument of the City Walls is located to the north of the application site, beyond a public footpath which runs along its northern boundary.
- 2.2 Access is provided on the western side of the playing field, off Avenue de Chartres. To the north east of the site is an existing pavilion, which was damaged by fire in May 2019. There is post and rail fencing and trees along the boundary of the site with the Avenue de Chartres, views are readily available across the site, towards the City Walls and the Cathedral.

3.0 The Proposal

- 3.1 The application proposes the demolition of the fire damaged pavilion and the construction of a new pavilion to the west of the site south of the existing access. This is shown with a footprint of 13.3m x 10.6m, a ridge height of 8.6m and an eaves height of 3.38m. The building would be orientated with the ridge line running in an SW-NE direction.
- 3.2 The materials and finishes show the building would feature larch cladding and sliding screens for the walls, cleft chestnut shakes to the gable-ended pitched roof, and dark grey aluminium doors, windows and rooflights.

4.0 History

CC/311/67	PER	Pavilion
10/02975/COU	REF	Change of use of part of school playing field to car park and associated landscaping.
10/05519/COU	PER	Reinforcement of grass surface to support occasional ancillary parking and for parental drop off and pick up of school children on small area of school playing fields.
16/02001/FUL	PER	Variation of Condition 8 of planning permission CC/10/05519/COU - to vary picked up/drop off car parking times from 08:15-08:45 to 08:05-8:35 and from 15:30-17:00 to 15:10-16:40.

17/03278/FUL	WDN	Reinforcement of grass surface to support occasional ancillary parking and for parental drop off and pick up of school children on small area of school playing fields (Variation of condition 8 and 9 of planning permission CC/16/02001/FUL - To allow school grounds staff and maintenance vehicles to use 2 designated parking spaces in the car park outside of the specified times.)
18/00317/PRESS	ADVGIV	Replacement sports pavilion. Officers advised that the principle of a replacement pavilion in the same location as the existing would be acceptable and suggested that further pre-application advice was sought once detailed proposals had been prepared to enable more detailed comments to be made on the merits of a specific proposal.
19/02084/PLD	PER	Proposed lawful use of the land as a playing field D2 used by the school and others for recreation and sport with the permission of The Memorial Trust and The Prebendal School.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

Strong Objection. The scale and location of the proposed pavilion would harm the character, appearance and openness of the area, and would adversely affect the setting of the City Walls and the Chichester Conservation Area.

6.2 CDC Principal Historic Buildings Advisor

Thank you for consulting conservation and design on the above application. I am familiar with the location in general having conducted several site visits to the immediate area in the recent past.

The proposed pavilion and car park are located some distance from the city walls across an open area of playing fields and clearly outside of the recognised built form of the immediate area. The existing pavilion, despite its visual drawbacks, is tucked into an area of obscuring vegetation much closer to the city.

The new location would be highly visible, exacerbated by the height of the proposals. The immediate hinterland of the city walls in this area provides an open and visually pleasing setting for the scheduled City Walls and important views of the city including the Grade I listed cathedral. The principle of new built form in this area should be taken at a strategic level and it is important that open areas of setting for the City Walls are preserved where they exist.

The proposed building and the associated car park both have harmful visual impacts on several designated heritage assets. The City Walls are a nationally significant scheduled ancient monument that forms a key part of the character of Chichester and of the Chichester Conservation Area.

As it stands the application should be **refused** due to the harm to designated heritage assets and the visual amenity of the area.

Note:

A far more acceptable solution would be to replace the existing pavilion in its current location. This would avoid much of the harmful effects identified.

6.3 CDC Archaeology Officer

I agree that the archaeological potential of this area is such that the proposed new location should be evaluated beforehand, that the results may justify the requirement of further mitigation measures and that these could be secured following standard planning conditions.

However, it is this area that provides the seminal views of and from Roman and medieval Chichester, and it is difficult to accept that the provision of a new building close to the car park would be anything other than an unacceptable impingement on the settings of the Roman, medieval and post-medieval city, the Scheduled City Walls and the Cathedral beyond. I think a much more acceptable solution would be to replace the existing pavilion with something in the same location with a similar footprint and height.

6.4 Sport England

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (in particular Para. 97), and against its own playing fields policy, which states:

'Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.'

Sport England's Playing Fields Policy and Guidance document can be viewed via the below link:

https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy

Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that:

'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.'

This being the case, Sport England does not wish to raise an objection to this application.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

6.5 CCAAC

The Committee objects strongly to this Application. While we accept the need to replace the burnt out pavilion, this proposal would provide the wrong building in the wrong location. It is too large both in footprint and height, and its utilitarian design is detrimental to the Conservation Area and could become an eyesore. Furthermore, its prominent location will compromise the view of the Cathedral and city walls from the Av De Chartres and Westgate Fields. Our recommendation is therefore that the pavilion should be rebuilt in its current unobtrusive location and in similar size and form to the existing. We also note that there is no Application Form among the documentation on the CDC Planning Portal.

6.6 The Chichester Society

The Executive Committee considers that this proposal is unacceptable in architectural terms because of its excessive height in this high profile site. The ridge height of 8.6 metres does not appear to be justified by its function and plan. We are also concerned that this relocation next to the temporary car park may lead to cars being parked outside the strict terms and conditions for which this car park was sanctioned.

Therefore the Committee requests this application is refused in its present form and that conditions be implemented for use of the car parking in conjunction with the pavilion, provision of a CGI view of the revised proposal in due course along with removal of the containers and openly stored sports nets which presently disfigure the proposed location.

6.7 Third Party Comments

18 letters of support have been received on the following grounds:

- a) It would be a significant improvement to the existing building and a positive contribution in a sensitive context
- b) Design would be suitable for the area
- c) Benefits to the school and the community
- d) Enhanced security from the siting

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 Site Allocations DPD and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 10: Chichester City Development Principles
Policy 38: Local and Community Facilities
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

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 2021. 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 2022. 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 February 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 4 (Decision-making), 8 (Promoting healthy and safe communities), 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).

Other Local Policy and Guidance

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

- Chichester Conservation Area Character Appraisal

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- 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) Siting, design, and impact upon visual amenity and character of the Conservation Area and Heritage assets
- iii) Archaeology
- iv) Impact upon the amenity of neighbouring properties
- v) Impact upon trees
- vi) Other Matters

i) Principle of development

8.2 The application site is located within the designated Settlement Boundary Area of Chichester which is designated within the development plan as the sub-regional centre for the District. The principle policies of the development plan support development within the settlement. Policy 10 of the CLP supports proposals in principle which provide or contribute towards improved facilities for education, health and other social and community uses.

8.3 The site is an established playing field and includes an existing pavilion on the wider site. The existing pavilion is not of architectural merit to warrant retention and as such the broad principle of a replacement pavilion is considered acceptable. However, the specific impact the development has on this site must be considered as to whether the proposal is appropriate in detail, and whether visual harm and/or harm to the character of the Conservation Area and other assets would occur. The detailed assessment is set out below.

ii) Siting, design, and impact upon visual amenity and character of the Conservation Area and Heritage Assets

8.4 The site is located within Character Area Six identified by the Chichester Conservation Area Character Appraisal 2015 review. The review states: 'This area is marked by the green open spaces of the Westgate Fields. These set the scene for iconic views of the Cathedral. Avenues of trees along the Avenue de Chartres define these areas and provide a further green enhancement to the overall scene.'

8.5 The existing pavilion is located on a concrete slab, significantly set back from the Avenue de Chartres, approximately 115m from the highway to the south and 117m to the highway to the west. Although the existing pavilion is visible in views of the cathedral and city walls from views across the playing fields, it is over 100m away and set towards a corner and with the backdrop of trees, which assists with mitigating harm to the views available from the south and west. As the Design and Access Statement accompanying the application sets out; pre-application advice was sought in 2018 for a replacement pavilion in the location of the existing structure, and officers were supportive of the principle of proposals for this. No pre-application advice was sought for the current application, which would be sited approximately 100m to the west of the existing pavilion. The resultant siting means that rather than it being 117m from the highway to the existing pavilion, the proposed pavilion would be only 8m

from the highway. Given the curved shape of the road wrapping around the application site the building would appear significantly closer from public areas along the Avenue de Chartres to the west and south, than the existing pavilion currently does.

- 8.6 The siting would be adjacent to an existing parking area and access to the north west of the application site, however it is important to note that this area of parking is significantly restricted by planning conditions which reflect its the sensitive location. The condition restricts the use of the parking to be used only between 08:05 - 08:35 and 15:10 - 16:40 Monday to Friday, term time only. The restrictions also control the users of the parking to (i) Parents of pupils attending the Prebendal School, (ii) Playing Field ground staff, (iii) School teaching staff and (iv) Visitors and spectators on school match days only. Therefore the use is limited and as a result the playing fields have maintained an undeveloped character.
- 8.7 The Conservation Area Character Appraisal review highlights a positive feature of this part of the Conservation Area of the open green spaces in the remains of Westgate Fields and in front of Chichester College Campus, particularly significant for their recreational uses and also as an attractive setting for the City Walls beyond. The review recommends that new development should also protect, or where possible better reveal, the setting of the City Walls and where possible new buildings should not be allowed which would intrude into existing views of the City Walls.
- 8.8 There is some tree screening along the boundary of the site with the Avenue de Chartres, however the site maintains a strong an open and undeveloped character and because the trees along the boundary are not continuous views of the City Walls and Cathedral are retained. Therefore, although the trees may provide some screening of the proposed building from the immediate south west, the pavilion building would be readily visible from other public vantage points and in the context of the views of the City Walls and Cathedral.
- 8.9 The Council's Principal Historic Buildings Advisor and Archaeology Officers have both objected the location and form of the proposed building, citing concerns on the historic setting of the city and important heritage assets.
- 8.10 It is considered that the proposed building and the associated car park would both have harmful visual impacts on several designated heritage assets. The City Walls are a nationally significant scheduled ancient monument that forms a key part of the character of Chichester and of the Chichester Conservation Area. It is considered that the level of harm would be less than significant, none the less such harm would only be warranted where public benefits would outweigh the harm, and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and both national and local planning policies are clear that any level of harm should be avoided and instead new development should conserve or enhance heritage assets. There would be a limited public benefit from the community use of the pavilion, however this public benefit would not outweigh the harm identified, and the public benefit could alternatively be secured without resulting in harm, through a replacement pavilion on the location of the existing.

8.11 The creation of built form would appear out of character in this open location, and the harm caused would be further exacerbated by the scale of the building, which would be significantly increased over that of the existing pavilion. The existing pavilion features a flat roof, with a height of 3.5m from ground to the top of the roof finish. The proposed pavilion would have an eaves height of 3.38m and pitched roof with a ridge height of 8.6m. The height of the proposed building is considered to be excessive, particularly given its single storey nature. The approach in terms of materials and finishes show the building would feature larch cladding and sliding screens for the walls, cleft chestnut shakes to the roof, and dark grey aluminium doors. Although the materials are considered acceptable in principle, as they would be natural in appearance and would weather in time, this would not overcome the significant concerns about the incongruous size and scale of the building in such a prominent location

8.12 For the reasons given above the principle of siting the pavilion in the proposed prominent location is considered to be fundamentally unacceptable, eroding the open character of the area, and detrimental to the setting of the Scheduled Ancient Monument of the City Walls and the character of the Conservation Area. This harm is exacerbated by the scale and bulk of the proposed development. The proposal is therefore contrary to Policy 10 and 47 of the CLP, which require development to have special regard to the city's historic character and heritage, and conserve and enhance the special interest and settings of Scheduled Ancient Monuments and Conservation Areas, and sections 12 (Achieving Good Design) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework.

iii) Archaeology

8.13 The site is located in an area where the archaeological potential is such that the proposed new location should be evaluated beforehand. The Council's Archaeology Officer has commented that further investigation and review of results, may justify the requirement of further mitigation measures. If the proposals were acceptable in all other respects, these could be secured by condition.

iv) Impact upon the amenity of neighbouring properties

8.14 The proposed pavilion would be over 130m away from the nearest residential properties to the north west, and due to the separation and the nature of the use on an existing playing field, the proposals are not considered to have an adverse impact on amenities enjoyed at any residential properties.

v) Impact upon trees

8.15 The trees in close proximity to the proposed building, along the western boundary of the site, are protected by virtue of being within Chichester Conservation Area. The application has been accompanied by details to show that the footprint of the proposed building would be outside of the root protection area of nearby trees, and that there is sufficient space for tree protection measures to be put in place. The details show that all tree protection and tree protection barriers would be in accordance with BS 5837:2012 - 'Trees in Relation to Design, Demolition and Construction Recommendations'. The tree protective barrier would be 2.0 metres height 'Heras' Welded Wire Mesh Fencing secured to a scaffolding framework, set into the existing ground, and positioned to the outside edge of the existing tree root protection area, or as specified.

8.16 If all other matters were considered to be acceptable this could be secured by condition and there would be no adverse impact on trees.

vi) Other Matters

8.17 The benefits of providing a pavilion for the school and community use are likely to be welcome, however they do not outweigh the harm identified above, and could be achieved with a revised siting. Officers have been supportive of the principle of replacing the existing pavilion on the existing concrete slab in a previous pre-application enquiry, and have also sought to negotiate a replacement pavilion on the location of the existing pavilion during the course of this application. However a revision to alter the siting has not been submitted and therefore the application is to be determined on the planning merits of the proposals as submitted.

8.18 Reference has been made in the submission that the proposed siting would be easier to provide with power, and that this would have a benefit for the provision of security lighting and CCTV, and that the building would be less susceptible to vandalism in the proposed location. No details of any lighting have been provided and there is the potential that this in itself could impact upon the character of the area, heritage assets and protected species, and would need full consideration if proposed. Given the undeveloped character of the area there would be no natural surveillance from other buildings or an active street frontage from the revised siting, so the benefits in terms of security are considered to be limited and would not outweigh the harm identified.

8.19 Sport England have raised no objection and the proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and this would not affect the quantity or quality of playing pitches or otherwise adversely affect their use. The proposal would therefore be acceptable in this respect.

Conclusion

8.20 Based on the above considerations, the proposal, by virtue of its siting and further exacerbated by its scale and bulk, would result in harm to the character of the Conservation Area, appearing incongruous in the open, undeveloped character of the area, and also detrimental to the setting of the Scheduled Ancient Monument of the City Walls and the character of the Conservation Area. The proposal is therefore considered contrary to Policy 10 and 47 of the CLP, which require development to have special regard to the city's historic character and heritage, and conserve and enhance the special interest and settings of Scheduled Ancient Monuments and Conservation Areas, as well as sections 12 (Achieving Good Design) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework. There are no public benefits or other material considerations that would outweigh the harm identified and therefore the application is recommended for refusal.

Human Rights

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

RECOMMENDATION

REFUSE for the following reasons:-

The proposal, by virtue of its siting, scale and bulk would result in harm to the character of the Conservation Area, appearing incongruous and at odds with the open, undeveloped character of the area, and also cause harm to the setting of the Scheduled Ancient Monument of the City Walls and the character of the Conservation Area. The proposal is therefore considered contrary to Policy 10 and 47 of the Chichester Local Plan: Key Policies 2014-2029, which require development to have special regard to the city's historic character and heritage, and conserve and enhance the special interest and settings of Scheduled Ancient Monuments and Conservation Areas, as well as sections 12 (Achieving Good Design) and 16 (Conserving and Enhancing the Historic Environment) of the National Planning Policy Framework. There are no public benefits or other material considerations that would outweigh the identified harm.

Decided Plans

INFORMATIVE

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

C0033-P007, C0033-P008, C0033-P009, C0033-P010, C0033-P101, C0033-P102, C0033-P111, C0033-P201, C0033-P202, C0033-P203, C0033-P204, C0033-P211, C0033-P212, C0033-P213, C0033-P214 REV A, LLD1962-ARB-DWG-001 and LLD1962-ARB-DWG-002.

For further information on this application please contact Martin Mew on 01243 534734

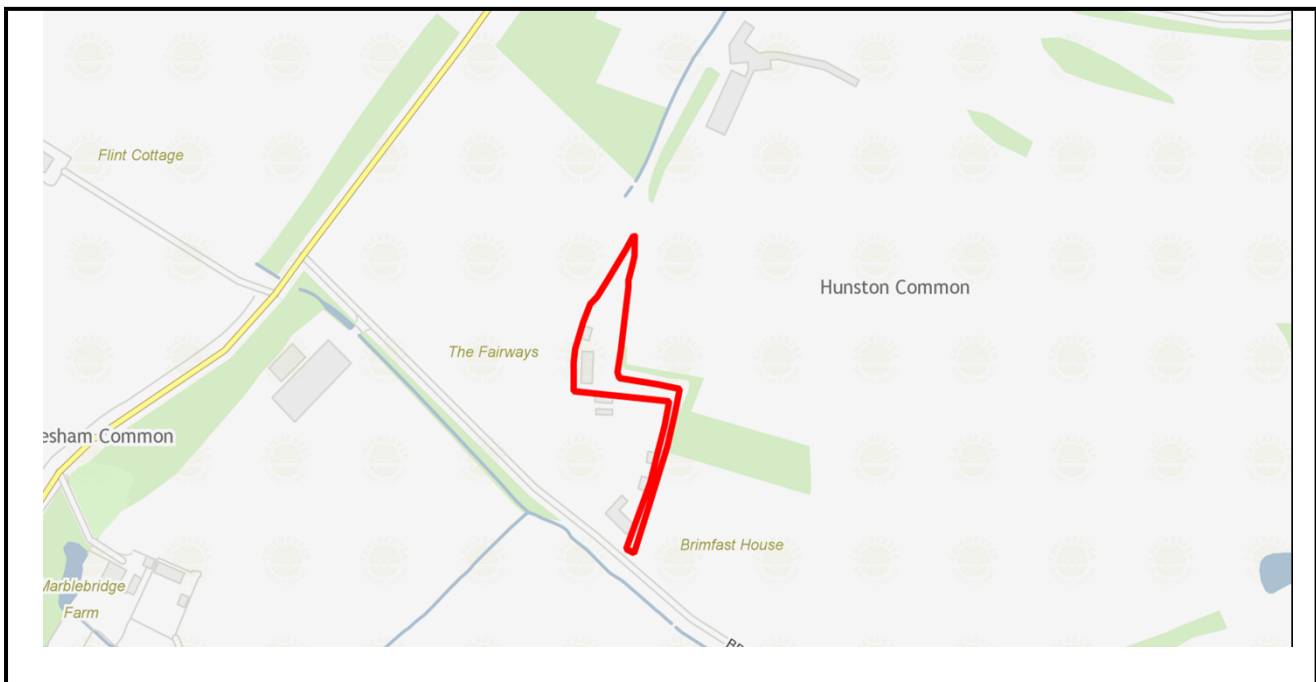
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q8RV5MERI4400>

Parish: Sidlesham	Ward: Sidlesham With Selsey North
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SI/20/00434/FUL

Proposal	Removal of existing building granted prior approval for change of use to C3 dwelling houses under 19/00757/PA3P and existing stable / storage building, and erection of a single storey new build dwelling and detached car port.		
Site	The Fairways Brimfast Lane Sidlesham PO20 7PZ		
Map Ref	(E) 485496 (N) 100089		
Applicant	Mrs P Smith	Agent	Mr Ben Kirk

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



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

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 to the north of Brimfast Lane, Sidlesham, set back from the road. An access track leads from Brimfast Lane to the south-east corner of the site and curves round to the west of the site. There are static caravans to the south-east of the site and to the east of the caravans a detached dwelling is being constructed. On the western boundary of the site is the existing building to be demolished. To the north of the site is a golf club, there is a residential dwelling to the south, and agricultural land to the east and west.

2.2 A hedge runs along the northern side of Brimfast Lane and a number of field boundaries within the agricultural land surrounding the site provide a reasonable amount of natural screening from Selsey Road, some distance to the West and along Brimfast Lane, to the south. Due to the deciduous nature of the field boundaries, there would be glimpsed views of the site from Brimfast Lane, however the site is read in the context of other residential dwellings located close to Brimfast Lane, which are highly visible within the landscape.

3.0 The Proposal

3.1 This application seeks planning permission for the demolition of an existing building and the erection of a detached dwelling. The building to be demolished has an extant permission for prior approval (19/00757/PA3P) for its change of use to dwelling. The application also proposes a detached car port. The proposed dwelling would be single storey with 4 no. bedrooms, with a garden area to the north and parking to the south. The application has been amended since its submission, reducing the proposed ridge to 3.8 metres, from 5.3 metres and the addition of solar panels to the southern elevation.

4.0 History

10/01835/REM	PER	Replacement of existing dwelling with 1 no. 4 bedroomed cottage.
10/05395/FUL	PER	Retention of two mobile homes for a temporary period of two years during construction of 4 bedroomed cottage permitted under SI/10/01835/REM.
10/05637/REM	APPRET	Schedule of materials and finishes. Car parking. Landscaping and tree planting. Fences and hedges. Refuse bin storage Cycle storage

11/00050/FUL	PER	S73 application to vary condition 1 of SI/10/01835/REM - Change in aspect of proposed dwelling.
12/04378/FUL	PER	Retention of two mobile homes for a temporary period of 18 (eighteen) months during construction of 4 bedroomed dwelling permitted under SI/10/01835/REM (re-submission of SI/10/05395/FUL)
14/02656/FUL	PER	Retention of two mobile homes for a temporary period of 12 months during construction of 1 no. 4 bedroom dwelling permitted under SI/10/01835/REM (re-submission of SI/10/05395/FUL).
14/04131/DOM	WDN	Proposed double garage and annexed accommodation to the main dwelling.
15/00435/DOM	PER	Proposed double garage and annexed accommodation to the main dwelling.
18/01124/DOC	DOCDEC	Discharge of condition 3 from planning permission SI/15/00435/DOM.
18/03429/ELD	PER	Existing lawful development certificate for use as commercial storage (B8).
19/00757/PA3P	YESPAP	Notification for Prior Approval for a Change Of Use from Storage or Distribution Buildings (Class B8) and any land within its curtilage to dwellinghouses (Class C3).
19/01574/FUL	WDN	Removal of existing storage building and erection of 2 no. dwellings and 1 no. car ports.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

The PC objects to the application. The proposed building is not on the footprint of an existing building and therefore constitutes a new build. Sidlesham has a policy which does not allow new building in the parish, only replacement buildings on the footprint of existing buildings or small scale social housing are permitted. The PC noted 2 caravans on the drawings. Permission for these caravans was granted in 2010 for a limited period while a 4 bedroom house was built. An extension of that time was given in 2014 for the caravans to remain for a further year. The house has still not been completed and if the caravans are to remain, an additional application should be submitted to CDC or they should be removed.

6.2 WSCC Local Highway Authority

Summary:

This proposal is for the removal of an existing storage building and stable building and erection of a single storey dwelling. The site is located on Brimfast Lane, an unclassified road subject to national speed limit.

WSCC in its role as Local Highway Authority (LHA) previously received a highways consultation request for this site under application 19/00757/PA3P. The LHA raised no objections to this proposal. The planning authority permitted the application.

Access and Visibility:

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

The LHA does not anticipate that movements to or from the site will exceed those of the existing B8 Storage & Distribution use.

Parking and Turning:

The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require three parking spaces. The applicant proposes a double carport for this development. The carport has approximate dimensions of 5.6m x 4.8m. Therefore, it exceeds the minimum specifications for double car bays of 4.8mx 4.8m as set out in Manual for Streets (MfS) and can be considered for parking provision. There appears to be space on the driveway for a third car parking space if required. As such, the LHA considers the proposed parking provision to be sufficient.

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.

On-site turning appears achievable, but it may require a multi-point manoeuvre. The LHA advises the applicant that the layout of the driveway may benefit from the addition of a turning head. Notwithstanding this, the LHA is satisfied that vehicles can exit the site in a forward gear.

The applicant has not demonstrated cycle parking provision. For this proposal, the LHA would expect a cycle parking provision for at least two cycles, in accordance with WSCC parking standards. The inclusion of secure and covered cycle parking helps promote the use of sustainable alternative modes of transport to the private car.

Sustainability:

The site is situated in a rural location that lacks access to immediate amenities. The nearest shop is situated in Hunston, approximately 2.2km away. The nearest schools can be found either in Sidlesham or in North Mundham, both approximately 4.2km from the site. Bus stops along the B2145 do offer regular bus services to Chichester and Selsey. However taking this all into consideration, the LHA anticipates that future residents may have a reliance on the private car.

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 Archaeology

It is unlikely that this proposal would affect deposits associated with the nearby line of the Roman road to the extent that measures to mitigate impact would be justified.

6.4 Third party objection comments

No third party representations have been received.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

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 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 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. It is anticipated that the new Plan will be adopted by the Council in 2022. 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 the following paragraph and sections: Sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport) and 12 (Achieving well designed places). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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:

- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Promote and increase sustainable, environmentally friendly initiatives in the district

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 amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Sustainability
- vi. Ecological considerations
- vii. Drainage
- viii. Other matters

Assessment

i. Principle of development

8.2 The application site is located outside of any settlement boundary and is therefore within the countryside where new dwellings are not normally permitted. However, the permitted prior approval application (19/01601/PA3Q) provides a fall-back position for residential use of the site, and this is a material consideration. It is considered that the prior approval application can be considered as a fall-back position that carries significant weight because it appears the prior approval scheme is capable of being implemented. Given this, the principle of residential development has been established and, providing the replacement dwelling is comparable to the scale of the existing building, its replacement with a new build dwelling is acceptable in principle; subject to assessment of other criteria and material considerations such as design, amenity and countryside impact.

8.3 The proposed dwelling would not fully reflect the appearance and scale of the existing building in terms of its maximum ridge height, however it is considered that due to the location of the site, which is not highly visible within the landscape and does not form part of an established streetscene (rather it is located to the rear of existing residential dwellings), that the proposal would not cause demonstrable harm to the character of the surrounding area. , In addition, the orientation of the replacement building would benefit from solar gain as it would be south facing and it has presented the opportunity to provide an array of solar panels on the south face roof slope which is considered to be a benefit of the proposed new dwelling, compared to the fall-back position to convert the existing building to residential use.

Given the context of the site, and the betterments in terms of the sustainable construction of the development and fall-back position that would permit a residential use on the site, the principle of the development would be acceptable. The changes to the orientation of the building and the increased ridge height are matters to be considered in respect of the impact of the proposals on the character of the area.

ii. Design and impact upon character of the surrounding area

- 8.3 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.
- 8.4 The application site is located within the countryside, set back from Brimfast Lane, where the site would not be easily visible from. The larger parcel of land that the application site forms part of includes mature hedgerow and trees along the boundary. The existing building is used for storage, constructed in blockwork for the walls, and a felt roof. The features of the existing building reflect its current lawful use, as a storage building. In comparison the design of the proposal would reflect the proposed residential use of the building. During the course of the application the design has been amended to provide horizontal timber weatherboarding above a brick plinth to the elevations ensuring that the design of the proposal is in keeping with the rural vernacular of the surrounding area. While the design of the proposal does not try to exactly emulate the character of the existing building, it is considered that it would sufficiently respond to the countryside location of the proposal.
- 8.5 The existing permitted prior approval building has a footprint of 220 sq. meters, with a width of 10.7 metres, a length of 20.5 metres and a ridge height of 2.6 metres. The width of the proposed building would be 11.4 metres with a length of 21 metres and a footprint of 239 sq. metres. It would therefore be slightly larger than the existing building. The proposed dwelling would be located in broadly in the same position as the existing building, albeit turned 90 degrees, with the front of the dwelling facing south. The garden area for the proposed dwelling would remain similar to what was permitted under the prior approval and it is therefore considered that the garden area would not have a harmful impact on the open and rural nature of the countryside. The application has been amended since its submission reducing the ridge of the proposed dwelling to 3.8 metres from 5.3 metres, with an eaves height of 2.4 metres.
- 8.6 Where planning permission is sought for a dwelling as an alternative to a successful prior approval application officers will normally expect such a proposal to reflect the existing building which has permission to be converted, normally in order to protect the rural or industrial character of an area. However, where there is particular justification for such a change, a betterment in terms of its relationship with neighbouring properties, heritage assets or the changes would not result in any harm to the character of an area, there may be little justification to resist alternative design proposals.

8.7 In this instance, the increase in the ridge height of 1.3 metres, is not considered to be harmful to the character of the open countryside due to the location of the site, set back from the highway, screened by mature vegetation and within the envelope of surrounding development. In addition, the increased ridge height allows for a conventional roof construction with profiled tiles and solar panels on the south facing roofslope. The re-orientation of the building in comparison to existing would also have benefits in terms of neighbouring relationship and improved solar gain. It is therefore considered that the relatively small changes to the scale and appearance of the building would not result in a level of harm that would warrant refusal and the benefits in terms of the increased sustainability of the finished building should be welcomed.

8.8 On balance, whilst it is recognised that the proposal does not fully reflect the scale and appearance of the existing building, when taking into account the location and context of the site, the neighbouring residential development domestic in character and appearance, and the benefits of the scheme when compared with converting the existing it is considered the proposal would be acceptable in terms of scale, form and design, and would be in-keeping with the surrounding area and countryside; therefore complying with Local Plan Policies 33, 45, 47 and 48.

iii. Impact upon amenity of neighbouring properties

8.9 The NPPF states, in paragraph 127, that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.10 The nearest dwelling most impacted by the proposal is to the south of the application site, which is currently under construction. The side elevation of the prior approval dwelling would be 3 metres from the boundary of the neighbouring property, whilst the proposed dwelling would be located 11 metres from the boundary with the dwelling to the south, and therefore the distance to the neighbouring properties would be increased from that which currently exists. The position of the proposed dwelling would represent an improvement in the relationship between the two dwellings in comparison to the prior approval scheme. Given the distance between the proposal and the existing dwelling, it is not considered the proposal would have a significant impact to neighbour amenity. The application therefore accords with policy 33 of the Chichester Local Plan and would be acceptable in this respect.

iv. Impact upon highway safety and parking

8.11 The application proposes to utilise the existing access to the site and would provide internal parking provision for at least two cars in addition to adequate turning arrangements; allowing cars to both enter and leave the site in a forward gear. The provision of electric car charging can also be secured by condition. The Local Highway Authority has been consulted and raised no objections subject to conditions. The proposal therefore accords with Local Plan Policy 39 and is acceptable in terms of highway safety and parking provision.

v. Sustainability and ecological considerations

8.12 Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. The applicant has advised that the proposal would meet the requirements of this policy for a 20% improvement over and above standards set out within building regulations. This would, in part be achieved by the solar panels to the southern elevation, the applicant has also agreed to the installation of an electric car charging point. The change in orientation of the building in comparison to the existing building would also lead to improvements in solar gain, with the panels facing due south. In addition the applicant has also agreed to a condition restricting water consumption to 110l. A condition requiring submission of full details of the sustainable design and construction is recommended. These measures are all betterments when compared with the requirements of any scheme that would be provided under the prior approval to convert the existing building.

8.13 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km zone of influence, where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance. The unilateral undertaking and contribution has not yet been received and therefore the recommendation is to defer for a S106 and then permit.

vii. Drainage

8.14 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposes to discharge to package treatment plant for foul sewage and to a soakaway for surface water. A condition is recommended to secure these details. The application would therefore not result in a net increase in surface water run-off and as such accords with policy 42 of the Chichester Local Plan.

Conclusion

8.15 Based on the above it is considered the proposal would be of an appropriate design that would not detract from the rural character of the surrounding area or have a significant adverse impact upon the amenities of neighbours, and would be acceptable in all other respects. The proposal therefore complies with the relevant development plan policies and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) 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 and shall result in a minimum of a 20% betterment over and above the current building regulations requirements. 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 or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of construction (including demolition) and delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should be restricted
- i) waste management and litter control, including prohibiting burning of materials/waste
- k) details of the disposal of waste including measures to prevent litter, encourage recycling and prevent bonfires on the site.

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

5) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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

6) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

7) Notwithstanding any details submitted no works shall be carried out 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

8) 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.

9) Prior to the occupation of the dwellings hereby permitted the proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

10) 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.

11) The dwellings hereby permitted shall not be occupied unless and until a minimum of 1 car charging point has been provided and are 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.

12) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in 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.

13) Prior to first occupation of the dwellings hereby permitted boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- (b) details of the materials and finishes, and
- (c) gaps at the bottom of the fences to allow movement of small mammals across the site.

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

Reason: In the interests of protecting the amenity of neighbouring properties and protecting biodiversity.

14) 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

15) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class AA, A, B, E, of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding 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 - AMENDED PLAN 26/2/20 - LOCATION PLAN (A3)	000	2	17.04.2020	Approved
PLAN - SITE BLOCK PLAN (A3) AMENDED PLAN 26/2/20	001	2	17.04.2020	Approved
PLAN - AMENDED PLAN 26/2/20 - EXISTING ELEVATIONS (A3)	100	2	17.04.2020	Approved

PLAN - AMENDED PLAN 26/2/20 - EXISTING ELEVATIONS AND FLOORPLANS (A3)	101	2	17.04.2020	Approved
PLAN - AMENDED PLAN 26/2/20 - PROPOSED FLOOR PLAN (A3)	200	2	17.04.2020	Approved
PLAN - AMENDED PLAN 26/2/20 - PROPOSED ELEVATIONS (A3)	201	2	17.04.2020	Approved
PLAN - AMENDED PLAN 26/2/20 - PROPOSED ELEVATIONS (A3)	203	2	17.04.2020	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=Q5OMCIERT800>

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Parish: Selsey	Ward: Sidlesham With Selsey North
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SY/20/00605/FUL

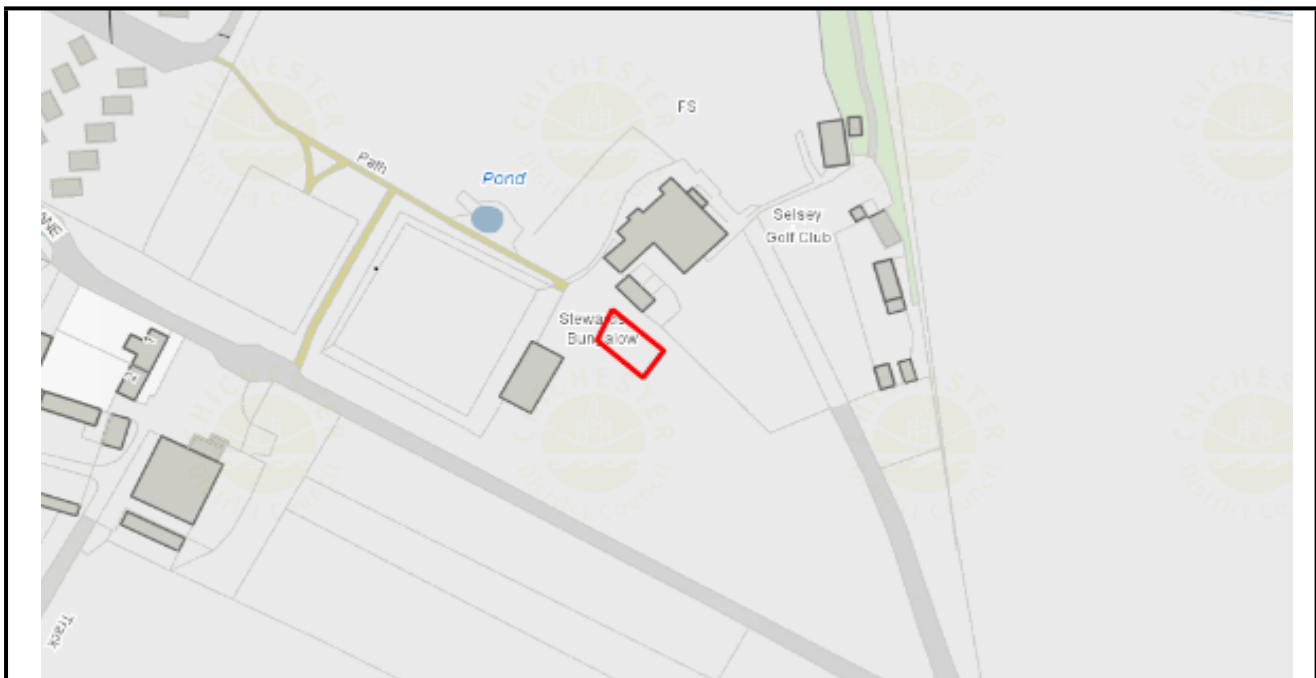
Proposal Erection of Marquee between 1st April and the 30th September each year inclusive.

Site Selsey Country Club Golf Links Lane Selsey Chichester West Sussex PO20 9DR

Map Ref (E) 485027 (N) 94693

Applicant Mr Lucan Daniell

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 Timothy Johnson Exceptional level of public interest

The application was deferred at the planning committee held on the 3 June 2020 for further details and negotiation regarding the landscaping (including paths) around the site and the car parking provision.

2.0 The Site and Surroundings

- 2.1 The application site is located within the parish of Selsey, outside of the settlement boundary and within the designated countryside. The site forms part of the Selsey Golf Club which is situated north of Golf Links Lane. The proposal would be located on an area of open grassland situated between Gold Links Lane, the club house located to the north, and a bowls green with associated building to the west. There is a public right of way (No.76) located to the south-west of the site, which runs along Golf Links Lane.
- 2.2 There is a bowls green and associated building to the north west of the site. Immediately surrounding the golf club there is paddocks to the east; residential properties approximately 315m to the south-east; Northcommon Farm to the south-west and holiday chalets to the north-west.

3.0 The Proposal

- 3.1 The proposal seeks to erect a marquee between 1st April and the 30th September each year inclusive. The marquee would measure 3.8 metres in height to ridge, 2.1 meters to eaves, 18.4 metres in length and 8.8 metres in width. The marquee would be situated 9 metres south of the golf club house and 8 metres north east of the bowls club building.

4.0 History

18/02741/FUL	REF	Erection of marquee between March 1st and October 31st each year inclusive.
18/01319/FUL	APPRET	Erection of a Marquee.
18/00169/FUL	PER	Erection of marquee.
17/03182/FUL	APPRET	Erection of marquee.
13/03950/FUL	REF	Erection of marquee between March and October each year inclusive.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES

6.0 Representations and Consultations

6.1 Parish Council

There being no planning grounds for objection, Selsey Town Council SUPPORT this application on CONDITION that, due to concerns regarding noise levels to neighbouring properties, appropriate restrictions are imposed through planning and licensing conditions and are strictly observed.

6.2 Environment Agency

None received.

6.3 CDC Environmental Protection - Noise

It is evident that well-managed events, in the proposed marquee, can operate at site avoiding a significant adverse noise impact. Our department therefore does not object to the development, in principle. In order to ensure that noise is kept to a practicable minimum, the following Condition is considered necessary:

Prior to first operation, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority (LPA). The approved Plan shall be maintained thereafter. Alterations to the Plan will require formal written approval from the LPA.

Informative: While formalising a Noise Management Plan reference should be paid to the Institute of Acoustics (2003) "Good Practice Guide on the Control of Noise from Pubs and Clubs" or any updated version of the above document.

It is expected the Noise Management Plan will specify that live and recorded music with in the marquee shall cease at 23:30 and be limited to no more than 10 events in any year. A noise limit at source is expected. Previously a limit of 75dB LAeq @1m was set however it has been shown in Airtight & Noisecheck Ltd's Acoustic Testing Revised Report (Ref: 16268 February 2020) that a limit of 80 dB LAeq @ 1m is acceptable providing the controls below are also put in place

Noise mitigation techniques can also include measures such as:

- Restriction of music between specified months.
- Consideration to the number of events taking place in any one month.
- The installation of a noise limiter (Music noise level to be set with the assistance of the Environmental Health Team).
- Orientation of speakers away from the nearest residential neighbour.
- Community liaison, informing of event dates.
- Complaints procedure.
- Sound monitoring and logging during events.
- A contract to be signed by the event organisers and any band or DJ that they agree to comply with noise management conditions.
- To have an approved list of DJ's and bands for recommended use.
- Staff training and an appointed person of responsibility on site at all times during an event.
- Consideration of smoking areas and parking to minimise noise disturbance.

6.4 CDC Coast Protection & Land Drainage Officer

We have reviewed the proposal/location and we have no objection to, or comments to make on the application.

6.5 Third party objection comments

One third party representations of objection have been received concerning the following matters:

- a) Detrimental effect on our outlook and the look of the rural area when travelling down the lane or using the nearby public rights of way
- b) The marquee is closer to the residential property and not behind the other buildings as per the previous grant of permission
- c) Increase noise levels and disturbance from excess noise and light pollution to both human and animal populations (bats and barn owls)
- d) The need to provide an ecological appraisal
- e) The provision of an electrical cut off device would be welcome
- f) The appropriateness of the white coloured marquee
- g) In warmer months the marquee is open to allow ventilation but also to connect to external activities
- h) Support for the financial need of the club, however any proposal needs to be sympathetic to their rural location.

2.6 Third party support comments

One third party representations of support have been received, although no additional comment was provided.

2.7 Applicant/Agent's Supporting Information

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

- a) Covering letter on behalf of Selsey Country Club
- b) Fire Risk Assessment (dated 17.05.2018)
- c) Flood Risk Assessment (dated May 2018)
- d) Noise Breakout Acoustic Testing Report (dated 20.02.2020)

Following the planning committee meeting the applicant has provided;

- a) an amended landscaping scheme,**
- b) confirmation that no new paths are required to serve the proposed marquee**
- c) clarification on the use of the car parking and the provision of temporary parking on the grass to the south of the main car park due to the marquee taking up space in the car park**

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Selsey Neighbourhood Plan (2017) underwent examination in October 2018, with a number of fairly minor amendments suggested but no final Decision Statement has yet been agreed. At the current time no referendums are being held until May 2021 in the light of the coronavirus.
- 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 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

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 2021. 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 2022. 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 the following paragraph and sections: Sections 2, 4, 6, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

- 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:

- Surface Water and Foul Drainage SPD

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon highway safety and parking
- iv. Noise
- v. Flood risk
- vi. Other matters

Assessment

i. Principle of development

8.2 The site lies in a rural location where new development is strictly controlled to development that requires a countryside location and meets a small scale local need in accordance with policy 2 and 45 of the Chichester Local Plan. There is no such justification for the proposed development.

8.3 This application is the third application submitted for a marquee in the proposed location. The previous applications (13/03950/FUL and 18/02741/FUL) for the siting of the marquee in the same location were refused on the grounds of insufficient justification for the proposed location, the visually obtrusive and detrimental impact of the development upon the rural character of the area, insufficient information in respects of the noise impacts and its location within the rural area (13/03950/FUL only) and the lack of an exception test to justify its location with Flood Zone 2/3 (18/02741/FUL only). Although the national and local planning policies have changed since the 2013 planning application was refused, the local planning policies remain the same since the 2018 application was refused, and although the National Planning Policy Framework (NPPF) was updated in February 2019 there is no significant difference in the requirements of the relevant parts of the framework that would now justify reaching a different decision.

- 8.3 National and local planning policies seek to encourage economic growth and the provision of recreation facilities for local communities, and in principle the provision of a marquee to increase services available at the golf club is considered acceptable within the existing complex. The principle of siting a marquee adjacent to the club house has been established under planning application 18/00169/FUL on a seasonal basis between March and October. It has therefore been demonstrated that it is possible to accommodate a marquee in an alternative location closer to the existing golf club buildings thereby balancing the economic interests of the business and the impacts upon the character and appearance of the rural area, and as such there are no over-riding.
- 8.4 On balance, it remains that the provision of a marquee on the open area of land adjacent to the existing golf club house would not be justified as it would not meet the requirements of policy 2 and 45 of the Local Plan.

Following the planning committee on 3 June 2020 the applicant has worked with officers to increase the amount of landscaping around the edge of the site and address concerns about the visual impact of the development. Some of the additional landscaping has already been provided and it is anticipated that, if permitted, the proposed native hedgerow planting (detailed fully in the report below) would be carried out in the first planting season after the decision is issued. It is considered that once established, the views across the site would have diminished and the open nature and character of the site would be altered. Therefore subject to the provision of the additional landscaping a marquee could be accommodated on the site without significant harm to the character of the area.

The NPPF is clear that new development that supports the local economy should be supported, and only where proposals would conflict with the Local Plan or other material considerations would such development ordinarily be resisted. It is recognised that a marquee can be provided on the existing car park, which is a less sensitive location, however the applicant has indicated that due to the loss of car parking it is necessary to park vehicles on the field as a result. This would naturally limit the level of parking available as the additional parking would not be available all year round.

On balance it is considered that as amended and through the provision of additional native landscaping, the scheme would be materially different to the schemes previously refused and the proposal before the planning committee previously. The impact of the proposal upon the character of the area would be reduced, and the increasing need to support the recovery of the local economy, weights in favour of the principle of development, despite the limited impact of the proposal upon the character of the area. It is therefore considered that, as amended, the principle of the proposal would accord with national and local planning policies.

ii. Design and impact upon character of the surrounding area

- 8.5 Policy 45 of the Local Plan requires all development permitted within the rural setting to meet a set number of criteria. Development must be well related to an existing group of building or settlement and that the scale, design, sitting and materials must be sympathetic to their surroundings to ensure minimal impact on the landscape and rural character. Additionally, Policy 47 discusses design and requires the integrity of predominantly open and undeveloped character of the area to not be undermined, and for development to respect distinctive local character.
- 8.6 The proposed marquee which would be positioned to the south of the clubhouse on an open grassed area where it would be significantly more visible, both in the wider context of the site and from public footpath No. 76 that runs alongside the application site, than the permitted marquee. In the proposed location the marquee would not be read in conjunction with the built form of the existing white painted clubhouse, which helps the existing marquee to blend somewhat into the existing surroundings. Rather, the isolated position of the proposed marquee set away from the club house building would result in the sprawl of development away from the clubhouse within an open landscape. It is considered that this exposed position, combined with the large, white stark appearance of the marquee would result in a visually harmful encroachment upon the countryside. The site lies in a highly prominent location adjacent to the public footpath and the provision of a large marquee in the position proposed would result in an obtrusive and incongruous form of development that would cause harm to the character and appearance of the surrounding area contrary to Policies 45 and 48 of the Local Plan.

Since the application was deferred by the planning committee a more substantial, and appropriate, landscaping plan has been submitted. The proposed landscaping plan demonstrates a scheme of landscaping which would significantly enhance the natural and native screening of the site, and also the ecological value of its southern boundary, and the boundary with Golf Links Lane. The landscaping proposals include a combination of ornamental non-native planting, with a second denser staggered row of native hedgerow behind. In addition, five apple trees have been planted to the entrance of the golf club carpark, which would also be supplemented with a native hedgerow behind. The native hedgerow would include Holly and Hawthorn which is considered to be acceptable in this location, however a greater variety of mix, including Field Maple and Hazel, would be more appropriate and therefore a condition is proposed that includes this wider mix of native species.

The landscaping, once fully established would help to enclose the currently open field and provide a dense, green boundary that would help to limit wider views of the proposal, providing a natural and effective level of screening to help mitigate and limit the wider visual impacts of the proposal. Additionally, the planting to the site boundaries would increase the native planting within this location, enhancing the biodiversity of the site, as required by Policy 49 of the Local Plan. The applicant has also confirmed that the existing paths between the club house, bowling green and car parking areas would be used to serve the marquee and no additional paths are proposed as part of the landscaping scheme thereby limiting any urbanising impacts of the proposal.

Overall, when considering the native species landscaping enhancements proposed and it's potential to mitigate wider views of the proposal in combination with net gain in biodiversity, it is considered that the proposal would not cause significant harm or detriment to the countryside location. The proposal as amended would therefore comply with to Policies 45, 48 and 49 of the Local Plan.

iii. Impact upon highway safety and parking

8.7 The proposed marquee would be located to the west of the car park area serving the golf course and it is proposed to use the car parking within the golf club to serve the marquee. It is considered that the proposal would not result in a material change in the level of use of the site compared to the existing marquee and sufficient parking space would be available to serve the proposal. It should also be noted that under the previous applications no concerns were raised regarding highway safety or the impact upon the highway network. It is considered that the same conclusion should be reached given the similar size, siting and capacity of the proposed marquee, and the proposal would accord with policy 39 of the Local Plan.

iv. Noise

8.8 The application is similar to a previous application (13/03950/FUL) which was refused for the following reasons:

'The proposed location of this development also conflicts with the recommendations in Environmental Noise Assessment by soundplanning and dated October 2008. As such the applicant has not provided a sufficient level of information to establish the noise impact resulting from the development in this proposed location. On this basis the Local Planning Authority has insufficient information to assess the likely noise impact on residential properties to the south-west (Northcommon Farm) and south-east of the site. Therefore the hiring of the marquee for private functions for evening functions could potentially give rise to unacceptable noise and disturbance to nearby residents and adversely affect the quiet enjoyment of the Rural Area. The proposal is therefore contrary to Policy BE11 of the Chichester District Local Plan (First Review) 1999.'

8.8 The 2013 application was accompanied by a Noise Assessment which recommended suitable noise mitigation through relocating the marquee in front of the clubhouse on the hardstanding area. In view of the fact that the proposed location of the marquee for the 2013 would not have achieved this mitigation and no specific noise assessment was carried out for its alternative location, the application was refused due to insufficient information to assess and mitigate against unacceptable noise and disturbance to nearby residents.

- 8.9 The current application has been supported by a Noise Impact Assessment; however the assessment is based on the siting of the marquee in its approved location immediately in front of the clubhouse and not its alternative siting to the south. Therefore the assessment is not an accurate reflection of the noise that would be produced by the proposal. Furthermore the noise assessment was carried out when the approved marquee was not erected, without the playing of an amplified sound and was based on the assumption that there would be a maximum of 10 events per year. The alternative siting of the marquee would be located approximately 20 metres further to the south of the clubhouse on the open grassed area bringing the marquee closer to the residential property known as Northcommon Farm to the south west of the site. However, the Council's Environmental Health Officer (EHO) is satisfied that sufficient information has been provided to demonstrate that noise from the marquee as proposed could be adequately mitigated.
- 8.10 The Council's EHO has recommended that subject to securing a noise management plan through a condition, which would include mitigation such as restriction of music, events, orientation of speakers and sound monitoring, no adverse noise impacts to residential amenity would occur. Therefore subject to conditions to require the necessary noise management measures, the location proposed would be considered acceptable in respect of noise and disturbance to neighbour amenity.
- 8.11 Additionally, it should be noted that the sound monitoring devices have been acquired by the club with the intent to utilise them during such events and it has been indicated that an external security company and 'events' manager would be present during events within the marquee which would go some way to mitigate any potential noise disturbances.
- 8.12 On balance it is considered that subject to the proposed conditions the use of the proposed marquee would safeguard the amenities of neighbouring properties in accordance with national and local planning policies.
- v. Flood risk
- 8.13 The location of the proposed marquee, like much of the application site is located within Flood Zones 2 and 3. The south eastern corner of the application site, including the access road is however not within a Flood Zone.
- 8.14 Under previous applications, including the 13/03950FUL, the Environment Agency raised no objections to the principle of the proposal on the basis that the marquee is temporary and would be used during the less vulnerable, summer months of the year. No response has been provided for this application, and the Environment Agency has confirmed that their standing advice is applicable to the proposal.
- 8.15 The standing advice states that 'Less Vulnerable' development in Flood Zone 3 requires the submission of a site specific Flood Risk Assessment (FRA). A FRA has been submitted with this application. The report makes a number of observations and recommendations, including the attenuation of surface water using SuDS and the preparation of an Emergency Flood Plan along with the subscription to the Environment Agency's Flood Line. Additionally, the reports notes the close proximity to ground outside of a flood zone, as mentioned above, and the ease to which people would be able to reach relative safety, should a flood event occur.

8.16 Given the temporary nature of the structure, in combination with the small number of annual events, it is considered that the findings of the FRA are in principle acceptable, and if the application were to be recommended for approval these measures could be secured by condition.

vi. Other matters

8.17 The covering letter, submitted by Selsey Country Club stated that they are in the process of 'landscaping the surrounding area to soften the overall view approaching the grounds where we wish to site the marquee'. Further correspondence with the applicant provided some further, limited details suggesting the planting of laylandi, Laurel-cherry, Beach-green. Permission should not be granted for development that requires landscaping to hide it from the surrounding area, rather landscaping should be used to improve the quality of a development and to help to assimilate the development with its surroundings. It is considered unlikely that any landscape proposal could successfully mitigate against the visual harm and sprawl of development. Rather the use of non-native planting alongside the marquee would appear out of place within the context of the site and its surroundings and it would not accord with policy 48 and 49 of the Local Plan which seeks to ensure that new development provides a net gain in respect of biodiversity. It is therefore considered that any landscaping works undertaken would not outweigh the harm identified.

Conclusion

~~8.18 Based on the above it is considered that the proposal would result in harm to the visual amenities of the rural area, and that harm would not be appropriately mitigated by suitable native planting. The proposals are therefore contrary to development plan policies to Policies 2, 45 and 48 and therefore the application is recommended for refusal.~~

Following negotiations and the submission of a landscaping scheme that includes substantial native planting that would provide a reasonable degree of screening and significant biodiversity enhancements it is considered that the proposal would result in only limited harm to the visual amenity and character of the rural area, mainly through the loss of the open nature of the countryside in this location. In balancing the merits of the development, significant weight is placed on the economic benefits of providing the marquee within the attractive setting of the field which would also allow for the parking area to be increased within the formal car park increasing the capacity of the car park. On balance, the proposal as amended would comply with national and local planning policies and therefore the application is recommended for approval, subject to conditions to ensure that no more than one marquee would be present on the site at any time and the requirement to provide the native landscaping within the first planting season following the grant of permission.

Human Rights

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

RECOMMENDATION

~~REFUSE for the following reasons:-~~

~~1) The applicant has provided insufficient justification for the proposed location of the marquee, which would be in close proximity to the Public Right of Way to the south-west and highly visible from public view points as a result. The marquee by reason of its size and prominent location would be visually obtrusive and detrimental to the rural character of the area, and not be outweighed by any overriding business need or justification. The proposal is therefore contrary to Policies 2, 45 and 48 of the Chichester Local Plan 2014-2029 and the guidance contained within the National Planning Policy Framework.~~

~~2) This decision related to the following plans: P18-003-02-01-001, P18-003-02-01-002, P18-003-02-01-003 and P18-003-02-01-004~~

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) The landscaping scheme as shown on planting plan dated 28 July 2020 shall be fully implemented in accordance with the approved plan and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Notwithstanding the approved plan, the native second hedgerow could comprise of a mix of four native species that include Holly, Hawthorn, Field Maple, and Hazel. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To provide an adequate level of screening for the development and to ensure a net gain in biodiversity.

4) Prior to the marquee hereby permitted being first brought into use a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the noise management plan shall be adhered to at all times when the marquee is in use, with any variations to the noise management plan to be first agreed in writing by the Local Planning Authority.

It is expected that the Noise Management Plan will specify measures to limit noise disturbance, whilst also confirming that live or recorded music with in the marquee shall cease at 23:30, with a noise limit of 80 dB LAeq @ 1m also expected. Additionally, the noise management plan should adequately demonstrate appropriate consideration has been given to the following controls design to limit noise disturbance:

- Consideration to the number of events taking place in any one month.**
- The installation of a noise limiter (Music Noise Level to be set with the assistance of the Environmental Health Team).**
- Orientation of speakers away from the nearest residential neighbour.**
- Community liaison, informing of event dates.**
- Complaints procedure.**
- Sound monitoring and logging during events.**
- A contract to be signed by the event organisers and any band or DJ that they agree to comply with noise management conditions.**
- To have an approved list of DJ's and bands for recommended use.**
- Staff training and an appointed person of responsibility on site at all times during an event.**
- Consideration of smoking areas and parking to minimise noise disturbance.**

Reason: To accord with the terms of the application and the noise assessment provided and to limit the number of events which have potential to cause disturbance to neighbouring properties.

6) The seasonal marquee hereby permitted shall not be erected prior to the 1st April each year and shall be dismantled and removed from the site prior to the 1st November of the same year.

Reason: To accord with the terms of the application, the seasonal nature of the use and the potential flood risk.

7) At no time following this grant of this permission shall there be more than one marquee erected anywhere within the Selsey Country Club grounds.

Reason: To limit the number of marquee erected within the site, in the interest of visual amenity and proper planning.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Block and Location Plan	P18-003 02-01-001		28.02.2020	Approved
PLAN - Floor Plan	P18-003 02-01-002		28.02.2020	Approved
PLAN – Proposed planting plan	Planting Plan		28.07.2020	Approved

INFORMATIVES

1) This site lies within an area identified by the Environment Agency as being at risk of flooding. The Local Planning Authority in granting this permission have had regard to the applicant's Flood Risk Assessment submitted with this application. Attention is drawn to the advice in the National Planning Practice Guidance concerning FRAs. Responsibility for the accuracy and adequacy of the FRA rests with the person preparing it, not with the Council.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6EXGDER10V00>

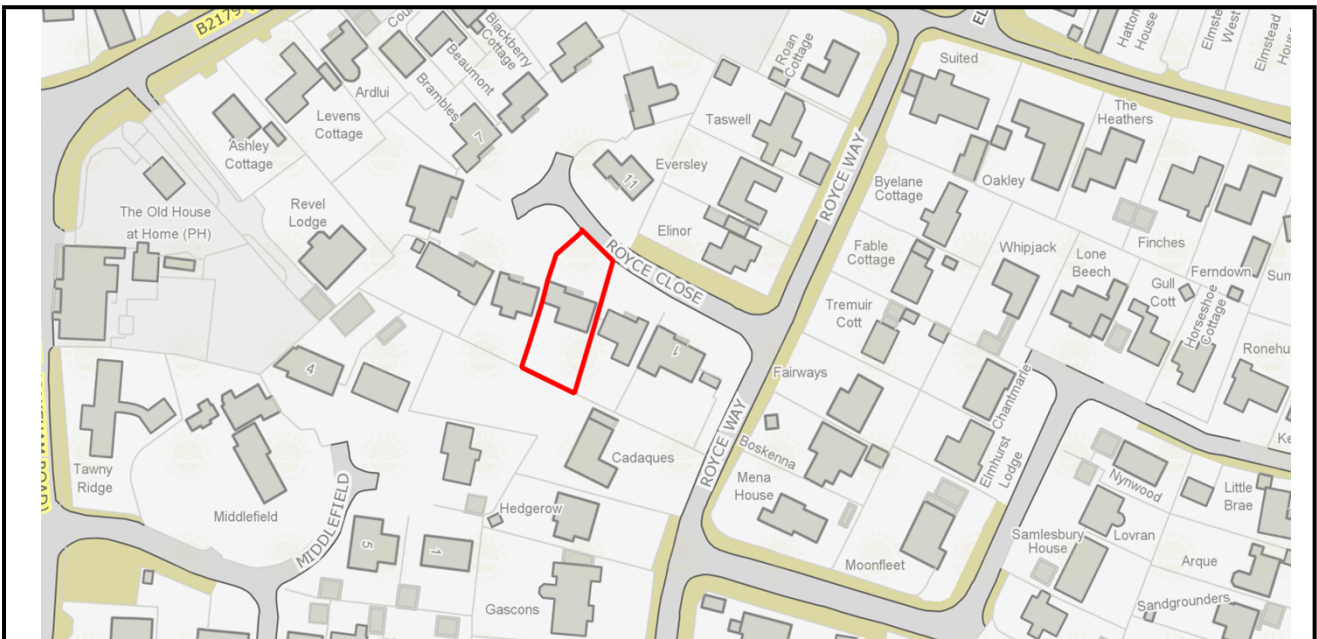
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Parish: West Wittering	Ward: The Witterings
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WW/20/00359/DOM

Proposal	Two storey side extension and single storey extensions to front and rear.		
Site	3 Royce Close West Wittering PO20 8ND		
Map Ref	(E) 478101 (N) 98424		
Applicant	Miss Langmead & Mr Creighton	Agent	Mrs Kerry Simmons

RECOMMENDATION TO PERMIT



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

- 1.1 Red Card: Cllr Elizabeth Hamilton: Exceptional level of public interest & could set precedent for similar developments.

2.0 The Site and Surroundings

- 2.1 The application site is located on the south side of the Royce Close, a residential cul-de-sac within the West Wittering settlement boundary.
- 2.2 The application property is a detached two storey brick built dwelling with a red tile hung upper storey, white upvc windows and a tiled roof. The property includes a single storey garage side extension on the west elevation, which adjoins a porch on the front north elevation. To the east of the porch there is also a bay window.
- 2.3 The neighbouring properties are of similar height, scale, mass and design, though they vary slightly in appearance and include a range of materials including render finishes.

3.0 The Proposal

- 3.1 The application seeks planning permission to remove the existing single storey side extension garage and porch and to replace it with a two storey side extension, single storey front extension and a two storey rear extension. Also proposed is a single storey, monopitch roof front extension for the remaining width of the front elevation and a single storey flat roof rear extension with associated fenestration changes.
- 3.2 The two-storey side extension would project approximately 4m from the existing west elevation with a dual pitch tiled roof that would sit slightly lower than the existing ridge line, at a ridge height of 6.65m, with a height to eaves of 4.35m.
- 3.3 The garage element of the proposed single storey front extension, to the north elevation, would extend 3.0m from the front elevation, with a width of 4.3m, a ridge height of 3.2m and height to eaves of 2.5m. The remaining element of the single storey front extension would extend the entire width of the dwellinghouse projecting, 1.55m forward, with a ridge height of 3.1m and a height to eaves of 2.25m and a dual pitch roof porch that would feature in the centre.
- 3.4 The proposed two storey rear extension would project approximately 2.5m from the rear of the dwellinghouse, the southern elevation, with ridge height of 5.95m and a height to eaves of 4.35m. The proposed single storey flat roof rear extension would project 2.5m from the rear of the property and would feature a flat roof with a ridge height of 2.7m.

3.5 During the course of the application the proposal has been amended to address officer's concerns, including:

- the introduction of pitched roofs to front extension and garage extension
- reduction in size of fenestration to balance the appearance of the dwelling
- removal of balcony
- size of two storey rear extension has been reduced
- ridge height of additions lowered to reduce mass of extensions
- dormer window introduced to the front elevation to provide a more traditional approach to side extensions to reflect other extended properties in Royce Close
- cladding changed from vertical to horizontal in order to tie in with the surrounding properties within Royce Close and others located on Wells Farm Estate
- the block plan has been amended to show the correct position of no. 4 Royce (different to the location shown on the OS map)

4.0 History

00/02527/TPO	PER	Reduce 2 Scots pines by 25%.
13/01637/TPA	PER	Removal of lowest 3 no. limbs (on the east, north and north-east sectors) on 1 no. Pine tree (T1) (overhanging Royce Close). Removal of the lowest eastern limb and thin by 15% the lowest south-east limb on 1 no. Pine tree (T5) (overhanging front garden of 2 Royce Close). Both trees subject to WW/79/01132/TPO.
19/02891/DOM	WDN	Erection of two storey side extension and single storey extensions to the front and rear.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Countryside	NO
AONB	NO
Tree Preservation Order	YES
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

Amended plans (26/06/2020)

Parish Council appreciate the efforts of the planning agent and owners for their attempts to ameliorate the impact of the design of this development but despite alterations made their objections remain. Objection on the grounds of overdevelopment of the site and that the mass and bulk of the building is out of character with the surrounding area and the street scene. The loss of space between the buildings is contrary to Policy 34 of the Village Design Statement which protects such spaces between buildings. This is one of the smaller sites in this area. Note whether there is adequate parking on site for a six bedroom house.

Original plans (29/04/2020)

Objection on the grounds of excessive bulk which also closes the space between the houses which is contrary to Policy 34 of the Parish Council Village Design Statement. The extension is forward of the line of the adjacent houses and overshadows the neighbour. its proximity to the house to the west and the balcony overlooking the garden are unneighbourly features.

6.2 Third party objection comments

5 third party representations of objection have been received concerning the following matters:

- a) Overdevelopment
- b) Unneighbourly to number 4
- c) Massing between application property & number 4
- d) Insufficient car parking space
- e) Out of character (black windows frequently mentioned)
- f) Trees

6.3 Third party support comments

No third party representations of support have been received

6.4 Third party other comments

No representations neither supporting nor objecting have been received.

6.5 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application: frequently willing to change plans to improve design of the proposal, addendum planning statement summarises

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 West Wittering at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development

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 2021. 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 2022. 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.*

Other Local Policy and Guidance

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

- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions.
- West Wittering Village Design Statement

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:

- 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
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking

i. Principle of development

8.2 The application site is located within the West Wittering settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable.

ii. Design and impact upon character of the surrounding area

8.3 Paragraph 127 of the NPPF states that new development should be visually attractive, sympathetic to the character of the area, and add to the overall quality of an area. The overall appearance of the dwelling would be altered by the proposals, however the site does not lie within a conservation area or an area of outstanding natural beauty and it is considered that as amended, with the use of a more traditional horizontal weatherboarding, the combination of the timber boarding, render and dark coloured windows would not detract from the visual amenity or over-riding verdant character of the surrounding area.

- 8.4 The proposed development would increase the overall size of the building however it is considered that given the size of the plot the proposals would be accommodated comfortably without the site appearing cramped or over-developed. Although the extensions would wrap around the existing property all of the elements have been designed to be subservient to the existing dwelling. The overall width of the dwelling's footprint would be reduced, and the separation distance between the application property and the dwelling to the northwest would be increased. The proposed two storey side extension would also sit at a lower ridge height to the main dwelling, ensuring it would appear subservient, and this, combined with the distance between the properties, would ensure that the proposal would not create a terracing effect or overdevelopment of the site.
- 8.5 There is a slightly varied building line within the street, and with the combination of the front porch and the projecting garage, it is considered that the extensions to the front would not appear incongruous within the streetscene. The siting of the proposed extensions to the rear would not have a significant impact upon the character or appearance of the surrounding area.
- 8.6 The application site lies within Area 4 'South West' as set out in the West Wittering Village Design Statement (VDS). The VDS states that in this area new development should maintain spaces between buildings, maintain hedges and use brick and tile materials. However, the VDS also identifies that within Area 4 commonplace materials include render, timber weatherboarding, brick, painted brick and flint whilst windows can be upvc, metal or timber. It is considered that the proposal would maintain the spaciousness of the of the streetscene, because although a 2 story side extension is proposed it would be narrower in footprint than the existing property, which has a wide double garage built close to the shared boundary with the neighbouring property. Given the eclectic mix of materials within the area it would be unreasonable to resist the use of render and natural weatherboarding and dark coloured windows. In addition, there are trees to the front of the site and these would not be impacted upon by the proposed development. A tree report has been submitted with the application and measures are proposed to ensure that the works would not affect the trees.
- 8.7 It is considered that the proposed development would not detract from the character and visual amenity of the surrounding area, and that subject to conditions to ensure the tree protection measures are implemented and the materials are acceptable the development would accord with the NPPF and also the West Wittering VDS which is a material consideration.
- iii. Impact upon amenity of neighbouring properties
- 8.8 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users. The proposed two storey rear extension would not breach the 45 degree angle taken from the nearest neighbouring window to the west, number 4, and due to the orientation of the dwelling and the size of the extension it is considered that the proposals as a whole would not result in significant impact upon light and would not be overbearing. The single storey extensions would also not intersect with a 60 degree angle taken from the nearest neighbouring window, in accordance with the Council's design guidance, and therefore it is considered that these elements too would not have a significant impact upon the amenity of neighbouring properties.

8.9 Overall the extensions would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the other neighbouring properties, in particular to their outlook, privacy or available light and therefore the proposal would accord with paragraph 127 of the NPPF.

iv. Impact upon highway safety and parking

8.10 The proposed garage would reduce from two parking spaces to one though in combination with the 14m by 5.4m drive is considered sufficient parking space for the resultant dwelling and no alterations are proposed to the access arrangements. The proposal would therefore comply with policy 39 in this respect.

Conclusion

8.11 Based on the above it is considered the proposals are acceptable. The proposal therefore complies with development plan policies 1, 2 and 33 and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the development shall not be carried out other than in accordance with the protection measures details on the submitted Tree Retention and Protection Plan drawing no. LLD1946-ARB-DWG-100 Rev. 00. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) Prior to any works being carried out above slab level full details of the proposed materials for the walls and roofs, including photos of sample materials, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved materials unless otherwise agreed in writing via a discharge of condition application by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

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 - Tree location/site plan.	07		28.02.2020	Approved
PLAN - Tree protection plan.	LLD1946-ARB-DWG-100		20.03.2020	Approved
PLAN - SUBSTITUTE PLAN 12/6/20 EXISTING SITE & LOCATION PLANS (A3)	01	REV 2	12.06.2020	Approved
PLAN - SUBSTITUTE PLAN 12/6/20 PROPOSED SITE PLAN (A3)	02	REV 2	12.06.2020	Approved

PLAN - SUBSTITUTE PLAN 12/6/20 PROPOSED FLOOR PLANS (A3)	04	REV 2	12.06.2020	Approved
PLAN - SUBSTITUTE PLAN 12/6/20 PROPOSED ELEVATIONS (A3)	06	REV 2	12.06.2020	Approved

For further information on this application please contact Oliver Naish on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5BUKOERFJY00>

**PLANNING COMMITTEE
(Wednesday 12th August 2020)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

1. This report presents the Schedule of Outstanding Planning Enforcement Contraventions. The report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

2. Statistics as at 30th June 2020

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	237	106	343
Cases received since last report:	97	43	140
Cases closed since last report:	67	25	92
Current number of cases on hand:	267	124	391
The number of "On hand" cases awaiting compliance with either an EN or the outcome of an appeal/application	90	27	117

3. Performance Indicators are for CDC area only as this information is not available for cases within the South Downs National Park:

a. Time taken to initial visit from date of complaint:

Low within 20 days (78 Cases)	100%
Medium within 10 days (11 Cases)	100%
High with 2 days (4 Cases)	100%

b. Time taken to notify complainants of action decided from date of complaint:

Low within 35 days (81 Cases)	100%
Medium within 20 days (10 Cases)	100%
High within 9 days (4 Cases)	100%

4. Notices Served.

Notices Served:	Apr - Jun 2020		Total in FY 2020/21	
	CDC	SDNP	CDC	SDNP
Enforcement Notices				
Breach of Condition Notices	2		2	
Stop Notices				
Temporary Stop Notices	4	1	4	1
Section 215 Notices				
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice				
Total	6	1	6	1

If Members have any specific questions on individual cases, these should be directed to the contact officer:

Shona Archer, Enforcement Manager (01243 534547)

OUTSTANDING CONTRAVENTIONS – SOUTH DOWNS NATIONAL PARK

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 17/00096/ SEC215 (Sue Payne)	Sydenham Cottage West Burton Road West Burton Pulborough	Untidy land	19.03.18	S215 Notice S215/29/BY/24 issued. Compliance date 30.07.18 04.10.18 – Notice not complied with 12.12.18 – letter before prosecution action sent 08.02.19 – following meeting – additional information for works and application to be received by 12.04.19 28.06.19 – as no additional information or application received prosecution papers have been forwarded to Legal Services. 20.09.19 – notice not complied with 18.09.19 – Crawley Magistrates Court awarded costs against the owner who did not attend. The total fine is £660, the victim’s surcharge is £66 and the costs of £1769.39. The courts imposed a Collection Order. 28.10.19 – further site visit – non-compliance 03.04.20 – witness statement provided to Legal Team to advance to prosecution for non-compliance 23.06.20 – site visit undertaken. No remedial works undertaken and are unlikely to be. The property is now considered to be a Building at Risk. 16.07.20 – SDNPA agreed that CDC Historic Building Advisors assess the property; owner to be informed that the issue of a repairs notice is pending.

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BURY/SDNP/ 16/00691/COU (Tara Lang)	Foxbury Farm West Burton Lane West Burton	Without planning permission construction of a concrete hardstanding	02.07.18	EN BY/26 issued Appeal dismissed New compliance date 14.08 2019 04.10.19 – non-compliance with notice 15.10.19 – letter before action sent 10.01.20 –hard standing removed 01.04.20 – awaiting area to be reseeded with grass seed 15.07.20 – notice complied with. Remove from next list
COMP/SDNP/ 15/00210/ COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, change of use of the building for the stationing of a caravan for the purposes of human habitation	27.06.18	EN CP/7 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.07.20 Letter sent to owner regarding compliance Compliance to be carried out post lockdown
COMP/SDNP/ 15/00209/ COU (Shona Archer)	Cowdown Farm Cowdown Lane Compton	Without planning permission, the construction of a gable end wall in the west elevation of the building	04.07.18	EN CP/9 issued 03.01.19 - Appeal dismissed with variation New compliance date 03.04.20 Letter sent to owner regarding compliance Compliance to be carried out post lockdown
FERN/18/ 00082/GENER (Emma Kierans)	Land at Coombe House Marley Heights Fernhurst	Without planning permission, change of use of the Land to use as garden land in association with the dwelling house	28.08.19	EN FH/27 authority given to issued Appeal lodged – Written Representations 14.07.20 – Appeal dismissed New compliance date 14.10.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
FIT/SDNP/17/ 00755/COU (Tara Lang)	Lithersgate Common Bedham Lane Fittleworth	Without planning permission change of use of the Land to a BMX cycle track	28.11.18	EN FT/10 issued Appeal lodged – Written Representations 23.03.20 – Appeal dismissed with variation to compliance period in step (ii) to removing the bunds in 12 months New compliance date 23.03.21
FUNT/SDNP/ 16/00676/ COU (Shona Archer)	New Barn Farm Common Road Funtington	Without Planning permission change of use of the land to B8 commercial storage	04.01.18	EN FU/66 issued 04.03.19 – appeal dismissed with variation New compliance date 06.12.19 01.04.20 – application SDNP/20/00534/FUL for retention of a storage compound approved on 09.06.20 Remove from next list
FUNT/SDNP/ 20/00289/ GENER (Shona Archer)	Land at Mill Pond Lane West Ashling	The importation of hardcore material to level the land	26.05.20	TSN/65 issued Notice ceases to be in effect on 23.06.20 Case had been called in by Minerals and Waste Enforcement of SDNPA Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition - occupation	19.06.19	BCN HT/28 issued Compliance due 19.09.19 15.10.19 - BCN considered not to have been complied with. 24.10.19 –No evidence to demonstrate non-compliance with the notice. 18.06.20 – site visit revealed that the authorised persons do not live on site. Prosecution instructions to be prepared
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Without planning permission, the erection of brick pillars and gates	01.07.19	EN HT/29 issued Compliance date 12.11.19 Works of compliance have not been carried out. The offence of failing to comply with the enforcement notice will be prosecuted. 18.06.20 – As above
HEY/SDNP/18/ 00087/GENER (Emma Kierans)	Land at Northend House Polecats Heyshott Midhurst	Without planning permission the erection of iron gates, brick pillars, bollards and kerb lighting, hardstanding and retaining strip	31.01.19	EN HY/3 issued Appeal lodged – Written Representations 20.07.20 – Appeal dismissed in part to remove bollards and kerb lighting, hardstanding and retaining strip New compliance date 20.10.20
LUR/SDNP/ 17/00447/ GENER (Emma Kierans)	Land at Jays Farm Jays Lane Lurgashall	Without planning permission the creation of an access track and hardstanding	29.07.19	EN LG/16 issued Appeal decided – split decision The access is allowed and hardstanding dismissed Compliance date 14.10.20

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without listed building consent the alteration of a curtilage listed building	13.02.20	LBEN MI/18 issued Compliance date 26.05.20 15.07.20 - The works to the outbuilding have not been carried out and so officers will consider next steps
MID/SDNP/19/ 00295/COU (Emma Kierans)	Half Moon Petersfield Road Midhurst	Without planning permission the erection of a boundary fence within the curtilage of a listed building	13.02.20	LBEN MI/19 issued Compliance date 26.05.20 15.07.20 - Partial compliance The fence has been removed from the front boundary. Review the remaining steps
MILL/SDNP/16/ 00110/COU (Steven Pattie)	Land West of the Junction to Dangstein Road	Without planning permission change of use to mixed use of camping, education and training, manufacture of wood products	19.06.18	EN ML/25 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed New compliance date 14.04.20 29.07.2020 – Both caravans removed from the land all other items on the Notice are included in a current planning application SDNP/20/01796/FUL pending determination
ROG/SDNP/15/ 00492/COU (Steven Pattie)	Land northwest of Laundry Cottage Dangstein Woods, Rogate	Without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products	26.02.18	EN RG/36 issued Appeal lodged – Public Inquiry 18.11.19 – notice upheld with correction Compliance date 18.02.20 02.04.20 Archery equipment and portable loos removed. Awaiting confirmation that the temporary kitchen and compost toilet structures have been removed from the land. 29.07.20 – The structures listed on the notice have been dismantled and items listed including the pizza oven and archery equipment have been removed. Notice complied with. Remove from next list

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
SN/SDNP/15/ 00301/ BRECON (Shona Archer)	1 Sutton Hollow The Street Sutton	Without planning permission the erection of a dwellinghouse	18.08.16	EN SN/3 issued Appeal ongoing – Written Representations Exchanged statements and awaiting date for PINS site visit SDNP/17/00294/FUL – refused and appeal lodged SDNP/17/00295/LB – refused and appeal lodged 20.09.17 – s174 appeal conjoined with s78 appeal 28.02.18 – Appeal dismissed, enforcement notice upheld. 21.12.18 – SDNP/18/05458/HOUS made but then withdrawn 21.05.19 – Further app made SDNP/19/02414/ 11.10.19 – application refused 24.10.19 – Meeting with owners December 2019 - owners to carry out works of compliance June 2020 – A further attempt was made to redesign the building 29.6.20 – the details submitted failed to overcome the harm identified and so the owners are now required to demolish it by 29 th December 2020
TILL/SDNP/18/ 00733/COU (Emma Kierans)	Land South East of Beggars Corner Halfway Bridge Lodsworth	Without planning permission the erection of a timber field shelter	08.01.20	EN LD/16 issued Appeal lodged – Written representations

Chichester District Cases:

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
AP/18/00393/ CONHH (Emma Kierans)	Ferndale 133 Birdham Road Appledram	Without planning permission the erection of a fence and gates in excess of 1 metre in height adjacent to a highway	06.11.19	EN AP/5 issued Appeal lodged – Written Representations
BI/15/00194/ CONTRV (Shona Archer)	Land North West of Birdham Farm, Birdham Road, Chichester	Without planning permission the stationing of a mobile home for the purposes of human habitation	06.05.15	EN BI/23 and BI/24 issued The Appeal decision was published on 2 August 2017. The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 04.10.18 – letter issued stating Councils intention to seek Mandatory Court Order 12.4.19 – meeting with legal services to advance Injunction 13.3.20 – first hearing in the High Court of the application for a Mandatory Injunction 27 – 28 July 2020 – Second hearing in the High Court. Judgement awaited
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road Chichester	Without planning permission erection of a stable building	10.08.15	EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is considered to be 2 August 2018 As Above

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
BI/15/00139/ CONSH (Shona Archer)	Access track and hardstanding -land North West of Premier Business Park, Birdham Rd	Without planning permission excavation, deposit of hardcore and erection of gates and fences	21.09.15	EN BI/30 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 November 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued The Appeal decision on the above matters was published on 2 August 2017 The appeals are dismissed and the enforcement notice(s) are upheld with corrections and variations Compliance date: 2 August 2018 12.4.19 – meeting with legal services to advance Injunction proceedings As serial BI/15/00194/CONTRV
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Appeal lodged – Hearing – awaiting date

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BI/17/00361/ CONMHC (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/41 issued Appeal lodged – Hearing – awaiting date
BI/17/00362/ CONMHC (Shona Archer)	Plot 14 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/42 issued Appeal lodged – Hearing – awaiting date
BI/17/00357/ CONMHC (Shona Archer)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued. Compliance date 03.07.19 17.08.19 – notice not complied with. Contravener to be invited for interview 24.09.19 – interview postponed 10.10.19 – interview postponed 14.10.19 – prosecution papers now to be prepared 24.10.19 – owner has stated that the land has been sold. 10.01.20 - owner states that the site and will soon be vacated 01.04 2020 – Breach remains ongoing – prosecution proceedings to commence post COVID-19 22.07.20 – prosecution papers compiled. To be sent to legal w/c 3.8.20
BI/17/00061/ CONENG (Emma Kierans)	Oak Farm Land North of Cowdry Nursery Sidlesham Lane Birdham	Without planning permission the erection of a building	13.08.18	EN BI/40 issued Appeal logged – Written Representations 06.02.20 – appeal dismissed New compliance date 06.05.20 Permission granted for works to the building and use as holiday let – monitoring compliance with the notice

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BI/18/00240/ CONCOU (Shona Archer)	Land east of Birdham Farm Birdham Road Birdham	Without planning permission, change of use of the land to a general storage use including the storage of motor vehicles, parts, metal, wood, ladders, plastic, trailers and windows	23.01.19	EN BI/45 issued Compliance date 06.06.19 Observations of the land indicate that full compliance has not been achieved 27.6.19 - Site visit to be undertaken to assess the land – then letter before action sent to the owner if required 10.10.19 – Site visit found that the land continued to be used for the storage of building materials, the parking of a lorry and the disposal of household items 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place which he considers has taken place for a number of years. He is aware that failure to clear the land now results in an offence. 8.1.2020 – no application made but use of land is continuing. The owner considers that the LPA wrongly issued the notice. 16.7.2020 – aerial photo show some waste remains on the land 30.7.20 - prosecution of the offence of failing to comply with the notice will now be progressed
BI/19/00046/ CONCOU (Steven Pattie)	Kellys Farm Bell Lane Birdham	Without planning permission the material change of use of land to use as a car wash business	31.07.19	EN BI/46 issued Appeal lodged – Written Representations 13.07.20 – appeal dismissed New compliance date 13.09.20
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Use and development comprising the bringing onto the land of a twin unit mobile home and it being conjoined and connected to services	03.06.20	TSN/66 issued This notice will cease to have an effect on 24.06.20

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CC/15/00064/ CONLB (Sue Payne)	13 Parchment Street Chichester	Without Listed Building Consent the installation and fitting of 3 no. upvc double glazed windows	18.10.17	LBEN CC/138 issued Appeal lodged – Public Inquiry on 30.10.18 at City Council 26.02.19 – Appeal dismissed with variation. Costs awarded to the Council and repayment plan agreed. Compliance date 26.02.2020 03.04.20 – compliance check to be carried out once Covid 19 restrictions are lifted 16.07.20 – compliance check to be carried out post COVID.
CC/15/00018/ CONBC (Shona Archer)	Wildwood 30 Southgate Chichester	Breach of condition – use of rear of premises	16.08.18	BCNEN CC/143 issued Appeal lodged – Written Representations 12.08.19 – appeal succeeds on variation of period of compliance to 6 months and the enforcement notice is upheld as varied New compliance date 12.02.20 01.04.20 – application 20/00138/FUL received 15.07.20 - awaiting determination of the application
CC/18/00181/ CONLB (Sue Payne)	24 Washington Street Chichester	Without planning permission the installation of upvc double glazed windows to the upper and first floor rear elevation	11.12.19	LBEN CC/149 issued Compliance date 22.07.20
CC/19/00112/ CONBC (Sue Payne)	21 Lavant Road Chichester	Breach of condition – balustrade	15.01.20	BCN CC/150 issued Compliance date 16.04.20 Notice complied with – Remove from next list

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D/17/00374/ CONCOM (Emma Kierans)	Southend Farm Selsey Road Donnington	Without planning permission, change of use of the land to a mixed use for agriculture and the storage of modular buildings, portable structures and metal storage containers	26.09.18	EN D/8 issued Appeal lodged – Written Representations Appeal dismissed with variation to compliance period New compliance date of 19.06.20 29.07.20 – Partial compliance – operation has ceased and partial removal of cabins. All cabins to be removed by 28.02.21
D/17/00371/ CONCOM (Tara Lang)	Donnington Manor Farm Selsey Road Donnington	Without planning permission the change of use of the agricultural land to B8 storage and the stationing of storage containers on the land	28.03.19	EN D/9 issued Appeal lodged – Written Representation 09.07.20 – Appeal allowed and planning permission granted Remove from next list
E/17/00391/ CONDWE (Emma Kierans)	Dragon Nursery Third Avenue Batchmere	Without planning permission, the construction of outer walls of a building	14.06.18	EN E/31 issued Appeal lodged 19.06.19 – Appeal withdrawn 04.07.19 – letter sent to owner stating new compliance date of 19.12.19 08.01.20 – Liaising with land owner regarding steps for compliance, have agreed an extension of time for a month 02.04.20 – negotiating compliance steps, have agreed extension of time 15.07.20 – negotiating next steps

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E/16/00320/ CONCOU (Steven Pattie)	Witsend Nursery Third Avenue Batchmere	Without planning permission, change of use of land for the storage of caravans, motorhomes, boats and boat trailers	06.06.19	EN E/32 issued Appeal lodged – Written Representations Awaiting appeal decision
E/18/00340/ CONENF (Emma Kierans)	Medmerry View Drove Lane Earnley	Without planning permission change of use of the land to recreational amenity land.	09.01.20	EN E/33 issued Compliance date 20.05.20 Compliance not achieved, allowed a further 28 days for compliance
E/20/00161/ CONBC (Emma Kierans)	Medmerry View Drove Lane Earnley	Breach of condition - Excess of permitted caravans	19.05.20	BCN E/34 issued Compliance date 19.11.20
E/17/00285/ CONBC (Emma Kierans)	Medmerry View Drove Lane Earnley	Breach of condition - Landscaping	09.01.20	BCN E/35 issued Compliance date 10.03.20 25.06.20 – notice complied with Remove from next list

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EWB/18/00139/ CONBC (Emma Kierans)	Land north east of Beech Avenue Bracklesham Bay Chichester	Breach of condition – Landscaping	04.02.19	BCN EW/46 issued Compliance date 05.04.19 14.06.19 – most works carried out, still two steps pending – full compliance is yet to be achieved, monitoring 17.10.19 – working with the developer to ensure full compliance 08.01.20 – the developer has confirmed a timetable for some works, waiting to hear confirmation for outstanding matters 02/04/20 – the final steps of compliance need to be carried out, liaising with developer 15.07.20 planting was halted due to COVID-19, liaising with developer
EWB/19/00413/ CONHH (Emma Kierans)	2 Kestrel Close East Wittering	Without planning permission, the erection of a close boarded fence and posts	17.07.20	EN EW/47 issued Compliance date 28.11.20
FB/17/00376/ CONWST (Steven Pattie)	The Old Thatched House Mill Lane Fishbourne	Untidy land and building	31.10.18	S215 Notice issued Compliance date 12.03.19 15.10.19 – Property for sale and buyer in place 10.01.20 – Buyer to submit a LBC application 02.04.20 - LBC granted - Ref: 20/00219/LBC 30.7.20 - Sale of property proceedings with new purchaser Continue to monitor

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FU/17/00310/ CONCOU (Shona Archer)	Cutmill Depot Newells Lane West Ashling	Without planning permission, change of use of land to use as a residential caravan site	27.09.18	EN FU/67 issued Appeal lodged – Written Representations 21.07.20 – notice upheld with compliance period varied to 8 months New compliance date 21.03.21
FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	15.05.19	HHRN HH/22 issued Appeal lodged – Written Representations
FU/17/00011/ CONBC (Tara Lang)	Land south of The Stables Newells Lane West Ashling	Without planning permission, the erection of stone pillars and walls	27.06.19	EN FU/70 issued Compliance date 07.11.19 24.02.20 Prosecution matrix and witness statement sent to legal for prosecution 17.06.20 – letter sent to owner by legal. If no compliance by 03.08.20 legal will apply to court for a date for prosecution.
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Without planning permission the construction of two wooden chalet buildings on raised breeze block foundations	12.09.19	EN FU/71 issued Compliance date 24.01.20 Appeal lodged – Hearing
FU/17/00011/ CONBC (Tara Lang)	Land south of Scant Road East Hambrook West Ashling	Cease all the activity involved in the construction of the wooden chalet buildings	12.09.19	SN FU/72 issued Takes effect on 17.09.19

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FU/19/00231/ CONBC (Tara Lang)	3 West Ashling Road Hambrook Funtington	Breach of condition – number of caravans exceeding permission	26.09.19	BCN FU/73 issued Compliance date 26.12.19 Planning application (19/02662/FUL) for additional caravans refused A/W submission of a further planning application 23.07.20 – instructions sent to legal for prosecution for non-compliance with BCN.
FU/18/00246/ ETRNP (Tara Lang)	Old Allotment Site Newells Lane West Ashling	Without planning permission, the laying of hard core to provide a hard surface	17.03.20	EN FU/74 issued Compliance date 28.07.20
FU/20/00109/ CONTRV (Shona Archer)	Field West of Beachlands Nursery Newells Lane West Ashling	Stationing of caravans and the creation of hardstandings	21.04.20	TSN/64 issued Notice ceases to be in effect on 12.05.20 Remove from next list
FU/18/00368/ CONBC (Tara Lang)	Land At 6 Oaklands West Ashling Road Hambrook Funtington	Without planning permission, the material change of use of the land to a use for the stationing of a touring caravan, two mobile homes and a motor home for the purposes of human habitation	17.07.20	EN FU/76 issued Compliance date 28.11.20

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NM/16/00325/ CONCOM (Shona Archer)	Land at 6 Oakdene Gardens North Mundham Chichester	Without planning permission storage of metal containers and other items	10.01.19	EN NM/28 issued Appeal lodged – Written Representations
NM/18/00187/ CONMHC (Tara Lang)	Fisher Granary Fisher Lane South Mundham	Without planning permission, change of use of the land to use for the stationing of a mobile home for human habitation	06.08.19	BCNEN NM/29 issued Appeal lodged – Written Representations 13.05.20 – appeal dismissed with variation and compliance period of 9 months New compliance date 13.02.21
O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the change of use of land to general storage use	14.06.17	EN O/27 issued Appeal dismissed. New compliance date 01.10.18 02.10.18 – site continues to be used for storage. Letter sent requiring full access to site Dec 18 - Case put on hold following a family bereavement 12.04.19 – site viewed – goods on the land are in breach of the notice. 21.6.19 – letter sent to owner to inform them that officers will carry out a site inspection on 18 July 2019 24.10.19 – July site visit postponed due to summer temperature. Letter sent to owner stating that officers will visit on 14 November 2019 11.12.19 – site visit undertaken – no compliance with the notice. Prosecution papers to be raised. 05.02.20 – Draft prosecution papers to Legal Services 30.07.20 – site visit scheduled for W/C 3.8.20

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O/17/00074/ CONENF (Shona Archer)	Land North West of Decoy Farm House Decoy Lane Oving	Without planning permission the erection of a wooden building on raised concrete blocks	14.06.17	EN O/28 issued Appeal dismissed. New compliance date 01.10.18 As previous serial
O/15/00202/ CONAGR (Tara Lang)	Oakham Farm Church Lane Oving	Without planning permission change of use to a mixed use for agriculture and the storage of caravans, motorhomes/ caravanettes, motor vehicles and shipping containers	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 06.04.18 – partial compliance achieved 16.07.18 – compliance work ongoing 02.10.18 – site is non-compliant. Nov 18 – site visit, gradual site clearance taking place. Site to be monitored and further site visit in 01/19 10.04.19 – Use reduced but still ongoing 21.6.19 – owner informed that a prosecution will commence 15.10.19 - It is understood that most of the vehicles and caravans have been removed 20.12.19 – Confirmation received that only a limited number of vehicles remain. A new application will be submitted for a limited storage use on site 09.04.2020 Awaiting submission of a planning application 29.05.20 – application 20/00882/FUL refused 30.07.20 – site visit needed to check current situation
O/19/00141/ CONHH (Emma Kierans)	Oakham Farmhouse Church Lane Oving	Without planning permission the erection of a fence in excess of 1 meter in height adjacent to a highway	13.02.20	EN O/30 issued Compliance date 26.06.20 Appeal lodged – awaiting start letter

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PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm, Rickmans Lane, Plaistow	Without planning permission, change of use of the land from agriculture to a commercial biogas plant	15.07.15	EN PS/54 issued Appeal lodged – Public Inquiry originally scheduled for APP/P3800/15/3137735. Appeal part allowed/part dismissed 21.11.17 – Appeal dismissed. Enforcement Notice upheld, 21.12.17 for Step (i) - “cease use including the cessation of importation and processing of feedstock” Compliance date of 23.05.19 for all other steps; 04.12.17 – EA confirmed compliance with Step (i); 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21 21.6.19 – engagement with site owners ongoing 24.10.19 – planning enforcement is maintaining contact with the landowner of Lagoon 3 to impress upon them the need for compliance and to highlight the reducing time scale in which to achieve this. 01/04/20 – contact ongoing 30.07.20 – compliance being sought through contact with owner
PS/13/00015/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the installation, construction, engineering operations and deposit of earth in connection with a commercial biogas plant	15.07.15	EN PS/55 issued As Above

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PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the erection of a steel framed lean-to building	01.11.18	EN PS/65 issued Appeal lodged – Written Representations 10.01.20 – appeal dismissed with variation to the compliance period New compliance date 10.05.21
PS/18/00088/ CONAGR (Shona Archer)	Crouchland Farm Rickmans Lane Plaistow	Without planning permission, the construction of a slurry lagoon, earth bund and fencing	01.11.18	EN PS/67 issued Appeal lodged – Written Representations 10.01.20 – appeal decision varied the notice finding that the slurry lagoon and earth bunds were immune from enforcement action. The removal of the fencing was upheld and the compliance period amended New compliance date 10.05.21
PS/17/00104/ CONBC (Sue Payne)	Burgau Barn Plaistow Road Ifold	Without planning permission, the erection of a dwellinghouse	10.09.19	EN PS/68 issue Appeal lodged – Written Representations
PS/19/00397/ CONHH (Sue Payne)	Thane The Drive Ifold	Without planning permission the material change of use of the land to a caravan site for human habitation	28.02.20	EN PS/69 issued Compliance date 10.08.20 Notice complied with – Remove from next list

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SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	Without planning permission, change of use of land to use as a building site compound and the stationing of a catering van	12.06.19	EN SB/117 issued Appeal lodged –Written Representations 13.05.20 – the appeal succeeds in part only and permission granted for the land to be used as a construction site for 12 months. Otherwise the notice is upheld with correction. Compliance date 13.05.21
SB/18/00389/ CONCOU (Steven Pattie)	Land at 1 Green Acre Inlands Road Southbourne	The use of the access track by construction traffic	12.06.19	Stop Notice SB/118 issued with EN SB/117 Takes effect 18.06.19
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	Earth banks, the importation and laying of hard core, to create roads, access tracks and hard standings	22.07.20	Temporary Stop Notice TSN/67 issued The notice cease to have an effect on 19.08.20
SI/16/00026/ CONMHC (Steven Pattie)	Zsaras Yard Highleigh Road Sidlesham	Without planning permission the change of use of the land for the stationing of a caravan for the purpose of human habitation	06.11.19	EN SI/71 issued Appeal lodged –Written Representations 02.07.20 – appeal dismissed New compliance date 02.01.21
SI/19/00088/ CONHH (Sue Payne)	Land rear of Red Barn Selsey Road Sidlesham	Without planning permission the erection of a building in an ancient woodland	18.12.19	EN SI/73 issued Appeal lodged – Written Representations Appeal allowed. Remove from next list

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SI/18/00329/ CONCOU (Sue Payne)	Purchase Farm Easton Lane Sidlesham	Without planning permission the change of use of the land to a motor vehicle storage and parking area	09.01.20	EN SI/74 issued Compliance date 20.06.20 16.07.20 – planning permission granted with a planning condition which addresses the requirements of the Enforcement Notice.
SI/19/00259/ CONBC (Emma Kierans)	Field South of Green Lane Piggeries Ham Road Sidlesham	Breach of condition 2 – expiry of occupation condition	17.07.20	BCNEN SI/75 issued Compliance date 28.02.21
SY/15/00177/ CONHH (Steven Pattie)	Portsoy 16 Bonnar Road Selsey Chichester PO20 9AT	Without planning permission the erection of an extension	14.12.15	EN SY/63 issued - Compliance date 25.07.16 22.03.19 – court proceedings – the owner pleaded guilty, fined £721, £700 costs and £32 victim surcharge 31.03.19 - Letter sent in regard to compliance with the notice 18.6.19 – site visit showed extension remains – owner to be informed that further prosecution proceedings to be instigated 27.11.19 – owner failed to attend interview 06.12.19 – commence further prosecution proceedings 20.02.20 – Further prosecution papers forwarded to Legal Services 30.07.20 – it is not considered expedient to pursue this matter particularly in light of newly introduced permitted development rights. Remove from next list
SY/19/00067/ CONHH (Sue Payne)	Wayside Chichester Road Selsey	Without planning permission the erection of a wall, railings, entrance gate and piers	04.03.20	EN SY/71 issued Compliance date 15.07.20 17.07.20 – notice not complied with. Letter before action sent

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TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Compliance date 10.04.2020 held in abeyance until determination of appeal against refusal of planning application 19/01532/FUL
TG/19/00070/ CONHH (Sue Payne)	12A Nettleton Avenue Tangmere	Without planning permission the erection of a wooden close boarded means of enclosure	30.01.20	EN TG/24 issued Appeal lodged – Written representation
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use as a civil engineering contractor's yard	10.04.18	EN WE/40 issued Appeal lodged – Public Inquiry Jan 2021
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to use for the storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Appeal lodged – Public Inquiry Jan 2021

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WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use for the storage of metal skips, building materials, scaffolding equipment, lifting platforms, storage racks, engine parts, commercial vehicles, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Appeal lodged – Public Inquiry Jan 2021
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of the land to a mix use of a civil engineering contractor's yard, for the storage and use of the building for vehicle repair and servicing	10.04.18	EN WE/43 issued Appeal lodged – Inquiry (date tbc) Notice withdrawn following advice of Counsel. Remove from next list

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WE/16/00191/ CONCOU (Shona Archer)	Unit 2 Land north of Cemetery Lane Woodmancote	Without planning permission material change of use of the land to a mixed for open storage of vehicles and use as a HGV Operating Centre	24.07.17	EN WE/39 issued Appeal ongoing – Written Representations 19.06.18 – PINs sit visit New compliance date 02.01.2020 7.1.2020 – it is reported that the use is continuing. To be checked on site and prosecution proceedings taken if confirmed. 11.6.20 – planning application WE/19/03206/FUL Refused and appeal lodged. 30.7.20 – consideration of a prosecution is held in abeyance pending the appeal being determined
WE/17/00333/ CONMHC (Tara Lang)	Land at Home Paddock Stables Hambrook Hill North Hambrook	Without planning permission, change of use of the land to a mixed us comprising equine and the stationing of a shepherd's hut	27.06.18	WE/44 issued Appeal lodged - Hearing 14.01.20 – Appeal dismissed with variation to compliance period to 12 months New compliance date 14.01.21
WE/17/00403/ CONENG (Shona Archer)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued Appeal lodged – Written Representations 13.08.19 – appeal dismissed and the notice is upheld New compliance date 13.11.19 10.01.2020 – Works to remove the walls, gates and pillars has commenced. Additional works due to be completed within the next few weeks Site visit required post COVID-19 24.07.20 – site visit carried out. Works to comply with EN still not completed. Prosecution for non-compliance with EN under consideration.

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WE/19/00117/ CONMHC (Steven Pattie)	Land North of The Grange Woodmancote Lane Woodmancote	Without planning permission, change of use of the land to the stationing of two mobile homes for the purpose of human habitation	15.01.20	EN WE/47 issued Appeal lodged – Hearing
WE/19/00421/ CONCOU (Tara Lang)	Wardens Plot, The Paddocks, Common Road, Hambrook	Breach of condition – stationing of additional caravans	19.05.20	BCN WE/48 issued Compliance date 28.11.20
WH/19/00096/ CONBC (Emma Kierans)	Land North of Stane Street Madgwick Lane Westhampnett	Breach of condition – hours of operation	15.08.19	BCN WH/4 issued Date to comply by 13.09.19 18.10.19 – monitoring of site continues 08.01.20 – monitoring of site continues 02/04/20 – continue to monitor the site 15.07.20 – continue to monitor
WI/18/00100/ CONCOU (Steven Pattie)	Land at Itchenor Park Itchenor Chichester	Without planning permission, change of use of land to the storage of boats, boat hulls, moulds, frames, boat trailers, wooden pallets, metal cages, boxes, magazines and packaging	29.07.19	EN WI/16 issued Appeal lodged – Written Representations

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WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission the use of a wooden building for the purpose of human habitation	14.01.20	EN WW/49 issued Appeal lodged – Written representation

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Chichester District Council

Planning Committee

Wednesday 12 August 2020

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters Between

17-Jun-2020 and 21-Jul-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>19/02579/FUL</u> Chichester Parish Case Officer: Martin Mew Informal Hearing	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex - Change use of land to travellers caravan site consisting of 4no. pitches each containing 1no. mobile home, 1no. touring caravan, 1no. utility dayroom; play area and associated works.
* <u>19/03008/FUL</u> Chichester Parish Case Officer: Martin Mew Written Representation	23 Lavant Road Chichester PO19 5RA - Erection of 5 no. flats and parking, landscaping and associated works.

Reference/Procedure	Proposal
<p data-bbox="196 230 454 297"><u>20/00188/FUL</u> Chichester Parish</p> <p data-bbox="196 365 582 398">Case Officer: William Price</p> <p data-bbox="196 454 555 488">Written Representation</p>	<p data-bbox="639 230 1471 409">L A Fish 110 The Hornet Chichester West Sussex PO19 7JR - Change of use of residential accommodation above fish & chip shop from 1 no. habitable flat to 3 no. habitable flats, including extended first floor area partially implemented approval CC/08/00137/FUL.</p>
<p data-bbox="196 544 454 611"><u>20/00609/DOM</u> Chichester Parish</p> <p data-bbox="196 678 582 712">Case Officer: William Price</p> <p data-bbox="196 768 555 801">Written Representation</p>	<p data-bbox="639 544 1417 611">3 Franklin Place Chichester PO19 1BL - First floor rear extension and replacement conservatory.</p> <p data-bbox="639 656 997 689">Linked to <u>20/00610/LBC</u></p>
<p data-bbox="196 857 454 925"><u>20/00610/LBC</u> Chichester Parish</p> <p data-bbox="196 992 582 1025">Case Officer: William Price</p> <p data-bbox="196 1081 555 1115">Written Representation</p>	<p data-bbox="639 857 1417 925">3 Franklin Place Chichester PO19 1BL - First floor rear extension and replacement conservatory.</p> <p data-bbox="639 969 1010 1003">Linked to <u>20/00609/DOM</u></p>
<p data-bbox="196 1171 411 1238"><u>19/02493/OUT</u> Earnley Parish</p> <p data-bbox="196 1305 614 1339">Case Officer: Jeremy Bushell</p> <p data-bbox="196 1395 411 1429">Public Inquiry</p>	<p data-bbox="639 1171 1495 1462">Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN - Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure.</p>
<p data-bbox="196 1518 555 1585"><u>20/00926/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="196 1653 614 1686">Case Officer: Rebecca Perris</p> <p data-bbox="196 1742 555 1776">Written Representation</p>	<p data-bbox="639 1518 1401 1585">Barton Farm The Forestry Road Plaistow RH14 0PA - Erection of replacement timber entrance gate.</p>

Reference/Procedure	Proposal
<p data-bbox="196 230 485 300"><u>20/00032/FUL</u> Southbourne Parish</p> <p data-bbox="196 365 619 400">Case Officer: Kayleigh Taylor</p> <p data-bbox="196 461 453 497">Informal Hearing</p>	<p data-bbox="639 230 1485 376">Gosden Green Nursery 112 Main Road Southbourne PO10 8AY - Demolition of existing B8 and B1 buildings and erection of replacement buildings for a mix of B8 and B1 uses, with access, parking and landscaping.</p>
<p data-bbox="196 566 475 636"><u>20/00366/FUL</u> Westbourne Parish</p> <p data-bbox="196 696 475 766">Case Officer: Maria Tomlinson</p> <p data-bbox="196 792 552 828">Written Representation</p>	<p data-bbox="639 566 1453 672">Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF - Erection of a 1 no. 3 bedroom dwelling.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="197 277 491 349"><u>17/00371/CONCOM</u> Donnington Parish</p> <p data-bbox="197 416 539 450">Case Officer: Tara Lang</p> <p data-bbox="197 510 549 544">Written Representation</p>	<p data-bbox="639 277 1390 421">Donnington Manor Farm Selsey Road Donnington Chichester West Sussex PO20 7PL - Appeal against Enforcement Notice D/9 – Requiring cessation of commercial use</p>
<p data-bbox="395 555 1289 589">Appeal Decision: APPEAL ALLOWED - NOTICE QUASHED</p>	
<p data-bbox="180 600 1489 1989">“...Policy 45 of the CLP relates to development in the countryside, which will be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. It states that permission will be granted for sustainable development in the countryside where all three listed criteria are met. The criteria require the development to be well related to an existing farmstead or group of buildings, not to prejudice any viable agricultural or other operations, and have a minimal impact on the landscape and rural character of the area. In terms of CLP Policy 2, the development supports the diversification of Donnington Manor Farm from its agricultural base. The development is relatively small scale, comprising twenty storage containers. While it has not been demonstrated that there are no suitable alternative sites within nearby built up areas, the appellant’s evidence indicates that the majority of the users of the storage containers are either based at the farm or within the surrounding area. I am therefore satisfied that it requires a countryside location. In terms of the criteria 1 and 2 of CLP Policy 45, the site is well related to the existing farmstead and group of farm buildings. I have seen no evidence that it would prejudice the viability of existing operations at the site. Character and appearance - The storage containers are located on a large area of hardstanding, close to the entrance to the site. The site is surrounded by a bund alongside Selsey Road the access driveway, which serves the main farm buildings, and existing buildings. The bunds are planted with closely spaced trees and as a result the site is well screened from the surrounding countryside. While I appreciate that the trees were in leaf at the time of my site visit, even during the winter months it would be reasonable to assume that the bund and vegetation provide a degree of screening, as demonstrated by the Council’s photographs. There is a variety of building styles on the wider site, with smaller traditional farm buildings closer to Selsey Road, and much larger modern buildings behind them. The latter are clad in green painted corrugated steel sheets and are prominent in views from the entrance to the site and the surrounding countryside. While I acknowledge that the site was previously undeveloped, in the context of the existing buildings close to the site the utilitarian appearance of the storage containers and large area of hard-surfacing do not appear incongruous or at odds with the rural setting. The site is visually contained by the access drive, Selsey Road and existing built form, and the development does not therefore appear as an intrusion into the open countryside. A condition can be imposed to prevent open storage, which would be harmful to the appearance of the site. The appellant’s evidence indicates that a low volume of traffic movement is generated by the development, and that the tenants are mostly local. In the context of the range of uses at the wider site at Donnington Manor Farm, I do not agree that the level of activity is harmful to the tranquillity of the rural area. Matters such as lighting and hours of use can be controlled through planning conditions. For these reasons, I find that the site is a suitable location for the development, having regard to the development strategy, including its</p>	

Reference/Procedure	Proposal
Appeal Decision: APPEAL ALLOWED - NOTICE QUASHED - continued	
effect on the character and appearance of the site and surrounding area. As a result, it would not be in conflict with CLP Policies 2, 45 and 48, insofar as they seek to ensure that development is in accordance with the development strategy, and has a minimal impact on the landscape and rural character of the area. It would also not be in conflict with the guidance in the National Planning Policy Framework. ...”□	
<p data-bbox="196 495 531 562"><u>19/01838/DOM</u> North Mundham Parish</p> <p data-bbox="196 622 584 656">Case Officer: William Price</p> <p data-bbox="196 719 512 757">Householder Appeal</p>	<p data-bbox="639 495 1422 600">Birches 1 The Hermitage North Mundham PO20 1LE - Retrospective removal of a hedge (2.4m high and 1.8m deep) and erection of a 1.8m wooden fence.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="180 853 1487 1440">“... The development has been completed, and retrospective planning is now sought for an approximately 1.8m high close-boarded fence adjacent the footpath to the front and side of the host dwelling that would replace a relatively low hedge similar to others seen in the nearby area. Nonetheless, the appellant contends that the development does not need to accord with the 'predominant' boundary treatments in the immediate surrounding area. To the contrary, notwithstanding that the already weathered fence does not enclose the access to No 1, and whether the positioning of No 1 is an acceptable form of development or not, the scale, height and solid appearance of the fence, in comparison to the former hedge, is incongruous with the immediate prevailing street-scene, which is characterised by modest and 'green' boundary treatments that help to soften the built environment. ... Therefore, I conclude that the proposal would harm the character and appearance of the area, and while there is minimal relevance to be drawn from Policy 33 (New Residential Development) of the Chichester Local Plan (2014-2019), which refers to residential development, the proposal does not meet the aim of Paragraph 127 of the National Planning Policy Framework which requires that proposals are sympathetic to local character and history, including the surrounding built environment. ...”</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 558 297">19/02449/DOM Plaistow And Ifold Parish</p> <p data-bbox="196 365 558 398">Case Officer: Vicki Baker</p> <p data-bbox="196 465 558 499">Written Representation</p>	<p data-bbox="639 230 1422 376">The Coach House Oak Lane Shillinglee Plaistow GU8 4SQ - Remove 2 no. single garage doors, install 1 no. double door, decrease the opening and increase bricks flanks to each side of the door.</p>
Appeal Decision: APPEAL ALLOWED	
<p data-bbox="180 600 1487 1059">“The appeal is allowed and planning permission is granted to remove 2no. single garage doors, install 1 no. double door, decrease the opening and increase brick flanks to eachside of the door ... Whilst there is some dispute as to the lawful use of the building the question of whether or not there has been a change of use of the building, and in turn whether that use is immune from enforcement action, is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. ... the proposal would sit comfortably within the built form and would not result in harm to the character of the building or the surrounding area. ... Notwithstanding the plans show the layout of the garage it should be noted that I have referred explicitly to permitting only the development as illustrated on the east elevation of the garage as this is directly linked to the works for which permission was sought. ... “</p>	
<p data-bbox="196 1115 488 1182">16/00026/CONMHC Sidlesham Parish</p> <p data-bbox="196 1249 558 1283">Case Officer: Steven Pattie</p> <p data-bbox="196 1350 558 1384">Written Representation</p>	<p data-bbox="639 1115 1449 1182">Zsaras Yard Highleigh Road Sidlesham Chichester West Sussex PO20 7NR - Appeal against SI/71</p>
Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD	
<p data-bbox="180 1451 1487 2004">“...The Council has based its reasons for issuing the notice in regard to its location, on Policies 1 and 45 of the Chichester Local Plan: Key Policies 2014-2029 (LP). I agree that these are the key policies for assessing the development in this regard. ... the intention to protect rural areas, by restricting development outside settlement boundaries is not inconsistent with the framework. ... The provision of the residential caravan in such close proximity to the business, is understandably convenient to the occupier ... I am therefore not satisfied that on the evidence I have, that the business fulfils an essential, small scale, local need that requires a countryside location, or that the occupation of the caravan is critical to the business. ... I do not consider that the development provides a viable alternative to the use of private cars for residents. The appeal site is therefore, not in a suitable location for new residential development ... The development has introduced a large traditional static caravan, into a previously undeveloped paddock ... irrespective that it cannot be readily seen, it has introduced an incongruous form of development into this predominately rural area, that is significantly at odds with existing nearby development and contrary to its prevailing rural character. ... The development is therefore contrary to policy</p>	

Reference/Procedure	Proposal
Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD	
<p>33 of the LP ... My attention has been drawn to the accommodation needs of caravan dwellers, who are not Gypsies, Travellers or Travelling Showpeople. ... I have no evidence to conclude that a caravan is the appellant's preferred style of housing. ... Moreover, the assessment of need is a matter of planning policy ... I am very mindful of the appellants personal circumstances and the effect that this decision is likely to have. ... However, the protection of the public interest cannot be achieved by means which are less interfering of the appellant's rights. ... I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission ... "</p>	
<p><u>19/01425/DOM</u> Sidlesham Parish</p> <p>Case Officer: Oliver Naish</p> <p>Householder Appeal</p>	<p>36 Manhood Lane Sidlesham Chichester West Sussex PO20 7LT - Retrospective application for single storey rear extension.</p>
Appeal Decision: APPEAL DISMISSED	
<p>".. The proposal for a single storey mono-pitch addition to the existing extension has been completed, and retrospective planning permission is now sought. ... development would be of some considerable scale and mass that would extend further into the gardens than the extensions seen nearby. ... development would be visually different and overly prominent in its immediate setting the proposal is contrary to Policy 1 of the CLP, which requires that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Policies in the National Planning Policy Framework (the Framework). As such, the proposal does not meet the aims of Paragraph 127 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment. ..."</p>	

Reference/Procedure	Proposal
<p data-bbox="197 230 512 300">19/02302/DOM West Wittering Parish</p> <p data-bbox="197 365 584 394">Case Officer: William Price</p> <p data-bbox="197 459 512 495">Householder Appeal</p>	<p data-bbox="639 230 1484 338">Chislehurst 53 Marine Drive West Wittering PO20 8HQ - Rear extension, loft conversion and new staircase enclosure pod.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="180 600 1492 1106">“...The appeal property is a two-storey detached dwelling located on the southern side of Marine Drive. The surrounding area has a suburban residential character and there are a wide range of property types from a mix of architectural periods present along Marine Drive. On the seaward facing side of the street, the properties are predominantly two-storey dwellings or chalet bungalows with pitched roof forms.....the bulk and mass of the proposed second floor level with its flat roof form, extensive glazing and incongruous zinc roof covering would be unduly prominent in the context of the surrounding properties on the seaward side of Marine Drive. The incongruous nature of the proposed second floor would be particularly prominent when viewed from the beach. In addition, the forward projection of the proposed sugar cube element to the front of the dwelling and its vertical design would emphasise the excessive massing of the proposed development when viewed from the street. Consequently, the proposed development would cause significant harm to the character and appearance of the area. For the reasons set out above, I conclude that the proposed development would cause significant harm to the character and appearance of the area. ... “</p>	
<p data-bbox="197 1151 453 1220">18/00675/FUL Funtington Parish</p> <p data-bbox="197 1285 584 1314">Case Officer: Caitlin Boddy</p> <p data-bbox="197 1379 552 1415">Written Representation</p>	<p data-bbox="639 1151 1477 1292">Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Retrospective change use of land to include the retention/stationing of a mobile home on the eastern part of the site.</p>
Appeal Decision: APPEAL DISMISSED	
<p data-bbox="180 1469 1492 2020">“...The developments before me concern the refusals of planning permission for the stationing of a residential mobile home and a boundary wall adjacent to the highway as well as an enforcement notice directed at the same mobile home as well as a touring caravan for residential purposes. ... The site is therefore not well related to an existing village and occupiers are likely to be heavily reliant upon a private car as the nearby roads are generally narrow, as well as unlit and without footways. There is also little evidence about employment opportunities that could be accessed without being reliant upon a private car. I am therefore not persuaded on the evidence before me, including that of my site visit, that the site is in a sustainable location with safe access to public transport. ... I conclude that the site is not in a suitable location for a residential use having regard to local and national planning policy. ... The mobile home is located in close proximity of the road frontage with public views readily obtainable. It is at-odds with the largely rural character of the area and is therefore visually discordant in this regard. ... The boundary wall is a particularly ornate boundary treatment situated along two road frontages. It is overtly domestic in appearance and has resulted in an unacceptable urbanising feature which does not sensitively contribute</p>	

Appeal Decision: APPEAL DISMISSED - continued

to the setting and rural qualities of the area. ... I conclude that the developments are harmful to the character and appearance of the area in contravention of Policies 33 and 48 of the LP ... Any perceived enhancement over that of a scrap yard, even though I recognise that it was previously developed in this regard, are not sufficient to persuade me to grant planning permission for developments that are harmful in themselves. This consideration therefore does not outweigh the harm I e identified. The appellant also contends that a residential presence deters crime, but even that were the case, this in itself does not outweigh the harms I have identified. ... the development amounting to that for a single household would bring only very limited benefits to the economic and social well-being of the wider community. ... “

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>17/00356/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.</p>
<p><u>17/00361/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.</p>
<p><u>17/00362/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing</p>	<p>Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission change of use of the land to use as a residential caravan site.</p>
<p><u>19/00845/FUL</u> Birdham Parish</p> <p>Case Officer: Daniel Power</p> <p>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</p> <p>Householder Appeal</p>	<p>The Old Town Hall Bosham Lane Bosham PO18 8HY - Construction of an outdoor swimming pool.</p>
<p>* <u>20/00128/FUL</u> Bosham Parish</p> <p>Case Officer: William Price</p> <p>Written Representation</p>	<p>Lower Hone Farm Lower Hone Lane Bosham Chichester West Sussex PO18 8QN - Change use of storage barn to 1 no. dwellinghouse and associated works, including natural swimming pond and landscaping.</p>
<p><u>19/01313/FUL</u> Chichester Parish</p> <p>Case Officer: Calum Thomas</p> <p>Written Representation</p>	<p>Land At The East Of Joys Croft Chichester West Sussex PO19 7NJ - Erection of 1 no. dwelling.</p>
<p><u>19/00350/LBC</u> 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><u>16/00320/CONCOU</u> 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><u>20/00967/FUL</u> Earnley Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>101A First Avenue Almodington Batchmere West Sussex PO20 7LQ - Proposed cladding to walls and roof of existing horticultural building (greenhouse) and additional internal works.</p>

Reference/Procedure	Proposal
<p><u>19/02922/DOM</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Calum Thomas</p> <p>Householder Appeal</p>	<p>Cornerpiece 18 Coney Road East Wittering PO20 8DA - Proposed entrance porch and loft conversion including 2 no front dormers.</p>
<p><u>17/00011/CONBC</u> Funtington Parish</p> <p>Case Officer: Tara Lang</p> <p>Informal Hearing</p>	<p>Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71</p>
<p><u>17/00310/CONCOU</u> Funtington Parish</p> <p>Case Officer: Tara Lang</p> <p>Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Appeal against FU/67</p>
<p><u>18/00323/CONHI</u> Funtington Parish</p> <p>Case Officer: Sue Payne</p> <p>Written Representation</p>	<p>West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p><u>18/00676/FUL</u> Funtington Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Cutmill Depot Newells Lane West Ashling Chichester West Sussex PO18 8DE - Retrospective erection of boundary wall in excess of 1m in height adjacent to highway.</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 448 297"><u>19/02811/DOM</u> Linchmere Parish</p> <p data-bbox="197 365 580 398">Case Officer: William Price</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="639 230 1469 338">Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations.</p>
<p data-bbox="197 551 448 618"><u>19/02812/LBC</u> Linchmere Parish</p> <p data-bbox="197 685 580 719">Case Officer: William Price</p> <p data-bbox="197 781 552 815">Written Representation</p>	<p data-bbox="639 551 1469 730">Pond Cottage Camelsdale Road Camelsdale Linchmere GU27 3RB - Single storey extension to north, replacement of existing roof extension and internal alterations including the replacement of staircase, opening of original doorway and blocking of doorway to south of dining room.</p>
<p data-bbox="197 871 429 938"><u>19/01240/FUL</u> Loxwood Parish</p> <p data-bbox="197 1005 616 1039">Case Officer: Jeremy Bushell</p> <p data-bbox="197 1102 411 1169">Public Inquiry 29/09/2020</p> <p data-bbox="197 1191 576 1290">The Vicars Hall Cathedral Cloisters Chichester PO19 1PX</p>	<p data-bbox="639 871 1498 1088">Land South West Of Guidford Road Loxwood West Sussex - Demolition of existing dwelling and the erection of 50 dwellings to include 35 private units and 15 affordable units, creation of proposed vehicular access, internal roads and footpaths, car parking, sustainable drainage system, open space with associated landscaping and amenity space.</p> <p data-bbox="639 1162 1219 1196">Venue is subject to COVID19 restrictions</p>
<p data-bbox="197 1357 429 1424"><u>19/01400/FUL</u> Loxwood Parish</p> <p data-bbox="197 1491 580 1525">Case Officer: William Price</p> <p data-bbox="197 1588 552 1621">Written Representation</p>	<p data-bbox="639 1357 1414 1503">Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 427 297"><u>19/02781/OUT</u> Loxwood Parish</p> <p data-bbox="197 365 616 398">Case Officer: Jeremy Bushell</p> <p data-bbox="197 461 411 533">Public Inquiry 03/11/2020</p> <p data-bbox="197 551 579 651">The Vicars Hall Cathedral Cloisters Chichester PO19 1PX</p>	<p data-bbox="639 230 1465 376">Land South Of Loxwood Farm Place High Street Loxwood West Sussex - The erection of up to 22 no. residential dwellings with all matters reserved, except for access (excluding internal estate roads).</p> <p data-bbox="639 533 1225 566">Venue is subject to COVID19 restrictions.</p>
<p data-bbox="197 719 531 786"><u>16/00325/CONCOM</u> North Mundham Parish</p> <p data-bbox="197 831 592 864">Case Officer: Shona Archer</p> <p data-bbox="197 909 552 943">Written Representation</p>	<p data-bbox="639 719 1414 786">6 Oakdene Gardens North Mundham Chichester West Sussex PO20 1AQ - Appeal against NM/28</p>
<p data-bbox="197 994 552 1061"><u>17/00104/CONBC</u> Plaistow And Ifold Parish</p> <p data-bbox="197 1106 552 1140">Case Officer: Sue Payne</p> <p data-bbox="197 1184 552 1218">Written Representation</p>	<p data-bbox="639 994 1422 1140">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 1272 552 1339"><u>18/01685/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="197 1384 587 1417">Case Officer: Daniel Power</p> <p data-bbox="197 1462 552 1496">Written Representation</p>	<p data-bbox="639 1272 1414 1350">Burgau Barn Plaistow Road Ifold Loxwood RH14 0TZ - Retrospective single storey side extension.</p>
<p data-bbox="197 1550 448 1617"><u>19/01103/LBC</u> Sidlesham Parish</p> <p data-bbox="197 1684 475 1762">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1785 552 1818">Written Representation</p>	<p data-bbox="639 1550 1487 1628">Highleigh Farmhouse Highleigh Road Sidlesham PO20 7NR - Installation of replacement windows to match existing.</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 485 297"><u>19/01859/FUL</u> Southbourne Parish</p> <p data-bbox="197 365 612 398">Case Officer: Calum Thomas</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="639 230 1487 297">Land Rear Of Mayfield Prinsted Lane Prinsted Southbourne PO10 8HS - 1 no. dwelling.</p>
<p data-bbox="197 548 461 616"><u>19/00070/CONHH</u> Tangmere Parish</p> <p data-bbox="197 683 552 716">Case Officer: Sue Payne</p> <p data-bbox="197 779 552 813">Written Representation</p>	<p data-bbox="639 548 1469 689">12A Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ - Appeal against development of a wind turbine and gates in excess of 1m height adjacent to highway, subject to Enforcement Notice TG/24.</p>
<p data-bbox="197 866 448 934"><u>19/01532/FUL</u> Tangmere Parish</p> <p data-bbox="197 1001 580 1034">Case Officer: William Price</p> <p data-bbox="197 1097 552 1131">Written Representation</p>	<p data-bbox="639 866 1487 1046">17 Nettleton Avenue Tangmere Chichester West Sussex PO20 2HZ - Proposed extension of boundary to existing dwelling at 17 Nettleton Avenue to change use of land from public amenity space to private garden. Associated erection of boundary treatment</p>
<p data-bbox="180 1184 448 1252">* <u>19/02365/FUL</u> Tangmere Parish</p> <p data-bbox="197 1319 561 1352">Case Officer: Martin Mew</p> <p data-bbox="197 1415 552 1449">Written Representation</p>	<p data-bbox="639 1184 1477 1326">Land To The West Of Hangar Drive Tangmere West Sussex - Erection of 6 no. flats with associated parking, bin and cycle store, landscaping and open space (consistent with scheme approved under 16/00444/FUL).</p>
<p data-bbox="197 1503 499 1570"><u>18/00100/CONCOU</u> West Itchenor Parish</p> <p data-bbox="197 1637 587 1671">Case Officer: Steven Pattie</p> <p data-bbox="197 1733 552 1767">Written Representation</p>	<p data-bbox="639 1503 1449 1570">Northshore Yacht Limited The Street Itchenor Chichester West Sussex PO20 7AY - Appeal against WI/16</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 512 300"><u>16/00251/CONBC</u> West Wittering Parish</p> <p data-bbox="197 365 584 394">Case Officer: Steven Pattie</p> <p data-bbox="197 459 552 488">Written Representation</p>	<p data-bbox="639 230 1481 371">Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Appeal against breach of condition 2 to 13/02676/DOM - use of outbuilding subject to Enforcement Notice WW/49.</p>
<p data-bbox="180 598 512 667">* <u>18/02708/DOM</u> West Wittering Parish</p> <p data-bbox="197 732 584 761">Case Officer: Daniel Power</p> <p data-bbox="197 826 552 855">Written Representation</p>	<p data-bbox="639 598 1481 739">Dolphins Rookwood Lane West Wittering Chichester West Sussex PO20 8QH - Proposed steps down through garden to a 1.5 metre long tunnel beneath public footpath rising through to another set of steps to the foreshore garden.</p>
<p data-bbox="180 965 512 1034">* <u>19/01622/FUL</u> West Wittering Parish</p> <p data-bbox="197 1099 584 1128">Case Officer: Daniel Power</p> <p data-bbox="197 1193 552 1223">Written Representation</p>	<p data-bbox="639 965 1481 1106">Surbitonia 45 Howard Avenue West Wittering PO20 8EX - Demolition of an existing bungalow with a garage and erection of 2 no. replacement two storey dwellings with separate access and parking.</p>
<p data-bbox="197 1332 512 1402"><u>19/02136/FUL</u> West Wittering Parish</p> <p data-bbox="197 1467 475 1536">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1563 552 1592">Written Representation</p>	<p data-bbox="639 1332 1481 1473">Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Construction of 1 no. boat house with ground floor storage ancillary to first floor self-contained residential unit.</p>
<p data-bbox="197 1657 488 1727"><u>13/00163/CONWST</u> Westbourne Parish</p> <p data-bbox="197 1792 593 1821">Case Officer: Shona Archer</p> <p data-bbox="197 1886 411 1915">Public Inquiry</p>	<p data-bbox="639 1657 1481 1760">The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>

Reference/Procedure	Proposal
<u>19/00117/CONMHC</u> Westbourne Parish Case Officer: Steven Pattie Informal Hearing	Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire - Appeal against stationing of 2 mobile homes (see permission 19/00606/FUL) and subject to Enforcement Notice WE/47. Linked to <u>20/00237/FUL</u>
<u>20/00237/FUL</u> Westbourne Parish Case Officer: Calum Thomas Informal Hearing	Land North Of The Grange Woodmancote Lane Woodmancote Emsworth Hampshire - Erection of a polytunnel to house fish tanks for a hydroponic / aquaponic fish farm. Linked to <u>19/00117/CONMHC</u>
<u>19/02126/FUL</u> Wisborough Green Parish Case Officer: Daniel Power Written Representation	Goose Cottage Durbans Road Wisborough Green RH14 ODG - 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 Birdham Farm, Birdham Road	Of Enforcement Notices. Application for permanent Injunction to vacate the land and restore it to its agricultural use. Not to carry out any development without prior planning permission	Temporary Injunction granted by the High Court on 13 March not to carry out any development without prior permission and not to bring more caravans on site. Final hearing at the High Court to consider permanent injunction on 27 and 28 July.

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, are defending the claim. Hearing date set for 15 th September 2020.

Prosecutions		
Site	Breach	Stage
Land South of the Stables, Newells Lane	Of Enforcement Notice.	Due to Covid-19, planning breaches are not on the official court's priority list and the court's backlog is significant at present. However, Letter before Action sent to owner from Legal advising him to comply or proceedings will be issued in due course (deadline given in the letter). A new site visit will be required before commencement of proceedings in the magistrates' courts.

7. POLICY MATTERS

None.

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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 17/06/20 and 21/07/20

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

Reference/Procedure	Proposal
<p><u>SDNP/19/05938/HOUS</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section.</p> <p>Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.</p> <p>Linked to <u>SDNP/19/05939/LIS</u></p>
<p><u>SDNP/19/05939/LIS</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section.</p> <p>Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.</p> <p>Linked to <u>SDNP/19/05938/HOUS</u></p>

2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/19/04930/CND</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p>Written Representation</p>	<p>Spindles East Harting Street East Harting Petersfield West Sussex GU31 5LY - Replacement 1 no. dwelling - variation of condition 2 of planning permission SDNP/18/01754/FUL - substitute plans 57b for 57 and add new plans 21b and 27.</p>
<p>Appeal Decision: APPEAL DISMISSED, APPLICATION FOR COSTS REFUSED</p>	
<p>"...the main issue is the effect that varying the condition to incorporate the car port would have on the character and appearance of the area, and whether the scheme would preserve or enhance the East Harting Conservation Area (CA) or the landscape character of the South Downs National Park. ... I find that the CA is defined by attractive vernacular buildings generally set back from the roadside edge which are largely enclosed by trees and hedgerows but where gaps between buildings and vegetation afford views out to the surrounding countryside. Whilst these views are limited by the size of the gaps the views contribute positively to the significance of the CA.... The building under construction on the site has an appropriate set back from the road and its proportions are symmetrical... The introduction of a significant built form in front of the dwelling would obstruct the view through to the surrounding down land and would undermine the justification for the dwelling allowed on appeal...Whilst the appellants argue that the car port would have less of an impact than the dwelling it is significant that the earlier appeal scheme recognised the enhancement to the CA which would be achieved by setting the dwelling back into the site and by the enhanced spacing between buildings. The position and bulk of the proposed car port would eradicate those enhancements and would dominate the space at the front of the dwelling... the position of the proposed car port given its height and mass would be both visible and dominant when approaching from the west. That prominence would be emphasised as the land level is elevated around 1.5 metres above the road and by the size and height of the car port... Such prominence would lead to a dominant and inharmonious feature within the CA causing harm its established character... Taking all the above into account, the development would neither preserve nor enhance the character or appearance of the CA and would have an effect, albeit more limited, on the natural beauty of the National Park... The appellants have cited examples of other dwellings in the hamlet where garages have been constructed between the house and the road; however those which I did see were not comparable to this proposal in relation to their scale, mass or elevation above the road such as they are examples that would alter my judgement in relation to this appeal... For the above reasons and having had regard to all other matters raised, I have concluded that the plans condition should be retained unaltered and the appeal does not therefore succeed. ..."</p> <p>Costs decision</p> <p>"...It will be seen from my decision that having dealt with the planning issues separately and on their own merits I have found that the condition should not be varied to enable an additional structure to be included. Within this assessment I have found no evidence to demonstrate that the behaviour of the SDNPA was unreasonable, nor has it been demonstrated by the applicant that unnecessary expense in the appeal process has been incurred... I find that that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. Accordingly, no award of costs is made..."</p>	

<p><u>SDNP/18/00082/GENER</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Coombe House Marley Heights Fernhurst Haslemere West Sussex GU27 3LU - Appeal against FH/27</p>
<p>Appeal Decision: APPEAL DISMISSED</p>	
<p>" The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision. ...I conclude that, on the balance of probability, the change of use has taken place. The placing of items, including vegetable beds, fruit cage, compost bin and plant pots, comprise part of that change of use. ...I conclude that the appeal under ground (c) should fail. ...As it has been accepted that the change of use occurred within the last 10 years, the glasshouse and log store have not become lawful through the passage of time. ... I conclude that the appeal under ground (d) should fail. ...the appearance contrasts with the more natural and rural landscape and scenic beauty of the surrounding SDNP. ...I conclude that the change of use of the land at Coombe House does not conserve or enhance the landscape and scenic beauty of the SDNP. As such, it conflicts with Policies SD1, SD4, SD6 and SD7 of the South Downs Local Plan and the Framework that seek to both conserve and enhance the natural beauty and landscape character of the area, including by preserving the relative tranquillity, visual integrity, identity and scenic quality of the SDNP. ... The appeal on ground (a) therefore fails. 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>Cost Decision</p> <p>The application for an award of costs is refused Taking all of the above into account, the Council did not behave unreasonably in not identifying the previous use of the land. ...However, on the legal grounds of appeal, such as grounds (c) and (d), the burden of proof is on the appellant. The Council did not act unreasonably in this regard I consider the Council's behaviour in relation to this matter was not unreasonable."</p>	

Reference/Procedure	Proposal
<p data-bbox="185 230 544 338">SDNP/18/00087/GENER Heyshott Parish Council Parish</p> <p data-bbox="185 367 592 398">Case Officer: Emma Kierans</p> <p data-bbox="185 461 539 492">Written Representation</p>	<p data-bbox="632 230 1461 300">Northend House Polecats Heyshott Midhurst West Sussex GU29 0DD - Appeal against Enforcement Notice HY/3</p>
<p data-bbox="539 526 1126 557">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="169 571 1422 1659">Appeal A succeeds in part and permission for that part is granted, but otherwise the appeals fail and the enforcement notice is upheld in the terms set out below in the Formal Decision. ... The appeal is dismissed. ... As a result, as a matter of fact and degree the tarmac surfacing and granite setts comprise an engineering operation, such that they constitute development as defined by s55 of the Act... I consider that, as a matter of fact and degree, in this case the brick piers and gates are not adjacent to the highway. ... I have to conclude that they did not benefit from the planning permission granted by the GPDO. ... For these reasons, I conclude that the appeals under ground (c) should fail. ... For these reasons, I conclude that the appeals under ground (d) should fail. ... As at the date of the application, the surfacing of the driveway was not lawful. That is an intrinsic part of the development. On that basis, I conclude that it would not be possible to alter the description of the development in such a form that I could issue a certificate. ... For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of retention and continued use of the existing driveway was well-founded and that the appeal should fail. ... For the reasons set out above, I conclude that on balance the proposed development would not accord with the development plan. The development in its current position and form is therefore unacceptable. ... Consequently, I conclude that planning permission should be granted ... for the brick piers and gates that now exist on the site. ... For the reasons set out above, I conclude that, on balance, the brick piers and gates as currently constructed should be granted planning permission. The appeal on ground (a) therefore succeeds to that extent. ... As such, the requirements of the notice are not excessive in terms of restoring the land to its condition before the breach took place. ... With regard to the remainder of the development, however 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 allowed insofar as it relates to the land edged in red on the plan at Land at Northend House, Polecats, Heyshott, Midhurst, West Sussex granted on the application deemed to have been made under s177(5) of the 1990 Act as amended, ... The appeal is dismissed and the enforcement notice is upheld. ... The appeals are dismissed."</p>	

Reference/Procedure	Proposal
Appeal Decision: APPEAL DISMISSED – Cost Decision	
<p>Cost Decision: "... The application for an award of costs is refused. ... Consequently, the Council's decisions were not unreasonable in this regard. ... As a result, the Council's behaviour was not unreasonable insofar as it relates to this. ... The enforcement notice did not require use of the access to cease. ... Given that I have concluded that the works did comprise development, I have to conclude that the decisions of the Council in relation to this LDC and the enforcement notice subject of appeals A and B were not unreasonable. ... Consequently, I have to conclude that the Council's decision to serve an enforcement notice due to the effect of the development on the character of the area was not unreasonable. ... Consequently, I conclude that, whilst the appellants may not be satisfied that the Council met their expectations, the Council did not act unreasonably in this regard. ... For the reasons set out above, I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and the application for an award of costs must fail. ..."</p>	
<p><u>SDNP/17/00447/GENER</u> Lurgashall Parish Council Parish</p> <p>Case Officer: Emma Kierans</p> <p>Written Representation</p>	<p>Jays Farm Jays Lane Lurgashall Haslemere West Sussex GU27 3BL - Appeal against LG/16</p>
Appeal Decision: APPEAL SPLIT DECISION	
<p>"... The appeal succeeds in part and permission for that part is granted, but otherwise the appeal fails, and the enforcement notice is upheld in the terms set out below in the Formal DecisionIn relation to the hardstanding, I conclude that it does not conserve or enhance the landscape and scenic beauty of the SDNP. As such, it is contrary to Policies SD1, SD4, SD5 and SD11 of the South Downs Local Plan (LP) and the Framework that seek to conserve and enhance landscape character, including by conserving and enhancing woodland that contributes to that character. However, I conclude that, as it enhances the landscape and scenic beauty of the SDNP, the track complies with those policies.....the hardstanding does not conserve or enhance the ecology and biodiversity in the area, although the track would conserve ecology and biodiversityI accept that the track is needed for forestry operations and that this is the best route to link the rides permitted through the woodland to other tracks on the farm and the wood barn.....For the reasons set out above, I conclude that on balance the hardstanding does not accord with the development plan. However, taking account of Policy SD39 of the LP, I conclude that the need for the track outweighs the lack of compliance with other policies of the development plan. The appeal on ground (a) therefore fails insofar as it relates to the hardstanding but succeeds insofar as it relates to the track. "</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/19/01293/LDE</u> Heyshott Parish Council Parish</p> <p>Case Officer: Carol Garfield</p> <p>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><u>SDNP/19/01322/LDE</u> Heyshott Parish Council Parish</p> <p>Case Officer: Carol Garfield</p> <p>Written Representation</p>	<p>Northend House Polecats Heyshott GU29 0DD - Retention of existing gates and brick piers serving access to Northend House.</p>
<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Informal Hearing</p>	<p>Buryfield Cottage Sheepwash Elsted Midhurst West Sussex GU29 0LA - Existing lawful development certificate for occupation of a dwellinghouse without complying with an agricultural occupancy condition.</p>
<p><u>SDNP/19/02832/FUL</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Baldwins Ropes Lane Fernhurst GU27 3JD - Reconstruction of the former stables and storage building to provide a single holiday let for tourist accommodation.</p>

Reference/Procedure	Proposal
<p><u>SDNP/19/04625/LIS</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Riverbank High Street Petworth West Sussex GU28 0AU - Internal alterations including installation of dividing walls and sound/fire proofing party floors to facilitate change of use.</p>
<p><u>SDNP/19/03168/LIS</u> Harting Parish Council Parish</p> <p>Case Officer: Piotr Kulik</p> <p>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/19/04624/FUL</u> Petworth Town Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Riverbank High Street Petworth West Sussex GU28 0AU - Change of use of rear room currently used as retail store and first floor offices to residential to form a self-contained two bedroom flat. Soundproofing and fireproofing internal walls. Formation of WC at ground floor level.</p>
<p><u>SDNP/19/04507/FUL</u> Lavant Parish Council Parish</p> <p>Case Officer: Charlotte Cranmer</p> <p>Written Representation</p>	<p>Roughmere Lavant Road Lavant PO18 0BG - Demolition of double garage and shed, and replacement with 1 no. chalet bungalow.</p>
<p><u>SDNP/19/01956/HOUS</u> East Dean Parish Council Parish</p> <p>Case Officer: Derek Price</p> <p>Householder Appeal</p>	<p>1 Manor Farm Barns East Dean Lane East Dean PO18 0JA - Proposed side extension, relocation of 1 no. heritage style roof light , 2 no. new conservation type roof lights and 1 no. new painted timber double glazed window on west elevation.</p>

Reference/Procedure	Proposal
<u>SDNP/18/04604/FUL</u> Funtington Parish Council Parish Case Officer: Piotr Kulik Written Representation	The Coach House Southbrook Road West Ashling PO18 8DN - Replacement dwelling.
<u>SDNP/18/00733/COU</u> Tillington Parish Council Parish Case Officer: Emma Kierans Written Representation	Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Appeal against erection of stables and increased vehicular activity on the land, subject to Enforcement Notice LD/16.

4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

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

None.