

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in the Committee Rooms, East Pallant House on **Wednesday 3 November 2021 at 9.30 am**

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

## AGENDA

### 1 **Chair's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

### 2 **Approval of Minutes** (Pages 1 - 8)

The minutes relate to the Planning Committee on 6 October 2021.

### 3 **Urgent Items**

The Chair will announce any urgent items that due to special circumstances will be dealt with under agenda item 15 (b).

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

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

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

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

### **PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 10 INCLUSIVE**

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

- 5      **CC-21-00461-REM - Land West Of Centurion Way And West Of Old Broyle Road, Chichester, West Sussex, PO19 3PH** (Pages 11 - 38)  
All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, parking, landscaping and access arrangements together with formation of adjacent public square with all works pursuant to outline planning permission CC/14/04301/OUT.
- 6      **CC-21-01309-FUL - Pizza Hut Restaurant, Portfield Way, Chichester, PO19 7WT** (Pages 39 - 55)  
Full planning permission for the change of use from Class E (was A3) to a Sui Generis use consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage.
- 7      **SB-21-02603-FUL - 1 Green Acre, Inlands Road, Nutbourne, PO18 8RJ** (Pages 57 - 67)  
Change of use of the land to use as a building site compound. (Variation of Condition 1 from Appeal Decision ref. APP/L3815/C/19/3233587 - to extend the time within which the use must be discontinued and to include the alternative use of the land for agricultural purposes).
- 8      **SI-21-01234-FUL - Melita Nursery, Chalk Lane, Sidlesham, PO20 7LW** (Pages 69 - 85)  
Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (alternative layout and access arrangement to the scheme approved under application SI/20/01331/FUL).
- 9      **WW-21-02102-FUL- East Head, Snow Hill, West Wittering, West Sussex** (Pages 87 - 99)  
Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind the beach around the hinge.
- 10     **SDNP-2002840-FUL - The Angel Inn, Ryde House, Wedgewood House & Augustus Brandt Editions, Angel Street, Petworth, GU28 0BG** (Pages 101 - 120)  
Alterations, extensions and partial change of use to 5 no. historic buildings for use as a hotel.
- 11     **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 121 - 143)  
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** (Pages 145 - 148)  
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     **Schedule of Contraventions** (Pages 149 - 185)  
The Planning Committee is asked to consider the quarterly schedule which updates the position with regards to planning enforcement matters.

- 14 **Five Year Housing Land Supply (5YHLS) Update - Report to follow**  
The Committee is asked to note the Council's updated 5YHLS (*report to follow*).
- 15 **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 Chair has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting.
- 16 **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 wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless they contain exempt information.
- (3) 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 Democratic Services of their 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 of Chichester District Council's Constitution]
- (4) Subject to Covid-19 Risk Assessments members of the public are advised of the following:
  - (a) Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages.
  - (b) Where a member of the public has registered a question or statement they will be invited to submit the question or statement in advance to be read out by Democratic Services. They may attend the meeting but will be asked to sit in an allocated seat in the public gallery.
  - (c) It is recommended that all those attending take a lateral flow test prior to the meeting.
  - (d) All those attending the meeting will be required to wear face coverings and maintain social distancing when in the building/meeting room.
  - (e) Members of the public must not attend any face to face meeting if they or a member of their household have Covid-19 symptoms and/or are required to self-isolate.

## 5. How applications are referenced:

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

### Application Type

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

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

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



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 6 October 2021 at 9.30 am

**Members Present:** Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr B Brisbane, Mr R Briscoe, Mrs J Fowler, Mr G McAra, Mr S Oakley, Mr H Potter, Mr D Rodgers and Mrs S Sharp

**Members not present:** Mrs D Johnson and Mr P Wilding

**In attendance by invitation:**

**Officers present:** Miss N Golding (Principal Solicitor), Mrs F Stevens (Development Manager (Applications)), Ms J Thatcher (Senior Planning Officer, Majors and Business), Mr T Whitty (Divisional Manager for Development Management) and Mrs F Baker (Democratic Services Officer)

## 117 **Chairman's Announcements**

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

Apologies were received from Cllr Johnson, Cllr Wilding and; Cllr Sharp who would be absent for the start of the meeting.

## 118 **Approval of Minutes**

The following amendment to the meeting was noted;

- On page 10 of the Agenda pack, the minutes referred to 'Hudson Neighbourhood Plan' this would be amended to 'Hunston Neighbourhood Plan'.

The minutes of the meeting held on 8 September 2021 were agreed as a true and accurate record.

## 119 **Urgent Items**

There were no urgent items.

## 120 **Declarations of Interests**

Mr Barrett declared a personal interest in respect of BO/21/02186/FUL as the external appointment to Chichester Harbour Conservancy.

Mr Oakley declared a personal interest in;

- BO/21/02186/FUL as a member of West Sussex County Council
- CH/20/01139/OUT as a member of West Sussex County Council
- E/20/03289/FUL as a member of West Sussex County Council
- SB/20/02297/FUL as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- BO/21/02186/FUL as a member of West Sussex County Council
- CH/20/01139/OUT as a member of West Sussex County Council
- E/20/03289/FUL as a member of West Sussex County Council
- SB/20/02297/FUL as a member of West Sussex County Council

121 **BO/21/02186/FUL; Broadbridge Business Centre Delling Lane Bosham PO18 8NF (approximate start time 9.35am)**

Ms Thatcher presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which included an additional comment from Bosham Parish Council who since publication of the report has withdrawn their objection to the application.

Ms Thatcher highlighted the site location to the Committee and outlined the proposed development. She explained that the application was a modification to the 2020 extant application for a similar scheme. Ms Thatcher confirmed that the proposed use of the development is the same as the 2020 permission.

She informed the Committee that the application for a gym and office space is considered to be an appropriate use in a semi-rural location, with the design sympathetic to the location and would not cause any harm to the AONB

There were no public representations.

Officers responded to Members' comments and questions as follows;

On the issue of tree planting along the western boundary; Ms Thatcher explained that the site boundary was wall and hedgerow which means that it would not be suitable for any tree planting.

On the issue of potential noise generated by the gym; Ms Thatcher informed the Committee that the application had been reviewed by the Environmental Protection Officer who was satisfied noise levels from the gym could be controlled and has recommended Condition 15 which requires a noise and vibration plan to be

submitted and approved by the Local Authority. In addition Mr Whitty confirmed that upon review the Environmental Protection Officer can set DB limits if they feel it is appropriate.

In a vote the Committee agreed to the report recommendation to **permit**.

Recommendation; **permit** subject to the conditions and informatives set out in the report.

\*Members took a five minute break.

122 **CH/20/01139/OUT; Land South Of Springfield Hambrook Hill South Hambrook Chidham West Sussex (approximate start time 10.20am)**

Mrs Stevens presented her report to the Committee. The application is for Outline permission only with all other matters reserved. Mrs Stevens highlighted the site location and its proximity to the settlement boundary. She confirmed that the site was previously developed land and prior to becoming garden land it had been used as boarding kennels.

Mrs Stevens informed the Committee that the foul drainage from the development would enter the main sewer and discharge into Chichester Harbour. A nitrate mitigation proposal has been included and assessed as part of the application, and Natural England is satisfied with the proposal. The mitigation would be provided on site and would be controlled through a condition which is recommended within the Committee report.

Mrs Stevens explained that the Chidham & Hambrook Neighbourhood Plan allows for windfall development in rural locations on previously development land.

The Committee received representations from;

Cllr Adrian Moss – Chichester District Council Ward Member

Officers responded to Members' comments and questions as follows;

On the matter of the classification of the land was; Mrs Stevens confirmed that the land had been carefully considered by officers as part of the application assessment and clarified that the land was classed as garden land.

With regards to the need for the development; Mrs Stevens acknowledged that one dwelling would make no significant impact to the provision of housing stock within the local area, however the housing policies are out of date and there is no current five year housing supply, and when assessed against the NPPF there is no significant demonstrable harmful impacts. In addition; Mr Whitty explained that policy LP1 of the Neighbourhood Plan allows for windfall development on previously developed land, therefore even if there were a five year housing land supply the principal of development would still be acceptable.

With regards to nitrate mitigation; Mrs Stevens explained that the rewilding and replanting of urban areas in certain circumstances can be used as suitable mitigation for nitrates; the proposal has been approved by Natural England.

On the matter of precedence; Mr Whitty confirmed that the Neighbourhood Plan was made in 2016, after the Local Plan and therefore took precedence.

In a vote the Committee agreed to the report recommendation to **permit with S106**.

Recommendation; **permit with s106** subject to the conditions and informatives set out in the report.

\*Members took a ten minute break

\*Cllr Sharp joined the meeting at 10.25am

123 **E/20/03289/FUL; Earnley Gardens Almodington Lane Almodington Earnley PO20 7JR (approximate start time 11.05am)**

Mrs Stevens presented the report to the Committee. She drew the Committee's attention to the Agenda Update sheet which set out further supporting information from the Planning Agent. Mrs Stevens also gave a verbal update on the application which is recommended for refusal, in addition to the reasons cited in the report the access site lies within Flood zone 2 and has not been accompanied by a sequential test to demonstrate that the whole development cannot be accompanied in a lower risk flood area.

The application is in a rural location outside the settlement boundary of East Wittering & Bracklesham, West Wittering and Birdham; the nearest settlement to the site is Earnley. The proposal is for the development of five houses on a previous tourist attraction which ceased trading in March 2020. Mrs Stevens highlighted the site layout and its location to the Committee.

Whilst there a significant number of buildings already on site they are low level and do not cause any significant impact to the surrounding area.

The proposed buildings are all individually designed and propose to use natural materials in their construction and are appropriate for the location. However, Mrs Stevens explained that there is concern regarding the mass and bulk of the proposed development which would be out of context to the surrounding development along Almodington Lane. The site is in an unsustainable location with poor access to both services and amenities, which would require a strong reliance on motor vehicles.

The Committee received representations from;

Mr Robert Carey – Earnley Parish Council

Cllr Julian Joy – West Sussex County Council Councillor (statement read by Carley Lavendar)

Ms Julia Bowering – Supporter

Miss Elaine Standish – Supporter



Mr Farley - Supporter  
Mr James Horsley - Applicant  
Cllr Elizabeth Hamilton – Chichester District Council Ward Member

Officers responded to Members' comments and questions as follows;

With regards to the sequential test and the flood risk at the site entrance; Mr Whitty confirmed that the statutory bodies were aware of the flood risk and where that flood risk lay. The EA do not comment on flood risk with regard to flood zones, the sequential test that can be applied is undertaken by the local planning authority. Mr Whitty explained that the additional information regarding the flood zone at the access for the site had not been included within the Committee report as officers were only made aware of the issue prior to the start of the meeting. The applicant has engaged the sequential test and presented information to show that the site is no longer a viable employment site and has proposed that the only viable option for regeneration is through development.

In response to the concerns regarding the swales and drainage; Mrs Stevens informed the Committee that the proposed drainage scheme included the pond with a restrictive outflow, permeable surfaces and drainage provided throughout the site. In addition, there are currently a large number of hard surfaces already on site; therefore it is likely that there will be a decrease in surface water run-off as a result of the scheme. If the Committee were to permit the application then it is recommended that a drainage condition be included to ensure full details are submitted prior to commencement.

On the issue of undermining the authority's position at appeal regarding the Earnley Concourse; Mr Whitty assured the Committee that if they were minded to permit the application it would not undermine the council's position in response to the Earnley Concourse appeal.

With regards to the housing mix; Mrs Stevens confirmed that the housing mix had been discussed with the applicant; the justification that has been provided for the proposed housing mix is viability of what property is appropriate for the site. With regards to whether a varied mix of housing on the site could be viable; Mr Whitty explained that the level of detail to assess such viability had not been provided and therefore officers were unable to comment.

On the matter of ground heights at the site; Mr Whitty informed the Committee that the site height was between 4.5m to 5m AOD. He clarified that the required floor level figures referred to the finished floor level inside the building, the building itself does not need to be constructed several metres above the existing ground levels. If the Committee were to permit the application then a condition would be included to secure details of the proposed ground and floor levels prior to development.

With regards to Annexe 3 of the NPPF and reference to essential infrastructure; Mr Whitty explained that where a site has previously been developed then the sequential test which would normally be applied in this situation can be put to one side, as it may prevent the site from being redeveloped.

Mr Whitty advised the Committee that when determining the application they must apply the tilted balance to their decision making. He confirmed that the housing mix was a material consideration when determining an application.

Following the discussion Mr Barrett proposed that the application be permitted for the following reasons;

- the design of the development is sensitive to the surrounding location and landscape
- The site has been marketed and there has been no uptake for it as a commercial site; therefore housing development is the only viable option.
- The proposed design will support homeworking.
- When considering the tilted balance the application is in favour of design.

This proposal was seconded by Rev. Bowden.

In a vote the Committee voted to go against officer recommendation and **defer for s106 then permit**, (the Heads of Terms for the S106 and conditions to be delegated to officers).

Recommendation; **defer for s106 then permit**, (the Heads of Terms for the S106 and conditions to be delegated to officers).

\*Members took a ten minute break.

124 **SB/20/02297/FUL; Land North West Of 139 Main Road Southbourne Hampshire (approximate start time 12.05pm)**

Mrs Stevens presented the report to the Committee, and drew the Committee's attention to the Agenda Update sheet which included an addendum to the report in respect of the Southbourne Neighbourhood Plan, and an addendum to the Decided Plans table.

Mrs Stevens highlighted the proposed layout of the development and its site location. She informed the Committee that in response to members concerns regarding the ongoing maintenance and access to the ditch and trees located around the perimeter of the development site; the applicant has proposed additional access points which will provide a suitable entry to the site for future maintenance. In addition, the applicant has recently used a mini digger to undertake maintenance work on the surrounding ditch network.

Updates to the report since the last Committee hearing in August 2021 when the application was deferred for further information could be identified by the bold typesetting in the report.

The Committee received representations from;

Cllr Amanda Tait – Southbourne Parish Council  
Mr C Bowring - Objector  
Mr Paul White – Agent

Officers responded to Members' comments and questions as follows;

On the matter of what weights could be afforded to the emerging Southbourne Neighbourhood Plan and the existing Southbourne Neighbourhood Plan; Mr Whitty explained that the existing Neighbourhood Plan is afforded the same weight as Chichester District's own existing plan. With regards to the emerging Neighbourhood Plan Mr Whitty acknowledged that as it enters Regulation 16 it does gather more weight, but until it has gone through inspection only a limited amount of weight can be afforded to it. He advised the Committee that there is also no significant impact between the emerging Neighbourhood Plan and the Interim Policy Statement (IPS), as there is not a five year housing land supply.

In response to concern regarding the number of dwellings; Mr Whitty informed the Committee that the original application had sought permission for nine dwellings; however; taking into consideration constraints around the site it was advised that the eight dwellings being applied were the maximum that the site could accommodate.

With regards to the omission of the standard condition regarding road construction; Mrs Stevens agreed that this could be included as an additional condition.

On the matter of planning policy and how the application differed from agenda item 6; Mrs Stevens explained that there were a number of differences between the applications in terms of policy consideration. One of the most significant differences is that the Neighbourhood Plan in the earlier application had been adopted and did allow for the provision of 'windfall' sites. In addition, the 'strategic gap' between Hermitage and Southbourne was not recognised in the existing Local Plan, Mrs Stevens acknowledged that it had been identified in previous Local Plans, but it had not been carried forward as part of the 2015 Local Plan. She advised that the Committee must apply the tilted balance in their decision making and consider the current five year housing land supply, and whether the proposed development is likely to cause any significant demonstrable damage.

On the matter of ditch maintenance; Mrs Stevens confirmed that officers had seen evidence that the work had been undertaken and that the site could be accessed from the proposed access points. Due to the nature of the site there was a limit to the size of vehicle that could enter the site. Mrs Stevens also confirmed that the future maintenance of the ditches and trees surrounding the site were all the responsibility of the same management company, and would not be the responsibility of any individual home owner.

With regards to the maintenance of the culvert to the south of the site; Mrs Stevens agreed that this could be highlighted through an additional informative. She confirmed that the ditch was already culverted and there were no proposed changes to the network as a result of the application.

In a vote the Committee agreed to the report recommendation to **defer for S106 then permit**

Recommendation; **defer for S106 then permit**; subject to the conditions (with the additional condition regarding road construction) and informatives set out in the report.

125 **Chichester District Council - Schedule of Planning Appeals, Court and Policy Matters**

Officers responded to questions and comments as follows;

With regards to the overall percentage of appeals that related to gypsy and traveller sites; Mr Whitty agreed that this could be included as part of the quarterly Contraventions update.

On the matter of when a decision could be expected for 20/02824/OUT at Westhampnett; Mr Whitty advised that a decision was expected in October.

On the matter of a hearing date for the following three cases; 20/02009/FUL; 20/00380/CONTRV; and 20/00412/OUT; Mrs Stevens advised that they were currently awaiting a date for the hearings and would update outside the meeting.

The Committee agreed to note the item.

126 **South Downs National Park - Schedule of Planning Appeals**

The Committee agreed to note the item.

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

There were no late items.

128 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 12.47 pm

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CHAIRMAN

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Date:

## **Chichester District Council**

### **Planning Committee**

**Wednesday 3 November 2021**

#### **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)
- 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:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South 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 G A F Barrett – Manhood Peninsula Partnership
- 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:

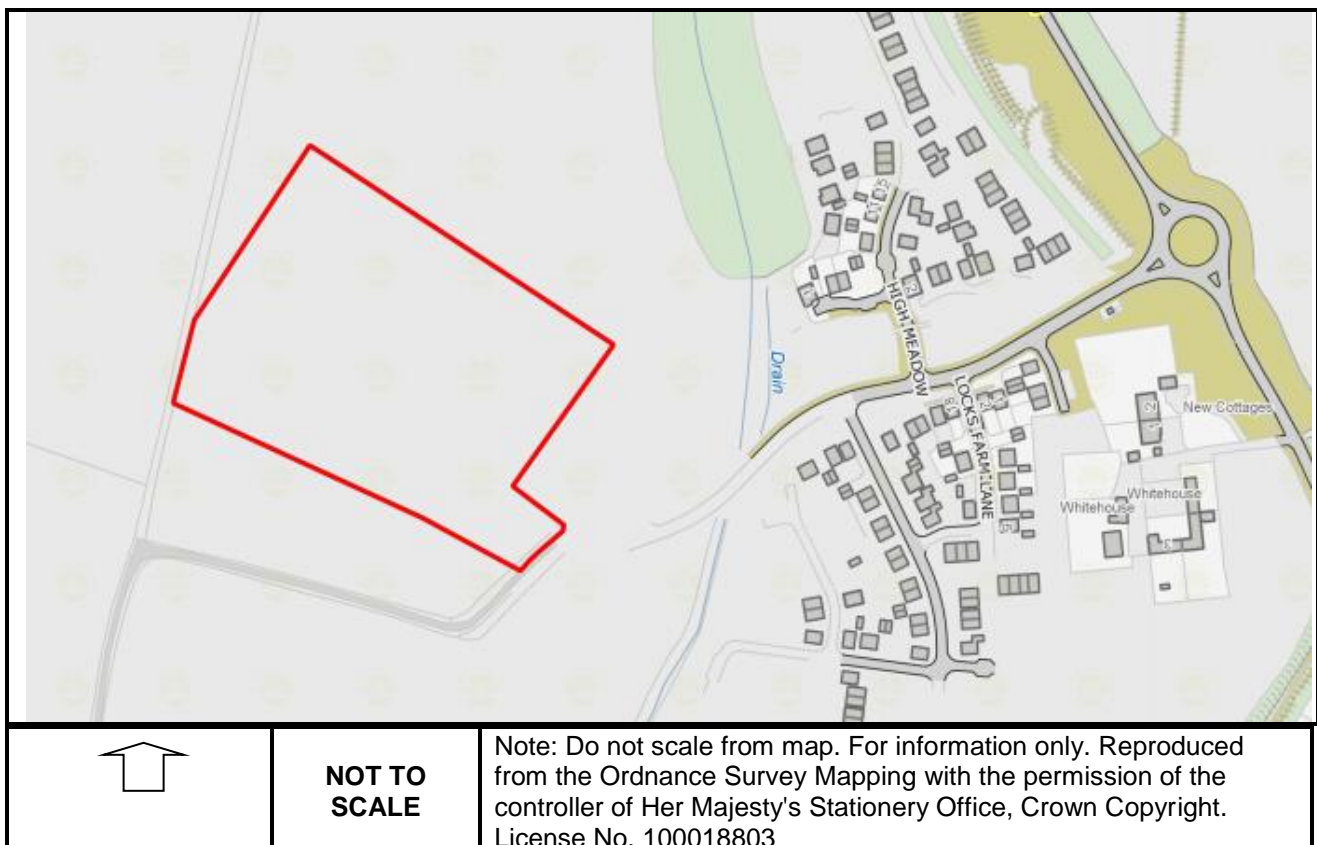
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Chichester	Ward: Chichester West
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**CC/21/00461/REM**

<b>Proposal</b>	All outstanding Reserved Matters for the erection of a one-form entry primary school and associated ancillary buildings, parking, landscaping and access arrangements together with formation of adjacent public square with all works pursuant to outline planning permission CC/14/04301/OUT.		
<b>Site</b>	Land West Of Centurion Way And West Of Old Broyle Road Chichester West Sussex PO19 3PH		
<b>Map Ref</b>	(E) 485000 (N) 106000		
<b>Applicant</b>	Miller Homes Ltd And Vistry Group Ltd	<b>Agent</b>	Mr Nicholas Billington

## RECOMMENDATION TO PERMIT



### 1.0 Reason for Committee Referral

Red Card: Cllr John-Henry Bowden - The proposal is for a major development

## **2.0 The Site and Surroundings**

- 2.1 The application site forms part of the West of Chichester Strategic Development Location (SDL) which is allocated by Local Plan Policy 15 for a comprehensive, residential-led mixed use development including up to 1600 homes. Outline planning permission for 'Phase 1' of the SDL was granted in 2018 for its first 750 homes, a mixed use Local Centre (14/04301/OUT refers) together with sports pitches, allotments and various formal and informal open space provision. The outline permission also resulted in detailed approval for the primary highway infrastructure to serve Phase 1. This highway infrastructure is already largely in place and the initial phases of the development are now under construction, with a small number of occupations having already taken place.
- 2.2 The 2.3Ha site is located on the western side of the developed area of Phase 1 of the SDL and forms part of what was originally a large and broadly flat arable field. It comprises the northern part of the above-mentioned Local Centre (4.5Ha in total) which is identified by the outline permission and its accompanying parameter and framework plans for a mix of uses including a primary school, an open space incorporating an equipped play area, a public square together with employment, retail, residential, community and health-related uses. The site the subject of this reserved matters application comprises the part of the Local Centre identified specifically for the primary school and adjoining public square.
- 2.3 On its western and north-western sides the site flanks arable farmland identified in the approved SDL Masterplan for residential and open space uses within Phase 2 of the development. On its north-eastern side the parcel adjoins Phase 1's residential parcel P3.C which is currently under construction.
- 2.4 The south-eastern boundary of the site is formed by the SDL's principal 'spine' road which passes through the Local Centre. The part of the Local Centre's land on the facing side of the spine road is identified for employment uses, and beyond that the land - comprising residential parcels P3.D and P5.G - drops away to meet the SDL's central, green corridor.
- 2.5 The south-western boundary of the site is formed by the line of one of the SDL's second order streets. The approved parameter plans show this street running north-west from its junction with the spine road, providing access to the school and health/community uses on its north-eastern and south-western side respectively. The approved Masterplan indicates that this street would also provide a future connection to the Phase 2 land to the west.
- 2.6 The Committee will be aware that detailed approval has already been granted in respect of all nine of Phase 1's solely residential parcels, along with the SDL's sports facilities, allotment provision and strategic green and drainage infrastructure. A reserved matters application for the Local Centre's retail, residential, community, health and employment-related elements is currently under consideration and will be reported to this Committee for determination in due course (CC/21/00460/REM refers).



### **3.0 The Proposal**

- 3.1 The application seeks approval for the reserved matters of Appearance, Layout, Landscaping and Scale in respect of the proposed primary school and adjoining public square. The application also includes the above-mentioned second order street which will provide vehicular access to the school campus via its junction with the spine road.
- 3.2 In terms of education provision the S106 agreement accompanying the outline planning permission allows the developers to either construct the primary school under the terms of a 'Development Agreement' to be entered into with WSCC or to make a financial contribution to WSCC in lieu of providing it. The developers have opted to build the school and have already commenced separate discussions directly with WSCC around compliance with both the relevant DfE guidance and the County Council's own technical requirements and policies.
- 3.3 Where the developer opts to provide the school, the S106 requires:
- the provision of a one form entry primary school including early years provision on a 2.03 hectare site
  - the provision of core facilities such as kitchens, staff facilities and a hall that are capable of serving this application (1 form entry primary school) and a potential subsequent extension to the building to enable the creation of a second form entry and additional early years provision to serve Phase 2 of the SDL
  - the provision of at least 32 car parking spaces for staff
  - that the school must be practically completed prior to occupation of the 500th dwelling on the site, which is currently anticipated to take place during the early part of 2024.
- 3.4 The submitted plans detail a single storey, L-shaped building of approximately 1500m<sup>2</sup> comprising 7 classrooms (Reception though to Year 6), a 55m<sup>2</sup> independently accessible nursery, a 180m<sup>2</sup> hall along with a kitchen and plant room and various other ancillary office, pupil support and staff facilities.
- 3.5 The design of the school building has been subject to considerable amendment since initial proposals were tabled at the pre-application stage. The design is predicated on strongly articulated, mono-pitched main entrance and hall elements that address the northern side of the public square, with the return elevation of the hall detailed so as to also provide an appropriate response to the adjacent street. The main classroom wing of the building would be less prominent when viewed from the public realm, projecting at right angles from the front part of the building into the interior of the school site. A playground would be located to the western side of the classroom wing, with playing fields (approx. 1.3Ha) to its north and east. The eastern boundary of the school's playing fields backs onto the rear gardens of dwellings located within parcel P3.C.
- 3.6 The school is proposed to have a relatively fluid boundary with the adjoining public square with low, metal estate fencing forming a visually permeable boundary with the square's northern edge. Pupils would enter the secure area of school campus via two sets of gates leading directly to either side of the classroom wing, with the main (public) school entrance and nursery benefitting from separate entrances that would be approached primarily from the central square.

- 3.7 The school would be served by a 32 space staff car park accessed off the secondary street via an informal, cross-over junction. This junction would also provide servicing access to the school's kitchen. There is no dedicated parking or drop-off provision for pupils. A coach drop-off bay is proposed on the road, adjacent to the staff car park.
- 3.8 The submitted plans indicatively show the section of road leading to the school as incorporating a number of traffic calming measures including three raised tables and various road markings and signage. It is intended that no waiting would be permitted at any point along this road, which the applicants have confirmed will be offered to the Local Highway Authority for adoption. The final details of the above features and measures will be agreed as part of the adoption process
- 3.9 As referred to above, alongside the school the proposals also include details of the public square which forms a key, focal point of the Local Centre. The square extends to approximately 0.12Ha and the submitted plans indicate that it would incorporate a central, feature tree along with various areas of grass, tree, hedge and shrub planting, together with a number of radial paths reflecting the desire lines to and from the various adjacent uses which, alongside the school, include the retail, community, health and employment uses that are proposed as part of the currently undetermined application referred to in paragraph 2.6 above.

#### **4.0 History**

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on-site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.
19/01134/REM	PER	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.

19/01531/REM	PER	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.
19/02424/REM	WDN	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT. (scheme 2)
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.
19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
20/00462/FUL	WDN	Construction of an electrical substation and associated parking to serve the west of Chichester strategic development site.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.

19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01046/REM	PER	All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and associated works on Phase 5, Parcel F pursuant to permission 14/04301/OUT.
20/02473/REM	PER	All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.
20/03108/REM	PER	All outstanding Reserved Matters for the erection of 65 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 6.H, pursuant to permission 14/04301/OUT.
20/03167/REM	PER	All outstanding Reserved Matters for creation of allotment gardens with associated parking, landscaping, informal open space and works pursuant to permission 14/04301/OUT.
20/03166/REM	PER	All outstanding Reserved Matters for the erection of 84 residential dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.
21/00460/REM	PCO	All outstanding Reserved Matters for the erection of buildings within the West of Chichester Local Centre to include a retail building with 8no. affordable dwellings, 4no. employment (office) buildings, 2no. health care facility buildings, a community centre and public

open space to include a Locally Equipped Area of Play and Multi-Use Games Area; associated parking, landscaping and associated work in relation to the above; all pursuant to permission CC/14/04301/OUT.

21/00956/REM

PCO

All outstanding Reserved Matters for the erection of 84 residential dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT (scheme B).

## 5.0 **Constraints**

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

## 6.0 **Representations and Consultations**

Comments are summarised unless stated otherwise.

### 6.1 **Chichester City Council - in full**

No objection subject to suitable materials which should preclude unsuitable UPVC windows and doors. We would also request an area of green roof, which should not necessitate the loss of any solar panels. The building should achieve BREAM excellent in line with government objectives for new public buildings.

### 6.2 **Lavant Parish Council**

Support

### 6.3 **Fishbourne Parish Council**

None received

### 6.4 **Sussex Police**

No major concerns with the proposals. Various advice, technical guidance and best practice should be taken into account at the implementation stage of the development.

## 6.5 WSCC Local Highway Authority - in full

### Comments of 19 October 2021

No objection

WSCC previously commented on the proposals on 12th April 2021. The Highway Authority also commented on the associated local centre planning application CC/21/00460/REM. Following the Highway Authority's original comments, the applicant has revised the scheme to take account of the comments raised by consultees and undertaken a Road Safety Audit of the proposed highway works immediately outside of the school. These revised proposals are considered to address the comments previously made by the Highway Authority and provide an appropriate level of mitigation and suitable measures to encourage and support sustainable walking and cycling trips to the school site. The issues raised as part of the Stage 1 Road Safety Audit have either been addressed by the applicant in conjunction with the Highway Authority and the design of the highway works have been amended accordingly or are matters for the detailed design. These detailed design matters shall be addressed with WSCC as part of the Section 38 agreement to formally adopt the road and further road safety audits undertaken at the relevant stages.

- Following the submission of the revised plans WSCC as Highway Authority has no objections to the proposals and would recommend suitably worded conditions in relation to the following matters be included on any permission granted:
- A suitably worded condition requiring details to be provided as to the applicant's intention to either enter into a Section 38 agreement for the road serving the school to be adopted or if the road is not to be offered up for adoption details of how the roads are going to be managed and maintained and how any parking enforcement shall be undertaken.
- That provision for the vehicle, cycle and scooter parking shall be made prior to first occupation of the school.
- That the visibility splays from the site access shall be provided as shown prior to first occupation and then maintained and kept free of all obstructions over 0.6m in height.
- A suitably worded condition that requires that details shall have been submitted in respect of the provision for the turning of buses in the nearby Local Centre prior to the school being brought into first use.

### Comments of 12 April 2021

It should be noted that these comments relate to the proposals within the red line boundary only and there are related matters such as the access roads to the school that shall be reviewed and commented upon as part of application CC/21/00460/REM.

#### Site Access

The applicant has shown on drawing number 197240-004 entitled Local Centre & School Highway Geometry Plan that visibility for a 20mph road can be provided from the school's

only vehicular access point. The visibility from the site access is deemed acceptable. The access is designed as a traditional bell mouth and the Highway Authority would question whether this is the best design given the adjacent land uses and whether a similar approach to that adopted on the spine roads side roads may be beneficial here to help reduce pedestrian crossings widths, slow vehicle movements and prioritise pedestrian movements.

The applicant has not provided any details of proposed parking restrictions on the access roads to the school these shall be commented on by the Highway Authority under planning application CC/21/00460/REM.

There are various pedestrian access points to the school which is welcomed. Pedestrians can access the site from the main vehicular entrance, a dedicated pedestrian entrance to the north west of the main building entrance and two separate entrances to the south east of the building entrance; which is accessed through the public square.

### Coach Layby

The applicant is proposing a coach layby for use by the school adjacent to the schools vehicular access point. The applicant states that until further residential phases are permitted and implemented vehicles shall have to turn around within the schools main vehicular access. The applicant has submitted a vehicle swept path analysis that shows a coach of 11.980m length is able to turn around within the carriageway space. Given the likelihood, frequency and low speed nature of the road network this manoeuvre is considered acceptable.

No details are provided as to the restrictions in place within this layby. Without parking restrictions there are concerns it shall be used regularly for the set down and pick up of pupils which shall reduce the ability of the school to use it as a coach layby but also potentially cause additional congestion and road safety concerns around the main school entrance. The applicant should therefore provide details of the intended restrictions to prevent parking from taking place in the layby.

There are potentially two options to the enforcement of these restrictions a formal Traffic Regulation Order (TRO) can be in place and any enforcement action would be taken by the District Council as parking enforcement authority or given that the roads in question are to remain private any restrictions could be privately enforced through a management company.

### Car Parking

The applicant is proposing a total of 32 car parking spaces which includes the provision of 2 disabled car parking spaces. The applicant states this number has been guided by the WSCC Parking Standards. However, the standards for education land uses is a site-specific assessment based on the travel plan and needs. The Highway Authority would therefore look for further justification from the applicant to demonstrate that the proposed level of car parking is acceptable. This justification could be in the form of the likely operational needs of the school and/or providing details of comparable sites and their level of car parking. The disabled persons parking provision equates to 5% and this is considered the minimum level of provision necessary. Whilst currently acceptable, if the

level of parking was amended the level of disabled car parking would also have to be amended to reflect, as a minimum, the 5% provision.

The applicant has also stated that the car parking shall be for the school only and not for parents dropping children off. They state, "Given the accessibility of the school from the local area through strong cycle and pedestrian links, central location and from the wider area through the bus links there is no need for a drop off area." They also state specific drop off areas would discourage sustainable travel and encourage the use of car travel. Whilst not providing a dedicated drop off area there shall be incidental parking available in the public car parking areas in close proximity of the school. The use of these should however not be promoted at the cost of more active and sustainable forms of travel plan which should be promoted and encouraged through the school travel plan.

### Cycle Parking

The applicant is to have 10 Sheffield Stands (20 spaces) which appear to be located to the north east of the main school entrance. The applicant states that 7 shall be covered (14 spaces) and 3 uncovered (6 spaces).

Given the school could have approximately 210 pupils (7 classes x 30 per class) and approximately 25 staff (which includes all support staff) this equates to a cycle parking provision for only 8.5% of all staff and students. Given the applicant is stating that a large provision of trips could be catered for by walking and cycling this could potentially not cater for the likely demand for cycle parking.

Therefore, the Highway Authority would look for the applicant to do the following:

- Increase the level of cycle parking provision. LTN1/20 states a minimum for educational establishments should be 1 per 20 staff and 1 space per 10 students. In this instance the Highway Authority would look for a higher level of provision than the minimum.
- Rather than providing all cycle parking in one location the uncovered visitor cycle parking to cater for short stay parking should be relocated to a highly visible location to the front of the main entrance. Long stay staff and pupil storage should be located in a secure area and be weatherproof.
- As per the guidance in LTN1/20 separate provision should be provided for staff and pupils. The stands provided should reflect the different size of cycle parking needed for children and adult bikes.
- The provision of scooter parking should be provided as well as cycle parking; given the age groups and likelihood of the use of scooters.
- No consideration appears to have been given to staff changing and showering facilities. The WSCC Cycle Design Guide states, "At workplaces consideration should be given to appropriate shower and changing facilities and secure locker storage." Given this could be a barrier to some staff travelling by bike the applicant should consider whether changing and showering facilities can be provided to further facilitate cycling to work.
- The LTN 1/20 states, "As with car parking, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate people with mobility impairments." Consideration should be given to the provision of non-standard cycles.



## Summary

The Highway Authority have no in principle objections to planning application CC/21/00461/REM. However, prior to determination the applicant should provide clarification and revise the design based upon the points raised within these comments.

### 6.6 WSCC Local Education Authority - in full

#### Comments of 13 September 2021

The developer appears to have addressed all the points we raised, aside from the elevation recess between the hall and the main entrance, which could be addressed by planting and/or lighting if not by an amendment further down the line.

Our point about the roof maintenance access still stands, as the developer has mentioned about only having a small section of flat roof, but all roofs must be safely accessible. The developer has stated that the access strategy will be developed collaboratively with us at the next stage of design, which we welcome. I must highlight that this may result in a planning amendment.

With regards to the additional PV, which we welcome, more is always better, and 80sqm is better than 30, so that is positive. Such systems can always be added to in the future.

#### Comments of 5 August 2021

Thank you for the opportunity to comment on the above application. I can confirm that have no comment to make at this time as the changes proposed are in line with our previous comments

#### Comments of 18 May 2021

West Sussex County Council (WSCC) as Education Authority have been consulted on this reserved matters application (CC/21/00461/REM) for the erection of a one form entry primary school in relation to outline planning consent CC/14/04301/OUT. It should be noted that these comments relate to the proposals within the red line boundary only.

This response will not duplicate comments set out in the consultation response from our colleagues within WSCC Highways.

#### Schedule of Accommodation and General Arrangement

The school accommodation, as shown on the plans is broadly in line with the schedule of accommodation set out in the DfE Building Bulletins and with WSCC's requirements.

We note that the plant room size reflects the proposed gas-fired heating system.

The kitchen has very few windows, despite having two external elevations.

The general office appears to have double-height windows (153413-STL-01-ZZ-DRA-XX-02102 and 153454-STL-ZZ-ZZ-DR-A-XX-06031). Further information is required to

understand ceiling heights and maintenance strategy in this area, along with proposals to limit solar gain and ensure interior comfort.

The Applicant shows two single doors on the elevations relating to the Nursery and Year R classrooms. Only one external door is required per classroom.

#### Elevations and materiality

We welcome the architectural treatment of the main entrance to the school and the focus on robust, low maintenance materials for the facades.

The Applicant shows large blue panels above classroom glazing, which do not appear in keeping with the material choices elsewhere around the building (153413-STL-01-ZZ-DR-A-XX-06004).

#### Safety, safeguarding and security

Further information is required regarding the access strategy for roof maintenance, to consider rooftop plant, PVs, rooflights, high level windows and general roof maintenance, noting that such access must comply with DfE guidelines, namely that access to the roof is to be from inside the building without the use of elevated platforms or other mobile access equipment.

The applicant's design creates a deep recess to the left-hand side of the main entrance (153413-STL-01-00-DR-A-XX-01101), which could create opportunities for anti-social behaviour. The Applicant shows an area of space at the front of the school, adjoining the public square that appears to be freely accessible by the public at all times. Further information is required to understand the boundary treatment of the school site.

Drawing 153413-STL-01-00-DR-A-XX-01101 shows fire exit doors leading from the main hall directly on to the public space, thereby creating a safeguarding and school security issue.

Further information is required to understand how the applicant proposes to limit visibility into the school hall from the public square.

Access to the kitchen is shown as being directly off the publicly accessible area. Further consideration should be given to security at this point of access to ensure that members of the public cannot tailgate staff to gain access to the school.

#### Landscape and wider masterplan

Further consideration should be given to soft and hard landscaping around the school building to ensure that both the landscape and the building can be easily maintained.

The illustrative site plan/layout on page 17 of the Design Strategy (DESIGN\_STRATEGY\_\_153454-STL-ZZ-ZZ-RP-A-XX-RP03\_-3334912) indicates Phase 2. This has not been illustrated in detailed plans and it is therefore not clear whether the orientation or layout is appropriate or suitable. Further information will be required if Phase 2 is to be a consideration of this Planning Application.

## Sustainability

To note: Nearly Zero Energy Building Requirements for new buildings. Regulation 25B (Building Regulations 2010) states: 'Where a building is erected, it must be a nearly zero-energy building'. For new buildings owned and occupied by public authorities, the coming-into-force date for Regulation 25B was 1 January 2019.

To note: 'Nearly Zero Energy Building' means a building that has a very high energy performance. The nearly zero or very low amount of energy required should be covered to a very significant extent by energy from renewable sources, including energy from renewable sources produced on-site or nearby. (Energy Performance of Buildings Directive (2010/31/EU))

To note: WSCC Climate Change Strategy (2020) sets out requirements relating to sustainability. The reference to a requirement to achieve BREEAM Very Good at pre-app pre-dates the Climate Change Strategy and is no longer considered a suitable indication of Nearly Zero or Net Zero performance.

The Applicant's Energy Statement does not refer to the Nearly Zero requirement, that has been in force since January 2019 and is applicable to school buildings. Further information is required as to how the Applicant proposes to meet the Nearly Zero requirement in this scheme.

The applicant proposes to install gas boilers as a heat source, which is not in line with the Nearly Zero requirement, given that heating makes up a significant proportion of the building's energy use. WSCC support and welcome the installation of alternative heat sources that do not use fossil fuels.

The applicant proposes 40sqm of Solar PV, to be installed on the roof, which does not appear to maximise the potential for on-site energy generation. WSCC would support maximising Solar PV. Further information is also needed as to the fixing details to ensure that they meet WSCC's requirements. WSCC Energy Team should be consulted on the scope and detail of any Solar PV installation prior to construction.

It is noted that the Applicant proposes to use a large cellular soakaway for surface water drainage as SuDS. It is not clear whether consideration has been given to more natural forms of SUDs, that could be combined with habitat areas within the site. Soft Landscape Sheet 3 is missing, so it is unclear whether there is a pond (indicated as a circle) proposed at the highest point of the site. If so, consideration should be given to combining a pond/swale with the drainage strategy to afford a more climate resilient facility. Further information is required, and approval sought from the Local Flood Authority prior to works commencing on site.

Beyond wild-flower areas and tree planting, is not clear what consideration, if any, has been given to biodiversity net gain and how it has been quantified. More information is needed.

Any sustainability measures relating to the scheme should be designed collaboratively with WSCC, with details approved by this Authority before construction commences.

## Summary

In principle, WSCC Education has no objections to planning application CC/21/00461/REM. However, prior to determination the applicant should provide clarification and revise the design based upon the points raised within these comments.

### 6.7 CDC Drainage Engineer

The proposed surface water drainage for this phase is a combination of infiltration through permeable paving, and an uncontrolled discharge to the adjacent swale. We are satisfied that they have demonstrated that the phase can be adequately drained, and that the approach is in accordance with the principles/scheme approved for the site.

We have a surface water condition applied to application 14/04301/OUT, which requires the detailed design, supported by sufficient groundwater monitoring and percolation tests to be submitted and discharged pre-commencement. As a result we recommend no further conditions are applied to this application.

### 6.8 CDC Design and Conservation

We previously discussed issues with the main entranceway of the new school building, its successful and detailed canopy design clashed with the plain brick elevation of the school hall directly adjacent. This has been partly addressed through the introduction of some pin lettering to the hall elevation, this is the correct type of approach but a condition reserving details may be useful in providing the school with the flexibility to expand on this design and use a logo, or some other form of design as appropriate. The elevation is large and still essentially plain and given its prominence in the street scene will still benefit from an intervention of high design quality.

The introduction of raised tables in blockwork nearby is welcomed in design terms and will help break up the overall expanse of tarmac, in a manner appropriate to the more pedestrianised feel of the main square.

The applicant has made a clear effort to address the main points raised and subject to the addition of a suitable condition as discussed above I consider this phase of the proposals to be acceptable in design terms.

### 6.9 CDC Environmental Strategy Officer - in full

#### Comments of 7 September 2021

Updated Comments on receipt of final plans and response to previous comments  
Following submission of the final plans, including the energy statement and roof plan and response letter following our previous comments, I welcome the proposal to increase the PV coverage on the building from 30 to 80m<sup>2</sup>, giving an overall CO<sub>2</sub> saving of around 60% over the building regulations. I would consider that this meets the requirements within policy 40 of the Local Plan.

## Comments of 7 June 2021

Sustainability: Following the submission of the Energy Statement (January 2021), a reduction of 22.64% in CO2 emissions has been proposed through a fabric first approach (11.65% reduction in CO2) and renewables (10.98% reduction in CO2) including the installation of PV on the buildings. Policy 40 requires developments to achieve the highest levels of energy efficiency and therefore, for such a large site, we believe there is an opportunity to further increase the savings from renewable energy.

The use of PV panels on the school building is only saving 2.34 tonnes CO2/year which only equates to 11.65% of the CO2 reduction on this site. PV panels have only been proposed to be incorporated on a small section (40m<sup>2</sup>) of the school's roof which is disproportionate to the size of the development. There is the potential for the whole roof to be covered in PV if designed correctly which will reduce CO2 emissions and improve efficiency. We would like to see a larger commitment to PV on the school within this application.

The use of green roofs should be reconsidered in this development as they help in cooling the building during the summer months, serve as added insulation and help increase energy cost savings through an increased R-value. Additionally, they improve aesthetic for the local area and helps reduce CO2 emissions, as well as increasing oxygen production.

Both ground source heat pumps and air source heat pumps are sensible alternatives to gas which will help to lower CO2 emissions from renewables on this site. Additionally, the WSCC no longer use gas boilers and therefore this site should be incorporating either ASHPs or GSHPs into their designs. Heat pumps are a highly efficient way of providing heat using electricity and can be of increased benefit where cooling is also required, therefore particularly relevant to commercial buildings. As the reasoning behind not using GSHPs is the "difficulty associated with vertical boreholes at this site means that they are not considered a preferred low carbon technology at this stage". However, there are other options for GSHPs that don't need bore holes drilled (see table 9 in Sustainability Statement), when there are large areas of land available next to the developments within this site. GSHPs need 700 square meters, which is roughly equivalent to 0.16 acres, which can easily be accommodated within a site this large.

Bats: We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground. As well as, at least three bat boxes should be erected within trees adjacent to boundary vegetation associated with H1. 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. Where possible we ask there to be no light at all at locations used by bats. However, where lighting is necessary, the artificial light should minimise potential impacts to any bats using the trees, hedgerows and buildings by using lights with the lowest negative impacts include narrow spectrum lights with no UV content, Low pressure sodium and warm white LED and directional down lights, which illuminate below the horizontal plane.

Breeding Birds: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site

before any works take place (within 24 hours of any work). We would like a bird box to be installed on the building on site, as well as swift bricks on two of the new buildings. The bricks should be installed under the eaves or in high walls in shaded areas out of direct sunlight and away from windows.

**Badgers:** Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced. Tree protective fencing to be installed along the hedgerow to discourage access to the site by Badgers, before excavations commence. As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them. A condition should be used to ensure this takes place.

**Landscaping:** 20/04/2021 We are pleased to see that the ancient and semi-natural woodland within the site have been retained, and a sufficient buffer from any hard development has been provided. Additionally, that hedgerow (H1) is being protected by tree protection fencing and a buffer has been incorporated within the design of the site. The Landscape Strategy (January 2021) and Soft Landscaping propose new planting of trees and shrubs in order to increase the resource of woody habitats on the site, and increase connectivity between existing features around the site. A condition should be used to ensure that native species are used when planting the site

#### 6.10 Third Party Other (Chichester Society)

1 Third Party representation has been received concerning:

- a) the application is welcomed
- b) tweaking of the design is encouraged

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

Vistry Homes and Miller Homes are pleased to be able to bring forward the proposals for a new 1-Form entry primary school, which will form a key part of the new West of Chichester Community. Vistry and Miller have worked collaboratively with officers in the Education department at West Sussex County Council to make sure the proposals deliver a high-quality school that will meet the educational needs of the site and complies with the outline permission. Working with officers at CDC, Vistry and Miller have also incorporated a number of improvements to the proposals, including a redesigned school building which better relates to the wider local centre, and implementation of significant sustainability improvements through the use of enhanced fabric first measures, use of Air-Source Heat Pumps for heating and hot water, and enhanced provision of solar PV panels, which together deliver an over 60% betterment over the emission standards required by current Building Regulations.

Working with officers at WSCC Highways, we have also implemented a suite of measures that will encourage walking and cycling to school, and discourage use of the private car - this includes a narrowed carriageway and raised tables to reduce speed, enhanced crossing points to prioritise pedestrians and wider grass verges with bollards to make ad-hoc roadside drop off and pick up less convenient. The covered cycle parking provision at the school also exceeds current WSCC standards. Measures in the Travel Plans for the site will also further incentivise walking and cycling, as will the school's central location, within easy walking and cycling distance of every new home.

The school is a key component of the overall West of Chichester development and an important element of creating a sustainable community. Its central location means it is within easy walking and cycling distance of every home and its position as an integral part of the local centre means it maximises opportunities for social interaction and community linkages. Vistry Homes and Miller Homes are proud to bring this element of the site forward and consider the proposals will provide a high-quality school that will be an important asset for the whole West of Chichester Community.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester Parish 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 7: Masterplanning Strategic Development  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 15: West of Chichester Strategic Development Location  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 52: Green Infrastructure  
Policy 54: Open Space, Sport and Recreation

### National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

or

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

- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

#### Other Local Policy and Guidance

- 7.5 The following Supplementary Planning Documents are material to the determination of this planning application:
- Planning Obligations and Affordable Housing SPD
  - Surface Water and Foul Drainage SPD
  - CDC Waste Storage and Collection Guidance
- 7.6 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
  - Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
  - Maintain the low levels of crime in the district in the light of reducing resources
  - 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 arising from this proposal are:

- i. Principle - Compliance with the outline permission and S106 agreement
- ii. School - Design, layout and landscaping
- iii. Highway safety and parking
- iv. School - Sustainability
- v. Public square - layout and landscaping
- vi Relationship of the proposals to the remainder of the Local Centre
- vii. Significant conditions

#### i. Principle - Compliance with the outline permission and S106 agreement

- 8.2 As referred to in paragraph 3.3 above the broad location of the school, its site area and various other requirements in respect of matters such as the range of classroom provision, parking requirements and the facilitation of its potential future expansion (to serve the needs of Phase 2) are established by the outline planning permission's parameter plans and accompanying section 106 agreement. These in-turn flow from Local Plan policy 15 which requires the provision of a primary school within the West of Chichester SDL, and also reflect the provisions of the approved SDL Masterplan.



- 8.3 The proposals as described in paragraphs 3.4-3.5 above are considered to satisfy the above requirements in broad terms, and it can be seen that the WSCC Education Authority, which has been involved in detailed discussions with both the applicants and your officers during the evolution of the scheme, has raised no objections in this regard.
- 8.4 The size and position of the public square also complies in broad terms with the outline permission's requirements, as does the position of the second-order street that would both serve the school and flank the south-western side of the square.
- 8.5 Having established that the proposals are acceptable in principle, the following sections of this report assess the various components of the application against the reserved matters of Layout, Scale, Appearance and Landscaping alongside, where relevant, other material considerations.

#### ii. School - Design, layout and landscaping

- 8.6 As noted above, the design and layout of the school has been the subject of considerable amendment since its initial consideration at the pre-application stage.
- 8.7 The approach as summarised in paragraphs 3.5-3.7 above is considered to represent an appropriate response to the site's context. With its distinctive mono-pitched elements set at contrasting angles and orientations, the school's strongly articulated principal elevation helps to frame and define the adjacent public square and can be considered to represent good design. Further, the hall element appropriately defines the south-western corner of the school site, with its return elevation incorporating an appropriate level of visual interest in terms of the views of it that will be available from the flanking road. The teaching wing is less prominent in terms of public vantage points, but it nevertheless displays a similar approach to the more 'public' elements of the building in terms of elevational treatment, materials and roof form.
- 8.8 Final details of the materials of the building are controlled by planning conditions attached to the outline planning permission. However, the submitted plans indicate the use of a varied palette of good quality materials including a standing seam metal roof, a variety of facing bricks in subtly contrasting tones, slim profile aluminium windows along with a variety of design features such as coloured glazing panels, feature brick work, metal capping to roof verges and an overhanging, projecting metal canopy to the school's distinctive entrance element. Details of signage displaying the school's name or emblem - or an alternative feature of such as, for example, a clock face - to be positioned above the hall's square-facing windows are reserved by condition 7 set out below.
- 8.9 In terms of layout, a key aim during negotiations has been to ensure that in both visual and practical terms the boundary between the school and the public square is as permeable as possible. It is considered that the approach outlined at paragraph 3.7 above successfully achieves this objective with the use of a low level, gated 'estate' (metal-rail) fence helping to ensure an appropriate visual relationship between the two areas. This treatment should enhance opportunities for the square to be used as an overspill area where parents can dwell and interact, contributing to the Local Centre's vitality and sense of place.

- 8.10 Multiple approaches to the school by pedestrians are facilitated by various connections from the public square and adjacent road. Additional approaches to the school from the adjacent parts of the Local Centre, including provision for future footpath connections to and from Phase 2 of the SDL, form part of the second Local Centre reserved matters application which is currently under consideration.
- 8.11 With regard to hard landscaping, the majority of the school site will be defined by a 'secure' boundary comprising 1.8m high security fencing. Elsewhere, and as mentioned previously, the more public areas of the site, including the boundary with the square and the majority of the boundary with the second-order street, will be formed by low-level 'estate' fencing.
- 8.12 In respect of planting, most boundaries are formed by mixed species native hedgerows which, in time, will soften the appearance of any adjacent fencing. Around 80 new trees are also proposed, including a line of field maples that help define the above street, a group of around 15 trees (including oak, field maple, silver birch and cherry) in the playing fields' north-western corner, and around 25 trees of appropriate species (including whitebeam, silver birch and crab apple) placed at intervals along the play fields' north-eastern boundary where the site backs onto the rear gardens of dwellings within Parcel P3.C.
- 8.13 In summary on this issue, the design and layout of the school and the associated hard and soft landscaping are considered acceptable.

### iii. Highway safety and parking

- 8.14 As noted above, based on the likely final details of the second Local Centre reserved matters application, the road leading to the school from the spine road will also serve the Centre's community and health provision, as well as providing one of a number of potential future connections between Phases 1 and 2 of the SDL.
- 8.15 It is clear that the school and nearby commercial, community and residential uses will have the potential to at times generate a significant level of motorised and non-motorised journeys within the vicinity of the school. Furthermore, it is clear that school will generate peaks of activity at the start and end of the school day, and that this will by definition involve a high proportion of children who are especially vulnerable in terms of their interaction with the road network.
- 8.16 In view of the above context, the primary focus during the course of the application has been on ensuring a safe environment for pedestrians and other non-motorised users within the vicinity of the school. This has resulted in the treatment of the road leading to the school being subject to substantial amendment during the course of the application.
- 8.17 A key change secured during the course of the application has been a formal commitment by the developers to offer the road to the Local Highway Authority for adoption. Whilst the adoption process will need to be formally completed outside of the planning process, the design of the road discussed below has already been the subject of initial oversight by the LHA, and no obvious conflicts with its adoption criteria have been highlighted at this stage. Further, the proposed arrangements have been the subject of an initial 'Stage 1' Road Safety Audit and Designer's Response and, following amendments secured as a result of

this process, no safety-based concerns have been raised by the LHA. Further Safety Audits will need to be carried out as part of the adoption process.

- 8.18 The road measures 5.2m wide and would be flanked by 2m wide footpaths. A school coach parking bay is provided on the road's northern side. In line with the approach taken elsewhere within the SDL, raised tables formed in contrasting paver materials would be provided at three points along the road - at the entrances to the community/health buildings' car park, the school's car park (including servicing access and 32 staff parking spaces) and the temporary turning head located close to the road's western end. Dropped-kerb pedestrian crossing points are proposed at various points along the road in safe locations that reflect desire lines. Bollards are also proposed along the northern side of the road to prevent parking on the verge.
- 8.19 Final details of road markings, waiting restrictions and warning signage will need to be agreed as part of the future adoption and Traffic Regulation Order processes. However, the submitted plans indicatively show lining indicating no stopping, waiting or loading/unloading at any point on the road, along with 'keep clear' zig-zag markings either side of the school car park entrance. School Safety Zone signage is also indicatively shown.
- 8.20 As referred to earlier in this report, the proposals do not include any dedicated pick-up or drop-off provision for school children. This is deliberate design choice on the part of the developers given the fact that this modestly sized primary school is likely to serve a relatively localised catchment, and that the Local Centre itself is well served by pedestrian and cycle links that are capable of offering a realistic alternative to car-borne journeys. It is accepted that the provision of dedicated parking provision could provide a negative incentive for parents who might otherwise make more sustainable travel choices, and in this regard the Local Highway Authority has raised no objections to the proposals. It is noted that the School's Travel Plan (a requirement of the S106 agreement) will provide an ongoing and reviewable means of influencing parents' travel choices and behaviour.
- 8.21 However, and as acknowledged by the Highway Authority, it would be unrealistic to expect that there will be no car-based trips by parents of schoolchildren and, accordingly, some school-related parking will inevitably take place within the vicinity of the school. Given the rigorous parking controls proposed for the road leading to the school, the most likely location of any such parking and drop-off activity is the nearby carpark that would serve the community and health-related buildings; this forms part of the second Local Centre application which is currently under consideration. Given the nature of those community and health uses there is no current intention for that car park to be the subject of any physical controls such as barriers.
- 8.22 In view of the above the developers have confirmed that they accept it will be necessary for any approval in respect of the second Local Centre application to be conditional upon the submission and approval of details of the means of managing and reviewing the use of the community/health buildings' carpark, and have agreed that the management of the school would be invited to be involved in that review process. In tandem with the school's own Travel Plan review process, this should ensure that sufficient control over the use of the car park is maintained and that sustainable travel choices by parents are encouraged as far as is reasonably possible.

8.23 In summary on this issue, the proposals are considered acceptable in terms of highway safety and parking provision in that they should result in a low speed environment that is as safe as possible for all road users whilst at the same time maximising the opportunity for non-motorised journeys to and from this part of the Local Centre. Confirmation of the applicants' intention to offer the road leading to the school for adoption is strongly welcomed as a means of helping to ensure effective on-going oversight and control over its operation.

#### iv. School - Sustainability

8.24 Final details of the package of sustainability measures to address the various criteria contained in Local Policy 40 (Sustainable Design and Construction), will be secured under the requirements of condition 28 of the outline permission. However, during the course of the application officers have worked with the applicants to secure significantly enhanced commitments in terms of the sustainability credentials of the school.

8.25 These can be summarised as follows:

- fabric-first and low energy consumption measures leading to an 11.5% decrease in CO<sub>2</sub> production relative to the requirements of the Building Regulations
- the replacement of the originally proposed gas boilers with a hot water and heating system powered by a number of Air Source Heat Pumps
- the installation of approximately 80m<sup>2</sup> of solar PV panels (increased from 30m<sup>2</sup>), with the proposed renewable energy systems contributing a further 49% saving in CO<sub>2</sub> production
- a PV panel system that will be designed with core components that will ensure that the addition of further panels at a later stage will be a straightforward process
- water efficiency measures aimed at reducing consumption by 25% relative to typical buildings of its type
- the use of sustainable surface water disposal methods as far as is practicable (subject to final approval under the terms of the outline planning permission's conditions)
- the implementation of various biodiversity enhancements, also to be secured under the outline permission's conditions. The school buildings would incorporate measures such as bat boxes and swift bricks, whereas the wider site would be subject to tree and hedge planting (see above) along with the provision of a wildlife garden in the school playing field's NW corner
- cycle and scooter storage for staff and children along with the production of a Travel Plan in order to encourage sustainable travel choices
- a projected BREEAM rating of Very Good, with the potential for an Excellent rating

8.26 In conclusion on this issue it is considered that the submitted Energy Statement, which has been reviewed by officers of both the WSCC Education Authority and the Council's own Environmental Strategy Unit, demonstrates a good standard of sustainable design and construction in compliance with Policy 40 of the Chichester Local Plan. A commitment to an overall reduction of 60% in CO<sub>2</sub> production against the current requirements of the Building Regulations is significant and is to be welcomed. As noted above, final details of the package of sustainability measures and its implementation will be secured under the requirements of the outline planning permission's conditions.

#### v. Pubic square - layout and landscaping

- 8.27 Measuring approximately 35m by 35m the square comprises a meaningful area of formal public open space which, being surround by the SDL's various commercial, residential and community uses, should serve as an attractive focal space where residents, workers and visitors will be provided with a pleasant environment in which to meet, dwell and interact.
- 8.28 The square is both flanked and crossed by a number of footpaths to be formed in buff-coloured paving materials. In terms of planting, a single silver lime would be positioned in the square's centre in order to provide an attractive focal feature, with arcs of smaller species such as hornbeam and winter-flowering cherry providing dappled shade above bench seating. The use of the above tree species along with areas of amenity grass, hedgerows and shrub planting, including some tall grasses, should help ensure that a level of interest will be provided throughout the year.
- 8.29 The ongoing maintenance of the square's planting, hard landscaping, bins and benches will be the responsibility of the development's Management Company, with final details of such measures being secured under the terms of the outline planning permission.
- 8.30 In summary on this issue, the proposals in respect of the Local Centre's central square are considered acceptable.

#### vi. Relationship with the proposals for the remainder of the Local Centre

- 8.31 It is acknowledged that the school and focal square elements of the Local Centre are being considered ahead of its remaining community, open space, health-related, retail and employment elements. These latter elements form part of reserved matters application CC/21/00460/REM which is likely to come before the Committee early in the New Year.
- 8.32 Whilst the detail of the second application remains the subject of negotiation at this time, the principal parameters of those proposals - i.e. road position, floorspace quantum, storey height and broad location of different uses - have already been established by the outline permission, and the adjoining layout is illustrated indicatively on the submitted drawings which will be shown at the meeting.
- 8.33 There is nothing in the current proposals that should prejudice the consideration of the second application. Likewise, there is no reason to suggest that the final details of the second application will materially conflict or be inconsistent with the current proposals for the school and square - for example, both applications demonstrate a coherent design 'language'. Having said that, it is possible that the final detail of the second application may result in the need for minor changes to the design of the road leading to the school, for example, in respect of the final position of the entrance to the community/health building's car park. If any such changes do prove necessary then they would need to be secured under the terms of both that second permission and the S38 adoption process.
- 8.34 The developers have confirmed that delays to the determination of the school proposals may result in difficulties in terms of delivering it in the timescale required by the S106 agreement. Bearing both this factor and the matters set out above in mind, there is no objection to the current application being determined ahead of the proposals for the remaining part of the Local Centre.

## vii. Significant conditions

- 8.35 This is an application for the approval of Reserved Matters and it should be noted that the bulk of the planning conditions controlling and managing the development are attached to the overarching outline planning permission. These conditions required the submission of further details on a phase-by-phase basis in respect of various matters such as materials and finishes, contaminated land, levels, construction and environmental management plans, landscape and ecological management plans, surface and foul drainage, noise mitigation, sustainable design and construction and street lighting. Whilst some of these details have been submitted indicatively in order to inform this application (e.g. sustainable design and construction, materials, levels and surface water drainage), final approval will be required under separate discharge of condition applications.
- 8.36 In view of the above, the recommendation below is subject to a relatively limited number of conditions relating to the Reserved Matters including the carrying out of the development in accordance with the submitted landscaping details, securing appropriate tree protection prior to the development commencing and ensuring that evidence of the applicant's intention of offering the road for adoption has provided to the Council's satisfaction.

## Conclusion

- 8.37 West of Chichester is one of the Council's key strategic sites for delivering new development during the Local Plan period. This Reserved Matters application accords with the principles established by the outline planning permission and, based on the preceding assessment, it is considered the proposal complies with relevant development plan policies, the parameters of the outline consent and the obligations contained in its accompanying Section 106 Legal Agreement.
- 8.38 The school proposals have evolved following a process of constructive collaboration between the developer, your officers, the Local Highway Authority and its end user, the WSCC Education Authority. From the perspective of appearance and layout the school is well-designed, providing an attractive and safe environment for students, parents and staff whilst at the same time responding appropriately to the adjoining public square. Likewise, the square itself has been appropriately laid-out and landscaped and will provide an attractive focus to the SDL's Local Centre. There is nothing in the current proposals that would prevent a coherent and consistent approach being taken to the development of the remainder of the Local Centre.
- 8.39 The proposals are also acceptable from the point of view of highway safety and parking, subject to adherence to the conditions set out below and the completion of a school Travel Plan as required by the outline planning permission's legal agreement.
- 8.40 On this basis it is recommended that, subject to the planning conditions set out below, reserved matters approval is granted.

## Human Rights

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

## RECOMMENDATION

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

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

**153413-STL-01-ZZ-DR-A-XX-** 09101 PL03; 09102 PL07; 01101 PL05; 01102 PL04; 02101 PL04; 02102 PL05; 02103 PL04; 02104 PL04; 03101 PL03; 03102 PL03

- **197240-** 002 F; 004 L; 006 D
- **CON22768-** 03 B; 10 J;
- **CON22769\_** 11 L (sheets 1-4); 12 L (sheets 1-4)
- Primary School Ecological Enhancements plan (October 2021)

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

2) **No development shall commence** until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the submitted Tree Protection Plan ref: CON22768-03 B. Thereafter the protective fencing shall be retained for the duration of the works and the development shall be carried out in strict accordance with the recommendations and methodology of the submitted Local Centre Arboricultural Impact Assessment and Method Statement Ref: CON22768AIA-AMS (Local Centre) February 2021 Rev B and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

3) The development shall not be carried out other than in accordance with the ecological safeguarding and mitigation measures as set out in the recommendations at section 7 of the submitted Ecological Report dated 10 February 2021.

Reason: In the interests of biodiversity

4) **No above-ground development** in respect of the school hereby approved shall be commenced unless and until:

(i) evidence has been provided to the Local Planning Authority's satisfaction to demonstrate confirmation of the applicants' stated intention to enter into an agreement under Section 38 of the Highways Act 1980 with the West Sussex County Council Local Highway Authority in respect of the construction of the road and associated junctions, footways, traffic calming features, road lining and signage

shown indicatively on the submitted drawings within the area demarcated on the Adoptable Highway Plan ref: 197240-009 B; or

(ii), in the event of an agreement under Section 38 not being entered into, full technical details of the above-mentioned highway infrastructure along with measures for its maintenance and the mechanism for the ongoing review of its effectiveness (including the means of undertaking enforcement in respect of any unauthorised parking) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the agreed measures, maintenance arrangements and review mechanism shall be implemented in their entirety before first occupation of the school and thereafter maintained or carried out (as appropriate) for the lifetime of the development.

Reason: To accord with the applicants' stated intention to offer the above-mentioned road for adoption by the LHA and, in the scenario of adoption not taking place, to ensure that it is constructed, marked and signed to a suitable standard and thereafter maintained and monitored appropriately, in the interests of highway safety.

**5) The school hereby permitted shall not be brought into use** unless and until provision for vehicle, cycle and scooter parking has been made in accordance with the approved plans and is ready for use. This provision shall thereafter be retained at all times for its designated use.

Reason: To ensure the provision of adequate multi-mode parking for the development

**6) The school hereby permitted shall not be brought into use** unless and until visibility splays have been provided in accordance with application drawing 197240-004 Rev L Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres measured above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety

**7) The school hereby permitted shall not be brought into use** unless and until the solar panels and Air Source Heat Pumps associated with it have been installed in accordance with details to be approved pursuant to condition 28 of application reference 14/04301/OUT and are ready for use.

Reason: To secure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

**8) The school hereby permitted shall not be brought into use** unless and until details have first been submitted to and agreed in writing by the Local Planning Authority in respect of the erection of lettering or an alternative feature to the upper part of the south-east facing elevation of the school's main hall element. The agreed measures shall be carried out in their entirety in accordance with the approved details which shall include a timetable for their implementation.

Reason: To ensure sufficient visual interest is created to this prominent element of built form.



9) **The school hereby permitted shall not be brought into use** unless and until details have first been submitted to and agreed in writing by the Local Planning Authority in respect of the provision for the turning of buses to be made in a nearby part of the Local Centre. The agreed measures, which shall include details of an implementation timetable, shall be carried out in their entirety and thereafter retained in perpetuity unless it has been demonstrated to the LPA's satisfaction that such provision is no longer necessary.

Reason: In the interests of highway safety and to ensure there is no impediment to the site being adequately served by public transport

10) Unless alternative details are first agreed in writing by the Local Planning Authority under the terms of a formal discharge of condition application, all soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

**These works shall be carried out no later than the first planting season following the practical completion of the school and public square (as appropriate).** 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:  
- Soft Landscape Proposals drawings ref: CON22769\_11 sheets 1 to 4 (all revision L) including the planting specification detailed therein

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

11) **Prior to occupation of the 375th dwelling comprised in outline planning permission 14/04301/OUT** the proposed public square as identified by the submitted Local Centre Masterplan drawing ref: CON22768-10 Rev J shall be laid out and provided in accordance with the submitted drawings including the hard surfaces, waste bins (2no.) and benches (8no.) specified therein. Thereafter unfettered public access to the square shall be maintained in perpetuity.

Reason: To ensure that the provision of this key element of public open space is co-ordinated with the delivery of other uses and facilities in the adjacent parts of the Local Centre and that it is maintained in public use in perpetuity.

## INFORMATIVES

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

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

3) You are reminded that, notwithstanding the information contained in the submitted plans in connection with various detailed matters such as external materials, ecological mitigation and enhancements and sustainability measures, where the approval of the same or similar details is also a requirement of the conditions of the outline planning permission, those conditions and the details approved pursuant to them shall take precedence.

4) With regard to Condition 8 you are advised that acceptable details could comprise lettering and/or a motif/emblem representing the school's name, or an alternative feature of interest such as a clock face.

5) With regard to condition 7, you are advised that when discharging condition 28 of planning permission 14/04301/OUT in respect of this phase it will be necessary to demonstrate that the proposed pv system has been designed such that it will be capable of enabling the future addition of pv panels to adjacent areas of the school's roof without the need for further substantive enabling works.

6) With regard to condition 3 your attention is drawn to the Report's requirement for an updated Badger survey prior to works commencing.

For further information on this application please contact Steve Harris on 01243 534734.

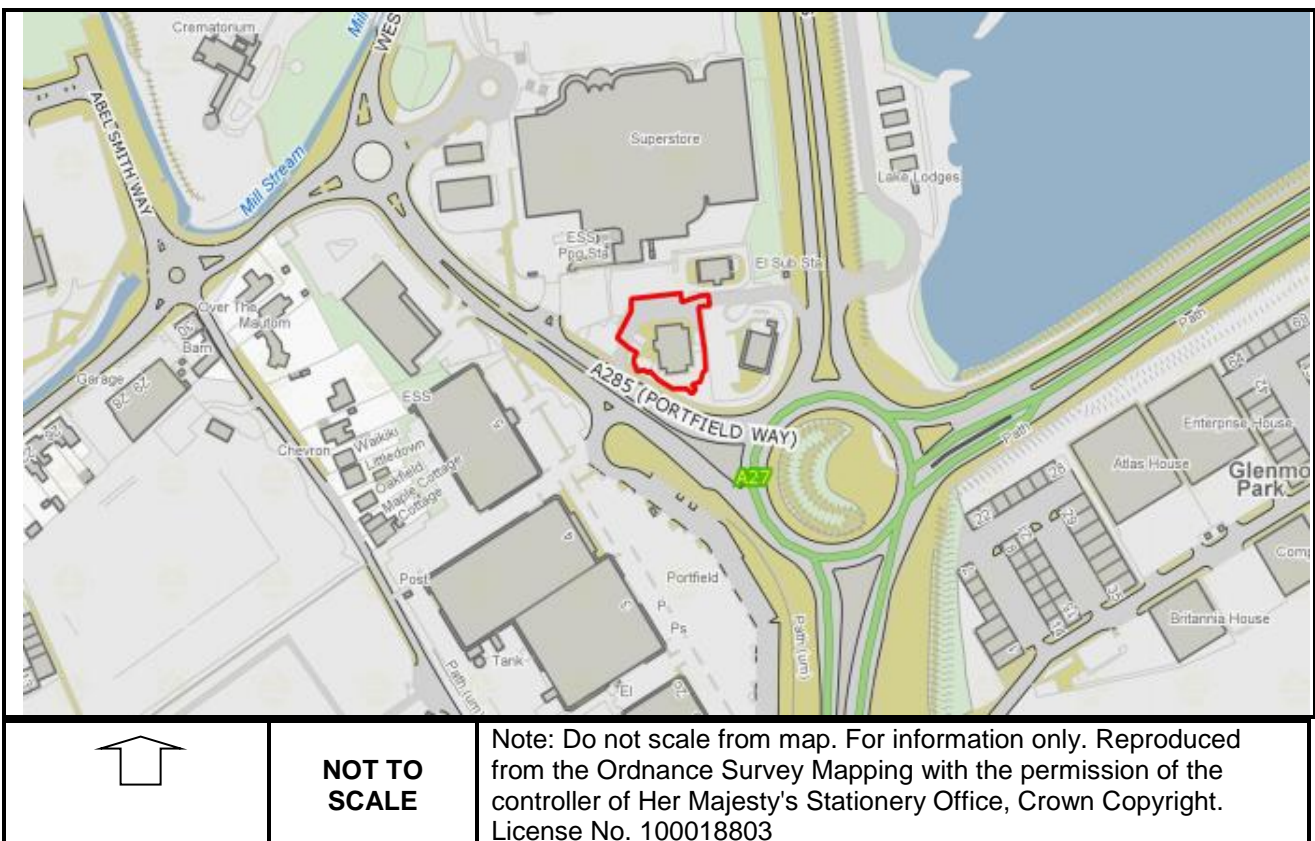
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QOMJLHERM5B00>

Parish: Chichester	Ward: Chichester East
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**CC/21/01309/FUL**

<b>Proposal</b>	Full planning permission for the change of use from Class E (was A3) to a Sui Generis use consisting of a coffee shop / restaurant selling food and drink for consumption on and off the premises. Installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage.		
<b>Site</b>	Pizza Hut Restaurant Portfield Way Chichester PO19 7WT		
<b>Map Ref</b>	(E) 487678 (N) 105513		
<b>Applicant</b>	TH UK & Ireland Ltd	<b>Agent</b>	Ms Christine Reeves

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT, SUBJECT TO NO NEW MATERIAL ISSUES BEING RAISED PRIOR TO THE EXPIRY OF THE PUBLICITY PERIOD.**



## **1.0 Reason for Committee Referral**

- 1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The site is located within Chichester Settlement Boundary, north of Portfield Way (A285) and adjacent to the roundabout connecting the Chichester by-pass and the A27. The site contains McDonalds and Costa Coffee drive-thru and a currently vacant building, formally the Pizza Hut restaurant. There is car parking located between McDonalds and the former Pizza Hut restaurant and to the north of both buildings, which is used by the patrons of all three units.
- 2.2 The site operates a one-way system through the site, with the entrance located on the Chichester by-pass (east) and the exit located on Portfield Way (west). The site area is predominantly flat. There is soft landscaping to the front and side of McDonalds and Pizza Hut, and some mature vegetation and trees in the northeast and northwest site boundaries.
- 2.3 Portfield Retail Park is located to the south and southwest, on the opposite side of Portfield Way, and Glenmore Park (an industrial park) to the southeast, on the opposite side of the roundabout. Sainsbury's supermarket and associated delivery area is located immediately to the north of the site.

## **3.0 The Proposal**

- 3.1 The proposal seeks the change of use of the former Pizza Hut restaurant (Class E (Formally A3)) to a Sui Generis (mixed use) consisting of a coffee shop/restaurant selling food and drink for consumption on and off the premises.
- 3.2 In addition, the proposal seeks the installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations are proposed to the external appearance of the building.
- 3.3 A separate application for advertisement consent to replace the existing building signage and for additional signage relating to the proposed drive thru (ref 21/02651/ADV) is currently under consideration by the council

## **4.0 History**

94/01997/FUL	PER	2 restaurant units.
97/00293/FUL	PER	Erection of one restaurant unit (use class A3) with associated parking, servicing and landscaping.
97/00295/FUL	REF	Erection of one restaurant unit (use Class A3) with associated parking, servicing and landscaping.

97/01787/ADV	PER	1 no. externally illuminated pole sign, 2 no. internally illuminated roof mounted signs and 1 no. internally illuminated entrance sign.
06/00065/ADV	PER	Installation of an orange/blue, non-illuminated graphic panel.
15/00352/ADV	REF	3 no. illuminated fascia signs, 1 no. illuminated hanging sign, 1 no. non-illuminated fixed awning, 1 no. illuminated box unit, 1 no. non-illuminated menu messaging panel , 2no. non-illuminated banner frames and 1 no. illuminated pole sign.
15/02154/ADV	REF	3 no. illuminated fascia signs, 2 no. illuminated internal suspended signs, 2 no. illuminated pole sign, 1 no. hanging sign.
16/02966/ADV	PER	Replacement signage scheme comprising of 2 no. internally illuminated roof mounted 'Pizza Hut' fascia signs, 1 no. non-illuminated internal entrance 'restaurant & takeaway' fascia sign, 1 no. illuminated menu unit, 1 no. non-illuminated 'menu messaging' pelmet panel, 1 no. non-illuminated 'menu messaging' awning and 1 no. externally illuminated pole sign.
21/01310/ADV	WDN	Display of 6 no. internally illuminated fascia signs, 1 no. internally illuminated "totem" sign, 3 no. internally illuminated "information" signs, 1 no. non-illuminated "information" sign and 1 internally illuminated height restrictor sign.
21/02651/ADV	PCO	Display of 3 no. internally illuminated fascia signs and 1 no. non-illuminated fascia sign, 3 no. internally lit information signs and 1 no. internally illuminated height restrictor.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES (access only)
- Flood Zone 3	YES (access only)

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

#### *(Further Comments)*

Having reviewed the additional information, there remains concern that another drive through facility in this small area will exacerbate the existing problem with cars queueing onto the highway at peak times. The City Council's objection therefore remains in this respect.

#### *(Original Comments)*

The Transport Assessment is insufficiently detailed and there is concern that another drive-through facility in this small area will exacerbate the existing problem with cars queueing onto the highway at peak times. A wider site solution should be investigated to resolve this. The internally illuminated signage is excessive, its nature, scale and siting would detrimentally affect the character and appearance of the area, creating a motorist focussed character which has thus far been carefully avoided; it may also cause harm to highway safety.

### **6.2 National Highways**

#### *(Further Comments)*

The Transport Statement (TS) prepared by Transport Planning Associates (TPA), dated April 2021, and submitted in support of this application has previously been reviewed by Highways England and our comments on this document were set out in our previous response of June 2021.

This review identified several areas of concern which it is understood have been sought to be addressed in a further technical note (TN) dated July 2021 prepared on behalf of the applicant. As such, we have considered the additional information presented in the TN and our comments are as follows:

It is noted that clarification of the intended opening hours for the proposed development were requested in the previous Highways England response. Whilst these are not directly stated in the TN, the TN and its assessments (trip generation, trip distribution and highway modelling) cover the required weekday AM and PM peak hours and a weekend peak hour, as per subsequent comments. Therefore, it is concluded that sufficient information has been provided in this regard.

The TN presents a comparison of a TRICS assessment intended to represent the previous Pizza Hut restaurant use with data collected from a Tim Hortons site in Salford in 2018. The methodologies used to generate the trip generation information from each of these sources is considered appropriate. The results of the two trip generation exercises are consistent with Highways England's observations made in the previous application response, i.e. that the proposed drive-thru lane will have a higher throughput of vehicles than would a similar facility serving the previous Pizza Hut restaurant.

The TN goes on to present an analysis of the linked trip expectations which has previously been undertaken in connection with an application for a Costa Coffee development (with details presented at appendix C of the TN). This assessment indicates that the number of "new" trips within the overall total expected to be generated by the proposed development would be 4% of the total during weekdays, and 7% at weekends.

The submitted evidence has been reviewed and these percentages for linked trips are accepted by Highways England. On this basis, the application of these percentages to the calculated number of trips which would be associated with the proposed development is considered appropriate. Highways England therefore accepts the conclusion drawn in the TN that the number of new additional trips associated with the proposed development is small and would not lead to material impacts upon the highway network.

With regard to the trip distribution (and its application to the modelling of the A27 Portfield Roundabout) it is noted that the trip data applied from the Costa Coffee application has been treated as "non-primary" and as such has been assigned to the roundabout to reflect the access and egress arrangements which are in place. This is considered necessary to ensure that the restrictions imposed by the layout of the roundabout in each of its modelled forms are correctly represented (further comments on the modelling are provided below).

A parking accumulation assessment, based on the previously described trip generations and arrival/departure profiles, has been undertaken in accordance with the advice given in the previous Highways England response. The accumulation assessment indicates that, at the busiest times, almost all of the available car parking spaces could be occupied; however, it is further noted that this does not take account of other mitigating factors which are set out in the TN. It is therefore considered that the maximum expected parking accumulation at the site would be unlikely to result in any "overspill" parking demand. It is noted that the TN does not confirm whether the proposed parking is consistent with CDC parking standards; this is considered to be a matter for the LPA to comment on, however should any reduction from the parking provision stated to be provided in the TN be required in order to conform to the applicable standards, this element of the assessment should be revised and any concerns raised by the LPA with Highways England.

The analysis of expected queuing behaviour associated with the drive-thru lane indicates that, whilst the queues are not expected to exceed the available waiting space, there exists additional "ad hoc" queuing space for up to 12 vehicles within the site's circulatory arrangement. Whilst regular use of this space would not be desirable, it is accepted that the likelihood of queuing vehicles extending back to the public highway in the vicinity of the SRN is low and the proposed arrangements are therefore acceptable.

The requested accident analysis for the Portfield Roundabout is presented in the technical note. The data indicates that there have been a number of incidents within the review period; it is also stated in the assessment that the majority of these relate to driver error and a number are of types which ought to be made less common as a result of the Shopwyke Lakes junction improvements. It is accepted that the impacts of this specific development will be limited on the basis of the trip generation and trip distribution information.

Assessments have been produced for the Portfield Roundabout based on both the original design of the junction (which was the layout understood to be present at the

commencement of the planning application process) and a modified layout which introduces improvements and was agreed as part of the "Shopwykes Lakes" development scheme. It is understood that this modified junction layout has now been implemented on site, but is referred to as the "consented" layout in the supplied technical note; the results from this assessment have therefore been considered as being directly relevant to the proposed development.

The outputs from the modelling have been reviewed and the modelling work is considered to have been conducted in an acceptable manner. Therefore, the presented results, which demonstrate that the roundabout will operate within capacity within the modelled time periods, are accepted.

The outstanding information has now been provided to our satisfaction and having assessed the further information received on 16 July 2021 as detailed above, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (reflecting the DfT Circ 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests), subject to necessary conditions to make the proposals acceptable in highway terms.

*(Original Comments) (summarised)*

A request for additional supporting information to fully assess the impacts of the proposal, including trip generation information, conformation on car parking details (to be influenced by the number of tips) and an appropriate accident analysis should be undertaken for the A27 Portfield Roundabout.

### 6.3 WSCC Local Highway Authority

*(Further Comments)*

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on proposals for drive-thru lane and associated works at existing restaurant building. In comments dated 2 August 2021 the LHA requested further information regards demonstration that the site access and egress would operate within capacity.

The applicant was advised to demonstrate that queuing on the slip road entrance to site will not result in a 'severe' impact to the A27 for Highways England to assess. Highways England have raised no objection to the capacity operation of the slip road and any impact to A27.

The egress junction to A285 has been modelled as a left out only. Traffic counts used for the Costa development have been used as baseline and growthed up to 2022 using TEMPRO with the forecast Costa traffic flows added as committed development. As previously agreed the Shopwhyke Lakes development did not include weekend peak trip assessment and thus the weekend peak has been assessed for 2022 baseline plus development flows.

The modelling for various scenarios outlined shows the the site egress will continue to work within capacity with a maximum RFC of 0.47 during Saturday 2022 baseline plus development scenario.



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 111), and that there are no transport grounds to resist the proposal.

Final Travel Plan Statement to be provided and secured through a suitably worded clause within s106/ Unilateral Undertaking Agreement which should also secure the fee of £1500 for monitoring and auditing of the TPS.

*(Further Comments) (summarised)*

A request for further information to demonstrate the development would not lead to any queues (from the car park or the drive thru lane) extending back from the site onto the A27 Portfield Roundabout. In addition, the access to and egress from the site should be modelled for capacity, to demonstrate that queuing on the slip road entrance to site will not result in a 'severe' impact to the A27

*(Original Comments)*

West Sussex County Council, in its capacity as Local Highway Authority (LHA) have been consulted on proposals to convert existing Pizza Hut restaurant and takeaway to Tim Hortons restaurant/cafe with installation of a drive thru lane, associated alterations and advertisement consent for various signage.

The wider site comprises a McDonalds restaurant with drive-thru and a Costa Coffee with drive-thru (recently permitted under CC/19/01557/FUL, previously CC/17/01863/FUL).

As part of the Costa development the access arrangements to the site were altered, with access from Old Bypass ('C' class with left in only) and egress to Portfield Way (A285 with left out only). A small section of the access and Old Bypass are maintained by WSCC before Portfield Roundabout exits/approaches which are maintained by Highways England (HE). HE will therefore comment on any traffic impact to the roundabout.

No alterations to the access arrangements with the public highway are proposed. The internal alterations include a drive-thru lane to the east/south/west of the building. Swept path tracking for a Luton Van shows the lane is workable. Servicing arrangements are also shown through swept path tracking with 6 x parking bays coned off during this. The plan shows capacity for upwards of 11 x cars within the drive-thru lane and indicates a pedestrian crossing of the drive thru lane exit, from the bicycle racks to the building.

The LHA is mindful that the cafe/restaurant and takeaway facility already exists with floor area being reduced from 397sqm to 366sqm. Nevertheless, existing restaurant/takeaway trips of pizza hut should be compared with trip data for similar Tim Hortons/ drive-thru sites to establish whether the addition of drive-thru lane will significantly increase vehicle trips to the site and use of the existing access with public highway.

The applicant may wish to look to application CC/17/01863/FUL for the Costa site which used similar Costa drive-thru facilities to anticipate expected vehicle trip generation. The

LHA will assess the outcome of this exercise to determine whether further junction modelling is required, HE should also comment on this in respect to capacity of A27 and Portfield Roundabout.

Whilst car parking is shared across the site, reconfiguration to provide the drive-thru lane shows a total 17 x spaces immediately adjacent and within red edge of site. WSCC Guidance on Parking at New Developments advises the same standard for cafe/restaurant and hot food takeaway as 1 space per 5sqm of public area with staff parking clearly marked. The LHA are mindful that this may not encompass the unique use as a drive-thru facility, which may result in less parking demand but require the ability for queuing capacity within the site. The reduced 366sqm facility could require 73 x spaces but this does not discount non-public areas. The LHA is also mindful that parking is shared across site (91 x spaces total) and that due to location some staff trips may be by sustainable modes. No additional floor space is proposed and parking across the site for the three units was previously accepted under the Costa application. The LHA therefore, raise no concern to the revised car parking arrangements although advise that the applicant clarifies whether areas for staff parking only will be marked.

Street lit footway provides a link from the site to wider retail park west/ south-west of site and supermarket to the north with a signalised pedestrian crossing to the north west. Cycle access is also from Portfield Way, whilst there is no segregated facility there are a number of shared use paths in the wider area.

The nearest bus stop is located approximately 3 minute walk at Sainsbury's with additional stops and service at Barnfield Drive and Westhampnett Road. Chichester Train Station could be reached by a confident cyclist within reasonable time.

The existing 4 x cycle racks accommodate 8 x cycles and will be relocated. Considering the floor area will not increase and the anticipated staff numbers, the LHA accept the proposed cycle parking provision. Considering the size of the retained unit the LPA should look to secure a fee of £1500 for monitoring and auditing of a Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.

Various illuminated signs are proposed. These do not exceed 300cd/sqm. Furthermore, existing McDonalds signage with no evidence of highway safety concern although HE may also wish to give their view on the position of these in terms of impact on A27.

Please ask the applicant for the following additional information and re-consult:

- Advise if marked areas for staff car parking.
- Full trip generation assessment to take account of existing trips from McDonalds and Costa against anticipated new trips that the cafe/drive-thru will create. It is appreciated that Pizza Hut use exists but the drive-thru is a new element that may increase queuing and thus a full assessment should be carried out to allow LHA and HE to determine whether any additional junction modelling is required
- Travel Plan Statement - the applicant may wish to provide a detailed copy at this stage to include staff numbers and proposed measures to reduce single occupancy car travel, or this can be secured via s106/ Unilateral Undertaking.

#### 6.4 CDC Environmental Protection

No objection, subject to condition requiring an assessment of the risks proposed by ground gases and/or vapours, to be undertaken and the findings of the report/recommendations made to be agreed in writing by the LPA.

#### 6.5 CDC Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The application form says that surface water will be drained to an "existing watercourse". This approach is acceptable in principle as due to the ground conditions infiltration is not viable in this location, and in reality, this will mean utilising the existing drainage network on the site.

Wherever possible, driveways, parking spaces, paths and patios should be of permeable construction. Due to the scale of the proposed development we have no conditions to request. Surface water drainage should be designed and constructed to meet building regulations.

#### 6.6 CDC Economic Development

The Economic Development Service supports this application for full planning permission for the installation of a drive-thru lane and associated engineering works, including alterations to car parking, bin store and servicing arrangements and associated changes to landscaping. Minor alterations to the building and elevations including recladding. Advertisement consent for replacement signage.

The proposed development and change of provider will make effective use of a prominent hospitality venue, which is well located to meet the needs of local residents and passing trade.

The proposed development provides economic benefits to the area and creates employment opportunities for local people

#### 6.7 Third party objection comments

One letter of objection has been received concerning

- a) The requirement for a change of use of existing premises
- b) Lack of supporting details in relation to highways network
- c) The need to amend the application accordingly

## 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 Neighbourhood Plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

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

### Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in spring 2023.

### National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 19 February 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

*unless:*

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

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

#### Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- 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 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. Flood Risk and Drainage
- v. Other Matters

#### Assessment

i. Principle of development

8.2 The application site is located within the settlement boundary of Chichester City, which Policy 2 of the Local Plan states is a Sub-regional Centre; providing a broad range of

employment, retail, entertainment and cultural opportunities, for a wide catchment area extending outside the district.

- 8.3 The application seeks planning permission for the change of use of a redundant restaurant building, into a mixed-use restaurant/take away (drive through), operated by Tim Hortons. The proposal shall revive an existing building and contribute towards the wider services and provisions within the City. This, alongside the sustainable location of the application site, ensures the principle of this development is supported by the Chichester Local Plan.

ii. Design and impact upon character of the surrounding area

- 8.4 Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site, and public amenity through detailed design. In addition, Section 12, specifically Paragraph 130, of the NPPF states planning decisions should ensure that developments, function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to the local character, including the surrounding built form and establish or maintain a strong sense of place.
- 8.5 The proposal seeks minor physical alterations to the existing pizza hut restaurant building, including most notably the removal of the existing glazed entrance foyer, which would be infilled with brickwork around a smaller collection window for the drive-thru; and the demolition of an small side extension to the north elevation and its replacement with an entrance portal to form the new main entrance. The proposed alterations are considered to remain respectful and in-keeping with the character and appearance of the existing building, and its setting within the locality characterised by commercial uses including retail parks and food outlets, which includes various examples of drive-thru style buildings.
- 8.6 The proposed drive-thru would run along the east, south and west side elevations of the building, partly in place of the existing bin store (east) landscape planting (south) and external seating/paved area (west). The bin store would be relocated to the west of the site, on an area previously laid to hardstanding. The proposal retains a significant level of the existing landscaping to the south of the site, and includes additional landscaping to the west, particularly concentrated around the proposed bin store, and thus would maintain an acceptable level of natural screening for the site, helping to limit the prominence of the proposed drive-thru and associated infrastructure.
- 8.7 Finally, the alterations to the restaurant, including the provision of a new drive-thru would be within an existing commercial setting, well away from residential properties and bound by Portfield Way and the Chichester Bypass. As such, the proposed development would be reflective of the established character and sense of place and would not impact significantly upon the general amenity of the area.

iii. Impact upon highway safety and parking

- 8.8 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.9 The proposal has been considered extensively by National Highways and WSCC Highways, both of whom have reviewed the supporting information provided during the

application; concluding the proposal would not result in an unacceptable impact on highway safety or upon the Strategic Road Network (A27).

- 8.10 National Highways and WSCC Highways have both had regard to the Technical Note 1 - Transport Statement and subsequent Technical Note 2 - Highways Response and Technical Note 3 - Site Egress Model produced by TPA. The two latter documents have fully addressed the additional requirements raised by National Highways and WSCC Highways in their original consultee responses, and includes the proposed additional trip generation, an assessment of the impacts upon A27 Portfield Roundabout, accident analysis, parking assessments, predicted drive-thru queuing and modelling of the site egress and the developments impact upon this junction with Portfield Way.
- 8.11 The proposal would include an acceptable level of parking, contributing an additional five parking spaces to the cumulative parking provision for the site. The addition of five spaces, to the overall provision within the site is considered acceptable, and in line with requirements of a development of this size.
- 8.12 As requested by WSCC Highways, a Travel Plan Statement (TPS) has been prepared and is included at Appendix L of Technical Note 2 - Highways Response. This has been received by WSCC Highways, who have advised that a fee of £1,500 for monitoring and auditing of the TPS and the receipt of the latest version of the TPO would need to be secured via S106 agreement. This approach has been agreed by the applicants, and work is underway with WSCC to draft the S106 agreement to collect the appropriate fee and latest version of the TPS.
- 8.13 In the absence of any objection raises by either consultee, subject to the recommended conditions and subject to the securing the S106 agreement, the development would not result in an unacceptable impact upon the highways network and there is no evidence to substantiate an alternative view. The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework and there are no transport grounds to resist the proposal.

iv. Flood Risk and Drainage

- 8.14 The existing restaurant building, proposed drive-thru and alterations all lie within Flood Zone 1 and are therefore at the lowest risk of flooding. However, the slip road access into the wider site lies within Flood Zones 2 and 3, which is at greater risk of flooding. As the existing building and proposed alterations are located outside of the Flood Zone, the development, subject to acceptable surface water drainage is not considered to be at an unacceptable risk of flooding, nor like to result in an increase in flooding within the surrounding area.
- 8.15 The Council's Drainage Engineer considers the surface water strategy, which involves the use of the existing means of drainage via a watercourse to be acceptable, particularly given infiltration is not viable within this location. It however remains important that where possible the surfaces are permeable, and a condition is recommended to ensure this is the case.

v. Other Matters

- 8.16 The site is located on a historic, closed landfill site and the Council's Environmental Protection Officers have advised that would be necessary to undertake an assessment of risks proposed by ground gases and/or vapours; with the details to be submitted to the LPA prior to the commencement of works. A condition is recommended to ensure the necessary information is submitted alongside side any scheme be required to manage any identified issues.

Conclusion

- 8.17 In light of the above, the proposal would not have an adverse impact upon the visual amenity of the locality or the highway network. It would bring back into use a vacant restaurant building with a use appropriate to its location, and in the absence of any identified harm it is considered to be in accordance with local and national development plans and is acceptable.

Human Rights

- 8.18 In reaching this conclusion the Human Rights of the applicants and interested parties have been taken into account and it is considered that the recommendation to permit the application is justified and proportionate.

**RECOMMENDATION**

**DEFER FOR S106 THEN PERMIT SUBJECT TO NO NEW MATERIAL ISSUES BEING RAISED PRIOR TO THE EXPIRY OF THE PUBLICITY**, 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, including any works of demolition**, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,



- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including litter management and prohibiting burning.

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

**4) No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured.

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

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. 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 a scheme detailing hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plan(s) showing the proposed finished areas of hardstanding (including drive-thru) and contain details of the proposed hardstanding material, indicating the use of permeable hardstanding where applicable. Thereafter the scheme shall be carried out in accordance with the approved details and once provided the works shall be retained in perpetuity.

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

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

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

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

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

9) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

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

10) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for coffee shop/restaurant including drive thru - coffee shop/restaurant and for no other purpose.

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting the vitality and viability of Chichester City Centre

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Bin Store (A1)	PL-01.9	B	21.05.2021	Approved
PLAN - Site Location and Block Plan (A1)	PL-001.1	C	21.10.2021	Approved
PLAN -	PL-01.6	REV C	27.08.2021	Approved
PLAN -	PP-1-0	REV A	27.08.2021	Approved
PLAN -	PS-01.5F	REV F	21.10.2021	Approved
PLAN -	PS-01-8	REV C	27.08.2021	Approved

## INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

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=QS9OEWERHDB00>

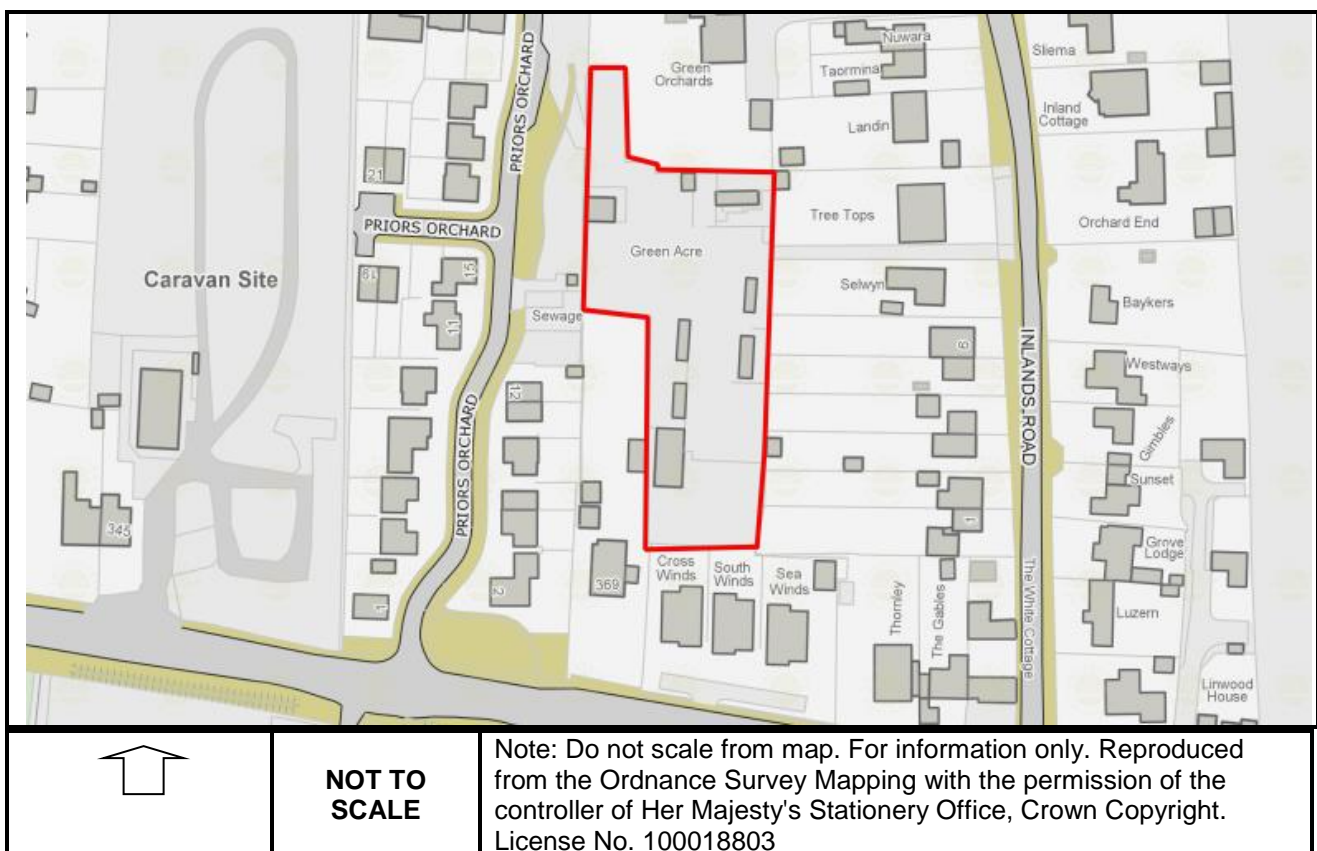
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Parish: Southbourne	Ward: Southbourne
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**SB/21/02603/FUL**

<b>Proposal</b>	Change of use of the land to use as a building site compound. (Variation of Condition 1 from Appeal Decision ref. APP/L3815/C/19/3233587 - to extend the time within which the use must be discontinued and to include the alternative use of the land for agricultural purposes).		
<b>Site</b>	1 Green Acre Inlands Road Nutbourne PO18 8RJ		
<b>Map Ref</b>	(E) 477467 (N) 105677		
<b>Applicant</b>	Mr Steve Culpitt	<b>Agent</b>	Mr Stuart Tym

## RECOMMENDATION TO PERMIT



### 1.0 Reason for Committee Referral

Parish objection - Officer recommend Permit.

## **2.0 The Site and Surroundings**

- 2.1 The application falls within the Prinsted and Southbourne Settlement Boundary Area, situated between Priors Orchard residential development to the west and dwellings fronting Inlands Road to the east. There is a single width access onto Inlands Road and a temporary construction access from Priors Orchard. There is an area of landscaping and open space and a sewage pumping station to the immediate west within Priors Orchard, otherwise the site is surrounded by residential properties.
- 2.2 The site has previously been authorised and used for Gypsy and Traveller accommodation, comprising 5 pitches and 4 associated utility buildings (14/01678/FUL refers). The southern part of the site contained a low level barn/stable in poor condition. The mobile home and caravan units and associated land are currently in use to support the construction of the adjacent residential development, a use that excludes and prohibits use of the Inlands Road access.

## **3.0 The Proposal**

- 3.1 Paragraph 3 of appeal ref. APP/L3815/C/19/3233587 (dated 13th May 2020) granted planning permission for the change of use of the application site to the use as a building site compound, which specifically excludes the stationing of a catering van. The appeal was in relation to an Enforcement Notice, issued on 12<sup>th</sup> June 2019.
- 3.2 The application seeks planning permission for the variation of Condition 1 from the appeal decision referred to above. The appeal decision was subject to three conditions relating to; 1) length of temporary planning permission; 2) hours of use; and, 3) a condition preventing the use of Inlands Road for access. Specifically, Condition 1 required that the use be discontinued and the land restored to its former condition.
- 3.3 Condition 1 states: *'The use hereby permitted shall be discontinued and the land restored to its former condition, capable of accommodating five pitches for occupation by gypsies and travellers, either before the expiration of 12 months from the date of this permission of within 28 days of the completion of the development granted by virtue of planning permission reference SB/14/0800/OUT, whichever shall occur first'.*
- 3.4. This application seeks to extend the temporary permission until the 31st December 2021, as a consequence of the *'slowing down of build rates due to the requirements to build safely during the pandemic.'* Additionally, the proposal seeks to include the alternative use of the land for agricultural purposes, pursuant to SB/21/00221/PLD (consented May 2001).

## **4.0 History**

02/00808/COU	PER	Change of use from redundant chicken shed to stables and tack room.
13/03608/FUL	PER106	Proposed change of use of land to three pitch site comprising the stationing of three mobile homes for settled gypsy accommodation and the construction of three associated utility buildings.
14/01678/FUL	PER106	Full application for demolition of existing stable /

store and proposed change of use of land to provide two additional mobile homes pitches and one additional utility building for settled gypsy accommodation (total 5 pitch site) revised application further to permission granted under SB/13/03608/FUL for proposed change of use of land to three pitch site comprising the stationing of three mobile homes for settled gypsy accommodation and the construction of three associated utility buildings.

14/02644/FUL	REF	Site warden accommodation in relation to permissions for settled gypsy accommodation (total 5 pitch site).
19/00474/FUL	REF	Temporary change of use of land to site compound and associated amendments to construction management plan.
19/00037/ENF	ALLDIS	Appeal against SB/117 (appeal ref. APP/L3815/C/19/3233587) for change of use of the land to use as a building site compound and the stationing of a catering van. Appeal allowed insofar as it relates to the building site compound and planning permission is granted for the building site compound subject to conditions. Appeal dismissed and the enforcement notice upheld as corrected for the stationing of a catering van.
20/02811/FUL	WDN	Development of 10 no. residential dwellings
21/00221/PLD	PER	Proposed lawful development certificate for the use of land for agricultural purposes.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	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 Southbourne Parish Council**

This application has been considered by Southbourne Parish Council and an objection is made for the following reasons:

- 1) The original permission was granted for sole and exclusive use for the construction of Priors Orchard; this site is now virtually complete, so there is no reason for an extension.
- 2) It has been brought to the attention of the Parish Council that the land is being used to store materials for other building sites, as evidenced by the high volume of building materials being transported in on a daily basis; this volume clearly does not match the remaining building material requirements to complete Priors Orchard.
- 3) This suggests that the original permission conditions are not being met and the extension should therefore not be granted.
- 4) The high volume of large lorries laden with rubble and building materials using this route, is completely unsafe; the safety of pedestrians, in particular children going to the school, is of paramount importance and this narrow road is completely unsuitable for this type of traffic.

### **6.2 WSSC Highways**

No objection.

The application is for the extension of a time limit on the temporary use of land as a Building site compound, until the end of the year (2021). The original approval of this use was permitted under the Appeal Decision notice ref: APP/L3815/C/19/3233587. This included 3 conditions to its use. Condition 3 stated *'No access shall be provided to the site from Inlands Road and the access from Inlands Road shall be closed off for the duration of this development within 28 days of the date of this decision'*.

As such traffic should be using the main access, the junction and right turn lane off Main Road into Priors Orchard in-line with the planning condition. The LHA raise no highway safety or capacity concerns relating to the extended temporary use of this junction for the building site compound. If this is not happening, then the Council's Enforcement Team would need to address this with the Developer as a breach of planning conditions.

The LHA note the comments relating to the use of the site for the storage of materials for other sites, other than Priors Orchard. The LHA is unaware of the full planning extent for the building site compound, but it appears that section 5 of the Appeal Decision states the use as:

*'The use of the land as a building site compound relates to construction works being carried out on the adjacent land to the West, known as Priors Orchard, Main Road, Southbourne.'*

On the above basis the LHA would assume the building site compound only has permission to be used in connection with the Priors Orchard development and no others. As such no other development traffic should be accessing the site.



### 6.3 CDC Environmental Protection

No comment.

### 6.4 Third Party Representations

10 letters of objection have been received concerning:

- Noise and impact on quality of life.
- No interaction with the residents regarding this application.
- Large heavy goods vehicles entering the builders' yard.
- Using this facility for all their other local building sites.
- Significant noise, dust and traffic which has damaged the road infrastructure.
- Concern regarding further residential development on the site.
- This is a misleading application.
- Traffic is dangerous to pedestrians / children.
- Deliveries are not managed and vehicles are often parked up on the footpaths.
- The address is Inlands Road and thus the entrance on Inlands Road should be reinstated.
- Drawing is incorrect and shows a road that does not exist.
- Road is not wide enough for lorries and cars to pass.
- Pavements are often blocked to either foot or wheelchair users.
- Impact on bats.
- Sewage system cannot cope anymore.

1 Letter commenting on the following have been received:

- Acknowledge general delays caused by pandemic.
- Condition 2 and 3 should be upheld and retained.
- Concerns regarding ongoing noise, dust and traffic.
- Impact on quality of life.
- Cumulative impact needs to be taken into account.

## 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 Southbourne Neighbourhood Plan 2014-2029 was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.
- 7.2 The Southbourne Neighbourhood Plan Review 2019-2037 was published for consultation according to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 from 8th April 2021 to 3rd June 2021. Arrangements have since been made for an independent Examiner to undertake the examination of the plan.

- 7.3 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 5: Parish Housing Sites 2012-2029  
Policy 6: Neighbourhood Development Plans  
Policy 8: Transport and Accessibility  
Policy 9: Development and Infrastructure Provision  
Policy 20: Southbourne Strategic Development  
Policy 33: New Residential Development  
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople  
Policy 39: Transport, Accessibility and Parking

Southbourne Neighbourhood Plan 2014-2029

Policy 1 Spatial Strategy  
Policy 2 Housing Site Allocations  
Policy 5 Employment

Southbourne Neighbourhood Plan Review 2019-2037 - Submission Plan

Policy SB1 Development Within and Outside the Settlement Boundaries  
Policy SB4 Meeting Local Housing Needs

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. 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, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- 7.6 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in spring 2023.
- 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 2016-2035  
S7 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs  
S12 Infrastructure Provision  
S23 Transport and Accessibility  
S28 Pollution  
AL13 Southbourne Parish

Part 2 - Development Management Policies

DM5 Accommodation For Gypsies, Travellers and Travelling Showpeople  
DM8 Transport, Accessibility and Parking  
DM23 Lighting  
DM24 Air Quality  
DM25 Noise  
DM26 Contaminated Land

Other Local Policy and Guidance

- 7.8 Consideration has also been given to:

- Surface Water and Foul Drainage SPD (September 2016)

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

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Support communities to meet their own housing needs

## **8.0 Planning Comments**

### Planning Assessment

#### *i. Extension of the temporary permission until the 31st December 2021*

8.1 The proposal seeks to extend the temporary permission until the 31st December 2021, as a consequence of the *'slowing down of build rates due to the requirements to build safely during the pandemic.'* Additionally, the proposal seeks to include the alternative use of the land for agricultural purposes, pursuant to SB/21/00221/PLD.

8.2 On 13th May 2020, the Government published a Written Ministerial Statement on planning and construction working hours. This statement expects Local Planning Authorities (LPAs) to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there are very compelling reasons against this.

8.3 A further Government update made on the 25th March 2021 states:

*'As England moves towards step 2 of the COVID-19 response roadmap out of lockdown, which will take place no earlier than 12 April, the Government wants to ensure that planning measures are in place to support businesses to operate safely and drive the economic recovery.*

*Firstly, the Government recognises that the construction industry will need to continue to operate in a safe and productive way. Temporary extensions to working hours were introduced over the last year on some sites to facilitate safer working and allow tasks to be completed where social distancing can be challenging. These changes have also helped to protect and support jobs in the construction industry and reduced pressures on public transport at peak hours throughout the pandemic.*

*This Written Ministerial Statement confirms that the approach set out in my previous statement to the House of 13 May 2020, about construction working hours due to COVID-19, will remain in place until 30 September 2021. This continued flexibility is necessary due to the continued impact of COVID-19 and to support the construction industry to recover and operate safely as we emerge from the pandemic. This date will be kept under review'.*

8.4 The purpose of the Written Ministerial Statement is to make clear that, with immediate effect; LPAs should take a swift and positive approach to requests from developers and

site operators for greater flexibility around construction site working hours. This is to ensure that, where appropriate, planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the response to the COVID-19 pandemic and to proceed at pace with work otherwise delayed as a result of COVID-19.

- 8.5 The National Planning Policy Framework already emphasises that planning enforcement is a discretionary activity and LPAs should act proportionately in responding to suspected breaches of planning control.
- 8.6 In allowing greater flexibility, the Government recognises the need to mitigate the impact that any temporary relaxation of working hours could have on local residents and businesses. Requests to extend working hours should be proportionate and should not involve working on Sundays or bank holidays.
- 8.7 Applications should only be refused where there are very compelling reasons such as significant impact on neighbouring businesses or uses which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.
- 8.8 Condition 3 of the appeal decision prevented access from Inlands Road, as such traffic should be using the main access, the junction and right turn lane off Main Road into Priors Orchard in-line with the planning condition. WSCC Highways have been consulted as part of this application and raise no highway safety or capacity concerns relating to the extended temporary use of this junction for the building site compound.
- 8.9 In light of the above, it is considered that the requested extension would constitute a modest increase and under the circumstances prevailing, it is considered reasonable to make an exception in this instance and to allow the development for a limited period. Given the close proximity to other residential properties, the Inspector restricted the hours of use of the site and prevented access from Inlands Road to ensure the development does not unreasonably detract from the living conditions of occupiers of nearby properties.

*ii. Include the alternative use of the land for agricultural purposes into condition 1*

- 8.10 The inclusion of the additional wording into condition 1 '*use of the land for agricultural purposes, pursuant to SB/21/00221/PLD*' is considered acceptable. The conclusions of the PLD found that the use of the application site for agricultural purposes would not amount to development and as such is considered lawful. As such it is considered acceptable to amend Condition 1 accordingly.

*iii. Other matters*

- 8.11 Section 5 of the appeal decision states:

*'The use of the land as a building site compound relates to construction works being carried out on the adjacent land to the West, known as Priors Orchard, Main Road Southbourne...'*

- 8.12 With regard to Southbourne Parish Council's comment regarding the application site being used to store building materials for other sites; this matter has now been referred to the Council's Enforcement Team for further investigation and is not considered directly relevant to this application.
- 8.13 For further clarity and in response to representations received an additional condition (Condition 4) has been included to that effect.

#### Conclusion

- 8.14 For the reasons set out above, the proposal is considered to be in accordance with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

#### Human Rights

- 8.15 The Human Rights of all affected parties have been taken into account and the recommendation to permit is considered justified and proportionate.

#### **RECOMMENDATION**

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

1) The use hereby permitted shall be discontinued and the land restored to its former condition, capable of accommodating five pitches for occupation by gypsies and travellers, or use for agricultural purposes pursuant to SB/21/00221/PLD, either on or before the expiration of the period ending on 31st December 2021 or within 28 days of the completion of the development granted by virtue of planning permission reference SB/14/02800/OUT, whichever shall occur first.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing, it is considered reasonable to make an exception in this instance and to allow the development for a limited period.

2) The site shall not be used except between the hours of 0800 - 1900 during Monday to Friday, and between the hours of 0900 - 1300 on Saturdays and not at all on Sundays and public holidays.

Reason: To safeguard the amenities of neighbouring properties.

3) No access shall be provided to the site from Inlands Road and the access from Inlands Road shall be closed off for the duration of this development.

Reason: To safeguard the amenities of neighbouring properties.

4) The use of the land as a building site compound relates to construction works being carried out on the adjacent land to the West, known as Priors Orchard, Main Road, Southbourne, subject to planning permission reference SB/14/02800/OUT.

Reason: In the interests of highway safety and to safeguard the amenities of neighbouring properties.

#### INFORMATIVES

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

2) This decision relates to the following plan submitted with the Enforcement Notice: SB/117.

For further information on this application please contact Jane Thatcher on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QYGB0ZERMEY00>

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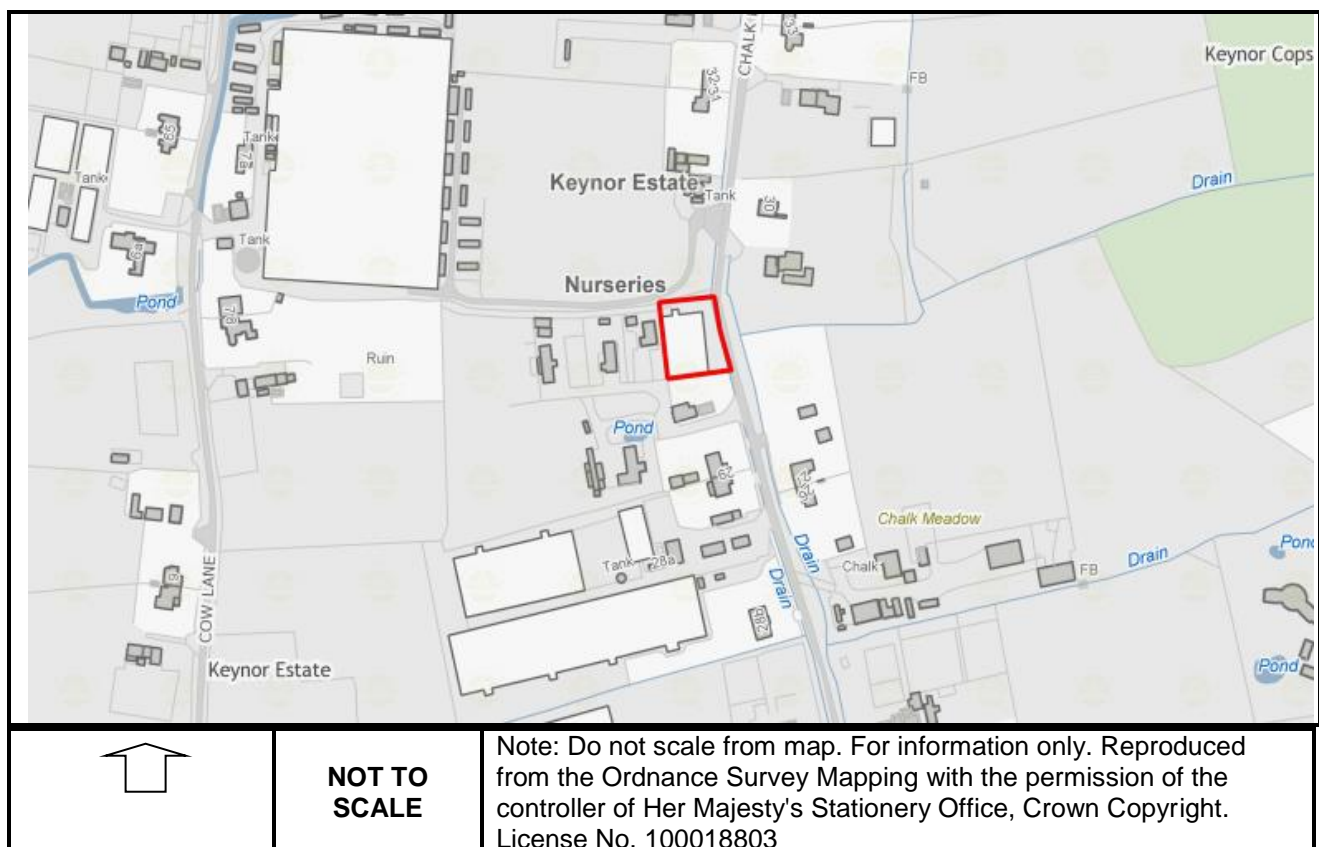


Parish: Sidlesham	Ward: Sidlesham With Selsey North
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**SI/21/01234/FUL**

<b>Proposal</b>	Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (alternative layout and access arrangement to the scheme approved under application SI/20/01331/FUL).		
<b>Site</b>	Melita Nursery Chalk Lane Sidlesham PO20 7LW		
<b>Map Ref</b>	(E) 485076 (N) 97272		
<b>Applicant</b>	Mr J Sullivan	<b>Agent</b>	Mr Ben Kirk

## RECOMMENDATION TO PERMIT WITH S106



### 1.0 Reason for committee Referral

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site, known as Malita Nursery is located to the west side of Chalk Lane within the Parish of Sidlesham. Chalk Lane is characterised by a mixture of glass houses and residential dwellinghouses, sporadically positioned along the road. The road is characterised by a dominance of trees, some of which are the subject of tree preservation orders (TPO's), with shrubs and hedges between.
- 2.2 The site is located outside of a defined settlement boundary, on a former horticultural nursery, and part of an established gypsy and traveller. The wider site comprises four existing authorised gypsy and traveller pitches however there is permission for a further three pitches, one of which is subject to this application. There is a dwellinghouse under construction immediately south of the application site, and 2 of the established pitches on the site have demonstrated that they have dwellings on the site and therefore planning permission has been granted for replacement dwellings.
- 2.3 The application site is positioned to the north east corner of the of the wider site, adjacent to Chalk Lane and a gypsy and traveller pitch is currently under construction following a grant of planning permission (ref 20/01331/FUL) in December 2020. The extant permission includes a single gypsy and traveller pitch containing one mobile home, a day room, two parking spaces (one with an electric vehicle charging point), solar array and a space for a touring van. The approved vehicle access was from the southern boundary via the shared vehicle access for the wider site.
- 2.4 The works are underway to implement the approved planning permission, and to date the post and rail boundary fencing has been installed. In addition, an alternative new vehicular access has been formed within the eastern boundary of the site.

## **3.0 The Proposal**

- 3.1 The proposal seeks retrospective approval for the constructed vehicular access onto Chalk Lane and seeks approval for an alternative layout within the site including; amenity building, parking area for vehicles and space for a tourer. A solar array and ecological enhancements secured as part of the extant permission also form part of the current proposal, and Field Maples and Polar trees are proposed to the east and north boundaries to replace 5 Polar trees removed on the eastern boundary.

## **4.0 History**

07/05059/TPA	PER	Reduce height by up to 7m and reduce by upto 3m (mainly sector overhanging the road) and deadwood on 14 no. Poplar trees within Group G7 subject to TPO/4/SI.
20/01331/FUL	PER106	Change of use of land to Gypsy and Traveller caravan site consisting of a single pitch, 1 no. mobile home and 1 no. utility dayroom (resubmission of SI/20/00647/FUL)
20/02438/TPA	PER	Fell 5 no. Poplar trees within Group, G7 subject to SI/86/00938/TPO.

## 5.0 **Constraints**

Listed Building	NO
Conservation Area	No
Rural Area	YES
AONB	NO
Tree Preservation Order	YES
EA Flood Zone	NO
- Flood Zone 2	
- Flood Zone 3	

## 6.0 **Representations and Consultations**

### 6.1 **Parish Council**

*(Further Comments)*

Chichester District Council respectfully requested the Parish Council's position be reconsidered for this application. The Parish Council discussed the application again and agreed that it would not withdraw its OBJECTION. The Parish Council wishes to restate its position on the basis that the proposal varies significantly from what was originally granted and the context of the site would be compromised

*(Original Comments)*

The PC discussed the application. It notes that the application seeks an alternative access off Chalk Lane, and states that this access has not been started, local knowledge and pictures submitted show that the gate is in fact already in place. The PC is also fully aware that under application no 20/02438/TPO permission was granted for felling of 5 black poplars which was granted on understanding that new specimens would be planted to replace 5 no. like for like or suitable native species of replacement trees shall be provided in positions as near as practicable to the locations of the original trees to be felled and with heights of at least 2 metres when such planting is carried out but instead the proposed driveway has already been completed where the trees were supposed to have been replanted. The PC objects to the application on this basis and requests the LPA seeks compliance with previous agreed plans.

### 6.2 **WSCC Local Highway Authority (summarised)**

This proposal is for the change of use of land to gypsy/traveller site, consisting of one pitch, one mobile home and one utility day room. The site is located on Chalk Lane, a privately maintained road, consequently these comments are for advice only. The nearest public highway is Keynor Lane, located approximately 500m to the north of the site. Chalk Lane is also maintained as Public Right of Way no. 53.

As Chalk Lane is privately maintained, the applicant is advised to contact the proprietor of the privately maintained road to obtain formal approval for the proposed access works.

The applicant is advised that the proposed access gates should open inwards of the site. In addition, the applicant is advised to relocate the gate back to ensure a gap of 5m exists between the carriageway edge and the gates, to allow for a car to pull in off the carriageway and wait whilst the gates are in operation.

The proposed access/crossover works will cross an existing drainage ditch. Ordinary Watercourse Land Drainage Consent from WSCC, as the Lead Local Flood Authority, will be required to culvert the ditch.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site, or within the vicinity of the junction with Keynor Lane. Therefore, there is no evidence to suggest that the existing arrangement is operating unsafely, or that the proposal would exacerbate an existing safety concern.

The site plan demonstrates two car parking spaces for this development, including one EV charging space. Whilst technically a withdrawn document, the Good Practice Guide on Designing Gypsy and Traveller Sites (2008) recommended a provision of two car parking spaces per pitch. Therefore, the LHA considers the proposed car parking provision sufficient to meet the anticipated needs of the site. There also appears to be plentiful space for on-site turning to be achievable.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future.

Regarding cycles, the applicant has demonstrated a bike store. The inclusion of secure and covered cycle parking will help promote the use of sustainable transport methods.

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 Environmental Protection

No comments on the revised layout.

### 6.4 CDC Environmental Strategy

No comments received

### 6.5 CDC Drainage

We have no objection to proposed alternative layout / access arrangement, As is required, the access / parking remains permeable, and the details of the permeable construction on drawing 2101ME\_001 are acceptable.

The application has also been verbally discussed with the Councils Drainage Engineer, who has confirmed the applicants have applied for Ordinary Watercourse Land Drainage Consent, which is currently under consideration.

#### 6.6 Third party objection comments

None 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 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 36: Planning for Gypsies, Travellers and Travelling Showpeople  
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 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently

anticipated that after following all necessary procedures the new Local Plan will be adopted in spring 2023.

#### National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 19 February 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

#### Other Local Policy and Guidance

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

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

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- 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 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. Trees
- v. Sustainability
- vi. Ecological considerations
- vii. Noise and air pollution
- viii. Drainage
- ix. Impact on neighbour amenity
- x. Recreational Disturbance

### **Assessment**

#### **i. Principle of development**

8.2 The principle of the proposed development has been established by grant of permission reference 20/01331/FUL, with this application seeking only to alter the approved site layout and retrospective permission for the new vehicular access. The proposal does not seek to increase the number of Gypsy and Traveller pitches nor increase the amount of residential accommodation within the site. As such, the development can be considered acceptable, in principle subject to the materials considerations as set out below.

#### **ii. Design and impact upon character of the surrounding area**

8.3 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity.

8.4 Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.

8.5 The application site is located to the west of Chalk Lane and forms part of the larger site known as Melita Nursery, which is an established gypsy and traveller site. The revised layout and private access onto Chalk Lane, would separate this particular plot from the wider site, establishing a smaller unit of accommodation resulting in a greater level of visual and acoustic privacy, as encouraged by Policy 36 of the Local Plan, whilst also retaining the high quality, spacious layout achieved as part of the previous application. In addition, the revised layout would result in a more outward facing development, which would increase the level of inclusivity of the development with the surrounding community, which is also in accordance with policy 36 of the Local Plan.

- 8.6 The revised internal layout proposes a modest increase in permeable hardstanding across the pitch, however the level of hardstanding would remain proportionate and areas of amenity lawn and planting areas would also be provided within the site. The mobile home and amenity block would be re-positioned, to reflect the revised access to the site, with both structures set further back within the plot and from Chalk Lane, thereby reducing their visual impact.
- 8.7 The new access directly onto Chalk Lane, which has been formed within the eastern boundary, is reflective of the various rural styles of vehicular accesses onto Chalk Lane. The access has been implemented with a rustic post and rail fence and timber farm style gate, both of which reflect and re-enforce the character of the area. In addition, Beech hedging has been planted behind the access, which once established shall provide a green backdrop to the access and further soften its appearance. Additional tree planting (as detailed below) would be located adjacent to the access and to the northern boundary, which would reinforce the rural character of Chalk Lane and help to naturally screen the access and bolster the existing natural screening to the northern boundary.
- 8.8 In the wider context, the area beyond the application site is characterised by sporadic development which includes several commercial nurseries along Chalk Lane and dwellings fronting the road. It is considered that, given the surrounding character, the siting of the proposal, set well back from the road, would be read within the context of existing traveller site, with the modest scale of the proposal causing limited visual intrusion within the wider landscape.
- 8.9 The development is therefore considered to comply with Policies 33, 45 and 48 of the Chichester Local Plan.

iii. Impact upon highway safety and parking

- 8.10 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should not create problems of safety.
- 8.11 The application has been reviewed in consultation with WSCC Highways, who have raised no objection to the proposed development; however they have advised of the need for the applicants to obtain permission from the owner of the privately maintained road (Chalk Lane) for permission to form the new access, and to ensure the gate opens inwards and that the gate is positioned five metres into the site to allow vehicles to move off the road to operate the gate.
- 8.12 The gate as erected is sufficiently setback within the site to allow vehicles to move off Chalk Lane to operate the inward opening gate. As such, the arrangements are considered acceptable in respects of highways safety.
- 8.13 In addition, the formation of an additional access, serving this single pitch would reduce the level of vehicular traffic using the main vehicle access into the wider Melita site which, in combination with the satisfactory construction of the additional access, results in an overall betterment in terms of vehicle access for this pitch due to the reduced traffic movements adjacent to the neighbouring dwellings and within the wider site generally.



- 8.14 The proposal would provide adequate vehicle parking spaces, including an electric vehicle (EV) charging point, which accords with the WSCC Highways recommendation for the number of parking spaces and the need for EV charging points. In addition, secure cycle parking has been indicated on the proposed site plan. Conditions are recommended to secure the provision of the vehicle and cycle parking.
- 8.15 In light of the above, it is considered the proposal would not 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 111), and that there are no transport grounds to resist the proposal.

#### iv. Trees

- 8.16 The new vehicular access is located on the former site of five Poplar trees, which were subject to a tree preservation order (TPO). Their removal was approved under application reference 20/02438/TPA, due to their poor health and condition, proximity to telegraph poles and cables, and evidence of storm damage. The removal of the trees was granted, subject to condition requiring *'5 no. like for like or suitable native species of replacement trees shall be provided in positions as near as practicable to the locations of the original trees to be felled and with heights of at least 2 metres when such planting is carried out'*.
- 8.17 As a result of the new vehicular access proposed under this application, the replacement planting is no longer possible in the same location as the removed Poplar trees, however following discussions with the Council's Tree Officer, an acceptable tree planting scheme has been proposed. The scheme would include the planting of two Poplars immediately south of the access, to reinforce the remaining row of Poplars to the eastern boundary of the site and five Field Maples to the northern boundary, as compensation for the five felled Poplars. The use of Field Maples was encouraged, over Poplars due them being a slower growing and smaller species of tree, ensuring longevity of the replacement tree planting and to prevent a future scenario of tightly planted trees competing for space.
- 8.18 The proposed replacement tree planting would represent a suitable substitute to the removed Poplars, which would reinforce and complement the existing trees within the area and continue to contribute to the rural character and quality of Chalk Lane.

#### v. Sustainability

- 8.19 In addition to EV charging points, the development seeks to include a solar array to the roof of the amenity building and an air source heat pump, both of which would be positive additions to the sustainability of the development and would help fulfil the energy needs of its occupants. Details of the proposed the solar array and air source heat pumps would be secured via the recommended condition; which would also require the sustainable design measures to be retained and maintained on the site for the lifetime of the development.

vi. Ecological considerations

- 8.20 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded. The application retains the biodiversity enhancement previously secured, including additional tree planting, to the south of the site and replacement tree planting for the removed Poplar trees. A continuous area of lawn to provide pathways for wildlife to migrate across the site would also be provided.
- 8.21 Several biodiversity enhancement such as the installation of bat and bird boxes within the newly planted trees to the south of the site, infilling any gaps within existing hedgerows with native planting and ensuring gaps are left at the bottoms of fencing to encourage the movement of small mammals through the site would be secured via the recommended conditions.
- 8.22 The proposal would include the culverting of a small area of ditch, however given the extent of those works compared to the measures proposed it is considered that subject to compliance with conditions, the proposal would safeguard and enhance the biodiversity value of the site.

vii. Noise and air pollution

- 8.23 The proposal would not be materially different from the approved scheme in terms of noise and air pollution. It is recommended that the same conditions as the extant permission be imposed relating to any external plant or potential ground contamination. Subject to compliance with conditions, officers are satisfied that the proposal would not have a detrimental impact in terms of noise or air quality.

viii. Drainage

- 8.24 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 (least liable to flood) and proposes to discharge surface water into soakaway, which is acceptable in principle and should be designed in accordance with building regulations. The revised site layout would result in a moderate increase in the amount of permeable hardstanding, which has been reviewed in consultation with the Council's Drainage Engineer who considered the proposal to be acceptable.
- 8.25 The formation of the new access required the installation of a culvert, which has already been constructed. WSCC as Lead Flood Authority has not raised any objection to the works and advised that Ordinary Watercourse Land Drainage Consent is required for the construction of the culvert, which can be applied for retrospectively. It has been confirmed the applicants have already submitted an Ordinary Watercourse Land Drainage Consent application, which is currently being considered by the Council's Drainage Officers. The Council's Drainage Engineer has raised no in principle concerns with the culvert, given the other culverts within the immediate area. The process of the Ordinary Watercourse Land Drainage Consent application is separate to the planning application, however based on the advice received from the Council's Drainage Engineer it is understood that there are no concerns in principle. Although the separate consent would secure/approve the final design/construction of the culvert to ensure the watercourse remains operational, it is considered important that full details be agreed.

Therefore, to ensure the appropriate design of the culvert is secured, a condition is recommended to secure design/construction details of the culvert and its maintenance thereafter.

- 8.26 The proposal seeks to discharge foul water into existing mains sewage network, which would be acceptable in principle, and any connections should be made in consultation with Southern Water. Currently, there is no requirement for development within Sidlesham to demonstrate nitrate neutrality, as the Wastewater Treatment Works do not discharge treated foul sewerage into the Chichester Harbour. This has remained unchanged as part of this revised proposal.
- 8.27 The application would therefore not result in a net increase in surface water and as such accords with policy 42 of the Chichester Local Plan. In addition, the Ordinary Watercourse Land Drainage Consent shall approve/secure an appropriate design for the culverted access, which is currently ongoing.

ix. Impact on neighbour amenity

- 8.28 The alterations proposed to the layout of the site and the vehicular access would not result in a material change from the approved scheme in respects of neighbour amenity. The proposed caravan would be stationed closer to the western boundary of the site, however the separation distance of the caravan and the proposed amenity building to the site boundaries and the neighbouring sites would be sufficient to ensure that the proposal would not have any adverse impacts upon amenity as a result of loss of light, overlooking or noise and disturbance. As such, the proposal is considered to remain acceptable in that regard.

x. Recreational Disturbance

- 8.29 The site is located within the zones of influence for the Chichester and Langstone Harbour Special Protection Area (SPA) and the Pagham Harbour SPA where a net increase in overnight accommodation would have an adverse impact as a result of the increase in recreational disturbance. There is an extant permission for a gypsy and traveller pitch on the site, however whilst there would be no net increase in accommodation it is important that the mitigation secured for the approved scheme would be carried forward to the current proposal. Therefore, an updated Unilateral Undertaking (UU) has been made by the council, securing the mitigation payment for this development. A Habitat Regulations Assessment has been undertaken and the proposed mitigation and avoidance measures that would be provided in-perpetuity through the secured contribution to be split between the Bird Aware Solent Scheme and Joint Mitigation Scheme for Pagham is considered adequate for this application.
- 8.30 The proposal would accord with the requirements of policies 50 and 51 of the CLP and recommendation is to Permit with S106 because the mitigation has been secured via a Unilateral Undertaking and the contribution has been paid.

Conclusion

- 8.31 In light of the above, the proposal is considered to be in accordance with local and national development plans and is acceptable.

## Human Rights

- 8.32 In reaching this conclusion the Human Rights of the applicants and those within the settled community have been taken into account under Article 8 and Article 1 of the First Protocol of Human Rights. The application has been assessed, upon its own merits in line with National and Local Planning Policy, with a decision issued accordingly.

**RECOMMENDATION PERMIT WITH S106** subject to the following conditions and informatives:-

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

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

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

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

- 3) The site shall be occupied only by persons meeting the definition of gypsies and travellers as defined in Appendix 1 of the Planning Policy for Traveller Sites, dated August 2015.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

- 4) The mobile home hereby shall be sited in accordance with the approved site development plan, drawing number 210ME\_001 REV 2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of proper planning and the visual amenities of the site.

- 5) **Prior to the commencement of the development hereby** permitted details showing the proposed location of 1 no fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. **Prior to the first occupation of the development hereby permitted** the fire hydrant or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be installed in the in accordance with the approved location and to BS 750 standards. Thereafter, the fire hydrant shall or stored water supply shall be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The Fire & Rescue Service Act 2004.

**6) No external plant shall be operational within the site** until full details of the proposed plant and a scheme which specifies the provisions to be made for the control of noise emanating from all fixed plant associated with the development has been submitted to, and approved in writing by the Local Planning Authority. The noise mitigation scheme shall be implemented and maintained in accordance with the approved details and shall not be altered without the prior written approval of the Local Planning Authority.

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.

**7) Notwithstanding any details submitted** Prior to the construction above slab level of amenity room extension hereby permitted, a sample of the proposed brick and roof tile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out with the approved material 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) Prior to the instillation of the solar array and air source heat pump hereby permitted** full details of the solar array/air source heat pump, including manufactures details and specification shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the solar array shall be installed in accordance with these details.

Reason: On the interest of proper planning.

**9) Within 6 months of the date of this decision**, construction details of the culverted access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a cross sectional drawing of the culvert, noting details of the pipe width, method/means of construction and a proposed schedule of materials and finished. Once agreed, the culverted access shall be constructed in accordance with the approved details, and thereafter retained and maintained for the lifetime of the development.

Reason: In the interest of securing an adequately designed culvert.

**10) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented;**

1. Instillation of a bat brick/box to the amenity block or within a tree sited within the grounds of the property, facing a south/south westerly and positioned approx. 3-5m above ground.

2.       Instillation of a bird box to the amenity block or within a tree sited within the grounds of the property.
3.       Infilling of any gaps within the existing hedgerows with a native species hedge.

Once installed, the ecological enhancements shall be retained in perpetuity.  
Reason: In the interests of securing a biodiversity enhancement.

**11) No part of the development hereby permitted shall be first occupied** until 1.no Electric Vehicle (EV) charging points have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the Electric Vehicle Charging point has be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies

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

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

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

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

**14) 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.

**15) The development hereby permitted shall not be first brought into use** until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; a sectional drawing showing a suitable subbase (MOT Type 3 or similar) to a depth sufficient for the development site; details and samples of the hard surfacing materials; and a

planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

16) The following ecological mitigation measures shall be adhered to at all time during construction;

a) Due to the potential for bats within the boundary hedgerows a 5m buffer strip from the hedgerows shall be maintained during construction. The buffer shall be clearly denoted with a temporary fence or similar and at no time shall any works take place within the buffer and no vehicles, equipment or materials shall be stored within the buffer at any time.

b) No burning of construction waste shall take place on site.

Reason: In the interests of protecting biodiversity and the environment and due to the potential for bats on the site.

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

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

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

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

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

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

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

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

20) The existing hedge along the eastern boundary shall be retained and any part of the hedge which is removed without consent or die or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

21) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas shown on the approved plans.

Reason: To secure the long term retention of the open/amenity areas.

## 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 - Static Van	01628/5	4	21.04.2021	Approved
PLAN - Single Amenity Block	01628/7	2	21.04.2021	Approved
PLAN - Location Plan & Visibility Splays	2101ME_000	02	15.10.2021	Approved
PLAN - Gate Plan	2101ME_002	01	17.05.2021	Approved
PLAN - Block Plan New Access	210ME_001	3	15.10.2021	Approved



## INFORMATIVES

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

2) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto:landdrainage@chichester.gov.uk).

3) The applicant is reminded of their riparian maintenance responsibilities of any watercourse on or adjacent to the site, as per the duties and responsibilities, of the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010.

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=QRX30EERH3R00>

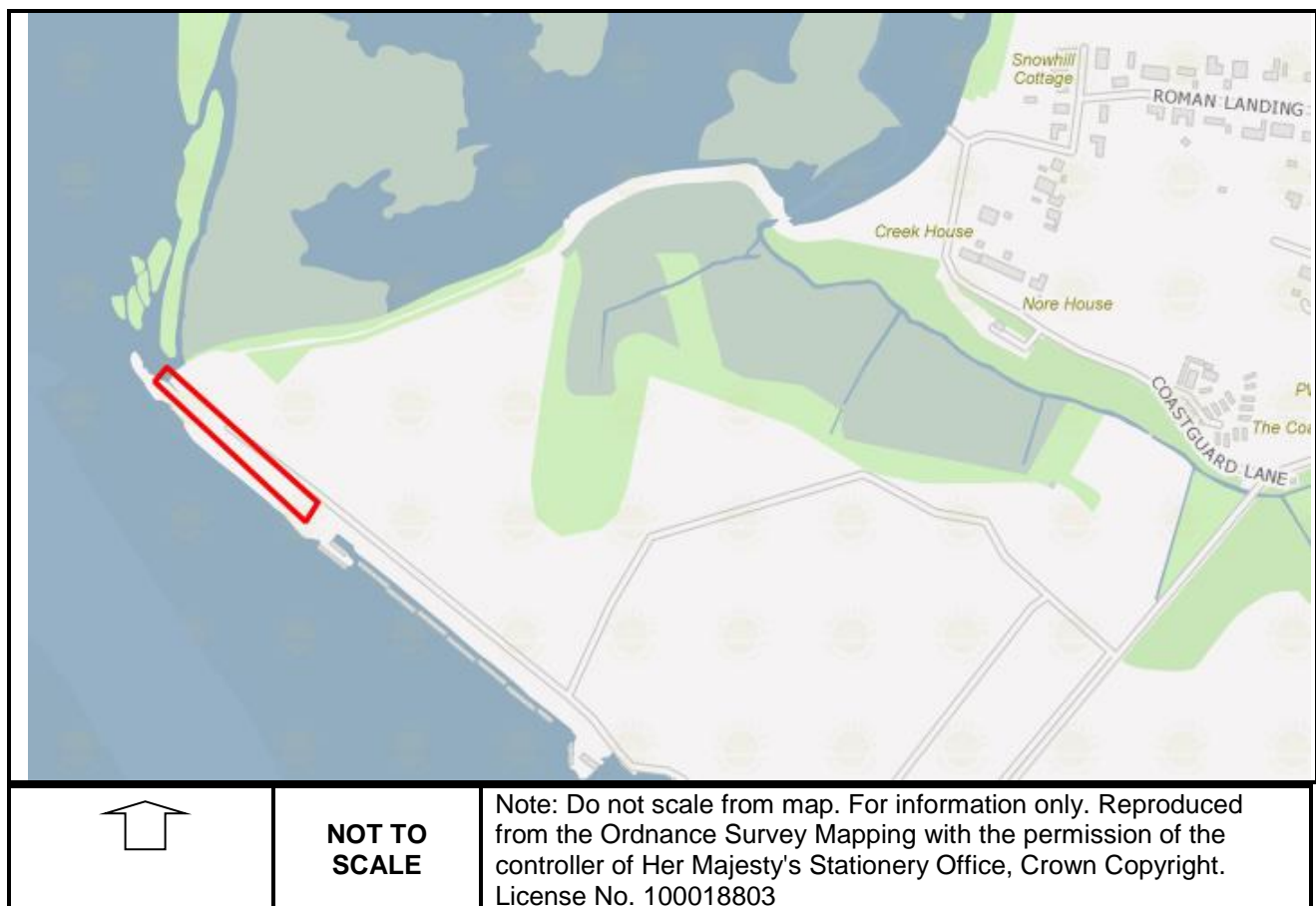
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Parish: West Wittering	Ward: The Witterings
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**WW/21/02102/FUL**

<b>Proposal</b>	Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind the beach around the hinge.		
<b>Site</b>	East Head Snow Hill West Wittering West Sussex		
<b>Map Ref</b>	(E) 476713 (N) 99192		
<b>Applicant</b>	Mr Dominic Henly	<b>Agent</b>	

**RECOMMENDATION TO DEFER FOR CONSULTATION WITH NATURAL ENGLAND REGARDING THE APPROPRIATE ASSESSMENT AND, SUBJECT TO NO OBJECTION OR NO RESPONSE FROM NATURAL ENGLAND, THEN PERMIT**



## 1.0 Reason for Committee Referral

Chichester District Council Planning Application

## **2.0 The Site and Surroundings**

- 2.1 The application site forms approximately 1200m<sup>2</sup> area of East Head Spit at West Wittering and is located at the current East Head Car Park, close to the pedestrian entrance to East Head Spit itself. The application site falls within the National Trust site at East Head/West Wittering, which includes two other car parking areas to the east of the application site. To the north, the site is bounded by flat open ground looking across the West Wittering Estate. To the south and west is the East Head Spit and West Wittering beach. The site is within Flood Zones 2 and 3 which means it has a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

## **3.0 The Proposal**

- 3.1 East Head spit is a dynamic coastal feature that has been subjected to many years of study and is now reaching a stage where change is desirable. In 2009, Chichester District Council (CDC) adopted the Pagham to East Head Coastal Defence Strategy in order to set out how the coastline would be managed. The strategy recommended that the policy for the frontage at East Head should be Adaptive Management. In effect this means that changes to East Head wrought by coastal processes will be managed by tailoring any action to ensure adaptation with the primary aims of the Action Plan being met. The same policy was also confirmed under the North Solent Shoreline Management Plan adopted by the relevant authorities, including CDC, in 2010.
- 3.2 As such, it is proposed that up to 3,000 tonnes of recycled shingle will be excavated from a site, approximately 1800sqm in size, located to the north-west of East Head Spit around 900m north of the application site and be relocated to the East Head Car Park area. Material will be loaded on to 2no. 14 tonne dumper trucks by a small 360 degree excavator and driven south along or seaward of the Mean High Water (MHW). There will be signage and clear route demarcation to ensure minimum disruption to the beach or beach users. The haulage route will avoid any impact on the existing dunes and will leave sufficient space above MHW for safe access. Once the plant has been delivered to site there will be no requirement for additional lorry movements until contract completion.
- 3.3 The bund will be constructed in the existing car parking area using a small 360 degree excavator to place and shape. The location where the material is going to be moved to holds no designated features (saltmarsh, sand dunes and vegetated shingle). The public will be kept clear of the construction area during the works and public rights of way will be maintained. Once the material is in place, it will be managed under normal beach management protocols.
- 3.4 The current car park would be lost, resulting in 20 fewer parking spaces being available in the area. However, the grassed land to the north of the site would remain available for car parking, along with the other two main car parking areas at East Head, West Wittering further to the east.
- 3.5 The aim of the project will be to preserve the social, economic, environmental, navigation and amenity value of East Head to the community for the life of the Strategy. The modest 3000 tonnes proposed for the raised bank is deemed necessary to reduce the risk of a tidal breach at East Head Spit and potential loss of access to the spit once the current defence measures (timber breastworks) fail. As the breastworks fail they will be removed.

The provision of this additional material will facilitate the natural processes of the area, whilst minimising the risk of a breach or loss of access to East Head.

#### 4.0 **History**

83/00746/WW	NOOBJ	Construct new groynes C12A, C14A and C15A and reconstruct existing groynes C20 and C24.
97/02029/FUL	APPRET	Reinstatement of sand dune boundary and protection against wave action by revetment.
99/01382/FUL	PER	Construction of a rock bund to hold the line of the navigation channel for a temporary period of about 5 years.
04/00066/REN	REF	Renewal of temporary permission WW/99/01382/FUL of rock bund to hold line of the navigation channel.
05/00837/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end to replenish eroded beach, including maintenance until Spring 2007.
08/05043/REG3	APPRET	Variation of Conditions 1 and 2 of planning permission WW/05/00837/REG3.
09/00273/REG3	PER	Coast protection works, beach recycling, excavation of sand and shingle from north end of spit, transport and deposit at southern end behind "The Hinge" and adjacent to area of beach placed in 2005.
15/02328/REG3	PER	Recycle up to 3000 tonnes of shingle/sand from the northern tip of East Head to form a low shingle bank behind The Hinge at the southern end of the spit.
16/00196/DOC	DISCHA	Discharge condition 3 from application WW/15/02328/REG3.

#### 5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES

- Flood Zone 3	YES
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 West Wittering Parish Council**

West Wittering Parish Council supports this application as it provides additional safeguards against a breaking of the Hinge which can then cause flooding in the village.

### **6.2 Environment Agency**

We have no objection to the proposal as submitted.

### **6.3 Natural England**

No objection - subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of Solent Maritime Special Area of Conservation (SAC), and the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site
- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest (SSSI) has been notified.
- have a significant impact on the purposes of designation of Chichester Harbour AONB.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Timing of the works to avoid bird nesting season (1st March to 31st August)
- If works to coincide with overwintering bird season (October to February inclusive), an ecological watching brief should be maintained and performed by the National Trust Rangers. If birds are showing signs of disturbance, then works should be suspended and Natural England consulted.
- Same haulage route must be used throughout the operations. With majority of route along the lower shoreline, below the strandline.
- A single strand-line crossing is to be used to reduce impact of the strandline habitat.
- The haulage route above the strandline is to be clearly marked, to avoid impacting dune habitats and drift line vegetation.

While the mitigation measures proposed within the planning application appear ecologically justified, we advise that the mitigation measures may need to be considered by the Council, as the competent authority, via an Appropriate Assessment to ensure there is no adverse effect on the integrity of the site(s) in accordance with the Conservation of Habitats & Species Regulations 2017. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

#### 6.4 WSSC Lead Local Flood Authority

We have no objection to this application with regards to surface water flood risk.

#### 6.5 CDC Drainage

The proposal is to construct a shingle bank, behind the existing beach, to manage overtopping whilst still allowing natural processes to occur, thus promoting a more natural coastal defence. We support the principle of the proposal.

##### Flood Risk

The proposal is in tidal flood zone 2/3 (significant risk) but the proposal is 'water compatible' and therefore we have no objection to the proposal on flood risk grounds

##### Surface Water Drainage:

The proposal is to recycle beach material which will be permeable, allowing surface water to continue to drain to ground as existing, which is the preferred means of draining the proposed development.

Should the application be approved we have no conditions to request.

#### 6.6 CDC Ecology

We have no objections to the works provided they are undertaken in accordance with the method statement. We note that works are due to be completed by the end of September which should avoid impacting on overwintering birds.

(Officer comment: The works will not be undertaken prior to the end of September 2021 due to the timescales associated with gaining the relevant permissions. The impact associated with construction over the winter months has been assessed within the Appropriate Assessment (as detailed later in this report), with mitigation measures secured via the proposed conditions).

#### 6.7 CDC Environmental Health

Our department would not object subject to conditions for the previously approved development being imposed this time round as well.

(Officer comment: The Environmental Health Officer is referring to application 15/02328/REG3. This application was for a similar development in a nearby location (north of the current application site) but is not for the same site or development. The previous application required the provision of a Construction Management Plan through a condition. In the case of the current application, the relevant details have been provided up-front with the planning application through the 'Method Statement'.)

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan (CLP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.
- 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 22: Integrated Coastal Zone Management for Manhood  
Policy 38: Local and Community Facilities  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Beauty  
Policy 44: Development around the Coast  
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

### Neighbourhood Planning

- 7.3 The site falls within West Wittering Parish. The emerging West Wittering Neighbourhood Plan is not yet 'made', with the Regulation 14 consultation period having ended on 6 September 2021. Therefore, very limited weight can currently be given to the emerging Neighbourhood Plan. The relevant emerging policies are:

Policy WW10: Coastal Enhancements  
Policy WW11: Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change  
Policy WW12: Community Facilities and Open Spaces

### Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2022. 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 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.



## National Planning Policy Framework (2021)

- 7.5 The relevant sections of the NPPF have been considered, including sections 2, 4, 8, 14 and 15.

## Other Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- South Inshore and South Offshore Marine Plan 2018
  - Towards Integrated Coastal Zone Management (ICZM) on the Manhood Peninsula 2011
  - Pagham to East Head Coastal Defence Strategy 2010
  - North Solent Shoreline Management Plan 2010
  - Coastal Defence Strategy 2009
  - Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document 2017
  - Chichester Harbour Management Plan (2019-2024) Third Review
- 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
  - Support and empower communities and people to help themselves and develop resilience
  - 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 key considerations for this application are:

- i. Principle of Development
- ii. Impact on the AONB
- iii. Ecological Implications - Habitat Regulations Assessment
- iv. Loss of parking

- i. Principle of Development

- 8.2. Policy 22 of the Local Plan states that the Council will prepare plans, strategies and projects to ensure the Manhood Peninsula is planned for in a coordinated and integrated manner. The application is prepared by the Council and is compliant with the objectives of the policy. The proposals help to facilitate the economic, environmental and social wellbeing of the area by reducing the risk of coastal erosion leading to a breach of and loss of access to East Head Spit. The proposals are in line with the strategies set out within the Pagham to East Head Coastal Defence Strategy and North Solent Shoreline Management Plan. Policy 42 also supports the undertaking of adaptive measures to ensure flood risk is managed in an appropriate way.

- 8.3 The site is also within the countryside by virtue of its location outside of a settlement boundary. Policy 45 supports the principle of development of small scale, essential works, which cannot be undertaken within settlements. In addition, policy 48 supports development that respects the natural environment. The proposals would not have an adverse impact on local landscape character or setting and would not affect the openness of views along the coast.
- 8.4 Having considered the key policies above, it is considered that the principle of development is generally supportable. However, other key considerations need to be taken into account. This includes the sites location within the Chichester Harbour AONB, the impact on ecology and the need for a Habitats Regulation Assessment (HRA), and the loss of car parking on site. These issues are discussed separately below.

ii. Impact on the AONB

- 8.5 The application site is located to the southern extent of the Chichester Harbour AONB. Policy 43 states that proposals within the AONB must be carefully assessed to understand their impact on the area. The proposal results in changes to the visual landscape of this part of the coastal area however the works are minor in nature. It is considered that the scheme complies with Policy 43 in that it results in minimal visible impact on the natural beauty and local character of the AONB whilst facilitating the continued enjoyment of East Head spit through the retention of safe access. The proposals retain the rural and coastal character of the area, with visual improvements being made through the loss of damaged, crumbling tarmac in the current car park.
- 8.6 The application is also in accordance with the Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (SPD). Paragraph 2.1 of the SPD explains the principles of the AONB, including the conservation and enhancement is the natural beauty of Chichester Harbour and ensuing any development is appropriately mitigated. Section 25 of the SPD sets out the appropriate methods of shoreline management, including adaptive management as proposed in this case. Having regard to the above, it is considered that the development has a positive impact on the AONB and does not deter from the purposes of the AONB designation.

iii. Ecological Implications - Habitat Regulations Assessment

- 8.7 CLP policy 40 (8) states that the natural environment and biodiversity will be protected and/or where appropriate provision will be made for improvements to biodiversity areas and green infrastructure. Policy 44 states that planning permission will be granted for development in the coastal area, outside of Settlement Boundaries, where it can be demonstrated (inter alia): there are no harmful effects on or net loss of nature conservation or areas of geological importance within Chichester Harbour and there are measures for mitigation of any detrimental effects relating to the proposal.
- 8.8 In addition, section 63 of the Conservation of Habitats and Species Regulations 2017 (otherwise known as the 'Habitat Regulations') requires the Council, as the Competent Authority, to assess whether an application is likely to have an effect on designated European sites.

- 8.9 As such, a Habitats Regulation Assessment (HRA) has been undertaken for this application. The proposals are screened for potential impacts on European sites within Stage 1 of the HRA which shows that the proposals would have the potential to impact on protected European sites during the construction phase, namely the Solent Maritime Special Area of Conservation (SAC), and the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site. This is due to the potential for the scheme to impact upon overwintering birds during construction and on sand dune habitat during haulage operations.
- 8.10 Therefore, an Appropriate Assessment (AA) into the likely effects of the proposals is required, in accordance with section 63(1) of the Habitat Regulations.
- 8.11 The AA forms Phase 2 of the HRA and assesses the significance of this impact. In this case, it is considered that there is a 'likely significant effect' due to the potential disturbance of overwintering birds during construction, prior to the consideration of any mitigation measures.
- 8.12 Part 3 of the HRA assesses the impacts of the proposals on the integrity of the site, detailing the mitigation measures proposed to limit the disturbance to overwintering birds and on the sand dune habitat. Subject to the proposal passing the HRA, the proposed mitigation which is outlined below will be secured by proposed condition 3.
- Timing of the works to avoid bird nesting season (1st March to 31st August)
  - If works to coincide with overwintering bird season (October to February inclusive), an ecological watching brief should be maintained and performed by the National Trust Rangers. This includes such things as marking out the haulage route, a Ranger being on site during excavation/haulage works, toolbox talks and avoiding works 2 hours either side of high tide. If birds are showing signs of disturbance, then works should be suspended and Natural England consulted.
  - Same haulage route must be used throughout the operations. With majority of route along the lower shoreline, below the strandline (the line of debris left by the high tide).
  - A single strand-line crossing is to be used to reduce impact of the strandline habitat.
  - The haulage route above the strandline is to be clearly marked, to avoid impacting dune habitats and drift line vegetation.
- 8.13 Stage 4 summarises the AA. It states that, having considered the proposed mitigation and avoidance measures to be provided through the conditioned construction management plan, Chichester District Council concludes that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected site.
- 8.14 Habitats Regulations section 63(3) states that Natural England (NE), as the appropriate nature conservation body, must be consulted on the HRA with the Local Planning authority taking into account any representations made by that body within such reasonable time as the authority specifies prior to consent being granted for the application. This consultation is currently underway. As such, the recommendation for this application is subject to the consultation with NE on the HRA.

iv. Loss of Parking

- 8.15 The proposals would result in the loss of 20 parking spaces. It is not considered that this loss would have a significant effect on the amenity of the area or the ability for people to

access West Wittering Beach or East Head spit. The larger site at West Wittering beach has multiple car parking areas. There are two main gravel parking areas along the vehicular track which runs parallel to the beach along with additional spaces provided on the side of the track itself. During busy periods, overflow parking is available in the open grassed land beyond the track. This will be retained, including to the rear of the new bund, as shown in the visuals within the application documents. It is considered that the loss of 20 parking spaces would not be detrimental to the enjoyment or amenity of the area, particularly within the context of the objectives of the proposals in enhancing coastal defences and ensuring the continued public access to East Head spit.

vi. Other considerations

- 8.16 Whilst the site is located in Flood Zones 2 and 3, the bund will be created from permeable beach materials (shingle) and will not cause displacement elsewhere due to the tidal nature of the flood risk.

Conclusion

- 8.17 The application seeks permission to create a new bund in the location of the current East Head Car Park at West Wittering Beach in order to provide adaptive management measures required to limit the erosion and potential breach of East Head spit, continue to manage the coastal defences of the area and retain public access to the spit.
- 8.18 It is concluded that the proposals are acceptable in terms of principle, visual character and landscape considerations within the AONB and public amenity. The ecological and nature conservation considerations have been assessed as part of the HRA, which is currently under consultation with Natural England. Whilst the Local Planning Authority awaits the formal consultation response on the HRA, Natural England raised no objection during the application consultation, subject to the proposed mitigation measures being secured by condition.

Human Rights

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

**RECOMMENDATION**

**DEFER FOR CONSULTATION WITH NATURAL ENGLAND REGARDING THE APPROPRIATE ASSESSMENT AND, SUBJECT TO NO OBJECTION OR NO RESPONSE FROM NATURAL ENGLAND, THEN PERMIT** subject to the following conditions and informatives:-

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

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

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

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

3) No work is to take place within the site between the 1st of March and 31st of August in any given year to avoid bird nesting season.

In addition, all works should be completed before the sensitive over wintering season which occurs between 1st October and the last day of February the following year. However, if it is necessary that works are undertaken during this period then an ecological watching brief (in accordance with the measures set out within the Method Statement ref Recycling Shingle G22-G20 Area - 4th Phase 2021) shall be maintained and performed by the National Trust Rangers. If birds are showing signs of disturbance, then works should be suspended and Natural England consulted.

Furthermore, any works undertaken between 1st October and the last day of February the following year shall be in full accordance with Natural England's advice regarding severe/freezing weather working restrictions. These state that if there has been a continuous period of 7 days of severe or freezing weather as recorded by the nearest meteorological station to the site then all work shall be suspended for 14 days unless the Local Planning Authority in consultation with Natural England/the RSPB decide that temperatures have increased (or that evidence is supplied that demonstrates to the satisfaction of the Local Planning Authority that there is a low risk to water birds during the period of severe/freezing weather) to the extent that the suspension can be lifted.

Reason: In the interests of protecting the interest features of the Solent Maritime Special Area of Conservation, Chichester and Langstone Harbours Special Protection Area and Ramsar site, Site of Special Scientific Interest and Marine Conservation Zone.

4) Throughout the construction of the development hereby permitted the single haulage route, with the majority of its route along the lower shoreline below the strandline, as shown in drawing EHW/2021/001 (Recharge works 2021) located within the Method Statement (ref Recycling Shingle G22-G20 Area - 4th Phase 2021), shall be used throughout the operations. In addition, only the single strand-line crossing shown in this drawing shall be used to reduce impact of the strandline habitats. At no time shall an alternative haulage route or strandline crossing be used unless agreed upon in writing by the Local Planning Authority. The haulage route above the strandline shall be clearly marked, as per the details within the Method Statement, to avoid impacting on dune habitats and drift line vegetation.

Reason: In the interests of protecting the interest features of the Solent Maritime Special Area of Conservation, Chichester and Langstone Harbours Special Protection Area and Ramsar site, Site of Special Scientific Interest and Marine Conservation Zone.

5) During construction, works shall be undertaken in strict accordance with the approved Method Statement (ref Recycling Shingle G22-G20 Area - 4th Phase 2021) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the interest features of the Solent Maritime Special Area of Conservation, Chichester and Langstone Harbours Special Protection Area and Ramsar site, Site of Special Scientific Interest and Marine Conservation Zone.

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN – Location Plan 1:2,500	001	-	02.07.2021	Approved
PLAN – Location Plan 1:10,000	002	-	02.07.2021	Approved
PLAN – Location Plan 1:5,000	EHWW/2021/0 01	01	02.07.2021	Approved
PLAN - Sections	P205	-	02.07.2021	Approved
PLAN – Proposed Site Plan and Section	P206	E	19.08.2021	Approved

## INFORMATIVES

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

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

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

For further information on this application please contact Joanne Prichard on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVV8D4ER0UX00>

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Report to	<b>Planning Committee</b>
Date	<b>3 November 2021</b>
By	<b>Director of Planning and Environment</b>
Local Authority	<b>Chichester District Council</b>
Application No.	<b>SDNP/20/02840/FUL</b>
Applicant	<b>Ms Nicola Jones</b>
Application	<b>Alterations, extensions and partial change of use to 5 no. historic buildings for use as a hotel.</b>
Address	<b>The Angel Inn, Ryde House, Wedgewood House &amp; Augustus Brandt Editions, Angel Street, Petworth GU28 0BG</b>

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

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

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## **Executive Summary**

The properties occupy a town centre location, where the principle of development will be supported. The introduction of additional visitor accommodation with the town centre would enhance the town's ability to function as a destination hub within the heart of the National Park, providing accommodation with convenient and sustainable access to nearby visitor attractions and supporting the local economy through additional employment and spending within the town and local area.

The proposals have also had regard to the sensitivities of the historic and architectural constraints of the four properties and their setting within the conservation area and it is concluded that the proposed physical development necessary to implement the change of use and provide upgraded facilities for the Angel Inn would amount to a public benefit that outweighs any less than substantial harm.

The applicant has taken account of concerns that had been initially raised relating to highway safety and traffic generation. The town centre location ensures local services are easily accessible and a transport statement and draft management plan has been peer reviewed by the Highway Authority and has found to be acceptable. Therefore no sustainable objection can be raised on highway grounds

## **1 Site Description**

1.1 All of the subject properties are situated within the heart of Petworth and are located on the north side of Angel Street. The Angel Inn is a long-established public house with rooms, with a frontage directly opening onto Angel Street via a short flight of steps. The two storey building is a re-fronted timber-framed building now with white painted render elevation under a clay tiled roof. The east and west elevations are tile-hung and a notable feature is the large central chimney stack. The Inn has a dedicated car parking area on south side of Angel Street, directly opposite.

1.2 The rear of the Inn has been much altered and hosts a modern single storey flat roofed extension. Beyond this is a landscaped and paved rear courtyard garden enclosed by substantial coursed stone boundary walls on west, east and north sides.

1.3 Internally, a modern draught lobby leads to an open-plan bar and dining area within the modern rear extension. The buildings earlier heritage is reflected in the exposed timber studwork/plaster infill and exposed timber ceiling beams.

1.4 The first floor provides 7 guest rooms that have been recently upgraded and modernised.

1.5 Ryde and Wedgewood Houses are located approximately 30 metres to the west of the Angel Inn. The building is a semi-detached Grade II listed Georgian property, formerly one house, currently divided into two dwellings. It comprises painted render elevations under a slate roof. Ryde House beautifully appointed, with the room layout appearing largely original, although there is evidence of the stairwell having been significantly altered when the property was subdivided in the past. Ryde House is currently let as an Air B and B in conjunction with the Angel Inn.

1.6 The adjoining property, Wedgewood House, is in much poorer condition and has been subjected to a number of unsympathetic additions and alterations. Access to Wedgewood House is via courtyard from corner of East Street and Angel Street.

1.7 The former Augustus Brandt Editions shop joins on to Ryde House, with a long frontage to Angel Street. The ground floor south elevation has a glazed shop front, with 3 windows at first floor. It is finished in white painted brick under a clay tiled roof. A modest addition at west end provides garage accommodation at ground floor with storage above. The building is not listed but contributes to the character of the conservation area.

## **2 Proposal**

2.1 The proposal comprises a number of elements designed to improve and upgrade the Angel Inn together with the change of use of Ryde and Wedgewood Houses and the Augustus Brand Editions shop to additional hotel guest accommodation in conjunction with that already offered by the Angel Inn. In summary the proposals involve the following:

### Angel Inn:

Replacement of the rear extension;  
Formation of pedestrian access in the boundary wall with Ryde House  
Minor alterations to (non-original) bar area  
Relocation of ladies' toilets;  
Creation of a reception area;  
Replacement staircase and associated fire protection;  
Addition of a modest first floor extension to provide upgraded en-suite facilities to bedroom 6;

### Ryde/Wedgewood Houses:

Change of use to hotel accommodation in association with The Angel Inn and the provision of 8 en-suite bedrooms, reception and communal areas;  
Removal of modern garage extension and outshot within courtyard;  
Removal of much altered oversailing first floor outshot to Wedgewood House;  
Remodelling of north wall to store addition to former Augustus Brandt shop to improve access;

Addition of new glazed entrance veranda/entrance feature appropriate to character of the listed building to west elevation of Ryde/Wedgewood Houses;  
Addition of vehicular turntable to courtyard;  
Internal alterations and other relatively minor works to reintroduce connectivity and circulation to the building as a single property;  
Addition of three modest dormer windows to east roof plane of Ryde/Wedgewood Houses  
Construction of open-frame pergola within garden;  
Amalgamation of gardens into single amenity space

Former Augustus Brandt shop:

Ground floor - minor internal works to form breakfast area and kitchen;  
First floor - main space retained as multifunction space; minor subdivision to create wc and en-suite facilities for bedroom 7, together with access from Ryde House.

2.2 The corresponding listed building consent for the above works to facilitate the change of use has been granted under reference SDNP/20/02841/LIS.

### **3 Relevant Planning History**

SDNP/20/02840/FUL - Alterations, extensions and associated works to facilitate the use of 5No. historic buildings as a hotel. GRANT 04.10.2021

SDNP/18/02666/PRE - Alterations, extensions and partial change of use to five historic buildings for use as a hotel. ADVICE GIVEN 13.02.2019

### **4 Consultations**

#### **Petworth Town Council**

Objection based on dangerous access; a major concern regarding commercial vehicles accessing the drop off point which could cause significant challenges and safety issues should a vehicle be parked on the drop off turntable when another attempts to access that space.

#### **WSCC - Highways**

Consideration has been given to the proposal above and whilst no objection is raised, the applicant should submit a parking and delivery management plan, as per the condition below.

#### **Location**

The Angel Inn is located in the town centre of Petworth, on the A283 Angel Street, which is one of two main roads into Petworth from the east. Angel Street is a two-way street, but eventually narrows into one-way, with a 30mph speed limit. Petworth has many historical buildings and the roads within the town centre are managed by a series of one-way, and two-way systems due to their narrow nature.

#### **Parking**

The Hotel will increase its bedroom capacity by 2, from 13 to 15. Car parking currently exists across the street and provides 14 spaces for hotel guests. WSCC new car parking standards have been reviewed and 1 space per room is accepted as the current standard. Ideally 15 spaces should be provided however; as no additional space is available the applicant has highlighted the location of two public car parks close by; which can be used if the hotel is fully booked or for any additional parking needs. With this in mind, WSCC are satisfied with the parking provision for the hotel.

EVC charging should be provided in line with new guidance of at least 28% active, with the remaining spaces passive for later connection.

#### Access

Re-configuration of the hotel entrance will provide access to a car parking turntable, allowing guests to park up to the entrance and off load bags. The turntable function allows the driver to exit in forward gear. There will be hotel staff waiting to drive the car away to the nearest available parking space.

WSEC are satisfied with the proposal as this avoids parking in the car park and walking along the narrow pavement with suitcases however; we still require a parking management plan to be conditioned as part of this planning application and sent to the LPA for approval.

Concerns were highlighted in pre-application advice from WSEC regarding the arrival of guests at the same time, and the impact this could have on the operation of the highway network, and safety issues. WSEC want to ensure this is managed by the hotel effectively to avoid clashes.

It is WSEC view that whilst the turntable offers benefits it will only work effectively if it is operated within a structured plan, which should be linked to the booking process to ensure it can operate effectively.

Deliveries should also be included and details of where they will load and unload provided. If any additional support is required for delivery vehicles, i.e. banks men for reversing in, this should be included. A swept path of a delivery vehicle using this access should be submitted if this will be used for this purpose.

Swept path diagrams confirm the removal of part of the garage wall will allow safe access and egress from the property, for a standard sized car. These should be included in the plan to ensure cars no larger than this can use the turntable.

#### Construction

During the renovation works if the highway will be affected, or if hoarding is required, a construction management plan must be submitted to the LPA for approval.

#### Suggested conditions:

##### Parking and Servicing Management Plan

No part of the Hotel shall be first occupied until such time as a 'Parking and Servicing Management Plan' for The Angel Inn, has been submitted and approved in writing by the Local Planning Authority. This shall set out a timetable for use of the turntable for guests arriving, the maximum number and size of these vehicles, the loading and unloading of deliveries, the location and frequency of these, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

##### EVC Parking Spaces

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

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies

##### Cycle parking

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

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

## CONSTRUCTION

### Construction Management Plan

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works. Reason: In the interests of highway safety and the amenities of the area.

### **CDC - Historic Buildings Advisor**

24.06.2021

Thank you for consulting Conservation and Design on the applications concerning the Angel Inn and Wedgwood/Ryde House project in Petworth. The buildings comprising this scheme are mainly listed at Grade II and make a positive contribution to the Petworth Conservation Area. I have analysed the proposals including subsequent amendments and conducted a site visit in 2020.

#### Angel Inn

The Angel Inn part of the proposals mainly comprises alterations to rationalise the use of the interior of the property in connection with the wider hotel scheme at Wedgwood House. At ground floor level works to alter the modern draught lobby, alter the Edwardian staircase and modern toilets are all acceptable in listed building terms and will have a minimal effect on historic fabric. The existing rear dining room extension at the Inn is poorly detailed and will be replaced with something more appropriate on a larger footprint. The principle is acceptable as is the detail of its interaction with the listed rear wall. The conversion of a sash window to a door on the rear elevation constitutes a small level of harm, and the sash window itself should be reused elsewhere on site, possibly within the bathroom extension at rear first floor. This extension is acceptable in principle and reads as a coherent later addition to the rear, in keeping with other similar alterations that accrued over the years.

#### Wedgwood House

##### External

Wedgwood and Ryde House have undergone significant and harmful interventions as the historic building was subdivided in the 20C. The principle of returning this building to one coherent use and within the same ownership is of significant benefit to the building. The new garden pergola and entrance through the garden wall are acceptable in principle, the gate detail will need to be conditioned. Works to the grounds including the removal of the dividing modern fence are beneficial to the setting of the building and will enable the garden to be appreciated as one open space again. At roof level the addition of three new

dormers can be read as historic additions that are coherent with phases of alteration that many large properties of this type would go through. The detail will need to be conditioned. The new rooflights should be conditioned and should be flush with the roof covering, any upstand would be visually incoherent.

The removal of later, harmful extensions to the rear courtyard is welcomed in listed building terms. The existing first floor outshot appears likely to have formed part of a larger extension, now lost. The outshot likely dates to the mid nineteenth century and its removal cause less than substantial harm to the listed building. It is difficult to see how it could be retained in any successful scheme but its removal still needs to be weighed against the benefits of the wider scheme. The addition of a new glazed canopy in this area is acceptable and sympathetic to the listed building.

#### Internal

At ground floor level the interventions are minimal, with some subdivision removed and some new subdivision added which overall is considered to have a neutral effect. At first floor level, a copy of the existing staircase will be taken up to the roof level, this is acceptable in principle. More generally the subdivision and reorganisation of spaces has a neutral impact as much of the plan form is already subdivided and only a small amount of new subdivision is proposed which is acceptable in this instance. At top floor level there is currently no habitable space. The roofspace is to be opened up and this will entail the removal of historic tie beams along the length of the roof with new ties proposed further up the frame. The purlin joints would have to be reinforced with steel brackets and plates. Overall, this causes less than significant harm to the special interest of the listed building and needs to be weighed against the wider benefits of the scheme. It is possible that the removed tie beams could be reincorporated into the new tie detail and this could be conditioned.

#### Augustus Brandt building

This part of the property isn't listed although it does have a physical connection with Wedgwood House. The internal alterations are not contentious and the siting of a platform lift within the non-listed part of the development is sensible. The re-opening of historic windows in the property is welcomed.

31.03.2021

I have reviewed the new documentation submitted by the applicant and have no objection to the new stair run and internal arrangements shown on sketch B. The bathroom location in Bedroom 4 shown on sketch A is contentious due to its impact on the historic room proportions which are a central part of the character of the building.

25.11.2020

Following our conversation I wanted to note down some outstanding matters that require resolution before I can issue my final comments. That being said, I do consider that in principle the benefits of the scheme outweigh any potential harm and my suggestions are merely to mitigate in any areas that aren't as clear as they could be.

1. Adaptations to historic timbers in roofspace
  - a. 1:10 elevation and section drawings showing existing and proposed locations of new timber
  - b. Method statement detailing removal of and re installation of timbers
2. Rear first floor outshot
  - a. Specific timeline adding more detail to date of construction

3. Detail of rear extension to pub;
  - a. Interaction with rear wall 1:5 section and 1:5 detailed elevation
4. 1:20 elevation and section of new opening into western external boundary wall of Angel Inn

Normally I would be happy to condition additional details but these all relate to issues of the principle of harm and can only be dealt with prior to the issuing of permission and consent.

## 5 Representations

### 4 Third Party objections

Would intensify traffic issues - narrow streets, congestion  
Lack of parking in Angel Street  
Entrance close to junction with two A roads - hazardous  
Proposed use of little benefit to the town

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan for this area is the **South Downs Local Plan 2014-2033** and any relevant Neighbourhood Development Plan:

- Petworth Neighbourhood Plan

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

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

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development

- NPPF04 - Decision-making
- NPPF06 - Building a strong, competitive economy
- NPPF07 - Ensuring the vitality of town centres
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment
- NPPF16 - Conserving and enhancing the historic environment

It is also necessary to have regard to the duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The development plan policies listed below have been assessed for their compliance with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 – Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD5 – Design
- Strategic Policy SD10 - International Sites
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD21 - Public Realm, Highway Design and Public Art
- Strategic Policy SD23 - Sustainable Tourism
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD34 - Sustaining the Local Economy
- Strategic Policy SD36 - Town and Village Centres
- Development Management Policy SD37 - Development in Town and Village Centres

#### Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans



"contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 9
- Partnership Management Plan Policy 50

The following policies of the **Petworth Neighbourhood Plan 2015 - 2033** are relevant to this application:

- PP1 - Settlement Boundary
- PP2 - Core Planning Principles
- ESD1 - Character and Design
- ESD7 - Biodiversity and Trees
- WS1 Petworth Town Centre
- WS2 - Visitor Economy

## **8 Planning Assessment**

8.1 The main issues with this proposal are considered to be the principle of the development (including the change of use of the buildings to a hotel use), the effect of the proposed works on the special qualities and setting of these designated heritage assets and the highway safety implications of the use.

### **Principle of the development (including the proposed change of use of the buildings to a hotel use)**

8.2 The properties occupy a town centre location, within the settlement area for Petworth, where the principle of development will be supported (policy SD25). The introduction of additional visitor accommodation within the town centre would enhance the town's function as a destination hub within the heart of the National Park, providing accommodation with convenient and sustainable access to nearby visitor attractions, such as Petworth House and Petworth Park as well as supporting the local economy through further employment and additional spending within the town. This accords with the objectives of policies SD23, SD34 and SD37.

### **The effect of the proposals on the listed buildings and the conservation area**

8.5 The following paragraphs summarise and assess the proposed works to the individual buildings:

#### **Works to the Angel Inn**

8.6 The main elements are the replacement of the later rear dining area extension, alterations to the stair to the first floor off the modern draught lobby and a modest first floor extension. Minor alterations to relocate the ladies toilets and the introduction of small areas of stud work to existing first floor bedrooms to improve en-suite facilities are also

proposed. The ground floor of the premises in the areas affected by the proposed works has been altered in the past and the works are concluded not to have an impact on the significance of the listed building. The replacement rear extension is marginally wider and would extend to abut the western boundary wall but is more appropriately detailed. Additional plans have been provided to demonstrate that the extension itself is self-supporting and not reliant on the listed wall as a structural element of it. The character of the wall on what will become an internal face is to be retained.

8.7 The addition of a modest first floor extension to the rear of the listed building reflects the incremental alterations and additions that have occurred to the building over the years and is considered to read as a coherent later addition.

### **Works to Ryde and Wedgewood Houses**

8.5 The intention to return both units into one coherent use is considered to be a benefit in listed building terms. Wedgewood House in particular has been subject to several harmful interventions and these proposals seek to incorporate remedial works, both internally and externally. The Conservation and Design Officer's advice is that the bulk of the proposed works would have a neutral effect on the significance of the listed building; Interventions on the ground and first floor are considered to be minimal, with works primarily to allow connectivity throughout the building. The historic plan form of the two buildings as one is largely preserved.

8.6 The second floor (attic) of Wedgewood House is habitable space (Ryde House not accessible). The intention to create two further bedrooms is acceptable in principle but will require the relocation of at least 2 tie beams higher into the roofspace to permit usable circulation space. These beams have been repositioned in the past - possibly when the building was re fronted. Detailed sections have been submitted and supported with engineers methodology showing the tie beams reincorporated and positioned higher in the frame of the roof. This is considered to result in less than significant harm and therefore it is necessary to have regard to any public benefit that might outweigh that harm. In addition, three small dormer windows are to be added to the east elevation roof. These are reflective of the Georgian character of the building and are considered to be acceptable additions in listed building terms and would not result in the loss of privacy or overlooking of nearby properties.

8.7 Externally, the proposal entails the removal of modern additions in the western courtyard with a view to providing greater circulation space. These are a garage and attached outbuilding. Both diminish the legibility of the rear elevation of the listed building and their removal is a benefit to its setting. The removal of an earlier first floor outshot to Wedgewood House thought to date from the C19th would result in less than substantial harm. Additional research by the applicant's heritage team has determined that this was possibly part of a larger extension, now lost. It is also much altered and supported on steel RSJ's and stone-clad column. The benefit is that its removal would again better reveal the C18th or earlier west facade of the listed building as well as further improving circulation space within the courtyard area, which then enhance the functionality of the building's proposed use. As part of this enhancement, a vehicular turntable is set into the centre of the courtyard to permit a turn on site capability, which does not exist at present. A new glazed canopy across part of the west elevation is well detailed and would be a sympathetic addition to the listed building.

8.8 Works within the gardens east of the listed building include amalgamation into a single amenity area by the removal of the modern dividing timber fencing and light touch hard landscaping to address the existing change in levels. This would be a significant benefit to the setting of the listed building. The erection of an open timber pergola walkway adjacent the north boundary wall linking this element of the scheme with the Angel Inn would not compromise this enhanced setting and is acceptable. A new pedestrian opening is to be formed in the east boundary wall providing direct access to the Angel Inn rear courtyard. Plans show that this is to be well detailed and there is no objection to this work by the HBA. These physical changes are not considered to harm the character or appearance of the conservation area.

### **Augustus Brandt Editions**

8.9 This building is considered to be a non-designated heritage asset given its contribution to the street scene and conservation area. Its proposed use is as breakfast room and multi-function space in connection with the hotel use. The open character of both ground and first floor is largely retained, with the removal of the nondescript staircase at the western end being particularly welcomed. Some subdivision is necessary to provide a kitchen area and toilets but this would not detract from the character of the building. The reinstatement of blocked windows in the north elevation at first floor level is welcomed. Connectivity into Ryde House is provided at ground and first floor levels via discretely positioned openings.

8.10 An attached outbuilding at the shop's western end is to provide the alternative stair access to the first floor of the shop building. Externally, the north wall is re-modelled to improve vehicular access width to the courtyard of Ryde/Wedgewood Houses. This physical alteration is considered to have a neutral effect on the character and appearance of the conservation area.

8.11 Overall the proposals have had regard to the sensitivities of the historic and architectural constraints of the four properties and their setting within the conservation area; the application has subsequently been critically analysed by the Principal Conservation and Design Officer and further amendments and details have been provided to clarify certain works and how they are to be carried out. It is concluded that the proposed physical development necessary to implement the change of use and provide upgraded facilities to for the Angel Inn accord with the objectives of policies SD12, SD13 and SD15.

### **The effect of the proposals on highway safety**

8.11 The Town Council and some third parties have raised concerns that the proposal would give rise to increased congestion and the improvements and potential additional use of the remodelled courtyard area would compromise highway safety given its location close to the junction with East Street and Angel Street.

8.12 In response to the concerns raised, the applicant has provided a transport statement from which has been formulated a transport management plan detailing the function of the buildings jointly as an adjunct to the existing accommodation in the Angel Inn. The

applicant has emphasised that the courtyard area to Ryde/Wedgewood Houses does not constitute the main hotel entrance. The site is currently supported by 14 existing car parking spaces which are located on the southern side of Angel Street, opposite the main entrance. The majority of traffic associated with the hotel will in fact be routing to and from this existing hotel carpark. It is also noted that internal access directly from the Angel Inn to this additional accommodation via the gardens to Ryde/Wedgewood Houses forms part of this proposal.

8.13 The modifications to the courtyard area described in 8.7 above and the addition of the vehicular turntable within it would result in a material improvement in the current situation, allowing any vehicle to enter, turn and exit in a forward gear. Its intention is to support access to the hotel by allowing hotel guests to drop off bags close to the buildings and reducing the use of Angel Street and carrying distances for guests from the car park.

8.14 The transport management plan makes it clear that the turntable facility is proposed to be carefully managed by hotel staff, with guests directed to it once they have arrived at the hotel (the Angel Inn). Guests will not be directed to it prior to arrival and as such a second vehicle would not be directed to this area of the site while it is occupied. This approach will avoid vehicle conflicts and potential blocking of Angel Street which could feasibly occur if the turntable were not managed in this way. The turntable itself will only be operated by hotel staff. As part of this arrangement, staff will also govern the appropriateness of a particular vehicle using the turntable. It is not envisaged that this facility will be used by the majority of hotel guests. Guests of the Angel Inn will be advised of the availability of parking in advance as part of the conditions of booking.

8.15 The Highway Authority has reviewed the transport statement and management plan supporting this proposal. In particular, it has noted that the Transport Statement considered the difference in trip generation between the existing and proposed use of the site. This assessment has demonstrated that there will be a minimal change in the anticipated level of trips associated with the proposed development. The subsequent demand for parking is not considered to change materially from that associated with its existing operation and the Highway Authority is satisfied that the proposed use can be carried on without material harm to highway safety or pose further restrictions on the flow of traffic through the town centre, subject to certain conditions set out in the consultation response being applied.

### **Ecosystems Services and water neutrality**

8.16 The site occupies a central, urban location, where opportunities to providing further enhancements to ecosystems services are limited by the presence of buildings and extensive hard surfacing (road, pavements, etc). The proposals provide the opportunity to enhance the landscape setting to Ryde/Wedgewood Houses through the amalgamation of the existing two gardens into one space, allowing a sustainable, responsive and more diversified planting regime to be implemented. As a larger green space within the centre of Petworth, it will provide the opportunity for enhanced biodiversity, better management of surface water runoff and semi-public access to the Angel Inn guests. The rear courtyard to the Angel Inn is to retain its current form and use and therefore is considered to have a neutral impact in respect of policy SD2.

8.17 Petworth lies within the Sussex North Water Supply Zone. Natural England has recently provided guidance on the potential impact of water abstraction on the Arun Valley SAC, SPA and Ramsar sites. Developments within Sussex North must therefore not add to this impact and one way of achieving this is to demonstrate water neutrality - i.e. that the use of water in the supply area is the same after development has taken place as it was beforehand. The proposal is for the change of use of existing buildings with a net gain in the number of bedrooms by 2 (13 to 15). However there is no increase in the number of units above the existing and therefore the proposal falls below the SDNPA thresholds set out required to address water neutrality. It is also notable that the proposals for the Angel Inn amount to relatively minor internal remodelling and replacement of existing additions. In overall terms, the status quo would be maintained and therefore considered to have a neutral impact on water use. The works to Ryde/Wedgewood House represents a refurbishment opportunity to install water saving devices to wc's, showers and taps. The overall level of accommodation would remain similar to that available as two large dwellings and in that context, it is considered that there would be little discernible difference in water use. A further condition has been recommended requiring details of rainwater harvesting and grey water recycling measures to be incorporated into the proposals.

8.18 The applicant has taken account of concerns that had been raised initially relating to highway safety and traffic generation. The town centre location ensures local services are easily accessible. A transport management plan has been drafted and has been peer reviewed by the Highway Authority and has been found to be acceptable. Therefore the objectives of policies SD19 and SD21 are considered to have been addressed satisfactorily.

## **9 Conclusion**

9.1 Overall the proposed change of use and the associated works are considered to accord with national and local planning policies that support and enhance the town centre economy and provide appropriate opportunities to promote tourism and increase visitor accommodation within the National Park. The proposal are also considered to be a benefit the special qualities of the listed buildings, both as a group and individually and the conservation area.

9.2 It is acknowledged that there are two areas of the works that are considered to result in less than substantial harm to the buildings, namely the loss of a much altered C19th first floor outshot and internal works to the roof structure. However, these works are necessary to enable the listed buildings to be put to a viable commercial use. It is considered that the public benefit resulting from the provision of high quality hotel accommodation and enhancements to the local economy outweigh that harm.

9.3 It is also concluded that in overall terms, the impacts on the road network and highway safety are limited and can be managed through the imposition of appropriate and suitable conditions. Again, the economic benefits of the proposal are concluded to outweigh any perceived harm.

9.4 The proposal is considered to meet the objectives of the design, heritage and transport policies of the Local Plan and the NPPF and is therefore the application is recommended for approval.

## **10 Reason for Recommendation and Conditions**

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

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

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

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. No works other than the works of demolition shall take place above slab level until details of the materials and finishes for the proposed replacement extension and first floor addition to the Angel Inn, the glazed entrance loggia to Ryde/Wedgewood Houses and the dormer windows to Ryde/Wedgewood Houses have been submitted to and approved by the SDNPA. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the building and the character of the area and to enable the Local Planning Authority to properly consider the development.

4. Prior to the commencement of the works hereby permitted, details of all new external window and door joinery shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include drawings and sections at a scale of 1:1, 1:5 and/or 1:10 as appropriate (including sections through glazing bars and meeting bars), to clearly show the construction of the joinery and the finished relationship to the jambs, cills and heads of the wall, and details of final finish (including colour). The works shall thereafter be carried out in accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation

Reason: In the interests of preserving the character and appearance of the listed building and its setting within the conservation area

5. Prior to the commencement of the works details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of preserving the character and appearance of the listed building and its setting within the conservation area.

6. Prior to the commencement of works hereby permitted, the following shall be submitted to and agreed in writing by the Local Planning Authority:

1) Samples and/or technical details of the proposed rainwater goods,

- 2) details of the proposed method of fixing the rainwater goods to the building, which shall avoid the use of a fascia board;
- 3) the proposed position of the downpipes.

The works thereafter shall be completed in accordance with the approved details, which shall be thereafter retained and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

7. No part of the Hotel (other than that currently existing within the Angel Inn) shall be first occupied until such time as a 'Parking and Servicing Management Plan' for The Angel Inn, has been submitted and approved in writing by the Local Planning Authority. This shall set out a timetable for use of the turntable for guests arriving, the maximum number and size of these vehicles, the loading and unloading of deliveries, the location and frequency of these, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Plan.

Reason - to safeguard the operation of the public highway.

8. No part of the development (other than that currently existing within the Angel Inn) shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies

9. No part of the development (other than that currently existing within the Angel Inn) 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.

10. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

11. The development hereby permitted shall be carried out in accordance with the mitigation strategy set out at Section 5 of the bat Survey Report commissioned from the The Ecology Co-op and dated 16 June 2020.

Reason: To ensure that the development does not result in harm to protected species

12. No part of the development (other than that currently existing within the Angel Inn) shall be first occupied until details of measures to incorporate rainwater harvesting and grey water recycling have been submitted to and approved by the SDNPA. The measures shall be carried out in accordance with the approved details and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To ensure that the permitted use is carried out in a sustainable manner and to reduce reliance on water extraction by development within the Sussex North Water Resource (Supply) Zone in accordance with the objectives of policies SD2, SD17 and SD48

## **11. Crime and Disorder Implications**

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

## **14. Proactive Working**

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



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

Contact Officer: Derek Price

Tel: 01243 534734

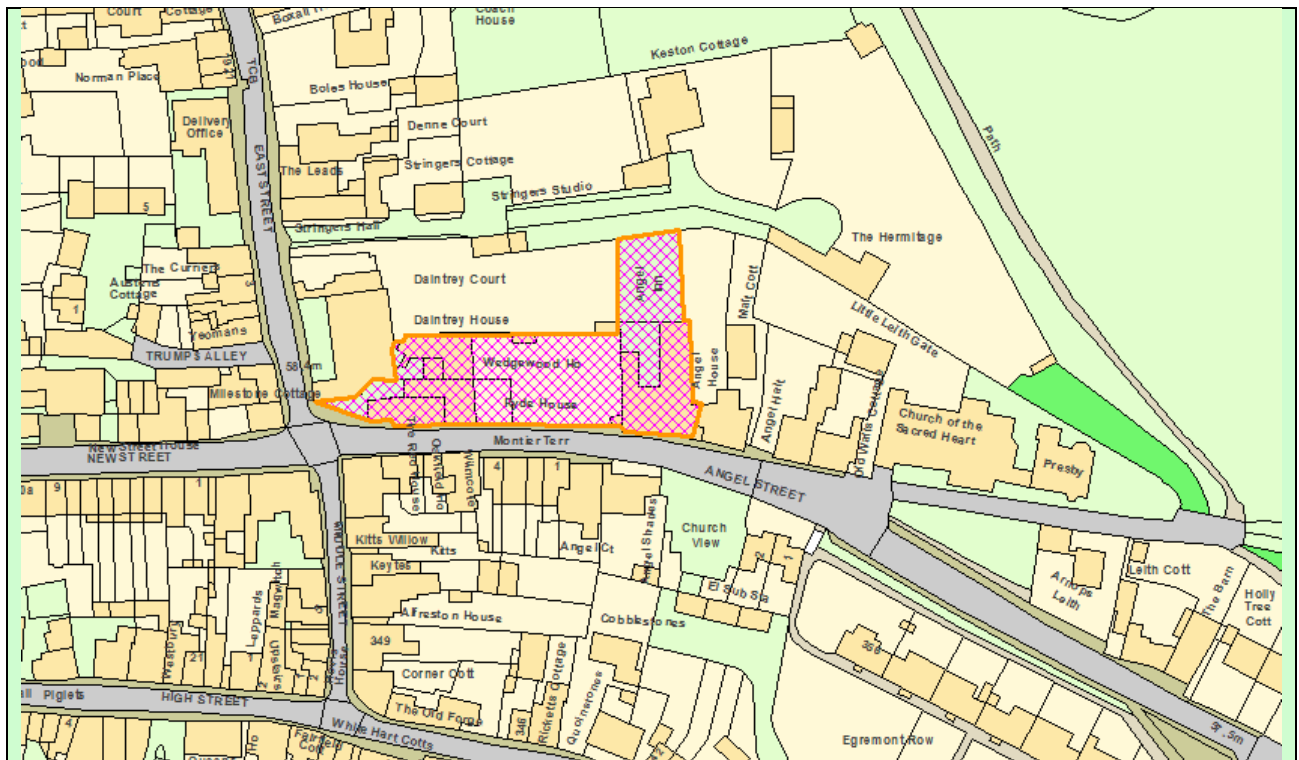
email: [dprice@chichester.gov.uk](mailto:dprice@chichester.gov.uk)

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

SDNPA Consultees  
Petworth Town Council;  
WSCC Highways and  
Transportation;  
CDC Conservation &  
Design  
Background Documents  
SDNP Local Plan  
Petworth  
Neighbourhood Plan

## Appendix 1

### Site Location Map



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

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

Plan Type	Reference	Version	Date Received	Status
Plans - LOCATION PLAN	6001/PL001		05.08.2020	Approved
Plans - EXISTING BLOCK PLAN	6001/PL002		05.08.2020	Approved
Plans - PROPOSED BLOCK PLAN	6001/PL003		05.08.2020	Approved
Plans - EXISTING & PROPOSED BASEMENT PLAN	6001/PL010		05.08.2020	Approved
Plans - EXISTING & PROPOSED GROUND FLOOR PLAN	6001/PL011		05.08.2020	Approved
Plans - EXISTING & PROPOSED ROOF PLAN	6001/PL014		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED GROUND FLOOR PLAN	6001/PL016		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED FIRST FLOOR PLAN	6001/PL017		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED ROOF PLAN	6001/PL018		05.08.2020	Approved
Plans - EXISTING & PROPOSED SOUTH ELEVATION	6001/PL023		05.08.2020	Approved
Plans - EXISTING & PROPOSED WEST ELEVATION	6001/PL020		05.08.2020	Approved
Plans - EXISTING & PROPOSED EAST ELEVATION	6001/PL021		05.08.2020	Approved
Plans - EXISTING & PROPOSED NORTH ELEVATION	6001/PL022		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED NORT ELEVATIONS	6001/PL024		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED WEST ELEVATIONS	6001/PL025		05.08.2020	Approved
Plans - (ANGEL INN) EXISTING & PROPOSED SOUTH ELEVATIONS	6001/PL026		05.08.2020	Approved
Plans - COURTYARD SOUTH ELEVATION	6001/PL027		05.08.2020	Approved

Plans - COURTYARD NORTH ELEVATION	6001/PL028		05.08.2020	Approved
Plans - PROPOSED GATE & PERGOLA	6001/PL030		05.08.2020	Approved
Plans - PROPOSED COLOURED NORTH ELEVATION	6001/PL031		05.08.2020	Approved
Plans - PROPOSED COLOURED NORTH ELEVATIONS	6001/PL032		05.08.2020	Approved
Plans - ADDITIONAL PLAN: SECTION BB SECOND FLOOR (Ryde/Wedgewood Houses)	6001/PL033		30.06.2021	Approved
Plans - ADDITIONAL PLAN: ANGEL INN - PROPOSED SECTION CC - DETAIL OF BOUNDARY WALL/EXTENSION JUNCTION.	6001/PL034		30.06.2021	Approved
Plans - Substitute plan: SUBSTITUTE PLAN: EXISTING AND PROPOSED FIRST FLOOR PLAN (REVISED STAIRWELL ARRANGEMENT - RYDE/WEDGEWOOD HOUSES)	6001/PL012	Rev A	30.06.2021	Approved
Plans - SUBSTITUTE PLAN: PROPOSED SECOND FLOOR PLAN (REVISED CENTRAL STAIR LAYOUT - Ryde/Wedgewood Houses)	6001/PL013	Rev A	30.06.2021	Approved
Plans - SUBSTITUTE PLAN: PROPOSED SECTION AA (REVISED CENTRAL STAIR LAYOUT - Ryde/Wedgewood Houses)	6001/PL029	Rev B	30.06.2021	Approved

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

## Chichester District Council Planning Committee

Wednesday 03 November 2021

### Report of the Director Of Planning and Environment Services

#### Schedule of Planning Appeals, Court and Policy Matters

between 20-09-2021 - 13-10-2021

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
<a href="#"><u>20/02675/OUTEIA</u></a>	
<b>Lavant Parish</b>  <b>Case Officer: Jane Thatcher</b> <b>Public Inquiry</b>	Field South Of Raughmere Drive Lavant West Sussex  Outline Application with all matters reserved (except for access) for the development of 140 dwellings, public open space, landscaping, parking and associated works.
<a href="#"><u>20/02541/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Annabel Barns Chalk Lane Sidlesham PO20 7LW  Single storey extension to existing office and storage building, including installation of solar photovoltaic panels and 3 no. additional parking spaces.

## 2. DECISIONS MADE

Reference/Procedure	Proposal
<a href="#"><u>21/00502/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Alicia Snook</b> <b>Householder Appeal</b>	2 Kestrel Close East Wittering PO20 8PQ  To extend the height of the boundary fence to the road side of the bungalow from 1 metre high to 2 metres.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>" The development in the immediate area has an open plan layout that is mainly characterised by detached and semi detached bungalows of similar styles and 2 storey terraced dwellings that are set back from the roads and footpaths in mainly open front and side gardens. The openness and greenery in most front and side gardens adjoining the public highway contribute positively to the sense of place. By contrast, due to its form, siting, height, scale, and detailed design, the proposed fence would be a harmfully dominant and intrusive feature that would unacceptably erode the important verdant openness in the Cormorant Way street scene, to the significant detriment of the character and appearance of the locality. ... It would be contrary to Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 I have found that the proposed development would be contrary to the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not outweigh that conflict."</p>	

Reference/Procedure	Proposal
<a href="#"><u>20/02303/FUL</u></a>	
<b>Fishbourne Parish</b>  <b>Case Officer: Jane Thatcher</b>  <b>Written Representation</b>	Land At Bethwines Farm And South Of Ivy Lodge Blackboy Lane Fishbourne West Sussex  Construction of 35 no. affordable residential dwellings for first-time buyers with associated access, parking, landscaping and associated infrastructure.
<b>Appeal Decision: APPEAL DISMISSED</b>	
<p>“...The appeal is dismissed. ... The appellant indicated it intended to submit a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to deal with various matters. However, none was submitted within the timeframe set. ... The proposal is being promoted as an "Entry Level Exception" (ELEEx) site pursuant to paragraph 72 of the Framework. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires this determination to be made in accordance with the development plan unless other material considerations indicate otherwise. ... The main issues are: - the effect on the character and appearance of the area; Appeal Decision APP/L3815/W/20/3266072 <a href="https://www.gov.uk/planning-inspectorate">https://www.gov.uk/planning-inspectorate</a> 2- the effect on the living conditions of the proposed occupiers, in terms of outdoor amenity space, privacy and noise;- whether the proposal makes adequate provision for foul and surface water disposal;- whether the proposal would utilise sustainable construction methods in line with development plan policy;- the effect on habitats sites;- whether the proposal makes adequate provision for affordable housing and necessary infrastructure; and- whether there are any other material considerations, including the nature of the proposals and its benefits, the housing land supply position and the current status of the development plan, that mean the proposal should be determined otherwise than in accordance with the terms of the development plan. ... The site lies in the countryside and the proposal does not require a countryside location. In proposing 35 dwellings, in my view, this does not constitute a small scale development and, in any event, is outside the settlement boundary and is clearly contrary to these two policies. The principle of the development does not comply with the development plan. ... The residential development of the appeal site will have a significant urbanising effect on this section of countryside. It would fail to recognise the intrinsic character of this area as required in paragraph 174 of the Framework. From a wide arc from the south, it would significantly and demonstrably intrude into this landscape. However, from the northwest on Clay Lane from just south of where it crosses the A27, this would not be significant in that it would effectively infill a small visual gap between the farm buildings and existing development. Due to the size of and the extensive area between Fishbourne and Bosham this would not result in coalescence in any meaningful way and the individual identity of Fishbourne would remain. Due to the distance to and scale of the development I am satisfied that the proposal would preserve the setting of both the SDNP and Chichester Harbour Area of Outstanding Natural Beauty. ... Turning to the layout, while the proposal keeps to two storeys it would not, overall, integrate well with the existing pattern and layout of development in the area. Rather than gaps between individual groups of dwellings, whether semi-detached or terraced, creating a sense of space, there would be a continuous form of development, particularly along the longer east/west road. This would be emphasised by the continuous brick materials, which would not reflect the</p>	

**Appeal Decision: APPEAL ALLOWED -  
continued**

identity of local surroundings and the interest that exists in Blackboy Lane with the contrast between the brick and light coloured render. ... Looking at the development facing Blackboy Lane, while this would reflect this pattern of development opposite, the extensive area of parking would be incongruous and harmful to the street scene. Further the proximity of the parking and the ditch, which is often wet, along with the linear nature of the open space, while providing sufficient space in quantitative terms, would not provide a high quality and useable open space for the proposed occupiers. The provision of landscaping or fencing along this boundary would be both out of keeping with the existing area and would further reduce the useable area of the open space. The provision of street trees along the internal roads would not be sufficient to mitigate these deficiencies. ... Overall, therefore, the proposal would be significantly and demonstrably harmful to the character and appearance of the area. It would not provide a high quality of design reflecting the identity of the surroundings and would not provide a usable, high quality development. As such it would be contrary to Policies 2, 33, 45, 48 and 54 of the CLP and Policy D 1 of the FNP. It would also be contrary to paragraph 130 of the Framework which indicates that developments should be visually attractive and sympathetic to local character. Further paragraph 134 of the Framework states that development that is not well designed should be refused. ... As pointed out by the Council the central dwellings backing on to the flatted element to north and south have gardens in the order of 5 m to 6 m in depth. While some of the gardens are wider including the area behind the garages this would lead to a cramped form of development with there being a harmful overbearing effect from the property to the rear. Further, rear gardens of the properties on the southern part of the site are approximately 7 m in depth, which would be insufficient to give a high standard of amenity. ... There would also be harmful levels of overlooking from the rear elevations of the flats to the west of the entrance road towards the properties at the western end of the development and their gardens. This would also apply from the properties in the western portion into the gardens of the three bedroom property on the northwestern side of the junction of the "T". ... The proposal would not give rise to a high standard of amenity for the occupiers of the proposed dwellings in terms of lack of amenity space and privacy and would result in overbearing effects. ... Nominally the appeal site is within the catchment of the Apuldrum Wastewater Treatment Works (WwTW). However, due to the effect on habitats sites discussed below there are issues with draining additional sites to this Works. ... To respond to this issue the appellant is proposing a PTP in the southwestern corner of the appeal site which would mean that the development would not need to rely on a WwTW for foul water drainage. ... The EA objects to this arrangement in principle. It refers to Reference ID: 34-020-20140306 of the Planning Practice Guidance (the PPG) which states: "When drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies)". I concur that this would be the optimum solution since it minimises risks. ... The appellant indicates that to connect to the new pipeline a new pumping station, approximately 2.3km of rising main and a crossing of the A27 would be required. This would, so the appellant asserts, make it not practical or, without providing costings, be viable. ... While the Position Statement makes a differentiation between those sites within and outside the settlement boundary of Fishbourne I consider that requiring a proposal of this scale in proximity to the settlement boundary to connect to the new sewer is a false choice and avoids considering practical solutions which may be available. The alternative of connecting



**Appeal Decision: APPEAL ALLOWED -  
continued**

to an existing sewer that connects to the Apuldrum WwTW and providing off-setting of the types set out for sites within the settlement boundary would be a practical solution. This has not been explored by the appellant. ...I therefore conclude that the appellant has not demonstrated that there are no other practical and viable solutions which would allow connection to a public sewer, and therefore the proposal would be contrary to the provisions of the PPG. This I find a substantial failing and I give this substantial weight against the proposal. ... The drainage layout for that earlier scheme was submitted as part of this application and there is no detail as to where the PTP in the current proposal would discharge. As a full application where this is clearly a main issue at least an outline of the arrangements should be shown. ...The information in the Drainage Strategy Report indicates that the voids would only just be sufficient for the maximum requirement at 580 m3. This would indicate that outflows from the PTP should not be to this surface water drainage system as this would otherwise lead to the risk that it would have insufficient capacity in the appropriate worst case. ... In order not to add to the risk of non-foul water flooding off-site the site should drain at greenfield rates. Given the size of the site at just less than 1 ha this would be 2 l/s. In light of my conclusions in the above paragraph, any output from the PTP site would need to drain to the ditch or elsewhere; the ditch would be the most practical solution. However, as the hydro brake for the surface water system discharge is shown to be set at 2 l/s to ensure function any output from the PTP would be in addition to this. The peak 'clean' foul flow rate is shown in the submitted Drainage Strategy Report at 1.48 l/s. Consequently, the overall (surface and 'clean' foul together) discharge would therefore be above greenfield rates. It has therefore not been shown that the proposals would not add to the risk of non-foul water flooding off-site. ... It has therefore not been shown that the proposal would be able to be adequately drained. ... The appellant submitted a Sustainability Statement with the application. This noted a 1.2% reduction in CO2 emissions in relation to the Building Regulations but rejected renewable energy proposals for various reasons set out in the Statement. ... It seems to me that, given the evidence of the Council that considerably greater reductions in CO2 emissions through construction techniques and renewables have been achieved elsewhere, the 1.2% saving proposed here seems very low, particularly in the context of the Council's Interim Position Statement for Housing development (see below) which requires a 19% improvement. The use of smart meters and relying on occupiers to monitor them to ensure energy reductions seems to be a passive response. Certainly, it has not been demonstrated that there are any abnormal factors that affect enhanced delivery. For example, the use of air source heat pumps has been rejected in aesthetic and noise terms, but no evidence has been submitted to show why this would be unacceptable or design techniques could not be used to mitigate any such effects. ... However, I am satisfied that other criteria set out in the policy relating to sustainable drainage systems, the shading of pedestrian routes and electric vehicle charging could be delivered by condition. ... Notwithstanding this, it has not been demonstrated that appropriate sustainable design and construction techniques have been appropriately considered. ... The appeal site lies within 5.6km of the Chichester and Langstone Harbour Water Special Protection Area (SPA). It is also in proximity to a number of other habitat sites set out in the officer report which the proposal may affect. ... As I am going to dismiss this appeal for other reasons, it is not necessary for me to undertake an appropriate assessment. ... Without an agreed water environment solution, I cannot be certain, utilising the relevant level of scientific rigor, that the proposal would not have such an effect. For the reasons set out above, I have not been able to conclude that the foul

**Appeal Decision: APPEAL ALLOWED -  
continued**

water solution is acceptable and from that it must be the case that the proposed water environment solution is also not acceptable. ... Even if I had been to conclude the PTP proposed was acceptable for draining the site, I still would not have been able to find that this would not give rise to an increase in nutrient load. As Natural England noted in its consultation response the SBR-N does not use the latest (June 2020) guidance in calculating Total Nitrogen load. In addition, a PTP has a greater risk of failure when compared with a public sewage treatment works (hence the PPG guidance quoted above), and I do not believe that the use of a planning condition would be appropriate to ensure the proper level of monitoring and maintenance as it would not be reasonable. ... Taking the above together, I cannot therefore be satisfied that the proposed development would not have an adverse effect on the integrity of the relevant habitat sites. ... As there is no completed Planning Obligation in front of me, I can only conclude that the proposal does not make adequate provision for a financial contribution towards A27 Local Plan mitigation works in line with the Council's Supplementary Planning Document 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' or for the provision, management and maintenance of Public Open Space on site. ... As set out towards the top of this decision, the proposal is as an ELEX. However, the Council disputes whether it would meet the relevant policy. Further the Council accepts that it cannot demonstrate a five- year supply of land for housing and thus it is necessary to determine whether the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework applies. ... An ELEX site is for a type of affordable housing. There is a dispute between the parties as to how this should be considered particularly in the light of development plan policies. There is, of course, no Planning Obligation in front of me which would be required to ensure that the dwellings are maintained under this regime in perpetuity. ... This site is less than 1 ha and the 35 dwellings is less than 5% of the size of Fishbourne. With the exception of the effect on habitat sites, the proposal would not adversely affect any of the areas or assets set out in footnote 7. ... There are no policies in the CLP which refer to ELEX sites. This is not surprising as this national policy post- dates the adoption of the CLP in 2015. The Council considers that it should comply with the relevant policy for Rural Exception Sites (Policy 35 of the CLP), but in my view a proposal for a Rural Exception Site and ELEX schemes are completely separate. ... Firstly, they are dealt with in different paragraphs of the Framework, with rural exceptions dealt with in paragraph 78. A Rural Exception site is defined in the Glossary to the Framework as a “small site” and for the “local community”. Had they been the same thing there would be an expectation that they would have been cross-referenced in the Framework. Further, there is no definition in the Framework of what is a “small site”. However, the Framework does define “Major development”<sup>1</sup> as being for 10 or more dwellings or on a site of 0.5 ha or more. It seems to me that for these purposes a proposal cannot be both a “major development” and a “small site”. ... Secondly, the ELEX is to meet needs within the authority’s area. This is different from local need which is normally identified by a parish needs survey. That a parish needs survey has not been done is therefore not material in determining whether a proposal meets the criteria as an ELEX scheme, nor is whether there is a need within this Fishbourne parish, and it should relate to need for the whole of the local planning authority area. ... the Council has commissioned ‘The Chichester Housing and Economic Development Needs Assessment’ (the HEDNA). The latest version dates from 2020 and, while it has not been tested, is the most up-to-date analysis available and is based on housing need based on national methodologies. I therefore give it significant weight. The HEDNA has identified a need for 348 social/affordable rented dwellings per annum between

**Appeal Decision: APPEAL ALLOWED -  
continued**

2019 and 2036 and 130 dwellings per annum for affordable home ownership for the same period. The Council therefore considers that affordable housing should predominantly be for rental rather than purchase. However, provided that the identified need for affordable home ownership is not met across the whole of the authority's area then I can see no reason why a proposal for first time buyers alone could not meet the criteria for a ELEX scheme. ... The Council's Statement of Case indicates that there will be some 381 affordable home ownership units to be delivered between 2021 and 2025, with an additional 117 at Tangmere, 27 at Highgrove Farm and 26 at Westhampnett, along with additional units at major and windfall sites to be provided. These four figures total 551, which represents approximately 110 dwellings per annum. It seems to me that, as with five year land supply, it is for the Council to show that a need is met. Relying on windfalls and other, nonidentified, major sites is not sufficient. It therefore would appear that the need for affordable home ownership has not been met in the authority's area and consequently the proposal would meet this criterion as an ELEX scheme. ... Local residents have expressed concern about the proportion of three-bedroom properties making the assertion that these would not be suitable for first time buyers/renters. However, it seems to me that because an occupier may be a slightly larger household does not mean that it would not meet that the relevant criteria for occupation. In addition, the Council has not indicated that this size of property is not needed in the authority's area. ... I conclude that the proposal would not represent an ELEX scheme, but this is only because the dwellings have not been secured as such, it has not been shown that the proposal would not have an adverse effect on habitats sites and would not comply with local design policies rather than any other matter. ... The Council has confirmed that the CLP is more than five years post-adoption and is not based on the standard method for assessing local housing need. It has also confirmed it is unable to demonstrate a five year supply of housing land. In light of this the Council accepts its housing policies are out-of-date. ... While the local plan is reviewed the Council has adopted an 'Interim Position Statement for Housing development' (the IPS). While I have concluded that the proposal would not meet the criteria as an ELEX scheme, for completeness I have considered whether the proposal meets the criteria in the IPS. ... For the reasons already set out, the proposal would not be good quality through the design deficiencies and would also not meet the criteria relating to flooding and nitrate neutrality. ... Footnote 7 sets out the relevant areas and assets and these include irreplaceable habitats which will include the habitats sites referred to above. Furthermore, paragraph 182 of the Framework indicates the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site unless an appropriate assessment has concluded that the plan will not adversely affect the integrity of the habitats site. ... For the reasons set out above that would not be the case and, consequently, the provisions of paragraph 11 d), the so called 'tilted balance', will not apply. This does not mean, however, that the lack of a five year supply of housing land is not, of itself, a material consideration which would apply in favour of the proposal. ... I am satisfied that the proposed development locally would not have an unacceptable effect on highway or public safety nor would the residual cumulative effects on the road network be severe. ... Local residents are also concerned that the layout makes provision for access through the appeal site to land to the northwest. This may be the case, but any future proposals for any further land outside the appeal site would have to be considered in the light of circumstances pertaining at that time. However, it does seem to me that this arrangement would mean that there would not be a well landscaped boundary in

**Appeal Decision: APPEAL ALLOWED -  
continued**

this location and this can only add to my conclusion that the proposal is not well designed. ... "The site is located in the countryside and does not represent a development of a type permitted in such a location in the development plan. The proposal has not been well designed so that it would be out of keeping with the character and appearance of the area and would lead to poor living conditions for some of the occupiers. It would not deliver sustainable design and construction techniques. It would not be satisfactorily drained, it has not been shown that the proposed development would not have an adverse effect on the integrity of habitats sites and does not provide for affordable housing however considered. The matters relating to infrastructure set out above are necessary to meet development plan policies and the needs of the development. Therefore, the failure to secure these matters adds to the harms. Furthermore, the lack of a Planning Obligation means the proposal is not secured as an ELEX scheme. All of these matters lead me to conclude that the proposal would not comply with the terms of the development plan when taken as a whole. Notwithstanding the lack of a five year supply of land for housing, and the support from the Framework for ELEX schemes, these do not represent material considerations either individually or cumulatively to outweigh the presumption in favour of determining the application in accordance with the development plan. In any event Regulation 63(5) of the Habitats Regulations means that I would be prevented from granting planning permission in respect of the effect on habitats sites. For the avoidance of doubt, even if I had concluded that the tilted balance was to apply on the basis that the drainage solution had been delivered which would have allowed me to conclude that the proposal would not have an adverse effect on the integrity of the habitats site, the harms I have identified, particularly through the poor design and lack of secured affordable housing and necessary infrastructure, would have been sufficient individually to conclude that the proposal would not have been acceptable as this would have led to significant and demonstrable harm which would have outweighed the benefits of the scheme when assessed against the policies of the Framework taken as a whole. For the reasons given above I conclude that the appeal would be contrary to the development plan taken as a whole. As there are insufficient material considerations to indicate a decision contrary to the development plan, the appeal should be dismissed..."

Reference/Procedure	Proposal
<a href="#"><u>20/02832/FUL</u></a>	
<b>Plaistow And Ifold Parish</b> <b>Case Officer: Fjola Stevens</b> <b>Written Representation</b>	Three Oaks Farm The LanefoldLoxwoodRH14 0UH  Demolition of existing dwelling, replaced with 1 no. single storey dwelling with associated landscaping and driveway.
<b>Appeal Decision: APPEAL WITHDRAWN</b>	
Withdrawn - see letter dated 04.10.21 from The Planning Inspectorate.	

Reference/Procedure	Proposal
<a href="#"><u>21/00207/DOM</u></a>	
<b>Selsey Parish</b>	The Coach House 2 Manor Road Selsey PO20 0SD
<b>Case Officer: Alicia Snook</b> <b>Householder Appeal</b>	Replacement roof to existing outbuildings (retrospective).
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>"... The appeal is allowed, and planning permission is granted for replacement of roof to existing outbuildings at The Coach House, 2 Manor Road, Selsey PO20 0SD in accordance with the terms of the application, Ref SY/21/00207/DOM, dated 25 January 2021, and the plans submitted with it. ....The site includes the dwelling at The Coach House and outbuildings in its grounds at the back, and it is largely enclosed by tall boundary treatment. ....Due to its scale and siting, little of the development can be glimpsed in narrow views from Manor Road and Gainsborough Drive. ... the upper part of its south west facing gable end can be seen from East Street above the boundary treatment at the back of the public house's garden and car park in the gap between the buildings at The Fisherman's Joy Public House and 77 East Street..... However, the development is outside the Conservation Area, and the utilitarian character of the low profile sheet finished development respects the character of the similarly deep profile sheet roofed steelworks building beyond it. As the present roof is likely to look better and last longer than the previous roof, the restricted views of the development from some upper floor windows in nearby buildings within the Conservation Area should be enhanced. The development's eaves can barely be seen, and as their proportions are consistent with its scale and form, they are acceptable. .... However, as its form and detailed design are simpler, overall, the development has a neutral effect on the settings of the heritage assets. Thus, I consider that the development does not harm the setting of the Conservation Area, and that the development preserves the settings of the listed buildings at The Fisherman's Joy Public House and 77 East Street..... The appellant has confirmed that the development is entirely for personal use as a swimming pool and recreational area, and the development's use was not a concern of the Council in its reason for refusal. I see no reason to disagree. I have found that the development satisfies the Development Plan when taken as a whole. The other considerations in this case, including the Framework, do not indicate a determination otherwise."</p>	

Reference/Procedure	Proposal
<a href="#"><u>21/00218/DOM</u></a>	
<b>Selsey Parish</b>	8 Beach RoadSelseyPO20 0LU
<b>Case Officer: Alicia Snook</b> <b>Householder Appeal</b>	Front two storey extension with pitched roof.
<b>Appeal Decision: APPEAL ALLOWED</b>	
<p>" ... there are gabled 2 storey front extensions at 22, 28, 36 and 38 on the same side of Beach Road, and at 47, 51 and 53 on the opposite side. Because all the similar dwellings are set well back from the road, and due to their generally modest depth and compact form, it makes little difference to the important spaciousness in the Beach Road street scene whether the dwellings have a single storey or 2 storey front extension or no extension at all.... So, due to its scale, form, siting, and detailed design, the gabled front extension would respect the character and appearance of the existing dwelling, and it would be sympathetic to the street scene in Beach Road. Moreover, the front extension would sustain the important spaciousness in the Beach Road street scene that contributes positively to the sense of place. I consider that the proposed development would not harm the street scene in Beach Road..."</p>	

### 3. IN PROGRESS

Reference/Procedure	Proposal
<a href="#"><u>17/00361/CONMHC</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b> <b>08.02.22 at EPH</b>	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.
<a href="#"><u>17/00356/CONMHC</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b> <b>08.02.22 at EPH</b>	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.
<a href="#"><u>17/00362/CONMHC</u></a>	
<b>Birdham Parish</b>  <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b> <b>08.02.22 at EPH</b>	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.
<a href="#"><u>* 19/02579/FUL</u></a>	
<b>Chichester Parish</b>  <b>Case Officer: Martin Mew</b> <b>Informal Hearing</b> <b>22-Feb-2022</b> <b>EPH</b>	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.
<a href="#"><u>20/02009/FUL</u></a>	
<b>Chichester Parish</b>  <b>Case Officer: Martin Mew</b> <b>Informal Hearing</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Change use of land to travellers caravan site consisting of 3 no. pitches each containing 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom; play area and associated works (Resubmission of CC/19/02579/FUL).



Reference/Procedure	Proposal
<a href="#"><u>20/00380/CONTRV</u></a>	
<b>Chichester Parish</b>  <b>Case Officer: Sue Payne</b> <b>Informal Hearing</b> <b>22-Feb-2022</b> <b>EPH</b>	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex  Appeal against creation of hardstandings and siting of mobile homes without planning permission.
<a href="#"><u>* 20/00412/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b>  <b>Case Officer: Andrew Robbins</b> <b>Informal Hearing</b> <b>23-Nov-2021</b> <b>Chichester Harbour Hotel</b>	Land Off Broad Road Broad RoadHambrookPO18 8RF  Outline Application for the construction of 35 no. affordable residential dwellings for first time buyers and those looking to rent their first home (Paragraph 71 entry-level exception site), with all matters reserved other than access.
<a href="#"><u>* 20/01826/FUL</u></a>	
<b>Chidham &amp; Hambrook Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Public Inquiry</b>	Land Adjoining A27Scant Road West Hambrook Chidham West Sussex PO18 8UA  Mixed use development comprising 118 dwellings (including 36 affordable dwellings), public open space, landscaping and associated works and a retail convenience store with community space above all accessed via Broad Road.
<a href="#"><u>20/03378/OUT</u></a>	
<b>Chidham &amp; Hambrook Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Informal Hearing</b> <b>15-Feb-2022</b> <b>Chichester Harbour Hotel</b>	Land At Flat Farm Hambrook West Sussex PO18 8FT  Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.

Reference/Procedure	Proposal
<a href="#"><u>21/00440/DOM</u></a>	
<b>Donnington Parish</b>  <b>Case Officer: Martin Mew</b>  <b>Householder Appeal</b>	50 Belgrave Crescent Donnington PO19 8SB  Single storey rear extension and change of use of loft into habitable accommodation, including dormer windows to sides. Variation of condition 3 from planning permission D/20/01904/DOM - remove the restriction on the dormer bedroom windows being obscure glazed and non-opening below 1.7m from the finished floor level of the rooms in which they serve.
<a href="#"><u>19/02493/OUT</u></a>	
<b>Earnley Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Informal Hearing</b>	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
<a href="#"><u>20/01235/FUL</u></a>	
<b>Earnley Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Written Representation</b>	111 Second Avenue Almodington Earnley PO20 7LF  Erection of 1 no. dwelling - Alternative design to planning permission E/18/02530/FUL.
<a href="#"><u>20/02714/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Householder Appeal</b>	Sea Shanty Charlmead East Wittering PO20 8DN  Insertion of 2 no. dormer windows.
<a href="#"><u>21/01237/DOM</u></a>	
<b>East Wittering And Bracklesham Parish</b>  <b>Case Officer: Maria Tomlinson</b>  <b>Householder Appeal</b>	19 Seafeld Close East Wittering PO20 8DP  Demolition of rear conservatory for a rear two-storey pitched roof and single-storey flat roof extensions.

Reference/Procedure	Proposal
<a href="#"><u>21/00785/DOM</u></a>	
<b>Fishbourne Parish</b>  <b>Case Officer: Alicia Snook</b> <b>Householder Appeal</b>	Estoril Main Road Fishbourne PO18  8AN New vehicle access and garage.
<a href="#"><u>* 19/00445/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex  Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.
<a href="#"><u>19/02939/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Old Allotment Site Newells Lane West Ashling West Sussex  Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<a href="#"><u>20/00234/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Land West Of Newells Lane West Ashling PO18 8DD  Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<a href="#"><u>20/00534/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b>  <b>Informal Hearing</b>	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex  Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.

Reference/Procedure	Proposal
<a href="#"><u>20/00950/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.
<a href="#"><u>20/00956/FUL</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Martin Mew</b> <b>Informal Hearing</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<a href="#"><u>20/00109/CONTRV</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Shona Archer</b> <b>Informal Hearing</b>	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex  Appeal against Enforcement Notice FU/80
<a href="#"><u>18/00323/CONHI</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ  Appeal against HH/22
<a href="#"><u>20/00288/CONENG</u></a>	
<b>Funtington Parish</b>  <b>Case Officer: Tara Lang</b> <b>Informal Hearing</b>	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD  Appeal against Enforcement Notice FU/77

Reference/Procedure	Proposal
<a href="#"><u>20/00400/CONCOU</u></a>	
<b>Hunston Parish</b>  <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Land East Of Farmfield Nurseries Selsey Road Hunston West Sussex  Appeal against Enforcement Notices HN28 & 30
<a href="#"><u>19/01400/FUL</u></a>	
<b>Loxwood Parish</b>  <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS  Erection of a detached dwelling following demolition of free-standing garage.
<a href="#"><u>19/02999/FUL</u></a>	
<b>Selsey Parish</b>  <b>Case Officer: Martin Mew</b> <b>Written Representation</b>	Hillfield House 4 Clayton Road Selsey Chichester West Sussex PO20 9DB  Demolition of existing dwelling and the erection of 4 no. dwellings, 4 no. garage spaces and associated external works.
<a href="#"><u>* 19/03112/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Informal Hearing</b>	Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  Change of use of land to rear of dwelling for siting of residential caravans for 7 no. pitch Gypsy Traveller site with associated development (hard standing fencing and 3 no. utility buildings).
<a href="#"><u>20/01389/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Fjola Stevens</b> <b>Written Representation</b>	Land North Of Swan Cottage Selsey Road Sidlesham West Sussex  Erection of 2 storey dwelling, garage and vehicular access off Selsey Road.
<a href="#"><u>20/01470/FUL</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Informal Hearing</b>	3 Melita Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW  Change of use of land to mixed use for siting of residential caravans for 3 no. pitch Gypsy Traveller site with associated development (hard standing, fencing and utility buildings) on land forming part of 3 Melita Nursery -part retrospective.

Reference/Procedure	Proposal
<a href="#"><u>20/02735/ELD</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Melita Nursery Chalk Lane Sidlesham PO20 7LW  Application for a certificate of existing lawful development for construction and use of a building as a single dwelling-house falling with use class C3.
<a href="#"><u>20/00301/CONMHC</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	M &Y Fruit Limited 82A Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG Appeal against Enforcement Notice SI/77.
<a href="#"><u>21/00038/CONMHC</u></a>	
<b>Sidlesham Parish</b>  <b>Case Officer: Sue Payne</b> <b>Written Representation</b>	Land To The East Of Ivy Grange Keynor Lane Sidlesham West Sussex Appeal against Enforcement Notice SI/78.
<a href="#"><u>20/00032/FUL</u></a>	
<b>Southbourne Parish</b>  <b>Case Officer: Joanna Bell</b> <b>Written Representation</b>	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.
Reference/Procedure	Proposal
<b>Southbourne Parish</b>  <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ  Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<a href="#"><u>21/00089/FUL</u></a>	
<b>Southbourne Parish</b>  <b>Case Officer: Maria Tomlinson</b> <b>Written Representation</b>	Thornham Products Thornham Lane Southbourne PO10 8DD  Retention of existing single mobile home on the land and to continued use for applicant's place of residence, following expiry of temporary period granted under condition 2 of SB/15/01837/FUL.

Reference/Procedure	Proposal
<a href="#"><u>20/03130/FUL</u></a>	
<b>Tangmere Parish</b>  <b>Case Officer: Fjola Stevens</b> <b>Written Representation</b>	17 Nettleton Avenue Tangmere PO20 2HZ  Change use of land from public amenity space to private garden and associated boundary treatment to side of private detached dwelling house.
<a href="#"><u>19/01985/FUL</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Informal Hearing</b>	The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP  Change of use of land to allow for the extension of an existing Gypsy/Traveller site comprising of an additional four mobile homes, four touring caravans and one dayroom.
<a href="#"><u>19/03206/FUL</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Jane Thatcher</b> <b>Written Representation</b>	Unit 2, Ten Acres Cemetery Lane Woodmancote Westbourne PO10 8RZ  Change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores. (retrospective).
<a href="#"><u>* 20/00047/FUL</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Written Representation</b>	Hopedene Common Road Hambrook Westbourne PO18 8UP  Change use of land to a single private gypsy pitch with associated hardstanding and day room.
<a href="#"><u>20/00785/FUL</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Calum Thomas</b> <b>Informal Hearing</b>	Meadow View Stables Monks Hill Westbourne PO10 8SX  Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding

Reference/Procedure	Proposal
<a href="#"><u>13/00163/CONWST</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Shona Archer</b> <b>Public Inquiry to be resumed 11/12<sup>th</sup> January 2022</b>	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex  Appeal against WE/40, WE/41 and WE/42
<a href="#"><u>19/00217/CONCOU</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Steven Pattie</b>  <b>Informal Hearing concluded awaiting decision</b>	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP  Appeal against Enforcement Notice WE-49
<a href="#"><u>19/00107/CONMHC</u></a>	
<b>Westbourne Parish</b>  <b>Case Officer: Steven Pattie</b> <b>Written Representation</b>	Jubilee Wood Bridle Lane Woodmancote Hambrook West Sussex  Appeal against Enforcement Notices WE/50 WE/51



Reference/Procedure	Proposal
<a href="#"><u>20/02824/OUT</u></a>	
<b>Westhampnett Parish</b>  <b>Case Officer: Andrew Robbins</b>  <b>Public Inquiry</b>	Land Within The Westhampnett / North East Chichester Strategic Development Location (north Of Madgwick Lane) Chichester  Outline Application with all matters reserved except for access for the residential development comprising up-to 165 dwellings, including an element of affordable housing; together with an access from Madgwick Lane as well as a relocated agricultural access, also from Madgwick Lane; Green Infrastructure, including the enhancement of the Lavant Valley Linear Greenspace; sustainable drainage systems; and associated infrastructure.

#### 4. VARIATIONS TO SECTION 106 AGREEMENTS

None.

#### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

#### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Premier Park, Birdham Road	Of 4 Enforcement Notices to vacate the land and restore it to its agricultural use	Injunction to vacate the land and restore it to agricultural use granted by the High Court on 10.8.20. Extension of deadlines granted on 7.1.21. New application lodged by Defendants on 28.4.21 not proceeded with by the Defendants as confirmed by The High Court. LPA has written to the remaining residents of 3 plots asking for their intentions and giving them 14 days to reply. 2 plots have replied asking for help with re-housing and acknowledging that they need to leave.

Court Hearings		
Site	Matter	Stage

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>
Land South of the Stables, Newells Lane	Breach of Enforcement Notice	First hearing was on of 30.7.21. Council asked for an adjournment as an appeal against refusal of planning permission has been made by Defendant. Court provided new date: 25/11/21 at Crawley Magistrates' Court
Land West of Newells Lane	Breach of Temporary Stop Notice (TSN)	Not Guilty plea entered on 17.6.21. Matter adjourned to trial at Horsham Magistrates' Court on 13.10.21. Court found Defendant NOT GUILTY on the basis that even though the TSN was on the land (not served on him, though), he was not reasonably expected to know of it as in his mind, he had sold the land so he had no need to attend the site.

## 7. POLICY MATTERS

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## South Downs National Park

### Planning Committee

#### Report of the Director Of Planning and Environment Services

#### Schedule of Planning Appeals, Court and Policy Matters

Date between 20/09/2021 and 13/10/2021

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

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

\* - Committee level decision.

#### 1. NEW APPEALS

Reference/Procedure	Proposal
<a href="#">SDNP/20/03543/FUL</a> Cocking Parish Council Parish  Case Officer: Charlotte Cranmer  <b>Written Representation</b>	Longmeadow Bell Lane Cocking GU29 0HU  Erection of 2 no. dwellings with associated garaging and surface parking.
<a href="#">SDNP/21/00355/FUL</a> Cocking Parish Council Parish  Case Officer: Charlotte Cranmer  <b>Written Representation</b>	Longmeadow Bell Lane Cocking GU29 0HU  Erection of 1 no. detached dwelling with associated garaging and associated surface parking.

Reference/Procedure	Proposal
<a href="#">SDNP/20/02935/CND</a> Harting Parish Council Parish  Case Officer: Derek Price  <b>Informal Hearing</b>	Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ  Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent, non personal to increase the number of mobile homes by one to change the layout.)
<a href="#">SDNP/20/05128/FUL</a> Stedham With Iping Parish Council Parish  Case Officer: Louise Kent  <b>Written Representation</b>	The Old Dairy Mill Lane Stedham GU29 0PR  New agricultural barn.
<a href="#">SDNP/21/00278/HOUS</a> Petworth Town Council Parish  Case Officer: Jenna Shore  <b>Householder Appeal</b>	Leith House Angel Street Petworth GU28 0BG  Demolition of an existing double garage and alterations and extensions to existing dwelling.
<a href="#">SDNP/20/04726/HOUS</a> Lodsworth Parish Council Parish  Case Officer: Beverley Stubbington  <b>Householder Appeal</b>	St Peters Well Vicarage Lane Lodsworth GU28 9DF  New timber-framed four-bay garage, brick retaining wall and relocation of existing oil tank.
<a href="#">SDNP/19/00386/COU</a> Fittleworth Parish Council Parish  Case Officer: Sue Payne  <b>Informal Hearing</b>	Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS  Appeal against FT/11

### 3. CURRENT APPEALS

Reference/Procedure	Proposal
<a href="#">SDNP/20/03482/APNB</a> Lurgashall Parish Council Case Officer: John Saunders <b>Written Representation</b>	Land to The North of Blind Lane Blind Lane Lurgashall West Sussex 2 no. agricultural barns.
<a href="#">SDNP/20/01635/LDP</a> West Lavington Parish Council Parish Case Officer: Derek Price <b>Informal Hearing</b>	Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.
<a href="#">SDNP/20/04533/HOUS</a> Fittleworth Parish Council Parish Case Officer: Beverley Stubbington <b>Householder Appeal</b>	Dunrovin Limbourne Lane Fittleworth RH20 1HR Erection of a two storey rear extension and front porch with associated roof works and installation of tile hanging at the first floor level.
<a href="#">SDNP/20/05361/FUL</a> Duncton Parish Council Parish Case Officer: Beverley Stubbington <b>Written Representation</b>	Laudacre Cottage Beechwood Lane Duncton GU28 0NA Replacement dwelling, garage and associated works (amendments to design approved under SDNP/16/01733/FUL).

### 4. VARIATIONS TO SECTION 106 AGREEMENTS

### 5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

### 6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

<b>Prosecutions</b>		
<b>Site</b>	<b>Breach</b>	<b>Stage</b>

## 7. POLICY MATTERS



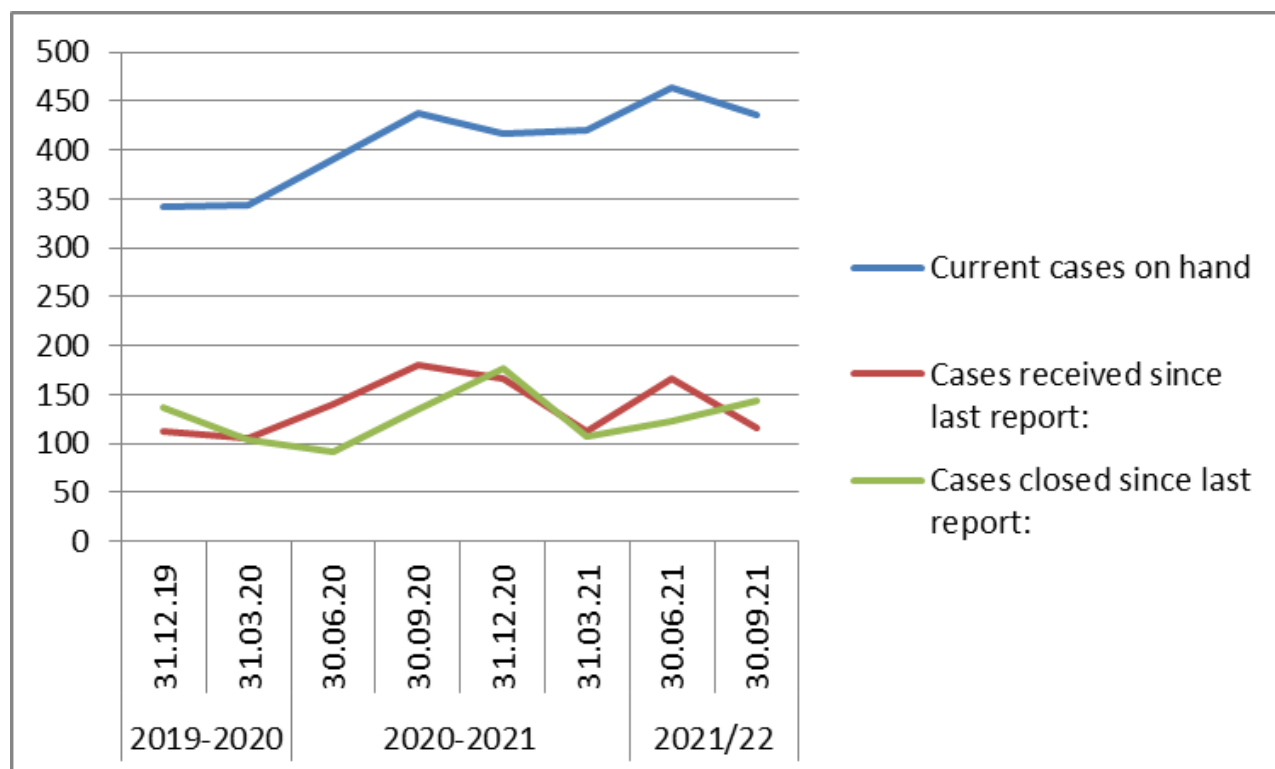
## PLANNING COMMITTEE (Wednesday 3<sup>rd</sup> November 2021) SCHEDULE OF OUTSTANDING CONTRAVENTIONS

1. This report provides an update on the position of contraventions included in the previous schedule and includes cases that have since been authorised.

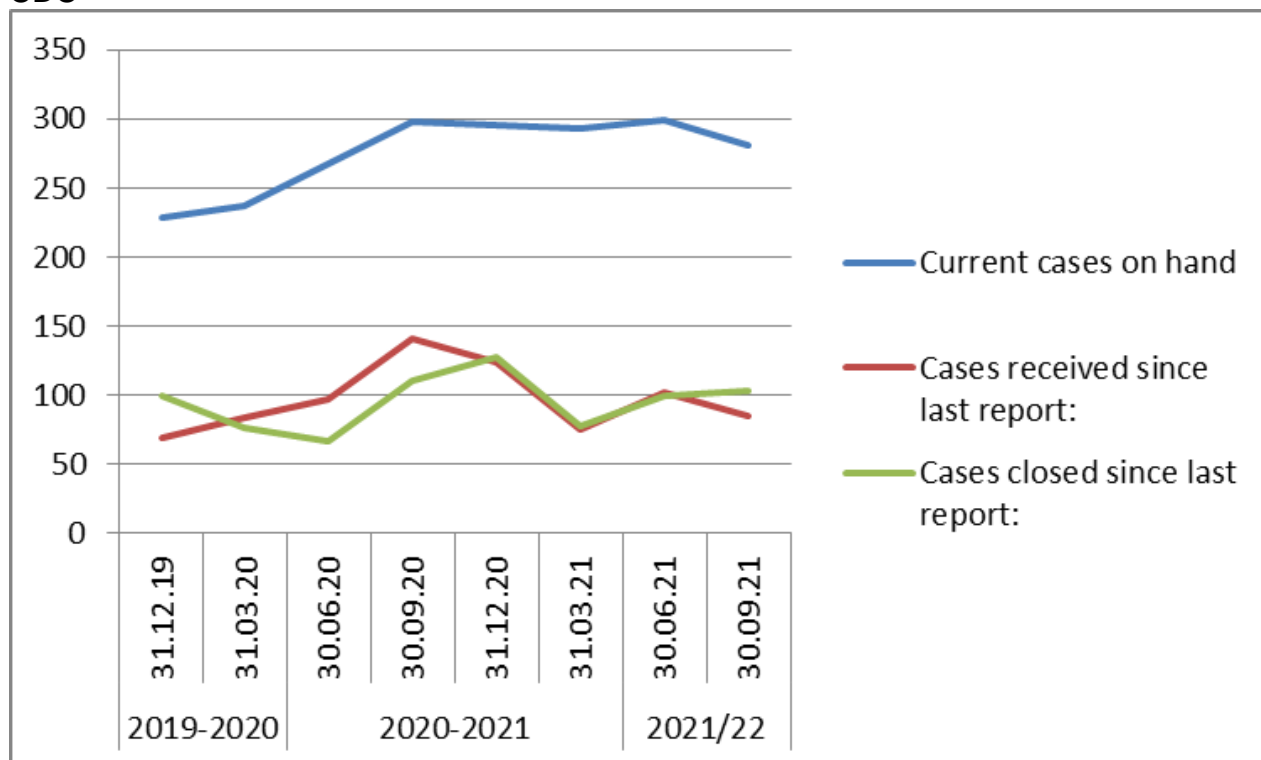
### 2. Statistics as at 30<sup>th</sup> September 2021

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	299	165	464
Cases received since last report:	85	31	116
Cases closed since last report:	104	41	145
Current number of cases on hand:	280	155	435
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	97	34	131

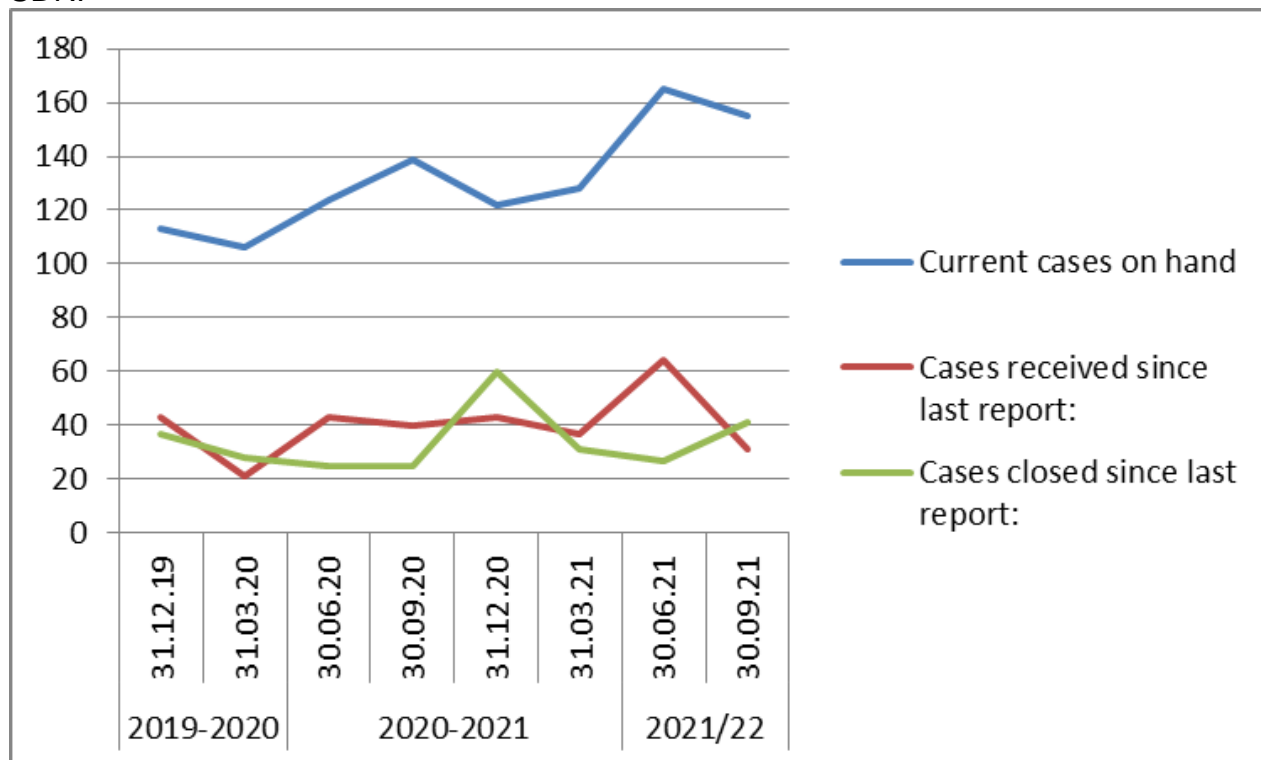
### CDC and SDNP



## CDC



## SDNP



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 (133 Cases)	100%
Medium within 10 days (40 Cases)	100%
High with 2 days (11 Cases)	100%

- b. Time taken to notify complainants of action decided from date of complaint:
- |                                  |      |
|----------------------------------|------|
| Low within 35 days (134 Cases)   | 100% |
| Medium within 20 days (42 Cases) | 100% |
| High within 9 days (12 Cases)    | 100% |

4. Notices Served.

<u>Notices Served:</u>	Jul-Sep 2021		Total in FY 2021/22	
	CDC	SDNP	CDC	SDNP
Enforcement Notices	12	1	13	2
Breach of Condition Notices		1	1	2
Stop Notices	4		4	
Temporary Stop Notices		3	3	4
Section 215 Notices			1	
Section 225A Notices				
High Hedge Remedial Notices				
Tree Replacement Notice	1		1	
Total	17	5	23	8

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. No compliance achieved by 30.07.18 as required 18.09.19 – Crawley Magistrates 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 – site visit – non-compliance 03.04.20 – witness statement to Legal Team regarding a prosecution for non-compliance 23.06.20 – Property is considered to be a Building at Risk. 16.07.20 – SDNPA agreed that CDC Historic Building Advisor [HBA] assess the property; repairs notice is pending 19.10.20 –confirmation of ownership and occupancy sought. 20.01.21 –SDNPA and Legal advised sending a further letter to Owner requesting contact is made to avoid issue of S48 Repairs Notice 22.04.21 – Matter sits with SDNPA and HBA to consider what action should be taken to safeguard the building 27.09.21 – The matter remains with SDNPA and HBA with regard to action to safeguard the LB now at risk

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
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 new compliance date 03.07.20 29.09.21 – Caravan has been moved and is no longer used as accommodation. Breach Ceased. Close File. <b>Remove from next list.</b>
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 19.04.21 – No compliance, internal building remains – prosecution proceedings to commence. 10.06.21 – prosecution papers forwarded to Legal Services 29.09.21 – development remains in situ 22.10.21 – Prosecution documents agreed with legal
COMP/SDNP/ 21/00367/COU (Steven Pattie)	Land East of Noredown Way West Marden	Operational development and engineering operations including excavation, hard standing and access, used of diggers, dumper truck and plant	05.07.21	TSN/82 issued The notice ceases to have effect on 02.08.21 21.07.21 –Prosecution papers forwarded to Legal Services for non-compliance with the TSN 29.09.21 – prosecution papers to be amended 22.10.21 – prosecution papers returned to legal

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
COMP/SDNP/ 21/00367/COU (Steven Pattie)	Land East of Noredown Way West Marden	Operational development and engineering operations including, importation of hard core, spreading, used of plant and machinery, parking and keeping of vehicles and equipment on the land	07.07.21	TSN/83 issued The notice ceases to have effect on 04.08.21 <b>Remove from next list</b>
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 22.12.20 – Owner confirmed that use had ceased. Works delayed due to Covid 22.04.21 – Owner working towards compliance 19.07.21 – Work is being undertaken to comply with the EN. 30.09.21 – Works of compliance are ongoing but progress is slow as the track is being removed by hand from the woodland
FIT/SDNP/19/ 00386/COU (Sue Payne)	Douglaslake Farm Little Bognor Road Fittleworth	Unauthorised use of agricultural buildings for a toilet hire company and a marquee company	28.06.21	EN FT/11 issued Compliance date 09.11.21 06.08.21 – Appeal lodged 27.09.21 – Start letter received from PINS. Written reps process and CDC statement of case to be submitted by 05.11.21

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FUNT/SDNP/ 21/00490/ OPDEV (Shona Archer)	Bermuda Southbrook Road Funtington	All ground works, engineering operations and work on the building under construction both internally and externally	25.08.21	TSN/84 issued The notice ceases to be in effect on 22.09.21 Instructions for an Enforcement Notice sent to Legal Services <b>Remove from next list</b>
FUNT/SDNP/ 21/00490/ OPDEV (Shona Archer)	Bermuda Southbrook Road Funtington	Without planning permission, construction of a timber building and the laying and formation of a hardstanding	29.09.21	EN FU/91 issued Compliance date 10.02.22
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 23.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 –Legal Services reviewing case 21.04.21 – Further information required - It is noted that the temporary pp has expired 26.06.21 – Prosecution withdrawn due to lack of evidence 20.07.21 – case review held 24.09.21 – Updated witness statements sent to legal for consideration 22.10.21 – comments from legal under review by Enf

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HART/SDNP/ 20/00600/ OPDEV (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. 29.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 – Legal Services reviewing case 21.04.21 – Further information required to progress prosecution 28.04.21 – Further information sent to legal 19.07.21 – waiting for a court date for initial hearing 30.09.21 – Continue to await a court date for initial hearing
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition – of appeal decision conditions 2	08.06.21	BCN HT/30 issued Compliance date 08.09.21 30.09.21 - prosecution proceedings in abeyance pending the outcome of the appeal against refusal of SDNP/21/03219/FUL.
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Compliance date 27.04.21 Appeal against the SDNP/20/03482/APNB refusal validated 22.03.21 30.09.21 - Enforcement action in abeyance until appeal determined
LURG/SDNP/ 20/00539/ OPDEV (Emma Kierans)	Land North of Blind Lane Lurgashall	Building works in the construction of an agricultural building	27.01.21	SN LG/18 issued Notice takes effect on 31.01.21 Appeal against the SDNP/20/03482/APNB refusal validated 22.03.21 30.09.21 - Enforcement action in abeyance until appeal determined



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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 19.10.2020 – letter sent to advise that LPA will prosecute for failure to comply with the notice 22.04.21 – following the relaxation of lockdown a compliance site visit will be carried out 13.07.21 – compliance check carried out. No further works carried out to the outbuilding 20.07.21 - Review case 28.09.21 – Review case for prosecution
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 – fence has been removed from front boundary 19.10.2020 – letter sent to owners to request removal of remaining section of fence 13.07.21 – compliance check carried out. The fence is still there but the height of the fence has been lowered 20.07.21 - Review case 28.09.21 – Review expediency of further action
PETW/SDNP/ 21/00040/ BRECON (Sue Payne)	Osiers Farm London Road Petworth	Breach of condition – HGV/trailers in excess of that permitted		BCN PW/21 issued Compliance date 25.09.21 13.10.21 – site visit shows non-compliance with the notice. Letter before action sent

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ROG/SDNP/ 18/00609/ BRECON (Steven Pattie)	Land South of Harting Combe House Sandy Lane Rake Rogate	Without planning permission, stationing of a shepherds and use of a wooden building for the purposes of human habitation	05.08.21	EN RG/37 issued Compliance date 16.12.21 15.09.21 – Appeal lodged
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 02.09.20 – Appeal dismissed New compliance date 02.12.20 02.04.21 - application for smaller building by the end of April 2021 02.07.21 – application submitted. 06.10.21 – application SDNP/21/03527/FUL refused. 22.10.21 - Need for further action to be considered

Chichester District Cases:

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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 dismissed. New compliance date 24.10.20 20.01.21 application to be submitted to amend fence/gates 23.03.21 – application 21/00177/DOM withdrawn 20.04.21 - site visit carried out, letter before action sent and prepare witness statement for prosecution 14.06.21 – prosecution papers to Legal Services 28.07.21 – prosecution held in abeyance – owner to carry out works 30.09.21 – works carried out remain in breach 21.10.21 - Further letter before prosecution action advised by Legal Services prior to recommencement
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 Appeals were dismissed and the EN's upheld. Compliance date: 2 August 2018 Injunction granted by the High Court 08.01.21 – As a result of COVID the injunction order was amended administratively by the Justice to read - 1) that the Defendants shall cease the use of the site for residential purposes and remove all caravans, mobile homes, portable toilets etc. by <b>31 March 2021.</b> 2) The Defendants shall remove all hard-core, tracks, fences, stables, cabling etc. and restore the land to its agricultural use by <b>30 April 2021.</b> A failure of the Defendants legal representation and High Court handling of their attempt to extend the time they could stay on the land resulted in no legal alteration of the Court Order and so the dates remain as stated above. <i>Serial continued on next page</i>

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BI/15/00194/ CONTRV (Shona Archer)	Land North West of Premier Business Park (Serial cont'd)			22.09.2021 – a letter was delivered to the remaining families to explain this and to request confirmation of their plans to vacate the land. 22.10.21 – two of the occupying families have contacted the LPA but remain on the land along with another family. A site visit is proposed on 28 Oct to establish current situation before considering further action.
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 <b>As serial BI/15/00194/CONTRV</b>
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 <b>As serial BI/15/00194/CONTRV</b>
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 <b>As serial BI/15/00194/CONTRV</b>

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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 08.02.22 – Committee Rm1
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 08.02.22 – Committee Rm1
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 08.02.22 – Committee Rm1
BI/17/00357/ CONMHC (Tara Lang)	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 01.04.20 – Breach remains ongoing 22.07.20 – prosecution papers compiled 19.10.20 – Owner stated that steps made to comply 20.01.21 – some structures removed but stables and MH remain on the land 22.04.21 – Mobile home has now been broken up. Officers continue to work with owner to achieve compliance 22.07.21 – Mobile home removed. Stable and shed buildings to be removed 06.10.2021 – stable and shed buildings remain in situ. 22.10.21 – Site to be visited on 28 Oct

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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 06.02.20 – appeal dismissed. New compliance date 06.05.20 Building retained and permission granted for works to retain it as a holiday let. No works undertaken 19.10.2020 – letter sent to request removal of the building 20.01.21 - carry out compliance check when restrictions lifted 20.04.2021 - works are in progress regarding compliance with the notice. Continue to monitor 19.07.21 – works are in progress. To carry out a compliance check 28.09.21 Compliance check carried out, the roof has not been replaced. Contacted the owner regarding the required works
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 17.10.19 – Meeting on site with the landowner. He would like to make an application to use the land as storage place 8.1.20 – no application made but use of land is continuing. The owner considers that the LPA wrongly issued the notice 16.07.20 – aerial photo show some waste remains on site 22.10.20 – letter to be sent to owner explaining evidence of ongoing offence and that the LPA proposes commencing prosecution of the offence 20.01.21 – land use reduced but vehs remain on the land. To be progressed as stated above 17.02.21 – prosecution papers forwarded to Legal Services Prosecution papers under review by Legal Services 21.10.21 – on Legal Services advice, further site visit and photo evidence to be provided

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BI/20/00379/ CONCOU (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road Chichester	Without planning permission, the erection of a wooden barn/stable, a kennel and kennel run and a close boarded fence/ gates and concrete and tarmac hard standings	13.10.21	EN BI/47 issued Compliance date 24.02.22
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 26.02.20 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. 19.10.20 – owner said works would be undertaken but then refused to due to the cost. Owner made aware of potential prosecution January 2021 - The owner was advised that their proposed amended design was inappropriate; compliance with the EN likely to be affected by COVID April 2021 – No communication from owner. Personal financial circumstances unlikely to have changed. July 2021 – No immediate risk to the LB but matter to be reviewed to bring it to a conclusion September 2021 – Works to comply with the notice have yet to be undertaken. 22.10.21 – SV to be undertaken to inform decision on legal proceedings if compliance not achieved

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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 decision varied period of compliance to 6 months. New compliance date 12.02.20 01.04.20 – application 20/00138/FUL received 02.09.20 – application refused 29.10.20 – SV found kitchen in use in breach of the BCN 20.01.21 – prosecution case with Legal Services 22.04.21 – Owners stated an intention to carry out further noise monitoring before making a further application. 27.08.21 – Court hearing at Brighton Magistrates Court 24.08.21 – Court hearing held in abeyance following receipt of application 21/01716/FUL to address harm identified in EN 24.08.21 - Full planning permission granted [21/01716/FUL] for the use of the ground, first and second floors of the site in Use Class E(b) (restaurant and café) (including the use of the rear ground floor extension for ancillary kitchen purposes); and the installation of an acoustic louvre at the rear ground floor extension and ventilation extract and acoustic louvre at rear gable wall. Condition requires works of correction to be carried out within 3 months i.e. by 24.11.21 22.10.21 – to be monitored



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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 09.10.20 – owner confirmed works had not been undertaken as COVID-19 resulted in loss of employment and funds to undertake works 22.10.21 - No immediate threat to the LB but case to be reviewed to bring this matter to a conclusion and a letter before action to be sent to the owner
CC/21/00033/ CONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	excavation/digging, hardsurfaces and hardcore and introduction of caravans	18.12.20	TSN/73 notice issued Notice ceases to be in effect on 15.01.21 18.01.21 – Prosecution papers for non-compliance with the TSN forwarded to Legal Services 22.04.2021 – Statement to be amended 21.07.21 – prosecution papers under review by Legal Services 27.09.21 – additional information provided to Legal Services following review of prosecution papers 22.10.21 – prosecution documents to be returned to legal following amendment by enf officers.
CC/20/00380/ CONTRV (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	05.01.21	EN CC/151 issued Appeal Hearing to be held on 22.02.22 at EPH

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CC/21/00033/C ONENF (Sue Payne)	Land North West Of Newbridge Farm Salthill Road Fishbourne Chichester	Building operations – excavation/digging of trenches, hard surfaces, erection of buildings/structures and bringing on further mobile homes or caravans	05.01.21	SN CC/152 issued Notice effective as of 09.01.21
CC/20/00223/ CONBC (Emma Kierans)	125 Cedar Drive Chichester	Breach of condition – obscure glazing	21.04.21	BCN CC/153 issued Planning permission issued [Ref:21/01789/DOM] regularised matters set out in BCN. Notice withdrawn <b>Remove from next list</b>
D/20/00180/ CONBC (Emma Kierans)	Former St Wilfrids Hospice Grosvenor Road Donnington	Breach of condition – hours of operation	23.11.20	BCN D/11 issued Date to comply by 21.12.20 11.01.21 - keep open for monitoring 20.04.21 – keep open for monitoring 19.07.21 – construction to be finished in September. Keep open until completed 30.09.21 – continue to monitor
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 09.10.20 – Prosecution papers forwarded to Legal Services 20.01.21 – Legal Services reviewing the case 20.04.21 – Further site visit arranged to update statement 21.07.21 – prosecution under review by Legal Services 30.09.21 – awaiting review from legal on prosecution

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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 14.12.20 – letter before action sent 20.01.21 - Prosecution papers to be prepared 02.02.21 – Prosecution papers forwarded to Legal Services 21.07.21 – As above 30.09.21 – awaiting review from legal on prosecution
EWB/19/00332/ CONHH (Emma Kierans)	Sunlands Bracklesham Lane Bracklesham Bay Chichester	Breach of condition – removal of hoarding	0712.20	BCNEN EW/48 issued Compliance date 18.03.21 20.04.21 - Compliance check to be carried out 18.07.21 – compliance check, the hoarding is still there 15.09.21 – letter before action sent 22.10.21 – prosecution to be considered
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 Awaiting new PINs site visit date 27.09.21 – Appeal site visit undertaken with the Planning Inspector on 24 <sup>th</sup> August 2021. Awaiting decision
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, compliance varied to 8 months New compliance date 21.03.21 19.07.21 – Letter sent to landowner to arrange a site visit to check compliance with enforcement notice 06.09.21 – Site visit showed compliance not achieved 30.09.21 - Agreed to hold prosecution proceedings in abeyance pending the outcome against refusal of 21/01003/ELD

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FU/20/00299/ CONENF (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. 15.10.20 – Updated witness statement sent to legal for consideration 19.11.20 – Listed for court at 10.00hrs on 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 19.07.21 – The above case has been adjourned pending the outcome of appeal against refusal of planning permission: 20/00534/FUL 25.11.21 - First hearing at 10:00 at Crawley Magistrates' Court
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 Appeal lodged – Hearing – virtual event 25/01/21 29.01.21 - Appeal dismissed New compliance date 29.04.21 19.07.21 – compliance SV scheduled for 22.07.21 18.10.2021 – compliance SAV required
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 15.10.20 – Further witness statement for the prosecution being completed on request from Legal 19.11.20 – Listed for court at 10.00hrs 29.01.21 at Brighton Magistrates Court 25.01.21 - The above case has been adjourned to 30/07/2021 at Brighton Magistrates Court at 11:00 30.07.21 – Defendant found guilty in absence - £2500 fine, £1161.95 costs and £181 victim surcharge 18.10.2021 – SV required to check compliance with the BCN
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 20.01.20 - site visit required to check on compliance 22.04.21 – Enforcement Notice has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. Once this has been discharged, the enforcement case can be closed 19.07.2021 – awaiting discharge of drainage condition 18.10.2021 – still awaiting an application to discharge the drainage condition. Agent has been chased for this

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FU/20/00288/ CONENG (Tara Lang)	Land West of Newells lane West Ashling	Without planning permission, the carrying out of engineering operations to remove top soil and excavate the ground, followed by the importation of hard-core and gravel to form areas of hardstanding and an access track	28.10.20	EN FU/77 notice issue Appeal lodged – Informal Hearing date tbc
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The importation and laying of hard core materials and tarmac to form an access track and hard standing, the use of plant and machinery on the land, the siting and importation of mobile homes and caravans to the land	27.08.20	TSN/70 notice issued Notice ceases to be in effect on 24.09.20 07.09.20 – papers for prosecution submitted to Legal Services for non-compliance with TSN 13.11.20 – Hearing at Brighton Magistrates Court 21.01.20 – Hearing at Crawley Magistrates Court 13.01.21 – relisted by court to 17.06.21 17.06.21 – Hearing referred for trial on 13.10.21 13.10.21 - Defendant pleaded not guilty. Trial set for 13th October 2021 at 10.00 at Horsham Magistrates Court. Enforcement Notice and Stop Notice served 8th September 2021. Trial heard 13th October 2021. Defendant found not guilty because the judge considered that the defendant was not aware of the work being undertaken on his land. The defendant stated that he had sold the land in April 2020. Although he did not inform the land registry until October 2021 18.10.2021 – the defendant was found not guilty. Therefore the enforcement case can now be closed. <b>Remove from list</b>

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FU/19/00294/ CONBC (Tara Lang)	Land East of Tower View Nursery West Ashling Road Hambrook	Breach of conditions – excess number of caravans	19.01.21	BCN FU/78 issued Compliance date 18.07.21 19.07.21 – site visit required to check on compliance with the BCN 18.10.2021 – letter sent to owner to request site visit to check compliance
FU/21/00087/ CONBC (Tara Lang)	3 West Ashling Road, Hambrook, Funtington, West Sussex	Breach of conditions – occupation category	08.02.21	BCN FU/79 issued Compliance date 08.08.21 18.10.2021 evidence of occupation of mobile home required to undertake prosecution proceedings
FU/20/00109/ CONTRV (Shona Archer)	Field west of Beachlands Nursery, Newells Lane Funtington	Without planning permission the change of use of the land to a residential mobile home/caravan site	17.03.21	EN FU/80 issued Appeal lodged – Informal Hearing
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the material change of use of the Land to use as a residential mobile home site	17.03.21	EN FU/81 issued Compliance date 24.10.21
FU/18/00270/ CONBC (Tara Lang)	Land West of Beachlands Nursey Newells Lane, West Ashling, Chichester, West Sussex	Without planning permission, the formation of a hardstanding and the installation of a metal container building	17.03.21	EN FU/82 issued Compliance date 24.10.21

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FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	Without planning permission the change of use of land to use for the parking of motor vehicles, storage and disposal of items and waste	19.08.21	EN FU/83 issued Compliance date 30.12.21
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	The parting of motor vehicles, importation, storage and disposal of household items and waste, creation of hardstandings	19.08.21	SN FU/84 issued This notice takes effect 23.08.21 when all activity specified shall cease.
FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	27.09.21	EN FU/87 issued Compliance date 08.05.22
FU/21/00152/ CONTRV (Tara Lang)	Land to west of Newells Farm Newells Lane West Ashling	Cease introduction and stationing of additional mobile homes/caravans and hardcore, ground works and tarmac	27.09.21	SN FU/88 issued This notice takes effect 01.10.21 when all activity specified shall cease



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FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	Without planning permission, the material change of use of the land to use as a residential mobile home/caravan site	08.09.21	EN FU/89 issued Compliance date 20.04.22 Appeal lodged – awaiting validation and fee
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The introduction and stationing of additional mobile homes/carvans and the carrying out of ground works	08.09.21	SN FU/90 issued This notice takes effect 12.09.21 when all activity specified shall cease.
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission, the material change of use of the land to a general storage use.	11.03.21	EN HN/28 issued Appeal lodged – Written Representation
HN/20/00400/ CONCOU (Sue Payne)	Land east of Farmfield Nurseries Selsey Road Hunston	Without planning permission the erection of two container buildings	11.03.21	EN HN/30 issued Appeal lodged – Written Representation
LX/20/00069/ CONHI (Sue Payne)	Garton House High Street Loxwood	High Hedge	21.09.20	HHRN HH/23 issued Compliance date step one 20.04.21 Compliance date step two 20.04.22 April 2021 – step one compliance completed

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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 03.08.20 – Appeal dismissed New compliance date 03.11.20 Date for compliance varied to 30.04.21 20.07.21 – owner is abroad. Monitor and contact owner again about steps being taken to bring about compliance 22.10.21 – SV required to update
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 20.12.19 – Confirmation received that only a limited number of vehicles remain. Application for retention to be submitted 09.04.20 - planning application submitted 29.05.20 – application 20/00882/FUL refused 18.08.20 – site visit carried out. Most of the vehicles and caravans have been removed 03.02.21 – letter before prosecution action sent. 22.04.21 – a few vehicles left on the site 19.07.21 – Officers are continuing to work with the landowner to achieve full compliance 18.10.2021 – a/w outcome of planning application: 21/0241/FUL

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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 Appeal lodged – Written Representations 23.10.20 – Appeal dismissed New compliance date 23.01.21 20.04.21 - compliance check to be carried out 27.04.21 – site visit showed non-compliance – prosecution proceedings to be commenced 02.07.21 – prosecution papers forwarded to Legal Services 28.09.21 – awaiting update from legal
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, 04.12.17 – EA confirmed use and importation and processing of feedstock had ceased. 17.10.18 – Planning Committee authorised extension to compliance until 21.05.21 21.6.19 – engagement with site owners ongoing 24.10.19 – officers in 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. 30.12.20 – owner confirmed his intentions to sell the site 20.01.21 – CDC monitoring situation 23.04.21 – Compliance site visit to be made after 21.05.21 24.05.21 – site visit identified non-compliance 28.06.21 – prosecution papers forwarded to Legal Services 22.10.21 – Officers, legal services, EP and EA are in contact to progress this matter.

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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 <b>As previous serial.</b>
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 <b>See PS/13/00015/CONAGR serials</b>

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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 21.09.20 – Appeal dismissed with variation - Cease the residential use of the dwellinghouse and remove all the structure, components and fittings apart from any remaining parts of the original structure of the agricultural building New compliance date 21.09.21
PS/20/00182/ CONCOU (Sue Payne)	Manor Copse Farm Oak Lane Shillinglee Plaistow	Without planning permission, the erection of a building	25.08.21	EN PS/70 issued Compliance date 06.01.22 Appeal lodged
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 20.07.2021 – Building works continue on the housing site at this time 26.08.21 – application 21/02603/FUL submitted for extension of time as building site compound
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 20.07.2021 – This notice has been effective. No use of the access has been reported or observed

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SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	Without planning permission, the laying and compaction of hard core and tarmac chippings over an existing (unmade) track and to create new access tracks and the formation of an earth bank	20.08.20	EN SB/120 issued Appeal lodged – Written Representations 03.02.21 – appeal dismissed New compliance date 03.08.21 18.10.2021 – a/w validation and determination of planning application: 21/02082/FUL which will require the retention of the access track
SB/20/00215/ CONTRV (Tara Lang)	Land South East side of Priors Leaze Lane Hambrook	The resurfacing of existing tracks, construction of new access tracks and earth bank	20.08.20	SN SB/121 issued with EB SB/120 Takes effect 24.08.20
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 20.01.21 to carry out compliance post COVID 20.04.2021 – Site visited the breach remains. Letter sent to the owner and their agent with regard to prosecution proceedings 20.07.2021 – Further correspondence sent out in reply to the planning agent regarding the outstanding breach

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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 Appeal Lodged – Informal Hearing 07.09.21 16.09.21 - The appeals against the enforcement notice are dismissed and the notice upheld. However, planning permission is granted for the change of use of land as private gypsy and traveller caravan site under 19/03043/FUL, dated 9 December 2019. <b>Remove from next list</b>
SI/21/00038/ CONMHC (Sue Payne)	Land east of Ivy Grange Keynor Lane Sidlesham	Without planning permission change of use of land to the stationing of a mobile home for human habitation	09.08.21	EN SI/78 issued Compliance date 20.09.22 Appeal lodged – Written Representation
SI/20/00238/ CONCOU (Emma Kierans)	Land Adjacent To Ham Road Keynor Lane, Sidlesham	Untidy Land	26.05.21	SI/76 S215 Notice issued Compliance date 24.09.21 12.10.21 – site visit showed some compliance. Case to be reviewed
SI/20/00301/ CONMHC (Sue Payne)	82A Fletchers Lane Sidlesham	Without planning permission the material change of use of the Land to a residential caravan site	15.06.21	EN SI/77 issued Appeal lodged – Written Representation

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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 19.10.20 – some works had been undertaken. Owner contacted and advised what further works would be required January 2021 – discussion with the owner to remedy the breach however restricted by COVID-19 regulations April 2021 – discussion with the owner to agree May 2021 to remedy the breach following COVID-19 restrictions lifted July 2021 – Owner advised that owing to furlough the works would not be completed until September 2021. Requested confirmation of such from the contractor 30.09.21 – Owner has confirmed no works will be undertaken. Prosecution papers to be drafted for review by the Legal Services Team
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued Appeal against refusal of planning application 19/01532/FUL 23.10.20 – Planning appeal dismissed New compliance date 28.01.21 14.01.21 - Planning application 20/03130/DOM submitted to change the use of the land 08.04.21 – application refused 03.07.21 – appeal lodged await appeal decision 30.09.21 – appeal ongoing



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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 23.10.20 – consideration of a prosecution is held in abeyance pending the appeal being determined 30.09.21 – appeal remains in progress
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 date amended to 14.09.21 Public Inquiry suspended to due illness of Inspector – continuation dates 11/12 <sup>th</sup> January 2022
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 date amended to 14.09.21 Public Inquiry suspended to due illness of Inspector – continuation dates 11/12 <sup>th</sup> January 2022

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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 date amended to 14.09.21 Public Inquiry suspended to due illness of Inspector – continuation dates 11/12 <sup>th</sup> January 2022
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 14.01.20 – Appeal dismissed with variation to compliance period to 12 months New compliance date 14.01.21 29.01.21 – date for compliance deferred to 31.03.21 22.04.21 – date for compliance deferred to 30.06.2021 19.07.21 – Property now for sale. Owner has requested additional time to comply. If no compliance achieved within 28 days, prosecution proceedings will commence 01.10.2021 – Property owner has been advised of intended prosecution for non-compliance with the notice

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WE/17/00403/ CONENG (Tara Lang)	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. Site visit required post COVID-19 24.07.20 – site visit carried out. Works to comply with EN still not completed. Consider prosecution for non-compliance 21.10.20 – Owner has confirmed his intention to comply with the Enforcement Notice. He requires advice on type of fence and gates acceptable in this location. Advised to submit an application for pre-application advice 14.01.21 – Owner has confirmed most of the works have been done to comply with the EN. Site visit required 22.04.21 – Owner has done most of the work to comply with Enforcement Notice. Part of the fence remains in situ. Officers now considering prosecution for the part of the notice not complied with 19.07.21 – Consideration is to be given for prosecution for non-compliance with the part of the notice not complied with 18.10.2021 – Further consideration of a prosecution for the fence required
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 25.11.20 09.12.20 – enforcement notice upheld with variation New compliance date 09.09.21 09.09.2021 – Residential use has ceased

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WE/19/00217/ CONCOU (Steven Pattie)	Land West of 4 The Paddocks, Common Road, Hambrook, Westbourne	Without planning permission the material change of use of the land to use as a residential caravan site	03.02.21	EN WE/49 issued Appeal lodged – Hearing 07.09.21 Decision awaited
WE/19/00107/ CONMHC (Steven Pattie)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the Land to use as a residential caravan site	07.07.21	EN WE/50 issued Compliance date 18.02.22 Appeal lodged – Written Representation
WE/19/00107/ CONMHC (Steven Pattie)	Land at Jubilee Wood, Bridle Lane, Woodmancote, Hambrook	Without planning permission, the material change of use of the land to a use for recreational purposes	07.07.21	EN WE/51 issued Compliance date 18.11.21 Appeal lodged – Written Representation
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a two storey dwelling house	13.07.21	EN WE/52 issued Appeal lodged – Public Inquiry
WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (east)	13.07.21	EN WE/53 issued Appeal lodged – Public Inquiry

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WE/21/00169/ CONDWE (Tara Lang)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the erection of a timber dwelling house (west)	13.07.21	EN WE/54 issued Appeal lodged – Public Inquiry
WE/19/00176/ CONT (Steven Pattie)	Land west of 4 The Paddocks Common Road Hambrook Westbourne	Tree Replacement Notice	11.08.21	WE/55 issued Compliance date 09.06.22
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 07.09.20 - Appeal is dismissed New compliance date 07.03.21 20.04.2021 – compliance check carried out. The vast majority of the work has been carried out 21.04.21 - Letter sent requesting removal of remaining items. 20.10.2021 – Further compliance check to be carried out before a view to closing or gathering evidence for a witness statement regarding any remaining items.
WW/16/00251/ CONCOU (Steven Pattie)	Land East of Brook House Pound Road West Wittering	Without planning permission, the material change of use of the wooden building to use as a single dwellinghouse	14.01.20	EN WW/49 issued Appeal lodged – Written representation 15.06.21 – Appeal dismissed New compliance date 15.10.21

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