

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 9 November 2022 at 9.30 am**

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

AGENDA

1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 12)

The minutes relate to the meeting of the Planning Committee on 5 October 2022.

3 **Urgent Items**

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

4 **Declarations of Interests** (Pages 13 - 14)

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

5 **BO/21/00571/FUL - Land North Of Highgrove Farm Main Road Bosham West**

Sussex (Pages 15 - 76)

Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction).

- 6 **BO/22/01550/FUL & BO/22/00876/LBC - Bosham Sailing Club The Quay Quay Meadow Bosham Chichester West Sussex PO18 8LU** (Pages 77 - 98)
Erection of balcony structure to replace the current marquee.
- 7 **BI/22/01742/FUL - Chichester Marina Birdham Chichester West Sussex PO20 7EJ** (Pages 99 - 118)
Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping (Variation of condition 3 from planning permission BI/12/00475/FUL - To allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365 sqm.)
- 8 **SY/21/02895/FUL - The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA** (Pages 119 - 127)
Retention of canopy to shopfront.
- 9 **WR/21/02064/FUL - Land South Of Dunhurst Barn Skiff Lane Wisborough Green West Sussex** (Pages 129 - 146)
Change of use of land to mixed agricultural and private equestrian, together with the erection of a stable building and menage and laying of a track.
- 10 **WW/22/01646/FUL - Land North-East Of The Truffles Piggery Hall Lane West Wittering West Sussex PO20 8PZ** (Pages 147 - 163)
Change of use of land to tourist accommodation including siting of 2 no. shepherd's huts and associated works.
- 11 **SDNP SO/21/02183/FUL - Green Lanes Farm Back Lane Forestside Stoughton PO9 6EB** (Pages 165 - 176)
Demolition of existing and construction of replacement farm office.
- 12 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 177 - 193)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 195 - 202)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 14 **Schedule of Contraventions** (Pages 203 - 229)
The Planning Committee is asked to consider the quarterly schedule updating the position with regards to planning enforcement matters.
- 15 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:

- a) Items added to the agenda papers and made available for public inspection

- b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

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

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)

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

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

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 5 October 2022 at 9.30 am

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

Members not present: Mrs J Fowler and Mr G Barrett

In attendance by invitation:

Officers present: Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs F Stevens (Divisional Manger for Planning), Mr T Day (Environmental Coordinator), Miss K Taylor (Senior Planning Officer), Mrs F Baker (Democratic Services Officer), Mr Belderson (Planning Link Officer, South Downs National Park) and Mr Kennedy (Environmental Manager, PUSH Partnership)

1 **Chairman's Announcements**

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

Apologies were received from Cllr Barrett and Cllr Fowler.

2 **Approval of Minutes**

Cllr Oakley raised the following amendments;

- Page 4, 5th paragraph up; 'it' should be replaced with if
- Page 6, 2nd paragraph down; insert the word 'of' after the word use.

He also raised concern that the minutes did not clearly identify the additional conditions agreed for Agenda Item 7. Ms Stevens acknowledged the concern and agreed further clarity would be given going forward.

Following a vote, the minutes of the meeting held on 7 September were received as a true and accurate record.

3 **Urgent Items**

There were no urgent items.

4 **Declarations of Interests**

Mrs Johnson declared a personal interest in;

- Agenda Item 5 – BI/22/01497/FUL – as a member of West Sussex County Council and the WSCC external appointment to the Chichester Harbour Conservancy
- Agenda Item 6 – BI/22/01498/FUL – as a member of West Sussex County Council and the WSCC external appointment to the Chichester Harbour Conservancy
- Agenda Item 7 – LX/21/02849/FUL – as a member of West Sussex County Council

Mr Oakley declared a personal interest in;

- Agenda Item 5 – BI/22/01497/FUL – as a member of West Sussex County Council
- Agenda Item 6 – BI/22/01498/FUL – as a member of West Sussex County Council
- Agenda Item 7 – LX/21/02849/FUL – as a member of West Sussex County Council

Mrs Sharp declared a personal interest in;

- Agenda Item 5 – BI/22/01497/FUL – as a member of West Sussex County Council
- Agenda Item 6 – BI/22/01498/FUL – as a member of West Sussex County Council and as a member of Chichester Cycle Forum
- Agenda Item 7 – LX/21/02849/FUL – as a member of West Sussex County Council

As a registered speaker Cllr Moss declared a personal interest in;

- Agenda Item 5 – BI/22/01497/FUL – as the CDC external appointment to the Chichester Harbour Conservancy
- Agenda Item 6 – BI/22/01498/FUL – as the CDC external appointment to the Chichester Harbour Conservancy

5 **BI/22/01497/FUL - Premier Marinas (west car park), Chichester Marina, Birdham, PO20 7EJ**

Miss Taylor presented the report to Committee. She drew the Committee's attention to the Agenda Update sheet, which confirmed the applicant as Premier Marina's Ltd and; included an additional consultation response from West Sussex County Council Public Rights of Way, who had no objection to the application.

Miss Taylor highlighted the site location and confirmed that it was located within Birdham Parish but outside the settlement boundary. The site was located within the Chichester Harbour AONB.

Miss Taylor went over what the application proposed and detailed the proposed appearance and dimension of the proposed payment station. She confirmed that officers believed the size and scale was acceptable and would not cause any harm to the surrounding AONB.

The public right of ways (PROW) which run alongside the site were highlighted to the Committee, Miss Taylor confirmed the installation would not conflict with them in anyway and reiterated that no objection had been received from WSCC Rights of Way Officers.

Miss Taylor advised the Committee that parking arrangements at the site were not part of the planning application and were a private matter which would be addressed by the Management Company. However, in response to concerns raised by both Apuldrum and Birdham Parish Council's West Sussex County Council highways had advised that there were legal mechanisms in place to discourage parking on roads outside the application site.

The following representations were received;

Cllr Graham Campbell – Birdham Parish Council
Mr Andy Pearce – Agent
Cllr Adrian Moss – CDC Member

Officers responded to Members comments and questions as follows;

On the matter of whether parking charges were a consideration for the Committee or not; Miss Taylor confirmed that they were not. In addition, Ms Stevens explained that whilst introducing parking charges was a commercial decision, the Planning Committee could consider the potential impact on local roads arising from the proposal. However, she reminded them that WSCC have raised no concerns.

Following a vote, the Committee voted in favour of the report recommendation to **permit**.

Resolved; **Permit**; subject to the conditions and informatives set out in the report.

6 **BI/22/01498/FUL - Premier Marinas (East car park), Chichester Marina, Birdham**

Miss Taylor presented the report to Committee. She drew their attention to the Agenda Update Sheet which included; confirmation of the Applicant; Additional

Consultation Responses from WSCC Highways Authority and WSCC Public Rights of Way and; an additional informative.

Miss Taylor advised the Committee of a verbal update on Condition 3, which would be amended to state; 'Notwithstanding the submitted details, the island and entry and exit barriers....'

Miss Taylor explained that Agenda Item's 5 and 6 were related and showed the Committee the relationship between the two application sites. She reminded the Committee that the site was located within the Chichester Harbour AONB.

Miss Taylor explained the application and what was being proposed. She informed the Committee that the applicant had indicated that there would be reduced charges for staff.

She confirmed that officers considered the size and scale of the application to be acceptable and would be unlikely to cause any harm on the surrounding AONB. However, Miss Taylor explained WSCC Public Rights of Way had submitted an objection to the proposed barrier structure over concerns it would impact within the width of the public footpath and therefore restrict lawful access. In response, to these concerns Condition 3 was amended clarifying that, if the application were permitted, further consent would be required from WSCC Public Rights of Way team. The applicant had also submitted further plans showing how the footpath could be accommodated.

Miss Taylor highlighted the land ownership of the site; she drew attention to the area of land on the eastern side of the access road which was in the ownership of West Sussex County Council. The applicant would be required to obtain separate permission from WSCC as the freeholder before undertaking any works on site.

WSCC Estates had also advised of an existing covenant which would need to be maintained, Miss Taylor highlighted that the applicant would be made aware of this through Informative 5 of the report (page 41).

Miss Taylor showed the Committee the proposed car park layout.

The following representations were received;

Cllr Graham Campbell – Birdham Parish Council
Mr Andy Pearce – Agent
Cllr Adrian Moss – CDC Member

Officers responded to Members comments and questions as follows;

On the matter of a potential impingement from the barriers when down on the Public Rights of Way; Miss Bell acknowledged the concerns raised. She assured the Committee officers had spent much time considering the application and talking to WSCC PROW officers. Following further discussions with the applicant, officers were confident that any issue of impingement could be resolved. Ms Bell confirmed further permission would be required from WSCC PROW in addition to the

requirements of Condition 3 and this requirement was set out in the informatives included within the report.

With regards to ticketing arrangements; Ms Bell informed the Committee this was a management arrangement and not a planning issue.

On the issue of the barrier width; Ms Taylor referenced the figures quoted within the Committee report. She informed the Committee further details had been provided by the applicant and an additional plan had been submitted which showed the public rights of way to measure 1.7m in width.

On the matter of the Public Right of Way classification; Ms Bell confirmed the right of way was a footpath. Users of the footpath would be expected to travel along the footpath in both directions.

With regards to lighting on the barrier; Ms Taylor informed the Committee that information on this matter had not been supplied by the applicant. However, a further Condition would be included to ensure any lighting scheme was approved before installation.

On the matter vehicle movement on site; Ms Bell agreed a Condition would be included to manage the movement of vehicles on site and address capacity concerns in order to ensure that vehicles were not unable to enter the site and therefore forced to turn on the access road leading to the marina.

Following a vote, the Committee voted in favour of the report recommendation to **permit**.

Resolved; **Permit**; subject to the conditions and informatives set out in the report, as well as the amendment to condition 3 and additional informative set out on the Agenda Update Sheet, and the two new conditions to address lighting and vehicle movement on site.

**Members took a ten-minute break*

7 **LX/21/02849/FUL - Land South West of Willets Way, Willets Way, Loxwood**

Mr Mew presented the report to Committee. Mr Mew drew the Committee's attention to the Agenda Update Sheet, which included; additional addendums to the report and an Additional Condition to address on-site water neutrality measures.

Mr Mew drew the Committees attention to paragraph 7.11 (page 58) of the report. He informed members that it was important to note that following a recent public inquiry the Planning Inspector had found the Council's housing land supply to be below five years. Mr Mew explained that as the Council no longer had a five-year housing land supply the tilted balance must be applied when determining planning applications.

Mr Mew outlined the site location; which was located outside the Loxwood settlement boundary. The site was bordered on three sides by existing developments. Mr Mew highlighted the historic buildings and confirmed there was a 30m distance between them and the proposed development.

The Committee were shown details of the proposed site layout and how it would be accessed from Willetts Close. The development would be comprised of five dwellings including;

- x2 two-bedroom dwellings
- x2 three-bedroom dwellings
- x1 four-bedroom dwelling.

Mr Mew showed site elevations and confirmed the proposed materials were consistent with the local area.

Mr Mew detailed the measures proposed by the developer to achieve water neutrality and explained how a two-pronged approach was being taken with both onsite and offsite measures (as set out in the report from page 68). He explained the offsite measures would be controlled through a S106 with all interested parties involved, including Horsham District Council and the South Downs National Park.

Natural England had been consulted on the proposed mitigation measures as part of the Habitats Regulations Assessment (HRA) and was satisfied that water neutrality could be achieved through the proposed measures.

The following representations were received;

Cllr Tony Colling – Loxwood Parish Council
Mr Charles Todhunter – Objector*
Mrs Hannah Carey – Objector*
Mrs Kathryn Smalley – Objector (statement read by Mrs Fiona Baker)
Mr Huw James – Agent
Cllr Gareth Evans – CDC Ward Member (Statement read by Mrs Fiona Baker)

*prior to speaking the Chairman asked both Mr Todhunter and Mrs Carey to confirm that they were speaking as an individual and not as a representative of the Parish Council, both confirmed they were speaking as individuals.

Officers responded to Members comments and questions as follows;

On the matter of the Interim Position Statement (IPS) and what weight it carried; Mr Mew confirmed the IPS was a guidance document and not policy. The IPS was used to help direct development to the most appropriate locations. When the tilted balance is engaged any adverse impacts must demonstrably outweigh the benefits.

In response to concerns regarding the artificial subdivision of the site; Mr Mew agreed that it appeared some artificial subdivision of the site had taken place. However, whilst this was not encouraged within the IPS, it did not mean the site was not suitable and should be considered.

With regards to 'double counting' in terms of water neutrality; Mr Mew confirmed the proposed off-site measures would be for the sole benefit of the application being considered. He explained the development where the offsite measures were being installed had been permitted before the issue of water neutrality and were not required to deliver any mitigation measures. In addition; the off-site mitigation measures would be controlled through a S106 with all interested parties being a signatory, whilst the on-site mitigation measures would be controlled through condition.

In response to concerns regarding rainwater harvesting as a mitigation measure for water neutrality; Ms Stevens advised the Committee that Natural England were the statutory body responsible for managing water neutrality and advising on what mitigation measures were acceptable. She confirmed rainwater harvesting, despite concerns raised by the Committee, was an accepted mitigation measure approved by Natural England.

On the matter of the proposed landscaping condition; Ms Stevens explained that following a series of in-house discussions and legal advice, the five-year time frame for maintenance and replacement from standard landscaping conditions had been removed. By removing the fixed time from the condition applicants would be required to maintain and replace any planting in perpetuity.

In response to concerns regarding the management of the shared area of the development; Mr Mew informed the Committee this would be addressed through Condition 10 and drew their attention to page 72. However, in response to the Committee's concern an additional Condition would be included to ensure appropriate management of the three open areas is maintained.

On the matter of bat mitigation; Mr Mew confirmed that bat mitigation measures would be included as part of the ecology appraisal submitted as part of the application.

In response to concerns raised over foul sewage; Ms Bell informed the committee that as part of their consultation response Southern Water had requested the informative detailed in para 6.3 (page 49) be included with any permission granted. She clarified they had not requested any off-site works to be undertaken to accommodate the development, however, they would require a formal application for the connection. Ms Bell advised the proposed informative could be included as a condition if the application were permitted.

On the matter of the five-year housing land supply (5YHLS); Ms Stevens informed the Committee the 5YHLS was produced on an annual basis by the Planning Policy. The most recent published position showed the council had a 5.3 5YHLS, however, this had been tested at appeal and failed. Ms Stevens explained the current 5YHLS had been found to be 4.8 years at the most recent appeal, and advice from Counsel was that to continue to state a 5 year supply position would likely result in unreasonable behaviour and award of costs. This means the Council cannot demonstrate a five-year supply at this time and the tilted balance must be

applied where necessary. Ms Stevens confirmed the 5YHLS was a material consideration.

On the matter of the Loxwood Neighbourhood Plan; Ms Stevens clarified that the Plan did form part of the Development Plan and had been taken into consideration for example in the design of the buildings and proposed materials.

With regards to the installation of solar panels; Mr Mew confirmed there would be 10 solar panels installed on each of the two semi-detached units and 12 on each of the three detached houses as part of the development.

On the matter of windfall housing; Mr Mew confirmed any windfall housing would contribute to supply.

Having listened to the discussion Cllr Brisbane proposed the application be deferred for a site visit for the following reasons;

- to further understand whether there is likely to be any impact on the listed buildings.
- to understand the how the site has been subdivided.

It was also requested that when the application is brought back to Committee further explanation is provided for the issues;

- the current 5 YHLS position
- Water neutrality

The proposal was seconded by Cllr Sharp.

Following a vote, the Committee voted in favour of Cllr Brisbane's proposal to **defer for a site visit**.

Resolved; **Defer for a site visit**.

**Members took a ten-minute break.*

**Cllr Briscoe left the meeting at 12.02pm*

8 **Nitrate Mitigation Scheme at Droke Lane, East Dean**

Ms Stevens presented the report to the Committee. Mr Day, (Environmental Manager), Mr Belderson (Planning Link Officer, South Downs National Park) and Mr Kennedy (Environmental Manager, PUSH Partnership) were in attendance to assist.

Ms Stevens explained approval to enter into a legal agreement pursuant to Section 106 of the Town and Country Planning Act and Section 33 of the Local Government Miscellaneous Provisions Act, to secure a nitrate mitigations scheme at land known as Droke Lane, East Dean was being sought.

The proposed legal agreement would be between Chichester District Council, the South Downs National Park Authority and the owners of the land. Ms Stevens explained the SDNPA were included as a signatory as the land was located within the national park and it would be the responsibility of the SDNPA to monitor and enforce the agreement.

The agreement would allow the landowner to sell credits to developers for the level of nitrates removed by taking the land out of agricultural use. Each credit sold would be the equivalent of approximately 1kg of nitrogen per year. Ms Stevens explained the number of credits provided by the site would accommodate around 158 dwellings, resulting in 126.67kg of nitrates being removed from the Harbour.

Ms Stevens explained what was meant by nutrient neutrality and provided an overview of how it had impacted development within the Chichester Harbour catchment area. She showed the Committee the catchment area for the Harbour and highlighted where the proposed scheme was located.

The site area was 4.78ha and was classified as grade 3, 4 and 5 agricultural land. It had been taken out of active agriculture in June 2021; this had been supported by a signed declaration.

In addition, to securing nitrate mitigation, the site had provided an opportunity to deliver wider biodiversity gains. As a result, the scheme had been developed in consultation with SDNPA and offered a range of different landscapes including the infilling of hedgerows, wild meadow, and grassland.

Natural England had been consulted on the proposals. To begin with they had raised concern over the certainty of how the site would be monitored and maintained, however, following further discussion they were now fully supportive of the scheme and content that it would deliver the nitrate mitigation proposed.

Ms Stevens explained how the scheme would operate, she highlighted that unlike previous schemes which required an individual S106 legal agreement, credits purchased from this scheme would be managed through a planning condition. The proposals indicated the credits were intended for small developers who had previously been unable to progress projects due to the cost associated with nitrate mitigation.

The monitoring of the site would be undertaken by the South Downs National Park and was included within the legal agreement. In addition, Planning Officers would undertake an assessment each time an application was put forward offering mitigation from the site.

Ms Stevens informed the Committee officers from the SDNPA would undertake an annual site visit for the first five years, then a five yearly would take place for the remaining 120 years.

The following representations were received;

Mrs Kerry Simmons – Agent

Officers responded to Members comments and questions as follows;

In response to concerns credits could be sold to developments outside the district; Mr Kennedy assured the Committee the scheme had been designed to facilitate development in Chichester District and credits would not be sold to developments outside the district.

With regards to large scale development; Ms Stevens explained that whilst it was not possible to prevent the owner from selling all credits to a single development, the proposals indicated that it was not their intention to do so. The scheme had been developed to bring small scale development forward.

With regards to the long-term management of the site; Ms Stevens confirmed this was controlled through the S106 agreement in accordance with the management plan. It would be the responsibility of the landowner to maintain and manage the land.

In response to queries regarding whether run-off would be diverted away from Chichester Harbour; Ms Stevens informed the Committee the scheme proposal had been accompanied by an extensive hydrological report which had been reviewed by specialists at Natural England. They were satisfied that Chichester Harbour would be the sole beneficiary from removing nitrates at the site, and Mr Day in response to questions explained that they did not believe any runoff would enter watercourses running to Pagham Harbour (except maybe in an extreme weather event).

With regards to the lack of tree planting at the site; Mr Belderson acknowledged concerns that the preferred density of trees, as recommended by Natural England, had not been planted. However, he explained the overarching scheme would offer greater biodiversity benefits and had been developed in consultation with both the SDNPA and Natural England.

On the issue of monitoring and enforcing the site; Mr Belderson informed the Committee the sum provided by the overarching S106 agreement would cover the cost of monitoring and enforcement the site. It would be the responsibility of the SDNPA (as part of the S106 agreement) to monitor and enforce the site in accordance with the management plan.

In response to queries over the proposed level of nitrate being removed; Mr Kennedy informed the Committee a precautionary principle of 20% was embedded in the calculations. The principle had been tested successfully as part of a Judicial Review.

On the matter of the current 'state' of the Harbour; Mr Day informed the Committee that the most recent data sets were released by Natural England in 2020. At this time the Harbour was described as 'unfavourable/declining'.

With regards to the impact on the Harbour from growth plans in the Southampton area; Mr Kennedy assured the Committee these would have no impact on Chichester Harbour.

On the issue of whether the Council were legally allowed to enter into such an agreement; Ms Golding confirmed they were.

On the matter of consultation; Ms Stevens explained that a consultation was not required.

Following a vote, the Committee voted in favour of the report recommendation to;

That the Committee approves the recommendation to enter into a legal agreement with the owner of land at Droke Lane, East Dean, and the South Downs National Park Authority to secure the provision of a credit-selling nitrates mitigation scheme.

Resolved;

That the Committee approves the recommendation to enter into a legal agreement with the owner of land at Droke Lane, East Dean, and the South Downs National Park Authority to secure the provision of a credit-selling nitrates mitigation scheme.

**Cllr McAra left the meeting at 12.57*

9 Chichester District Council Schedule of Planning Appeals, Court and Policy Matters

The Chairman drew the Committee's attention to the Agenda Update which included an update on High Court Hearings at land at Flat Farm.

The Committee agreed to note the item.

10 South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters

The Committee agreed to note the item.

11 Consideration of any late items as follows:

There were no late items.

12 Exclusion of the Press and Public

There were no part two items.

13 Agenda Update Sheet - 05.10.2022

The meeting ended at 1.47 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 5 October 2022

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 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
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- 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:

- Mrs D Johnson – Chichester Harbour Conservancy

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:

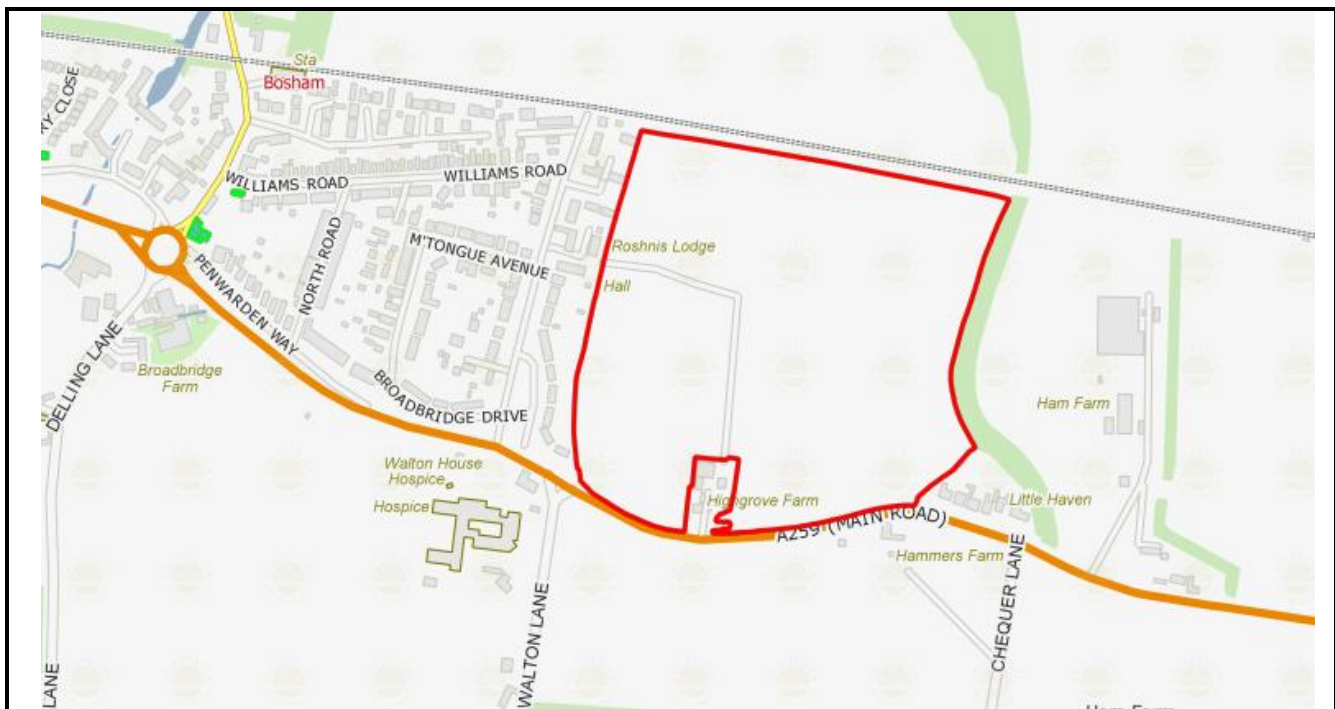
- Mr B Brisbane – Chichester Conservation Area Advisory Committee (Member)
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Bosham	Ward: Harbour Villages
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BO/21/00571/FUL

Proposal	Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction).		
Site	Land North of Highgrove Farm Main Road Bosham West Sussex		
Map Ref	(E) 481807 (N) 105197		
Applicant	Barratt David Wilson Homes	Agent	

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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

- 1.1 Parish Objection - Officer recommends Permit.
- 1.2 Councillor Penny Plant Red Card: Exceptional level of public interest.

2.0 The Site and Surroundings

- 2.1 The application site comprises a large and broadly flat arable field which, on its western side, adjoins the Settlement Boundary of Broadbridge. On its southern side the 14.61 hectare (ha) site is contiguous with the A259 Main Road, which itself defines the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site wraps around, but does not include, the Highgrove Farm complex of buildings on the southern boundary. The Highgrove Farm complex consists of a detached dwelling along with a number of low-key commercial uses which occupy former agricultural buildings. The site's eastern boundary is marked by a ditch, a line of vegetation beyond that and then another parcel of agricultural land attached to Ham Farm. To the north the site is bounded by the West Coastway railway line and to the west by the residential properties off Brooks Lane and Barnside. There is a gated agricultural field access from Barnside in the north-west corner of the site. The site is generally flat but with a slight fall in levels from the north to the south-west and south-east. The site is located wholly in Flood Zone 1 as defined by the Environment Agency and therefore at the lowest risk of flooding. The Agricultural Land Classification is predominantly Grade 2 with the land adjacent to the western boundary and along the northern boundary being Grade 1. There are no public rights of way running across the site.
- 2.2 For the purposes of the development plan which comprises the adopted Local Plan, the made Bosham Parish Neighbourhood Plan (BPNP) and the Site Allocation Development Plan Document 2014-2029 (SADPD), most of the site is located outside of the Settlement Boundary and therefore within the Rest of the Plan Area where development is generally restricted to that which needs a countryside location. However, part of the site in the south-west corner comprising an area of 2.2 ha is identified for new housing in policy BO1 of the SADPD and secured full planning permission for 50 dwellings in 2018 (BO/17/03148/FUL). That permission has not been implemented and it expired on 15 January 2022. Notwithstanding that the permission has recently lapsed, the principle of building 50 dwellings on that part of the current application site is now established through the SADPD and the settlement boundary for Bosham is now revised to include that land.

3.0 The Proposal

- 3.1 Full planning permission is sought for the erection of 300 dwellings along with associated development including extensive Suds infrastructure, a Community Hall (248 sqm GFA), allotments (approximately 4,469 sqm), an electricity sub-station, foul sewage pumping station and more than 2.8 ha of public open space, with the latter area incorporating 931m² of equipped play area, a landscaped buffer to the east and north site boundaries and a mini grass football pitch suitable for children under 10 years old.
- 3.2 A single permanent vehicular access is proposed from the A259 Main Road in the same position as the previously approved access for the 50-dwelling scheme. The access comprises a conventional priority access junction arrangement with a 30m wide bell-mouth running into a 5.5m wide spine road. As with the previous approval for the 50-dwelling scheme the access arrangement incorporates a 3.0m wide 'Ghost Island Right Turn Lane' within the centre of the A259 carriageway, with the creation of this feature necessitating a slight widening of the A259 into the site. A pedestrian refuge island is to be provided 33m west of the centre line of the access to facilitate crossing of the A259. A 4 m wide second vehicular access to the site from the A259 with 12 m wide bellmouth is shown provided further to the east, the use of which will be restricted to a construction access and as a

temporary sales and emergency access. Once the sales access is no longer required the access would revert to a pedestrian and cycle connection only.

3.3 On the western boundary a footpath and cycleway connection would be provided through to Barnside in the north-west corner of the site, providing onward connectivity to the railway station and parade of shops in Broadbridge.

3.4 The proposed housing mix and tenure is as follows:

Market Mix - 210 dwellings

8 x 1 bed
70 x 2 bed
90 x 3 bed
42 x 4 bed

Affordable Housing - 90 dwellings

26 x 1 bed (20 x affordable/social rent, 1 x shared ownership, 5 x First Homes)
38 x 2 bed (27 x affordable/social rent, 2 x shared ownership, 9 x First Homes)
22 x 3 bed (14 x affordable/social rent, 1 x shared ownership, 7 x First Homes)
4 x 4 bed (all affordable/social rent)

3.5 The development comprises predominantly 2 storey houses and apartments with some 2.5 storey houses and adopts a traditional design with a palette of materials comprising brick, render, tile-hanging and flint with red and grey roof tiles. Some dwellings (39) have chimneys.

3.6 The proposal provides for 717 parking spaces through a combination of on and off plot parking, garages and visitor parking (60 spaces). A shared parking court with 14 spaces is also provided for the Community Hall and allotments. All dwellings are to be provided with electric vehicle charging facilities.

3.7 The application must mitigate for the additional nitrogen loading that would result from the development to ensure that the development overall is nitrate neutral. The applicant has therefore secured 3.40 hectares of existing farmland at Chilgrove Farm formerly used for the growing of cereal crops which will be planted up with native broadleaved woodland.

4.0 History

17/03148/FUL	PER106	Construction of 50 dwellings, landscaping, associated works and access from the A259.
19/01227/EIA	EIA Not Required	Screening opinion - 300 dwellings (including re-planning of the approved 50 dwellings on the site), a 2FE Primary School, community buildings and public open space.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Bosham Parish Council**

(Comments received 08.09.2022)

We NOTE that a total of 139 substitute plans have been lodged since August 3, in two tranches. At no time have BPC been advised of this new information by CDC. It is not possible to detect what changes are proposed without many hours of comparison and it would have been helpful if the applicants had highlighted these as happens with substitute plans in most other applications.

We NOTE that the amount of open space on the eastern side has now been noticeably narrowed. We maintain and reiterate our objection of 8th April 2021. In addition, we query the wisdom of building Grade 1 and 2 farmlands at a time of great uncertainty over food security for our country.

We have further concerns with regards to the inadequate amount of parking that has been allocated to the allotments and community centre.

(Comments received 13.01.2022)

Maintain our previous objections.

(Comments received 08.04.2021)

Bosham Parish Council strongly object to this application.

As you know, BPC has consistently objected to proposals for any significant housing development on this site which goes beyond the 50 dwelling units agreed through the adopted Local Plan. As you may be aware BPC have, on a without prejudice basis, agreed to engage with the applicant to try and ensure that whatever scheme comes forward, it does so in the best possible way.

Having reviewed the scheme and Chichester District Council's Position Statement of November 2020 BPC have identified a number of concerns outlined below. In assessing this scheme, BPC have had regard to the recent High Court decisions (of March 2021)

concerning Gladman Developments and the presumption in primacy given to the adopted Development Plan policies compared with the NPPF.

In particular the judgements reinforce upon the decision maker the need to consider carefully all the policies of the Plan and attach appropriate weight. It is not simply a case of policies being rendered out of date because of the lack of housing land supply and that the tilted balance in NPPF automatically leads to a grant of planning permission (see Gladman Developments Limited v Secretary of State for Housing and Local Government, case CO/3932/2019 and CO/4265/2019). In that context the District Council needs to carefully consider how it applies itself in relation to Section 5 and paragraph 6.1 of its Position Statement having regard to these judgements.

Principle

As noted above, recent High Court decisions have influenced how the NPPF guidance ought to be applied and the weight attached to adopted Local Plan policies. The Court judgement notes that NPPF is non statutory guidance whereas the adopted Local Plan is underpinned by Statute. Whilst NPPF is a material consideration, it remains the case that development plan policies are not to be excluded from consideration in the tilted balance exercise. The decision maker must have regard to all relevant development plan policies and any other material considerations. Footnote 7 does not render obsolete the policies deemed to be out of date and it remains a matter for the decision maker to assess these and attach appropriate weight. On this basis, the District Council needs to consider carefully all the adopted policies, the weight they can attach to them - including the housing delivery policies stated in the adopted Local Plan. The process of determining this planning application is not considered to be as straightforward as perhaps is indicated in the applicant's Planning Statement. In this regard, it is important to consider the Chichester Local Plan Key Policies (CLPKP) as a starting point. In particular, Policy 2 concerning settlement hierarchy and Policy 45 relating to development in the countryside.

BPC set out below more detailed comments, in no particular order.

Housing Mix

BPC have noted the comments made by the Housing Enabling Officer. In particular, BPC are concerned that unless the mix of housing reflects the most up to date evidence base, in this case the HEDNA 2020, then the proposals cannot be deemed to meet the social sustainability criteria laid down at paragraph 8b) of the NPPF. BPC recognise that its existing housing stock in the Parish is weighted towards the 3 or more bedroom dwelling and that the proposed mix of market housing is heavily weighted to this category as well. If this mix were permitted, it would undermine the social objectives being promoted in the Local Plan and not contribute to a balanced community within the Bosham area. Another important element of the housing mix is addressing the various age profiles within the locality. At present there is no indication of any homes either suitable for older people or which comply with the Lifetime Homes design thus ensuring they meet accessibility standards. At present it is felt that the scheme does not comply with Policy 7 of the CLPKP and DM2 of the LPR.

Design

The proposals aim to create a density of just over 40 dwellings per hectare. The draft policy of the Chichester Local Plan Review 2016-2035: Preferred Approach (LPR) identified a minimum of 250 new homes and a primary school at the Highgrove Farm site under draft Policy AL7. Policy 33 of the CLPKP expects the highest standards of design and

appropriate densities. Our understanding is that following discussions with the County Council, the school was not considered appropriate at the site and as part of the redesign by the applicants, allotments were included together with more housing. What now appears on the plans is a scheme with a very tight urban grain which impinges upon design in our view. For example, the main green link through the site disappears to the north where it comprises only small grass verges and cannot reasonably be described as part of the green link. The dominance of the swale along parts of the green link together with its piecemeal character in the vicinity of plots 137 to 143 and 146 to 153 suggests that a lower density would enable a more appropriate consideration of the role of green spaces through the built up part of the development. The density appears to prevent any well defined or noticeable character to be developed, for example, the eastern and southern edges of the scheme could have been set at a lower density commensurate with their sensitive location, opposite open space and the countryside. Proposing smaller dwellings to meet the mix criteria is one opportunity that may free up the density and allow more planting within the built up part of the site. As a consequence, BPC feel that the scheme does not yet meet the design quality tests of Policy 33, Section 12 of the NPPF and the guidance to strike the right balance in terms of density at Section 11 of the NPPF and Policy DM3 of the LPR. Policy 7 of the CLPKP sets out a number of criteria and one of these concerns renewable energy. Normally a scheme of this size would be supported by a statement outlining energy efficiency and the sustainability credentials of the designs. For example water efficiency techniques, solar power and such like. BPC note that electric vehicle charging points are proposed and that in identifying the number of points, the applicant's have looked at growth and demand over time. Given that the applicants assessment only goes to 2025, BPC are of the view that by the time permission is granted, a s106 is agreed and conditions discharged, it will be closer to 2023. Accordingly there are very strong grounds to insist on much higher proportions of electric charging points than is currently proposed. A planning condition could require a scheme to be submitted which has regard to growth in demand for a 5 year period from the date of the condition discharge and has regard to the Government's efforts to support electric vehicles from 2030 onwards.

Landscape and open space

BPC have considered the assessments made by Terra Firma in their landscape and visual assessment reports and note the relevance of adopted CLPKP 2, 45 and S24 of the LPR. Generally we note a divergence between the assessment carried out in 2017 under application 17/03148/FUL, the Landscape capacity Study of 2019 carried out by the same firm for Chichester District Council and the report, which supports this application. As a result of this divergence, we remain concerned that the landscape and visual assessment has not been conducted in an appropriate way and that this could influence the final decision. BPC are of the view that that the landscape assessment does not represent a fair or reasonable assessment of the levels of landscape and visual impacts arising from the proposed development on open agricultural farmland at Highgrove. The landscape and visual effects of the proposed development on Highgrove are consistently understated in our view. This message is taken forward into the Planning Statement in particular in the section on the Chichester IPS and sections 3, 4, 5 and 6. It paints an incorrect picture of the levels of adverse landscape and visual effects of the proposed development on the open agricultural land, adjacent to the AONB, with views to the SDNP (including a Valued View identified in the Bosham Parish Neighbourhood Plan) and on the effect on the Gap between Bosham and Fishbourne. An example of the above points is set out below:

Volume 1 Landscape and Visual Impact Appraisal and the 2019 Landscape Capacity Assessment

At paragraph 3.2.4.7 although mention is made of the landscape capacity being medium/low there is no examination of what this means. For example, in the 2019 Landscape Capacity Assessment produced by Terra Firma for Chichester District Council, the medium/low capacity within which the site is located is stated as:

"The Medium / Low capacity (orange) - A low amount of development may be accommodated only in limited situations, providing it has regard to the setting and form of existing settlement and the character and the sensitivity of adjacent landscape character areas. In some cases no development would be acceptable and the reason for this is explained in the conclusion".

This report goes on to state:

"It is possible that some built development may be accommodated within the existing cluster of buildings and potentially to the north of Broadbridge provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape, respecting the historic settlement pattern and locally distinctiveness. Great care would need to be taken to avoid any landscape or visual harm ensuring the separate identities of the settlements are protected and considering valued views."

The results of this 2019 study have not been properly assessed as part of this Planning Application. It would seem that the company producing this landscape and Visual Assessment has some degree of conflict of interest and the District Council would be within their rights to ask for a new assessment. Notwithstanding, it is clear that the 2019 Landscape Capacity Study identified very little scope for development in this area and the current application has not been properly assessed by the landscape consultants.

Volume 1 Landscape and Visual Impact Appraisal and Viewpoints

At paragraph 4.10.1 reference is made to views from the site to Chichester Cathedral but there is no reference to the views to the South Downs National Park or to the Area of outstanding natural Beauty to the south. This is considered to be a significant omission which undermines the appraisal. It is considered that the locations chosen for the viewpoints do not fully represent the important/significant views to and from the site. This is particularly the case when the 'Valued View' that is included in the Bosham Neighbourhood Plan (across the eastern part of the site to the SDNP) is not assessed. Instead, a view further to the east has been chosen, which shows a very limited view across the southern part of the site. This is disingenuous and regard should be had to the view identified in the Neighbourhood Plan.

Volume 2 Landscape and Visual Impact Appraisal: Appraisal of landscape Effects

Paragraph 5.4.1 2 states that the proposed development would result in a minor beneficial landscape effect on the eastern part of the existing Broadbridge settlement in spite of the fact that the outlook from the eastern part of Broadbridge would be over the proposed built development rather than over the open fields of Highgrove Farm. The wrong emphasis is placed upon the landscaped open space on the edge of the proposed development. In relation to the fields to the south of the A259 (paragraph 5.7.1 in volume 2) it is stated that the effect of the proposed development would result in a minor beneficial landscape effect in spite of the change from open fields to built development on the other side of the road.

This assessment and conclusion is counter intuitive and in our view wrong and wrongly places full weight on the landscape strip along the frontage of the development site.

At section 7 in volume 2 the reporter assesses the views from the private houses to the south of the A259 on Chequer Lane. The report concludes that the effects on views from locations in close proximity of the site would be moderate/minor adverse. The definition of what this means is set out in Paragraph 2.9 of volume 1 and states - *Moderate/minor effects can be defined to be effects unlikely to be a consideration in the decision making process and / or of very local importance and therefore not significant.* In our view this does not take into account the location adjacent to the AONB, the views to the SDNP, the change from open agricultural fields to a built development and the resultant effect this would have on the quality and extent of the gap between Bosham and Fishbourne. Unfortunately, we find this assessment is lacking in quite some considerable way. At paragraph 7.4 in Volume 2, (viewpoint 3 from A259) it is stated that the development of Highgrove would result in a minor adverse effect. Whilst it is recognised that this is a close viewpoint, it remains the case that current views will inevitably take in the open agricultural land, SDNP and AONB. It is not considered that the assessment is proportionate or fair in categorising this as minor adverse effect. At paragraph 7.6.3 in Volume 2 (viewpoint 5 along Chequer Lane) and also viewpoint 6 it is stated that the South Downs would be visible above the proposed residential development. A review of the photographs provided shows that the existing houses to the north of the A259 obscure views to the SDNP as would the proposed houses at Highgrove therefore obscuring views to the South Downs. BPC are of the view that the assessment has been tailored to provide a supportive answer rather than acknowledging and assessing the reality of this site. In some respects if the latter approach had been followed, it may have resulted in a different layout, design and quantum of development.

Volume 1 landscape and Visual Impact Assessment and Gaps between settlements

In the Landscape Gap Assessment 2019 prepared by Terra Firma Consultancy Ltd for CDC an assessment and proposal for a gap between Bosham and Fishbourne was discussed. The area of the proposed gap in this report would not provide the extent of land required to create a meaningful Gap between Fishbourne and Bosham. In order to be legible and apparent such a gap needs to be at least 1500m wide. The assessment by the applicants has not considered the merits of the retained gap or whether the scheme maintains a credible and legible gap which is consistent with its purpose. The 2019 Landscape Assessment says that a gap should be: *"a key contribution to the perceived separation of the settlements particularly experienced by people travelling along the A259, the train line and Chequer Lane"*.

In preparing the proposals some degree of assessment of the suitability of the gap should have been undertaken. It should consider 'the open character of the gap and the open views across the arable landscape on either side of the A259, with visual links to the hills within the South Downs National Park and Chichester Harbour AONB which forms part of the gap to the south.' The importance of the gap when viewed from the railway line and A259 should also be considered. The gap not only has a strategic role in preventing coalescence between Chichester and Emsworth but a more local anti-coalescence role between Broadridge/Bosham and Fishbourne. Consequently, the assessment should consider the extent to which the scheme continues to contribute to the purpose of a gap, how the perceived openness of the gap would be changed and the effect on important views and the setting of the settlements. As noted above, BPC have a number of concerns regarding the landscape and visual impact assessment provided with this application both in terms of content, scope and the conclusions reached. At this juncture it is difficult to see

how the proposals could comply with draft Policy S24 of the LPR, relating to development outside settlement boundaries. There is no assessment of how the scheme conserves key features and qualities of the landscape, and is appropriate in scale, siting and design. The environmental values noted above also appear as criteria in draft Policy S26 of the LPR and those policies which seek to protect landscape character such as Policy DM28, DM19 and DM20 of the LPR. In particular the effect of the proposals on the nearby Chichester Harbour AONB. As such the proposals for the site do not comply with these draft policies and of course are inconsistent with the Policy 2 and 45 of the CLPKP.

Lighting Strategy and Habitat

The site is in a sensitive rural location and close to the South Downs National Park and Chichester Harbour AONB. The commitment to 'Dark Skies' is something that BPC takes very seriously and we note that an adopted Supplementary Planning Document for the Chichester Harbour Area does seek to reduce light impacts. The site is adjacent to this area and light spill and impacts can rightly be considered in our view. In the scheme for 50 units approved under reference 17/03148/FUL the applicant's consultants WYG, produced a comprehensive lighting assessment which set out certain best practices including restrictions on upward lighting. No such report accompanies this current planning application and Plan 2108 Rev A indicates a significant number (51) 6m high street light columns with a tilt of 5 degrees. There is no assessment of what this means for dark skies and given the importance for surrounding protected species and the National Park and AONB, BPC feel very strongly that this requires proper assessment and a reduction in the scale and design of the street lamps where necessary. Currently, the proposals are contrary to draft Policy DM19 and DM29 and criterion 10 of Policy 40 of the CLPKP.

Foul Water, Nitrate screening and Habitat Regulations

An issue which BPC has continuously been concerned with is the manner in which drainage and particularly foul drainage is addressed in this area. In Section 4 of the Utilities Statement there is no assessment of whether or not there is existing capacity in the Southern Water system to accept 301 dwellings with peak flows of 13.9 litres per second. The applicants rely on the now outdated 50dwelling scheme that they say did not require any upgrades to the foul network. This is not accepted by BPC and we note the email from Stephen Harris of Chichester District Council to Southern Water dated 4th February 2019 and emails from the applicant's agent acknowledging this issue (see application 17/03148/FUL) where reference was made to the inadequacy of the foul water infrastructure. As you will know, all sewage from Bosham including Broadbridge, Funtington and West Ashling villages is handled by the Harts Farm WwTW, South of Bosham village. In times of heavy rainfall, under existing CSO dispensations, there has been periodic discharges of raw and diluted, but untreated, sewage into Chichester Harbour at Furze Creek. The connecting pumping station at Stumps Lane also discharges at these times into the Harbour at the Bosham village waterfront. As you know Policy S31 of the LPR requires applicants to demonstrate that their scheme can be delivered without any adverse harm, and the lack of assessment since the 4th February 2019 and the lack of consideration in this application, suggests that BPC's concerns and those of the Planning Committee who raised this issue have not been addressed. BPC notes that the Habitat Regulations Assessment concludes that there is likely to be a significant effect from the increase in residential development on the Chichester Harbour SPA. Primarily this will be as a result of additional recreational pressure. An appropriate assessment is therefore required. BPC are of the view that it is not only the recreational pressure which is of importance in the appropriate assessment. As noted above, the sewage infrastructure in the locality is at capacity and Southern Water have discharged foul

water into the protected harbour. The increase in Nitrates is a relevant consideration and must be properly assessed. At this juncture we are of the view that the scheme cannot be said to comply with Policy 40 (criterion 10) of the CLPKP. Chichester Harbour is also a RAMSAR site and the lack of consideration of this issue would suggest that the appropriate assessment of likely impacts would raise some issues of significant concern. This is deeply concerning to BPC and the scheme would clearly make matters worse and so cannot move forward to a positive determination without convincing evidence that foul water can be adequately addressed. Natural England describes Chichester Harbour as now being in an 'unfavourable and declining' condition. According to their report "Chichester Harbour is one of the most important sites for wildlife in the United Kingdom and is globally important for migratory birds. The harbour is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA) for birds."

Bio-diversity

The Chancellors' 2019 Spring Statement indicated it will be mandatory for all development in England to deliver a 'Biodiversity Net Gain'. A more recent Government Statement (23 July 2019) outlines further details about how the Biodiversity Net Gain requirement will be defined, as well as exemptions, protections for 'irreplaceable habitats', and how net gain will be administered. The Government has indicated that it would come into effect this year. Securing good quality planting and habitats is key to making this site sustainable and in order to comply with Policy 49 of the CLPKP and Policy DM29 of the LPR. BPC note that there are very few trees proposed within the built part of the site and that more information of planting types and schedules is required. BPC would expect conditional requirements to enable 10% biodiversity gain across the whole site. BPC have not been able to discover a tree report on the District Council's web site and this ought to be provided in order to inform the debate over biodiversity and net gain.

Access Highway Matters

One of the issues which BPC has consistently raised is with regard to the crossing of the A259 and the opportunity to integrate better the two housing areas centred around the railway station and Bosham old Village. BPC note the central refuge that is proposed that reflects one in the vicinity and it had been hoped that some form of formalised crossing could be utilised, perhaps a traffic light controlled crossing. The development proposed is likely to be car dominated despite the Travel Plan and this is indicated at Table 6.2 where the growth in pedestrian traffic is fairly modest. BPC place great weight on integration and infrastructure which enhances pedestrian access. Section 3.9 of the Travel Plan notes nearby facilities but access is not just about travel distance. The A259 is a barrier to walking and cycling and so proposals should consider how this can be mitigated through provision of fixed infrastructure such as traffic light controlled pedestrian crossings and additional footways beyond the site. BPC note the secondary and temporary access. BPC would not wish to see this access retained in the long term and would require that it is effectively controlled to ensure it cannot be used other than in an emergency.

Open Space, Play Equipment, and Management Policy 54 concerns the provision of open space and refers to the standard of 3.55ha per 1,000 population in rural areas. Open space includes both formal spaces such as children's play areas, allotments and amenity space and more informal areas comprising natural green spaces. On this measure, the development would comply with Policy and this is welcomed. As with all developments of this size a key aspect concerns the future management of the allotments and open space. At this stage it is not clear how this will occur and whether it will be via a management company and subsequent service charge or will there be efforts to secure the adoption of

certain forms of infrastructure and spaces by either the Parish or District Council. The application does not include a draft Heads of terms and the future management of the facilities will be of importance to complying with Policy 9 of the CLPKP and Policy S12 of the LPR. BPC cannot comment on this matter until more information is provided and BPC would need to be involved in any subsequent discussions. BPC note on the Landscape Strategy Plans a reference to Trim Trail stations and in other documents reference is made to the Parish Council providing play equipment. If BPC were to agree to manage the open and other spaces, then it would have to be on the basis that the infrastructure is delivered first (including equipment).

Summary

There are clearly a number of fundamental issues which remain and which need to be resolved before any positive consideration can be given to this application. The first relates to the decision making process and the High Court cases heard in early March of this year. These set out the way in which the adopted Planning Policies should be considered. On site specific matters, BPC remains highly concerned at the foul drainage situation and the lack of evidence that this can be addressed effectively. BPC are also highly concerned with the landscape and visual impact assessment and the conclusions that flow from it. It is not felt that the scheme has been assessed correctly and so the design and quantum of housing which flows from it is flawed. Other, more detailed design points are included with this response and as matters proceed we reserve the right to comment again on any aspects of the scheme.

6.2 Fishbourne Parish Council

Although this application relates to development in a neighbouring parish, Fishbourne Parish Council OBJECTS to this development on the grounds of its implications for Fishbourne. The scale of development along the East - West corridor means that it is no longer enough to consider any application in isolation. This is seen particularly in the danger of creeping coalescence which would be the inevitable result of any one large development between Bosham and Fishbourne. This would lead to an unplanned urban sprawl resulting in environmental damage which would have a serious impact on Chichester Harbour AONB and on the health and quality of life of residents. If the villages in the Harbour Villages Ward are to protect their individuality, the gaps between them have to be substantial enough to make an impact on people driving through. There has also been so much building in the past that there is no leeway left for more building unless it is accompanied by the necessary infrastructure. The failure to provide this is in stark contrast to the commitment in the Conservative Party's manifesto for the December 2019 General Election to place infrastructure ahead of development. The A259 is already working at full capacity and the cumulative effect of all the traffic-generating development from villages to the west of Fishbourne will lead to gridlock, particularly on approaches to Fishbourne Roundabout and ever greater use than at present of country lanes which are inappropriate for rat run traffic. In this context, there is little logic in increasing the traffic on the Fishbourne Roundabout from both directions - the new link road (AL6) which will acquire an additional access point and the extra traffic from the Highgrove Development and other developments along the A259. The irreparable harm to top quality agricultural land is another issue in common. Where is the logic in reducing the amount of best quality productive farmland at a time when world population forecasts are rising and the UK is facing uncertainty about trading agreements? This would be a dangerous precedent to set. The Interim Position Statement from CDC includes a requirement that developments should avoid an adverse impact on the surrounding landscape character. This would not be met if building took place on the

Highgrove or Bethwines Farm since there would be an irreversible reduction in the visual impact of the current view between the Harbour and Kingley Vale and the South Downs National Park. The NPPF (paragraph 170) emphasises the importance of maintaining the qualities of the natural and local environment by "protecting and enhancing valued landscapes recognising the intrinsic character and beauty of the countryside preventing new and existing development from being adversely affected by unacceptable levels of soil, air, water or noise pollution." The proposed development would also be in conflict with Policy S24 of the revised Local Plan which requires developments to "conserve and where possible enhance the key features and qualities of the rural setting" and Policy S26 which requires "ensuring the distinctive local landscape character and sensitivity is protected."

6.3 Funtington Parish Council

Although this application relates to development in a neighbouring parish, Funtington Parish Council OBJECTS to this development on the grounds of its impact on Funtington Parish and the surrounding area. Funtington Parish Council would like to reiterate the objection made by Fishbourne Parish Council (our neighbouring parish) in their objection to the above application:

The scale of development along the East - West corridor (A259) means that it is no longer enough to consider any application in isolation. This is seen particularly in the danger of creeping coalescence which would be the inevitable result of any one large development between Bosham and Fishbourne. This would lead to an unplanned urban sprawl resulting in environmental damage which would have a serious impact on Chichester Harbour AONB and on the health and quality of life of residents. If the villages in the Harbour Villages Ward are to protect their individuality, the gaps between them have to be substantial enough to make an impact on people driving through.

There has also been so much building in the past that there is no leeway left for more building unless it is accompanied by the necessary infrastructure. The failure to provide this is in stark contrast to the commitment in the Conservative Party's manifesto for the December 2019 General Election to place infrastructure ahead of development. The A259 is already working at full capacity and the cumulative effect of all the traffic-generating development from villages to the west of Fishbourne will lead to gridlock, particularly on approaches to Fishbourne Roundabout and ever greater use than at present of country lanes which are inappropriate for rat run traffic, in Funtington we have a rat run heading west from Ratham Lane through to Southbrook Road and out into West Ashling Road, which is in constant use, and is especially heavy during peak times. In this context, there is little logic in increasing the traffic on the Fishbourne Roundabout from both directions - the new link road (AL6) which will acquire an additional access point and the extra traffic from the Highgrove Development and other developments along the A259. The irreparable harm to top quality agricultural land is another issue in common. Where is the logic in reducing the amount of best quality productive farmland at a time when world population forecasts are rising and the UK is facing uncertainty about trading agreements? This would be a dangerous precedent to set.

The Interim Position Statement from CDC includes a requirement that developments should avoid an adverse impact on the surrounding landscape character. This would not be met if building took place on the Highgrove or Bethwines Farm since there would be an

irreversible reduction in the visual impact of the current view between the Harbour and Kingley Vale and the South Downs National Park.

The NPPF (paragraph 170) emphasises the importance of maintaining the qualities of the natural and local environment by "protecting and enhancing valued landscapes recognising the intrinsic character and beauty of the countryside preventing new and existing development from being adversely affected by unacceptable levels of soil, air, water or noise pollution."

The proposed development would also conflict with Policy S24 of the revised Local Plan which requires developments to "conserve and where possible enhance the key features and qualities of the rural setting" and Policy S26 which requires "ensuring the distinctive local landscape character and sensitivity is protected."

6.4 Chidham and Hambrook Parish Council

The Parish Council of Chidham & Hambrook is the neighbouring Parish lying directly to the East of the boundary of the Parish of Bosham. We have considered the voluminous documentation (119 documents in all) submitted by the Agent for this massive housing development on Grade 1 (mostly) high quality agricultural land which lies North of the increasingly busy A259 which separates this undeveloped area of rural countryside from the AONB of Chichester Harbour. We are deeply concerned about the impact which this very sizeable development will have not just on the somewhat distant communities of North Bosham and the bigger community of the ancient and historic village of Bosham lying for the most part some distance to the South of the A259 but also on our Parish and our residents. The size of development proposed is completely out of proportion to the semi-rural communities which exist in both Bosham and Chidham & Hambrook. Adding 301 dwellings to land North of the A 259 will load the infrastructure - road; transport; medical; educational; amenities - disproportionately - virtually a 25% uplift on the total number of homes in the Parish of Bosham and equivalent to a 30% loading on the number of dwellings in our own Parish and it will remove a vast tract of open, high quality agricultural land for ever. The National Planning Policy Framework (NPPF) states very clearly indeed that very serious consideration should be given to preserve "the economic and other benefits of the best and most versatile agricultural land". We cannot support the removal of such high quality agricultural land now that the UK is in a post-Brexit world where food security has risen much further up our nation's list of priorities and sustaining our ability to grow more and better produce seems to be completely disregarded by avaricious and opportunistic developers. We support absolutely the evidence provided by certain members of the public in their objections and the detailed objection filed by the Bosham Association who have highlighted very clearly that on both the treatment of sewage and wastewater and nitrate neutrality the Agent and the multifaceted team of professionals supporting this application have failed to present either correct or convincing arguments in support of this massive development.

ACCESS

We are extremely concerned at the proposal for all vehicles entering into and exiting from this development of 301 dwellings will be via a single point of access on to and off the A259. The A259 has somewhat bizarrely been denominated a "resilient road" which enables it to be used by A27 users when - and this occurs with some frequency - the A27 is closed. The A259 is not a straight road and it has numerous bends and variable speed limits along its length. Highgrove Farm sits on a stretch of 40mph road, but the speed limit

drops to 30mph close to Walton Lane - the site of the new and enlarged St Wilfrid's Hospice with all of its vehicular traffic. We are very concerned that adding a potential vehicle load from the development of a minimum of 600 cars, plus innumerable cycles and motorcycles will render the A259 an accident 'black spot' - a serious danger to new and more significantly existing residents and users of a now very busy A road. It seems to us that there is absolutely no overall transport infrastructure plan for the villages to the West of Chichester. Each potentially available piece of land is viewed in splendid isolation and no real concern is being given to the overall impact of multiple applications to build hundreds, even thousands of homes all of which will require a minimum of one vehicle per household as the Southern rail service and the 700 Coastliner bus service are grossly inadequate to remove road transport as an option for residents of any of the Harbour Villages. A further concern is that there is no footway on both sides of the A259 - there is one only on the North side and the much debated Chemroute solution appears very unlikely indeed to improve the situation for either pedestrians or cyclists. The simple and undeniable fact is that the width of the A259 and its verges to North and South are insufficient to handle the growth in use which the advent of hundreds of additional homes will bring. Chaos will reign because of the lack of foresight and planning and serious injuries to road and footway users will increase exponentially. There is no safe crossing point planned for pedestrians to access the southern part of Bosham which is where the school is located. There are also no footways down the length of Walton Lane leading to the school and the only recreational play and sports facilities in the entire village.

BIODIVERSITY

Building intensely on this fine quality agricultural land will be an irreversibly negative and indeed traumatic effect on over a hundred species all of which enjoy the land, hedgerows and trees which exist today. The site is just a road's width away from the Chichester Harbour AONB and this land provides a corridor of continuous countryside connecting the Kingley Vale National Nature Reserve, the South Downs National Park (SDNP) to the North and the areas covered by protective designations within the Chichester Harbour AONB.

The NPPF in par 175 states: "When determining planning applications, local planning authorities should apply the following principles:-

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused" We contend that this application flies completely in the face of protecting the unique wildlife of this part of West Sussex and would, if approved, be excessively negative and very harmful for the existing biodiversity found on this land today.

DARK SKIES and overall environmental impact

We cannot accept that the proposed development's street lighting will assist in preserving the wonderful dark skies that are so important for so many species of wildlife that either reside in or visit both the AONB and the SDNP. We see no evidence that this development will do anything approaching state of the art installation of energy-saving and environmentally positive housebuilding. Developers should be obliged to design and build homes in 2021 and beyond that are state-of-the-art in terms of energy efficiency and heating systems. No future retrofitting should be required if homes are designed now to the very latest and highest specifications. Chichester District is under siege due to crazily high housing targets being set by Central Government and a large number of developers who have only one interest - that of building as many houses as possible as quickly as possible. Our district will not be winning any awards for its spectacular natural beauty if such planning

applications as this are approved. Long-distance views and beautiful developments are uncomfortable bedfellows.

AMENITIES

North Bosham is mainly populated with young families with small or teenage children. There are no amenities for this section of the population: no play, recreational or sports facilities. They are all located in the southern part of Bosham which means the A259 has to be crossed by a multitude of pedestrians. The developer is proposing to build a further 301 houses with absolutely no amenities for future or current residents. . The only proposal is for a community hall, where one is already located in Brooks Lane, and allotments, which were not deemed necessary by Bosham's residents. This is irresponsible and shows a blatant disregard for those who will be buying these homes. Given the difficulty in accessing by foot or bike southern Bosham a great many families will be using cars to drive the short distance to access the play and recreational facilities located there.

RESIDENTS' SAFETY

There is another very obvious and concerning safety issue with the current foot crossing of the railway line at the top of Brooks Lane. The plans show a pedestrian and cycle access into Brooks Lane, which is very near to the foot crossing gate. This crossing has no safety system in place and is a tragedy waiting to happen and yet the plans suggest that hundreds more people should be directed to use this unsafe crossing! Add the fact that there is no provision whatsoever for play areas to entertain children on this development and we think the safety risk is crystal clear.

HOUSING MIX

Bosham has a disproportionate number of 3+ bed houses. The Housing Enabling Officer has noted that this development has too many 3 and 4 bed houses and an inappropriate mix of affordable rented to social rented.

We actively encourage CDC's Planning Department to refuse this application for the sake of all those who currently reside and live West of Chichester and who live and work here because of its semi-rural, uncrowded and full of natural beauty environment.

6.5 Chichester Harbour Conservancy

(Summarised)

Recommendation - Objection:-

- 1) That sufficient headroom has not been demonstrated at a wastewater treatment works. Concern is therefore expressed that it could be possible that the number of stormwater discharges into Chichester Harbour would increase, adversely affecting the delicate ecology and protected European sites there. This view has been confirmed by the letter from Southern Water dated 1 April 2021, commenting on this planning application.
- 2) Proposals would erode a valuable countryside gap, providing separation between the settlements of Broadbridge (Bosham) and Fishbourne, adversely affecting the setting of the Chichester Harbour AONB; and,
- 3) The land is designated countryside where development will only be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within the existing settlement. The application is therefore considered to be prejudicial to the proper consideration of the soundness of Policy AL7 of the emerging local plan.

4) That in terms of paragraph 15 of the NPPF for development to be sustainable it must address economic, social and environmental priorities. The Conservancy is of the opinion that environmental priorities would not be addressed if these proposals went forward. In particular regard to ecological matters, the area supports breeding skylarks and yellowhammers (both declining species of arable farmland) and a population of slowworms, and is important for foraging bats (7 species at least, including barbastelle - Bat Activity Report, WYG, Dec 2020). The area is part of a larger, undeveloped area and is a key link between the farmland of Bosham peninsula to the south and South Downs National Park to the north. Development of this area will greatly reduce its value to farmland birds, and its value as a link between Chichester Harbour AONB and SDNP, and further fragment the important habitats of both designated landscapes.

5) In respect of the IHP tests, The Conservancy considers tests 3 (erosion of countryside gap between settlements), 5 (impact to the setting of the AONB), 7 (infrastructure) and 10 (sustainable location of development) are not met.

6.6 Southern Water

(Summarised)

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted.

Condition recommended: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. CDC's technical staff and the relevant authority for land drainage should specify the surface water drainage arrangements through SuDS.

6.7 National Highways

(Summarised)

Highways England [now National Highways] recognise that the development is expected to generate 155 AM peak hour trips (08:00-09:00) and 149 PM peak hour trips (17:00-18:00). Assessment of the distribution of census journey to work data shows that the majority of these trips will use the A27, either via Fishbourne Roundabout (flows to/from the east) or the A259/A27 junction at Warblington (flows to/from the west). However, we note that the TA states: *"The A27 Fishbourne roundabout is forecast to exceed capacity in the future base assessment year with the addition of background traffic growth only. Although the addition of the proposed development traffic further exacerbates queueing and capacity*

constraints at the junction, the impact of the proposed development is considered to be negligible in comparison with the baseline traffic flows and background growth."

National Highways does not agree with this conclusion as we consider that any development trips impacting a junction that is already overcapacity is a severe impact on the Strategic Road Network without further mitigation. However, as per our pre-application response we would not object to the proposed development provided that the applicant makes an appropriate contribution to the A27 Local Plan mitigations based on Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. In view of the likely impacts on the A27 Chichester Bypass, a contribution in line with the "Southbourne (parish)" development zone is required, which equates to a total of £542,703 (301 dwellings x £1,803/dwelling). With the agreement of the payment of the contribution, we would then be satisfied that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF particularly paragraph 109) [now paragraph 111 in the July 2021 NPPF revision].

6.8 Natural England

(Summary of comments received 22.08.2022)

No Objection subject to appropriate mitigation being secured.

Natural England notes that an updated Nitrate Mitigation Proposal and Appropriate Assessment have been submitted in line with the latest published guidance (v5-June 2020). We confirm that the proposal will result in an additional 84.81 Kg/TN/yr, which will require offsetting in order to achieve nutrient neutrality, and to mitigate any potentially harmful impacts to the designated sites. We also acknowledge the applicant's voluntary increase of the mitigation area by 5%. As such a total 3.37 ha (3.21 + 0.16 [5%]) area of land at Chilgrove Farm has been identified as suitable for securing mitigation via conversion from cereal cropping use to woodland planting. Natural England can confirm that it is satisfied with the proposed method of mitigation - and that due diligence has been given to our advice on calculating nutrient assessments - on the assumption that the land currently under cereal cropping use is converted to woodland and managed in perpetuity through a S106 agreement, as per the submitted HRA Screening Matrix and Appropriate Assessment Statement.

(Summary of comments received 21.02.2022)

No Objection subject to appropriate mitigation being secured. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient assessment - The assessment concludes that the proposed development would reduce the nitrogen load by -85.285 Kg/TN/yr, providing betterment to Chichester Harbour. As a result of this conclusion, the Appropriate Assessment has ruled out the need for mitigation. On the basis of these Nutrient Balancing Assessment calculations, Natural England agrees that mitigation against nutrient impacts is not required. With regard to the WwTW, Natural England has previously raised concerns over Bosham's capacity to accommodate new developments without risk of foul flooding. It is noted that the water company will be reinforcing the network where needed to support it. It is our advice that your authority work with the water company to ensure this happens.

(Summary of comments received 27.05.2021)

Apologies for not previously providing comments on the Nitrates issue. Will provide comments on it as part of any Appropriate Assessment. With regard to our previous concerns surrounding insufficient capacity at Bosham WwTW, this was a matter which has been highlighted through the in the Local Plan Review. We advise that, as competent authority, Chichester District Council are best suited to understand the local capacity issues of any WwTWs that serve developments allocated in their Local Plans and that they may ultimately approve. There needs to be sufficient certainty at the Appropriate Assessment stage as to where the foul water shall ultimately flow to, and whether the proposed WwTW can actually accommodate any additional developments. Additionally, any nutrient neutrality calculations need to take into consideration the permit levels of the WwTW that shall serve the development.

(Summary of comments received 26.03.2021)

Recreational Pressure - Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, [in light of the *People Over Wind* Ruling by the European Court] may need to be formally checked and confirmed by your Authority through an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) which Natural England must be consulted on.

6.9 South Downs National Park Authority

(Summarised)

Landscape and Visual Impacts

The application documents make several references to views towards the Downs being retained but have not fully demonstrated how or what views would be retained. It is acknowledged that the proposed open space on the eastern edge of the site would allow for a narrow corridor of view to be retained, but this is directed to the north-east, where the land dips down to the Lavant valley, and so in these views the higher ground of the Downs would be likely to be obscured by the development. The application also fails to demonstrate how the proposals respond to the scale and form of the existing settlement of Broadbridge. The inclusion of trees within the public elements of the site and creation of softer rural edges to the development are welcomed, along with a green route through the site, although this tails

off towards the north-west and no trees have been provided between the back-to-back garden plots which is a missed opportunity. We would encourage the District Council to ensure that trees provided throughout the site are of an appropriate species, both in terms of landscape character and biodiversity value, that they are of a suitable size/maturity, and that their long-term care and replacement of any dead/dying specimens is ensured.

Access

The provision of cycle/footways around the site and connecting through the development between the A259 to Barnside and on to the station and shops on the B2146 is welcomed. However, the site is not within easy reach of the SDNP for walkers and cyclists. The main opportunity is via the bridleway immediately north of the railway line at Brooks Lane but it is unlikely that the SDNPA would actively promote this route into the National Park as it involves a passive level crossing across the railway and relies on a section of the B2146. This route is also not suitable for walkers as for the most part there is virtually no pavement provision along the B2146. The application mentions the combined A259 Cycleway/footway and that cycleways close to the site will be promoted. The A259 is well-used by cyclists and is designated as part of the National Cycle Network (NCN 2). It extends from Emsworth to Chichester and provides a link with Salterns Way and Centurion Way, which respectively provide safe access to the AONB and National Park. Given the likely increase in usage generated by this and other recent developments along the A259, we would recommend the allocation of S.106 contributions to support the improvement of this route.

Lighting

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England. We would therefore wish for the following advice from our Dark Skies consultee to be taken on board: Street lighting (including any lighting proposed along the A259) - if necessitated - should be installed according to the WSCC Lighting of Developer promoted Highway schemes (2015). For subsidiary residential roads fittings with zero upward light spill should be used and managed by sufficient control technology to be consistent with WSCC part night switching. Any non-domestic lighting, i.e. lighting above 10 lux or above 1000 lumens, should be approved by additional planning consent, supported by detailed lighting plans.

Conclusion

If the District Council is minded approving the application, we would encourage particular consideration of our comments regarding tree planting, contribution to off-site walking and cycling links, and Dark Night Skies.

6.10 Sussex Police

(Summarised)

With the level of crime and anti-social behaviour in Chichester district being below average when compared with the rest of Sussex, I have no major concerns with the proposals. The development in the main has outward facing dwellings which has created a good active frontage with the streets and the public areas being overlooked. Advice on various detailed matters that the developer is recommended to consider when implementing the development. Suggests installation of an intruder alarm and the siting of CCTV for the prevention and detection of crime. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

6.11 Network Rail

(Summary of comments received 21.07.2022)

The holding objection is removed subject to a payment of £1,000,000 secured via the S.106 agreement to fund the installation of Miniature Stop Lights (MSL's) at a cost of £800,000. The remaining £200,000 would fund a feasibility study to explore closure options (this would be prior to installing MSLs), i.e., downgrading of footpath to remove bridleway status and routing over the AHB road level crossing, through station and re-joining Prow north of the railway. The mitigation needs to be in place prior to occupation.

[Planning Officer comment: The required contribution is set at £800,000. The additional £200,000 offered by the developer is not necessary as direct mitigation to make the development acceptable in planning terms and would not satisfy the CIL regulations. Further commentary on this is at paragraph 8.48 below]

(Summary of comments received 14.05.2022)

Holding Objection. The development is part of the expected growth of population between Chichester and Havant and the existing stopping train [at Bosham station] could easily accommodate the additional passengers that this development is expected to generate. Suggest 'First and Last Mile' enhancements to the existing road and pavements from Barnside, via Brooks Lane, Williams Road and then the B2146 Station Road to encourage future and existing residents to take up active travel and reduce the reliance on the car by providing modern standards for walking and cycling

6.12 WSCC - Highways

Summary of comments

Access

A revised access proposal has been developed which provides cyclist priority over the site access in line with guidance provided within LTN 1/20. The proposals shown on drawing titled Cycle Priority Junction Layout and numbered 103154-SK014 Rev B provide a red surfaced priority crossing at the site access. The access has been subject to a stage 1 Road Safety Audit and an agreed designer's response.

Sustainable Transport Connections

A shared use link is proposed to the north west corner of the site leading on to Barnside. The applicant has been in discussion with the adjoining landowner (Hyde Housing) who would be willing to transfer the land [at Barnside] to WSCC which would be adopted as highway. This adoption would allow a contribution to be taken towards the creation of a 3m shared use path (as shown on plan ref Proposed Indicative Pedestrian and Cycle Access via Barnside and no 103154-SK022 rev A) linking on to Barnside which given the low volumes of vehicles would operate as a shared space arrangement. A bollard would be provided to prevent motor vehicles from using the link and a sum of £20k to be secured to deliver the works outside the application site. The applicant proposes localised improvements to the pedestrian and cycle network to improve opportunities for future residents to travel to local facilities sustainably.

Parking

A total of 717.5 spaces are detailed within the parking schedule (Garages count as 0.5 spaces) and are within 10% of the WSCC parking guidance. Electric Vehicle charging will be provided in line with WSCC standards and secured via condition noting the recent changes to the Building Regulations under Part S.

There are no specific standards on parking requirements for the combined community building/allotment land uses and it's up to the developers to provide an appropriate level. One thing that the community hall maybe used for is group fitness activities. The parking demand for a 250m² unit would be 11 spaces for that use. The development also provides 4 visitor parking spaces near the hall (as well as 60 overall). For any larger events the internal network of the development could also accommodate a level of parking on carriageway. I don't raise any concerns about the provision or parking levels for the mini football pitch but would suggest a couple of Sheffield stands are provided for cycle parking.

Layout

Revised vehicle tracking has been provided which addresses previous concerns.

Travel Plan

A revised travel plan has been provided and should be secured via S106.

Conclusion

No objection is raised to the application subject to the following S106 and conditions.

S106

- Chichester A27 SPD contribution
- Contribution towards the delivery of shared use link at Barnside of £20,000
- Travel Plan
- Travel Plan Auditing Fee of £3,500
- Traffic Regulation Order contribution of £7,500 to enable the extension of the 30mph speed limit along the A259 (prior to commencement).
- Improvements to Local Walking and cycling facilities

Conditions

Access; Emergency Access; Car Parking Spaces; EV Parking Spaces; Cycle Parking; CEMP.

6.13 WSCC - Public Rights of Way

(Comments received 02.08.2022)

No Objection. WSCC's Public Rights of Way (PRoW) team would not support any downgrade of Bridleway 3595 to a Footpath should this be the desired result of any feasibility study carried out as part of the proposed mitigation package. The Bridleway provides important links to the north, over the A27. It is highly likely that objections would be received.

I note Network Rail also suggest the feasibility study look at diverting the PRoW. This diversion is partly to follow along the platform. A Bridleway allows for pedestrians, cyclists and equestrians making this an undesirable and impractical diversionary route. Given the above, I suggest no money be spent on a feasibility study and I would support the proposed

mitigation of the installation of Miniature Stop Lights as described in Network Rail's supplementary Consultation Response dated 2nd August 2022, at the at-grade railway crossing that BW 3595 currently makes use of.

[Planning Officer Comment: As referenced in para 6.11 above, a contribution towards the future feasibility of either downgrading the existing crossing from bridleway status to footpath status and/or re-routing the existing bridleway is no longer part of the proposals]

(Summary of comments received 02.02.2022)

I note the development plans to convert the existing farm access to provide a dedicated walking and cycling connection to serve the northern portion of the site. This would give non-motorised users almost immediate access to Bridleway 3595 which then crosses the railway. I note and understand Network Rail's concerns about the increased use of the unmanned crossing this development would undoubtedly lead to and the risk that presents. PRow users' safety is of paramount importance.

There is therefore the need to improve the safety of this crossing which should be a condition placed upon the developer. Network Rail are best placed to advise regards how this can be achieved and the Public Rights of Way team can advise on such suggestions. Until such time I am lodging a **holding objection**.

6.14 WSCC - Lead Local Flood Authority

(Summary of comments received 01.04.2021)

No objection.

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

Modelled groundwater flood hazard classification - High risk. The risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Watercourses nearby - Yes

Records of any surface water flooding within the site - Yes. We have received a report and photograph from The Bosham Association showing flooding within the south-west corner of the proposed site in January 2014. We have records of other locations within Bosham that also suffered from surface water flooding in June 2012.

[Planning Officer Comment: In light of amended national planning policy guidance on potential groundwater flooding issues and the appropriateness of a site for development, the LLFA has subsequently confirmed its advisory response of 01.04.21 i.e. that it continues to hold no objection with respect to overall flood risk and is satisfied with the additional evidence submitted by the applicant in the Flood Risk Addendum which is based on actual winter groundwater monitoring on the site]

6.15 WSSC - Fire and Rescue

(Summarised)

The need is to ensure all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting and that there is Fire Service vehicle access. Condition recommended to secure appropriate positioning of fire hydrants to meet the requirements.

6.16 WSSC - Education Services

(Summary of comments received 27.01.2022)

Since December, the County Council as LEA has been investigating whether any primary school in the School Planning Area could be expanded further in order to accommodate the additional children from this application site, and other development sites in the Bourne School Planning Area. This has entailed an assessment of existing school sites, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

The County Council as LEA can now inform Chichester District Council, as determining authority, that a potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. While it is at an early stage and feasibility, design and consultation will need to be undertaken, the County Council as LEA, will pursue this solution which can provide education mitigation for the proposed development. In view of the work County Council as LEA has undertaken in the assessment of education capacity, which has led to a potential solution through the expansion of a primary school in the Bourne School Planning Area, and delivery of the project via CIL, the holding objection is removed.

There is now no education objection to the application.

(Summary of comments received 23.12.2021)

As part of this application, the developer would be expected to demonstrate how they intend to mitigate against the impact of their proposed developments on education. In the absence of a new education facility at Southbourne due to the neighbourhood plan process, it is not clear how the applicant will mitigate the education provision from the proposed development. Taking into consideration the above points the County Council as LEA are providing this consultation response as a **holding objection** until the developer is able to provide full details of their proposed primary education mitigation proposals, and the County Council completes their assessment of education capacity.

(Summary of comments received 06.10.2021)

This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. School places are limited in the locality so expansion of existing facilities or a new facility are expected to be required to accommodate the development.

The developer would be expected to demonstrate how they intend to mitigate against the impact on education.

6.17 CDC - Housing Enabling Officer

(Summarised)

The applicant has engaged with the Housing Delivery Team to arrive at the proposed mix. As such, this is acceptable and will contribute to meeting the needs of affordable and market tenured households who need larger family style accommodation as well as first time buyers and older households who may need smaller accommodation. The distribution of the affordable housing throughout the site is in line with the SPD requirement in that they are not clustered in groups of larger than 15 units. All units appear to meet or exceed the nationally described space standards which is welcomed. The Housing Delivery Team raises no objections to this proposal.

6.18 CDC - Archaeology Officer

(Summarised)

There is no known archaeological reason to object to this development. However, a site of this size located beside a Roman road on the coastal plain, where later prehistoric and Roman activity is known to have proliferated, is bound to contain deposits of archaeological interest. It should therefore be evaluated prior to development, preferably by both geophysical survey and trial trenching, in order to identify the likely extent of any such deposits and to prepare measures to mitigate the effects of development on them. Pre-commencement condition required for submission of written scheme of investigation to include trial trenching, recording of findings and subsequent publishing of results.

6.19 CDC - Drainage Engineer

(Summary of comments received 03.10.2022)

They have shown the majority of the site not to be at “high risk”, and therefore groundwater flood risk should not be a constraint in these areas, however they have shown that the western edge is at significant risk (less than 0.5m bgl), and therefore development should be located sequentially (away from the western edge). I would not have an issue with the [monitoring] data from 2017, as we’d not expect groundwater to have significantly changed since then. The monitoring only covers the original smaller developable area and not the now larger area which we understand is being considered, they will need to do groundwater monitoring in these areas.

(Summary of comments received 07.04.2021)

Site is wholly within tidal/fluvial flood zone 1 (low risk), and our mapping does not indicate any significant surface water flood risk. However, we are aware of surface water flooding in the area around the southwest corner of the site, which may be the result of the restrictive nature of the culvert leaving the site and travelling under the A259. Developer has given due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity and water quality (via the SuDS management/treatment train). This approach is acceptable in principle, but only subject to infiltration proving not to

be viable which should be established through winter groundwater monitoring. Conditions recommended to secure final details and maintenance/management of the SuDS.

6.20 CDC - Contract Services

(Summarised)

The plans look really good. The developer has incorporated waste collection points to limit reversing which is great. No concerns from a waste point of view.

6.21 CDC - Conservation and Design Officer

(Summary of comments received 14.02.2022)

Overall design approach

Key improvements to the standard elevations were secured throughout the lifecycle of the application and include better view terminating elevations, corner turning sites and the addition of chimneys on prominent plots. Some detailed design issues around flint panels and quoin details were improved.

Layout and density

Density issues have been addressed by an expansion into formerly undeveloped land at the north which reduced pressure on the most densely developed parts of the site. This has resulted in a series of key benefits including more generous curtilage for some properties, better dimensioned public circulation routes, more mature streetside planting and a significant reduction in long unbroken rows of streetside parking, particularly in the western part of the site. The difference in densities between the western and eastern parts of the site is much less stark as a result. A significant rural gap to the east of the built form is retained and comprises a key characteristic of the proposals. The main central green space has been redesigned to be more accessible, particularly to residents in the western part of the site, who would have a much longer route to the significant green spaces to the east.

Summary

Key design improvements to the scheme have been secured and result in a proposal which is of an appropriate density, with good quality elevations, street level planting, access to green space and a reasonable quality public realm. As such, the proposal is in accordance with the design requirements of the NPPF and local policy.

(Summary of comments received 11.06.2021)

In terms of overall design approach the mixture of housing types is relatively coherent and avoids too much repetition through the use of varying elevational treatments. Chimneys should be added and corner sites that constitute terminating street views should be revised/redesigned. In terms of layout, whilst the retention of rural gaps to the south and east of the built form is welcomed the central amenity space should be increased in size and given more prominence through good quality landscaping. The overall density should be reduced to allow for better quality street scenes. There should be a less compacted built form particularly in the western section of the site which is in stark contrast to the eastern part. In views along the main streets, the reduced distance between individual buildings gives them the appearance of a single mass, exacerbated by a lack of mature planting and

the prevalence of the communal parking There should be more off-street parking, reducing the reliance on large, frontally located car parks.

6.22 CDC - Environmental Protection

(Summarised)

Land Contamination - accept conclusions [of submitted risk assessment report] however recommend a more detailed site investigation is undertaken given the size of the proposed development and the fact that it is over 6 years since the initial site investigation works were undertaken. Standard conditions recommended.

Noise - accept calculations in submitted noise reports and recommend conditions to secure the implementation of noise mitigation measures for inside and outside dwellings in garden areas.

Air Quality - air quality assessment should be submitted which covers both the construction and operational phases of the development. Mitigation measures to reduce the impact of the development should be included and the methodology produced by the Sussex Air Quality Partnership with respect to emissions mitigation assessment should be taken into account.

Lighting - A condition is recommended to control external lighting.

Construction - A construction and environmental management plan (CEMP) should be drawn up to control impacts during construction and a condition applied.

Foul Drainage - In order to minimise noise, odour or other impacts the pumping station is recommended to be at least 15m from residential dwellings.

6.23 CDC - Community Facilities

(Summarised)

I think on balance that there is merit in the provision of a facility within the development - the volume of additional housing would inevitably put significant pressure on the existing facilities in the Parish and particularly those at St Nicholas Church Hall which would be the closest. The development is fairly inward looking and the connectivity to the Broadbridge settlement is limited, so new residents may well value a facility within the site.

The fairly generic specification of the proposed building is a concern given the unidentified end user. I think that the potential for a local group or organisation to take ownership and management could be revisited in the light of the outcome of the application. If approved the applicant should be given a period for "marketing" to identify an end user and provide us with more detailed proposals. Ultimately if the pursuit of an end user were unsuccessful then we could consider a commuted sum to pay for the enhancement of existing community facilities in the Parish of Bosham, which would be necessary given the likely impact of the additional households.

6.24 CDC - Environmental Strategy

(Comments received 01.08.2022)

I am pleased [BDW] have agreed to the installation of PV and the level proposed with a 19.6% improvement on emissions is satisfactory. With regard to the updated building regs, these are actually better (considerably) than the requirements of [Local Plan] policy 40 so these will meet our requirements that were set within policy 40.

(Comments received 28.02.2022)

Sustainable energy approach - I think it is fully justifiable to ask for 10% from renewable [energy] sources and on a site of this size is fairly easy to achieve as many other sites have done (usually through PV).

(Summary of comments received 11.02.2022)

Great Crested Newts - A degree of common sense should be applied here. There is sufficient mitigation in place for reptiles, as detailed in the Ecological Mitigation Management Plan (Dec 2020), that will also ensure that great crested newts are not harmed by the proposals. This includes a precautionary approach where all vegetation clearance will be undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search of all suitable vegetation being lost will be undertaken by a suitably trained ecologist. If Great Crested Newts are found during the process all works must stop and Natural England contacted.

(Summary of comments received 03.12.2021)

Sustainable energy approach - Proposals achieve 31% energy savings and the suggested condition is sufficient. We would like to encourage larger schemes to integrate renewable energy supply into their site plans where possible however we know this isn't always feasible.

suggested condition (by applicant):

"Notwithstanding forthcoming changes to Building Regulations, each dwelling hereby permitted shall achieve a reduction of at least 31% in energy use relative to the extant 2013 Building Regulations. The development hereby permitted shall not be first occupied until a sustainability verification report, specifying the methods employed to attain this energy reduction requirement, has been submitted to and approved in writing by the Local Planning Authority."

(Summary of comments received 01.12.2021)

Policy 40 - We would expect the new dwellings to achieve the highest levels of sustainability in accordance with policy 40 in the local plan. Require details on how the buildings will perform compared to the energy performance required through the building regulations (and to achieve at least a 19% improvement on this) and provide details of any low carbon measures to be incorporated.

Nutrient Neutrality - Following Submission of the Nutrient Balancing Assessment (September 2021) we are satisfied that there will be a reduction in TN onsite and no further work is required relating to this.

(Summary of comments received 16.08.2021)

Great Crested Newts - Information submitted is not sufficient. We would like the report from the 2017 GCN survey to be submitted so that we are able to assess the limitations of the survey as mentioned in the ecological appraisal and the potential of the habitats to support GCNs.

Bats - we are happy that the mitigation proposed would be suitable. A condition should be used to ensure the mitigation recommendations take place. Additionally, habitat enhancements benefiting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; The use of a range of native tree and shrub species within landscaping proposals; and Establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape. We require that multiple bat boxes are installed on the buildings onsite, or bat bricks are integrated into the buildings facing south/south westerly positioned 3-5m above ground.

Nesting Birds - we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. We would like multiple bird boxes to be installed on the new developments / and or on the trees within the gardens of the properties to accord with submitted mitigation strategies. An area of open grassland should be included within the proposals. This should be cut once a year (in late summer) and have a rich diversity of plants in order to provide a good food resource for winter birds.

Reptiles - Following submission of Ecological Assessment Sept 2019, we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Water Voles - Due to the presence of water bodies which should support water voles, no works can take place within the ditches surrounding the site and a 5m buffer should be set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed. An additional buffer zone along the railway line should be enhanced as this is a key east to west corridor and could support dormice.

Hedgehogs - Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Badgers - Prior to start on site a badger survey should be undertaken, within one month prior to development commencing, 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.

Recreational Disturbance - A contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Enhancements - Enhancements should be provided in accordance with those proposed within section 6 of the Environmental mitigation and management plan for the mitigation for

the habitats of the site. These include wildlife pond, wildflower meadow planting, bat and bird boxes, log piles on site, 2 x hedgehog nesting boxes and gaps under fences, grassland to benefit reptiles.

6.25 CDC – Sport and Leisure

As part of the development there is a requirement for some formal sports pitch provision. We understand the constraints of the site and are therefore willing to accept a mini football pitch 64m x 46m in dimension. It will need to be constructed in accordance to Sport England and Football Foundation guidelines for community use. There is also a requirement for some ancillary car parking spaces for parking and drop off.

6.26 255 Third Party Objections

- i. Highgrove field floods and is not suitable building land, concerns about increased surface water run-off
- ii. existing sewerage network cannot cope, raw sewage is being discharged into harbour, this proposal will make it worse
- iii. there is a lack of wastewater capacity at Bosham WwTW
- iv. there will be a harmful impact of nitrates on the protected waters of the Harbour
- v. loss of valuable grade 1 and 2 agricultural land and food security
- vi. should develop brownfield land first before green fields
- vii. why is the site not providing a Primary school. There are no local school spaces
- viii. loss of village identity, will turn Bosham into an urban town part of continuing sprawl along the coast
- ix. loss of strategic gap between Bosham and Fishbourne - coalescence
- x. loss of landscape openness, key views and intervisibility between AONB and National Park
- xi. harmful to local biodiversity and wildlife which uses the field
- xii. loss of wildlife corridor between AONB and National Park
- xiii. highway safety
- xiv. roads already over capacity, will lead to more traffic congestion and severe gridlock at east end of A259 onto Fishbourne roundabout
- xv. 25% increase in settlement size with no new infrastructure to serve the development - schools, doctors' surgery, limited bus service etc
- xvi. village does not need another village hall
- xvii. application is premature
- xviii. the 2014 public consultation on the Bosham Neighbourhood Plan found the Highgrove site to be the least desired site to develop
- xix. Viv. design of housing is 'pattern book' lacking distinctiveness
- xx. lighting proposals will be harmful to Dark Skies policies of the Harbour and National Park
- xxi. harmful recreational impact on Harbour
- xxii. site is not well integrated with existing village

6.27 Agents Supporting Information

Executive Summary from Planning Statement -summarised

In 2017 a planning application was submitted for 50 dwellings in the south-west of the proposed development site (17/03148/FUL), which was approved by Chichester District

Council. This new application evolves the proposals further, with a larger and more comprehensive development which brings additional community benefits resulting from the new approach undertaken by Chichester District Council by virtue of the Interim Position Statement, providing much needed new homes in an area currently facing a shortfall in housing. This planning application proposes the erection of 300 residential dwellings (including a provision of 30% affordable homes), a multiuse community hall and associated open space including a strategic landscaped buffer. The proposed development utilises the existing approved primary vehicular access point from the A259.

The proposals are of a high-quality design that take reference from the surrounding character and provide a new community hall to act as a hub for residents and organisations to utilise. A landscaped buffer along the eastern boundary will soften views of the development ensures development does not encroach upon the open countryside that separates Fishbourne and Bosham, whilst retaining views from Broadbridge to Chichester Cathedral and from the Chichester Harbour AONB towards the South Downs National Park. The proposals are nitrate neutral, will result in enhancements to the biodiversity of the site, and will improve the existing surface water drainage of the site.

A full suite of supporting documents and all submitted plans can be viewed on the Council's website.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Bosham Parish Neighbourhood Plan was made on 22nd November 2016 and forms part of the Development Plan against which applications must be considered. The Site Allocation Development Plan Document 2014-2029 is also part of the Development Plan and was adopted by the Council on 22 January 2019.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

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

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 54: Open Space, Sport and Recreation

Bosham Parish Neighbourhood Plan 2014-2029

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

Policy 1 - The Settlement Boundary

Policy 2 - Criteria for Housing Development

Policy 6 - Landscape and the Environment

Policy 7 - Ecology, Wildlife and Biodiversity

Policy 8 - Flooding and Drainage

Policy 9 - Transport and Highways

CDC Site Allocation Development Plan Document (SADPD)

7.4 Part of the application site (the south-west corner) is subject to Policy BO1 of the DPD which allocates it for 50 dwellings.

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

7.5 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 received during that 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 early 2023, 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 2023.

7.6 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

S6: Affordable Housing

S12: Infrastructure Provision

S20: Design

S23: Transport and Accessibility

S24: Countryside

S26: Natural Environment
SA27: Flood Risk Management
AL7: Highgrove Farm, Bosham

Part 2 - Development Management Policies

DM2: Housing Mix
DM3: Housing Density
DM8: Transport, Accessibility and Parking
DM9: Existing Employment Sites
DM16: Sustainable Design and Construction
DM18: Flood Risk and Water Management
DM23: Lighting
DM25: Noise
DM28: Natural Environment
DM29: Biodiversity
DM30: Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
DM32: Green Infrastructure
DM34: Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

- 7.7 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021 and related policy guidance in the NPPG.
- 7.8 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.*
- 7.9 The following sections of the NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.10 The following documents are also material to the determination of this planning application:
- Surface Water and Foul Drainage Supplementary Planning Document (SPD)
 - Planning Obligations and Affordable Housing SPD
 - Interim Position Statement for Housing Development

- CDC Waste Storage and Collection Guidance
- Bosham Village Design Statement 2011
- CHC Chichester Harbour AONB Management Plan (2014-2029)

Interim Position Statement for Housing Development

- 7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is due to be reviewed during the Autumn of 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply. Whilst at the time of writing 5.3 years remains the Council's published statement of its supply, the Committee will be aware that this figure has been challenged through several recent housing appeals. At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Earnley (E/20/03125/OUT) the Council revised its figure of 5.3 years down to 5.01 years, a surplus of 6 dwellings. The Inspector in that appeal found that the Council's supply following further necessary adjustment was at 4.8 years. Officers have subsequently looked again at the figures and agree that the evidence now points to a supply position of less than 5 years. Ahead of publication of a revised HLS statement, the Council accepted in the appeal at Chas Wood Nurseries (CH/20/01854/OUT) which was allowed on 17 October 2022 that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.
- 7.12 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. In the absence of a 5YHLS new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries. The IPS is not formally adopted 'policy' and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

7.13 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
- 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 and the policy position
- ii) Layout, design and landscape impact
- iii) Highways, access and parking
- iv) Surface water drainage
- v) Foul water drainage
- vi) Ecology
- vii) Community building
- viii) Other matters - (education, nitrates, sustainability, railway, mini football pitch, allotments, residential amenity)

The principle of development and the policy position

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

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

8.3 The site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area wherein Local Plan policy 45 resists development of the nature and scale proposed.

8.4 For certainty and clarity a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date. Policy 45 as a countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is

considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the LPR. Draft policy S2 of the LPR continues therefore to identify Bosham as one of the Service Villages i.e., as a focus outside of Chichester city and the Settlement Hubs for new development and facilities within an expanded settlement boundary.

- 8.5 In 2019, full planning permission for a development of 50 homes in the south-west corner of the current application site was given on the basis of compliance with policy BO1 of the CDC Site Allocations Development Plan Document (SADPD) and whilst that permission lapsed on 15 January 2022, the policy commitment is now enshrined as part of the development plan and the settlement boundary for Bosham will be re-drawn to encompass that site. The Council's development plan commitment for Bosham in terms of housing numbers through policy 5 and policy BO1 of the SADPD is therefore addressed albeit that the 50 units have yet to be constructed. The 50 dwelling SADPD site comprises 15% of the current application site in terms of its land area and the latter relies on the vehicular access approved for that development. The current application in essence therefore is for a net gain of 250 new homes over that which the Council has already sanctioned on part of the site.
- 8.6 Whilst the principle of developing 15% of the application site area in the south-west corner with 50 dwellings is established, there is no development plan support for increasing that level of housing from 50 dwellings to 300 dwellings with new housing on the adjoining land ahead of any firm commitment on future housing numbers and distribution in the Local Plan Review (LPR). The Council's published position with regard to the Highgrove Farm site is in the LPR Preferred Approach. Within the Preferred Approach, land at Highgrove Farm (in addition to the 50 dwelling SADPD site) is identified as a strategic land allocation under draft policy AL7, appropriate for a residential-led development of a minimum of 250 dwellings plus land for a two-form entry primary school, infrastructure and community facilities. As it stands, the Preferred Approach is exactly that - the Council's proposed direction of travel. Indeed, the draft policy has in effect already been modified with WSCC's Education Service now confirming it no longer has a requirement for a new school on the site (paragraph 6.16 above). Therefore, at this stage in the Local Plan Review cycle, AL7 is no more than an emerging policy, it has not been tested at examination and does not have enough weight in decision making consistent with government policy in paragraph 48 of the NPPF. Therefore, following a s.38(6) development plan approach, this application is contrary to policy.
- 8.7 However, there are other factors to consider. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development where there is no housing supply is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan with its revised housing strategy and numbers. In respect of recent appeal decisions for 4 major housing developments (Westhampnett; Raughmere; Church Road, West Wittering; and Clappers Lane, Earnley), only the Inspector at Raughmere concluded that the Council had a 5 year housing land supply. With the Council's 5YHLS hovering around the '5' year figure the Committee will be very aware of the notable increase in speculative housing applications on the edge of existing settlements over the past 12-18 months. When viewed in the context of

not having a housing supply, officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the LPR is not a tenable approach. Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate a supply and that this supply is maintained with a suitable buffer ahead of adoption of the Local Plan Review, it will be necessary for some new housing development to be permitted.

- 8.8 As part of that context it is notable and relevant that the Council's Housing and Employment Land Availability Assessment (HELAA) in March 2021 identified the site as available, suitable and capable of delivering 250 dwellings plus land for a community hall and a 2-form entry Primary School. While the HELAA is only a technical background document used to inform the LPR and is not Council policy, it is significant that the Highgrove Farm site continues to remain one of the Council's preferred strategic housing locations along the East-West corridor which is the area identified as the focus for accommodating the main future housing growth in the next plan period
- 8.9 The Council's position set out publicly at the Chas Wood appeal is that it cannot demonstrate a 5YHLS. Alongside the non-housing policies of the adopted Local Plan which are not out of date and are consistent with the NPPF, the Council has committed to continue using the Interim Position Statement for Housing Development (IPS) to provide a set of criteria against which to measure the potential acceptability of new housing proposals outside of current settlement boundaries. It is relevant to consider the Highgrove Farm application against each of the IPS criteria in turn:

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

The entire length of the sites west boundary adjoins the settlement boundary for Broadbridge. The criterion is satisfied.

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

Bosham/Broadbridge is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2) and draft Policy S2 in the LPR. The LPR has identified Bosham as capable of accommodating further sustainable growth to enhance and develop its role as a Service Village. The village is host to a good range of facilities and services, including a Primary School, community facilities, local shops and a GP surgery. It has a railway station and good bus links between Havant and Chichester. In terms of its facilities and location in the settlement hierarchy it is considered appropriate for a development of 300 dwellings. The criterion is satisfied.

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

It is considered that the development meets this point. There is no actual or perceived coalescence likely to arise from permitting this development. The development would retain a landscape gap of approximately 1.25 km across a predominantly open rural landscape

(from the eastern edge of the site to the nearest point of the Fishbourne settlement boundary at Blackboy Lane). See section on landscape impact below but it is considered that this criterion is met.

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

The proposals would result in a density of approximately 20.53 dwellings per hectare based on the overall site area. There is no artificial sub-division of the land comprising the red lined application site. In the context of the rural edge of settlement location, this level of development compares favourably with the Council's 'benchmark' density value of 35dph for greenfield sites and is considered acceptable. The proposal meets this criterion.

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

See section on landscape impact below but it is considered that the proposal would comply with the above criterion.

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

The application site is outside of the proposed Strategic Wildlife Corridors set out in the draft Local Plan Review. The criterion is not therefore applicable in this instance.

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

Wastewater disposal will be through the statutory undertaker Southern Water. Affordable housing, open space, and highways improvements would all be secured through a Section 106 agreement and/or by planning conditions. WSCC has confirmed that the Primary education requirements of the development would be addressed through CIL. The criterion can be satisfactorily addressed through a combination of the S.106 agreement, CIL and relevant planning conditions.

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

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

The development will need to meet the enhanced Part L building regulations criteria which were introduced in the revisions to the Building Regulations in June 2022. Additionally, the development is proposing solar PV panels on 90 dwellings to meet the 10% requirement for renewables and all properties will have electric vehicle parking. Water consumption will be limited to 110 litres person per day. The criterion to deliver environmentally sustainable development is therefore considered to be met.

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

The design and layout of the development are considered to be acceptable in the context of the location - see further assessment below. The criterion is met.

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

Bosham is defined in the extant Local Plan and in the draft LPR as a 'Service village'. The proposed development would benefit from a relatively high level of accessibility by non-car modes. For example, the nearest bus stops are located along the A259 with bus stops for westbound and eastbound services (44a, 56 and 700 services) being within 300 metres of the site access. Bosham railway station is approximately 900 metres from the site via Main Road and Station Road. A dedicated off-site pedestrian/cycle link is to be provided in the north-west corner of the site through the existing residential development at Barnside providing a more direct route from the site to the railway station and local shops. The criterion is met.

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

capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

This criterion is considered to be satisfied (refer to the assessment below). The site is located within EA flood zone 1, as an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development whilst factoring in the in-combination effect of higher groundwater levels.

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

The site will discharge its foul water flows to the Bosham WwTW at Harts Farm where there is sufficient headroom to accommodate the development. The applicant has demonstrated that whilst the development results in a positive nitrogen budget, proposed appropriate mitigation through the S.106 in the form of nitrate mitigation land secured at Chilgrove Farm which is to be changed from the growing of cereal crops to the planting of broadleaved woodland is sufficient to achieve nitrate neutrality. On this basis the criterion is met.

13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

The applicant/developer is a national housebuilder, the site is a greenfield site and there are no site abnormalities which are likely to delay implementation of any permission once pre-commencement conditions have been discharged. The HELAA anticipates an estimated timescale for delivering the housing of 100 units in years 1-5 and the remaining 150 units in years 6 -10. There is nothing to imply that such a timescale is unrealistic or that the criterion cannot be complied with. Indeed, the applicant has recently advised that the development is to be built out in a single-phase moving northward from the site access at the south boundary and being completed within the 5-year period to 2027.

8.10 When measured against the preceding IPS criteria the application at Highgrove Farm is considered to score well, being sustainably located and relatively unconstrained. The remaining sections of this report seek to assess the proposal in the context of the requirements of the relevant adopted Development Plan policies, alongside other material considerations including national planning policy and guidance.

Layout, design and landscape impact

8.11 The proposed layout follows established urban design principles, with a network of streets and street-facing dwellings arranged around a series of perimeter blocks. The vehicular access from the A259 tracks directly north at 5.5 metres wide then east looping around the central core which incorporates the large central area of green open space at circa 1600sqm which is over-looked on all four sides and incorporates an equipped area of informal play of approximately 291sqm. This primary road gives rise to a series of secondary/tertiary roads between 5.5m wide(majority) and 4.8m wide and then private drives which narrow to around 3.5 metres. Allotment gardens and a community hall with

parking are located in the north-west corner of the site adjacent to the railway line. A line of dwellings running along the site's western boundary have their rear garden boundaries set back a variable distance between 5 and 12 metres from the site boundary creating an ecological corridor with the existing trees and field ditch.

- 8.12 The proposal includes a broad mix of detached, semi-detached and short terraces of two and two-and-a-half storey houses and apartments. All properties benefit from reasonable-sized gardens complying with CDC design guidelines and acceptable levels of privacy. Parking is provided within the curtilage of dwellings and hard surfacing is therefore not a dominant feature of the layout. The distribution of affordable dwellings throughout the development is considered acceptable, as is the mix and tenure of both market and affordable dwellings which accords with the HEDNA.
- 8.13 The design of individual dwellings has evolved during the course of the application through input from the Council's Design Officer and generally follows a traditional approach. A mix of hipped and gabled roof forms is proposed along with the use of various design details to add visual interest such as chimneys, corbelling, dentilled eaves, brick and arch detailing to window openings and various styles of fenestration. Key improvements to the original layout secured during the application have included a loosening of the urban grain on the west side of the site through a slight expansion of the built area into formerly undeveloped land at the north-east part of the site. This in turn has resulted in a series of key benefits including more generous curtilage for some properties, more streetside tree planting in accordance with NPPF paragraph 131, a significant reduction in long unbroken rows of streetside parking, particularly in the western part of the site. The large main central green space has also been redesigned to be more accessible, particularly to residents in the western part of the site, who would have a much longer route to the significant green spaces to the east.
- 8.14 Final details of facing and roof materials would be reserved by planning condition should permission be granted, but these are likely to predominately comprise brick, tile hanging, render and flintwork to elevations with red and grey plain tiles to roofs.
- 8.15 It is considered that the approach that has been taken to the layout and detailed design of the development is appropriate to the site's context and consistent with the objectives of the relevant Development Plan policies including Policy 2 of the Bosham Neighbourhood Plan (Criteria for Housing Development) and policy 33 of the Local Plan.
- 8.16 In terms of the development's wider landscape impact, the proposals include a generous planting belt on the eastern side of the site wrapping part way around the north-east and south-east sides, varying in width by between approximately 41m and 100m and comprising a mix of shrub and tree planting, public amenity grassland and meadow with planted up SuDS features to create a robust boundary with the adjoining farmland. Towards the south-east part of the site a mini football pitch laid to grass and suitable for use by children up to 10 years old is proposed. The front part of the site, which flanks the A259, would comprise a wide swathe of landscaping, including the shallow SuDS drainage basins and swales interspersed with tree planting. The proposed dwellings closest to the A259 would be set back approximately 28m in the south-west corner and 48m in the south-east corner. A series of footpaths provide connectivity within the site responding to anticipated desire lines. A green route following the line of the main north-west to south-east swale passing through the site and skirting around the edge of the central area of open space provides connectivity between the A259 and the off-site connection into Barnside and thereon to the existing facilities in Broadbridge.

- 8.17 The proposed draft allocation of the strategic site comprising the application site in the LPR Preferred Approach (draft policy AL7) is informed by several background studies. The Chichester District Landscape Capacity Study (March 2019) identifies the Broadbridge to Fishbourne Coastal Plain sub-area (91) which stretches from the A27 to the north to the A259 to the south of which the site is a relatively small part as having overall medium/low capacity for development. Clearly, the development of any site, and in particular any greenfield site, will have an impact on the baseline character and appearance of its surroundings. To develop the application site as proposed involves an acceptance that there will be an encroachment beyond Broadbridge's settlement boundary into a currently undeveloped and relatively open area of farmland. It is nevertheless important that, as far as is possible, any detailed proposals mitigate their impact on the wider landscape.
- 8.18 The Landscape Gap Assessment (May 2019) also produced for the Council to support the LPR and potential strategic allocations identifies what it defines as a 'strategic gap' between Bosham/Broadbridge and Fishbourne (part of the former designated strategic gap between Chichester and Emsworth). The gap identified in the Landscape Gap Assessment does not include the application site but comprises land approximately 750m wide adjacent to it to the east of Ham Farm extending towards Fishbourne. It is the width of this gap which means that people travelling along the A259 or by train or along cycleways perceive a reasonable stretch of predominantly open and undeveloped countryside between Bosham/Broadbridge and Fishbourne which in turn contributes to the perceived separation of those settlements and their separate identities. The gap is considered essential to protect in order prevent the actual or perceived coalescence of the settlements and the proposals in that regard are not in conflict with Local Plan policy 48(5).
- 8.19 The applicant has acknowledged the landscape constraints of sub area 91 by proposing a landscape led approach to the layout of the development. The site of the proposed development is visually separated from the identified landscape gap in the Landscape Gap Assessment by the farm buildings and boundary screening at Ham Farm and has been designed with a layout which constrains the eastward spread of built development through the inclusion of a significant landscaped buffer on the eastern site boundary. The landscaped buffer maintains a viewing corridor from the A259 - which marks the boundary with the AONB - through the site to the National Park to the north. It is relevant in landscape terms regarding intervisibility between the AONB and the National Park that approximately one third of the site frontage with the A259 in the south-west corner has already had planning permission granted for 50 homes on the DPD allocated site. With that permission there was an implicit acceptance that the previous unimpeded intervisibility between the AONB and National Park from the baseline position of an open field would be changed to one providing only a transitory viewing corridor. The current application by setting back and tapering the eastern edge of the proposed built form adjacent to the A259 results in an undeveloped frontage of around 80 metres to the A259 which will provide a significant viewing corridor. The layout of the development also makes provision for a viewing corridor from the existing development at Barnside retaining long views east towards Chichester Cathedral through the proposed housing.
- 8.20 The approach to the front (south) part of the site and the eastern fringe has been the subject of detailed discussion and negotiation to strike a balance between integrating the development into its wider setting through the use of planting that is sufficient to soften but not hide it, to provide adequate surface water drainage and to preserve some views through the site towards the South Downs whilst limiting any impact on the AONB to the south. To

assist the development's integration, the SuDS basins at the south boundary will be lined which will provide opportunities for tree and shrub planting at their perimeter to filter and soften views of the development.

- 8.21 Overall, the approach taken is considered to strike an acceptable balance. In addition, any impact has been further mitigated following the removal of the originally proposed street lighting during the course of the application. Following discussions with WSCC it has been confirmed that the inclusion of such lighting would not be a prerequisite to the adoption of any roads given that none (or very little) currently exists in the adjoining part of the village.
- 8.22 It is also necessary to have specific regard to the potential impact of the proposal upon the Chichester Harbour Area of Outstanding Natural Beauty. In this respect it is noted that the land within the AONB immediately to the south of the site comprises a flat arable field formed by Walton Lane on its western side and Chequers Lane to the east and south, with sporadic development visible along parts of both roads. Whilst contributing to the pleasant and predominately rural character of this part of the A259 corridor, this land is peripheral to the AONB and is not read as part of its defining harbour-side landscape. Bearing also in mind that any effect on the Harbour formed part of the Site Allocations DPD site selection process, the impact of the proposal upon the setting of the AONB is considered both limited and acceptable.
- 8.23 It is acknowledged that various local stakeholders, including the Parish Council and Chichester Harbour Conservancy, have expressed strong concerns about the landscape and visual impact of developing the Highgrove Farm site. However, it is relevant that the proposals respond to two of the key Principle and Significant Views identified in the Neighbourhood Plan in terms of views east from Barnside to the Cathedral spire and views north from the A259 to the National Park. Having considered the various representations, the fact that a prominent part of the site is now allocated for housing development and has had planning permission for 50 dwellings and considering the landscape-led layout of the current proposals, officers are satisfied that from a landscape perspective the site meets the objectives of criterion 5 of the IPS and Local plan policy 48 and is therefore appropriate by that measure for the level of development proposed.

Highways, access and parking

- 8.24 Access to the development from the A259 would be via a conventional priority access junction arrangement leading to a 5.5m wide primary road which then gives rise to a series of secondary/tertiary roads between 5.5m wide(majority) and 4.8m wide and then private drives which narrow to around 3.5 metres. As noted at paragraph 3.2 above, a right-turn lane would also be formed within the centre of the A259 carriageway in order to facilitate safe access to the site by vehicles approaching from the east. The application proposes to provide the site access approved as part of the previous 50 dwelling permission so the principle to that extent has already been established.
- 8.25 The site entrance would be flanked by footways and incorporate a 3m wide cycle priority layout across the entry/egress of the development conforming to LTN 1/20 and linking into the existing combined A259 footway-cycleway located along the site frontage. As part of the S.106 agreement the development will deliver improvements to local walking and cycling infrastructure (provision of tactile paving and surface improvements on existing A259 crossing adjacent to Bosham roundabout; dropped kerbs and tactile paving at crossing

point adjacent to access to the Broadbridge Business Centre off Delling Lane; and footway surface improvements on the north side of the A259 opposite Chequer Lane).

- 8.26 Both the junction design and proposed pedestrian crossing facilities (to the west of the site) have been subject to a Highway Safety Audit and are considered appropriate in terms of both safety and capacity by the Local Highway Authority. The internal layout of the development is likewise considered acceptable and will allow all vehicles, including refuse freighters and fire appliances to safely manoeuvre and turn.
- 8.27 Parking would be provided within individual plots or to the front of dwellings with visitor spaces formed in bays off the distributor roads. The number of spaces proposed (717.5) meets the predicted demand and is considered acceptable. The dimensions of external parking spaces (5m x 2.5m) and garage spaces (6m x 3m internal) meet the required minimum.
- 8.28 Given the proximity of the site to the A27 Fishbourne Roundabout, Highways England (HE) has requested a financial contribution towards the A27 Local Plan mitigation scheme set out in the CDC Planning Obligations and Affordable Housing SPD. The applicant has agreed to make this contribution in order to mitigate the impact of the development on the strategic road network, and the Section 106 Legal Agreement includes an obligation requiring the applicant to enter into a separate agreement with HE in order to secure that payment.
- 8.29 In terms of the development providing means of access to and from it other than via the private car, prolonged negotiations between officers and the applicant have resulted in an off-site pedestrian and cycle link being proposed in the north-west corner of the site through Barnside. This would provide a more direct route along lightly trafficked roads to the mainline railway station with its hourly service in each direction and to the services and parade of shops in Broadbridge. It would also facilitate access to the Brooks Lane railway crossing which provides a bridleway connection to the north. The new link would provide an opportunity for existing residents at Broadbridge to access the proposed community hall, allotments and large areas of public open space on the application site. The Highgrove Farm site also provides access to the eastbound and westbound bus stops on the A259 both located within approximately 300 metres of the existing site access. The bus stops are served by 3 services (44a, 56 and 700) with the 700 service providing connections between Bognor-Chichester-Havant-Portsmouth every 20 minutes. The site is therefore considered to be sustainably located in transport terms with the availability of accessible alternatives in addition to use of the private car.

Surface water drainage

- 8.30 The application site is located within Environment Agency Flood Zone 1. Whilst this indicates the site has a low probability of flooding, initial borehole testing has shown relatively high groundwater levels and anecdotal evidence from the local community indicates that a drainage approach based solely on ground soakage - infiltration - is unlikely to prove adequate particularly in the south-west corner of the site.
- 8.31 In view of the above, the submitted indicative drainage strategy is based on a sustainable drainage system which includes swales to convey the surface water and a series of interlinked shallow attenuation basins with 1 in 3 perimeter banking positioned along the site frontage. The system would ultimately outfall to an existing drainage ditch located at the southwestern boundary of the site, with outflow restricted through a hydrobrake or similar so

as to be no greater than the current greenfield rate. Sufficient storage will be provided to accommodate a 1:100 year rainfall event with an additional 40% allowance to account for future climate change. The Council's Drainage Engineer has assessed the proposed drainage strategy in the context of recent flooding incidents downstream. The applicant's approach to drainage is considered acceptable in principle subject to it being proved that infiltration is not possible at all.

- 8.32 Officers are mindful of recent advice in the PPG regarding application of the sequential test to the selection of development sites in respect of groundwater flooding issues. Modelling maps produced in association with WSCC as the Lead Local Flood Authority (LLFA) identify the site as potentially at high risk from groundwater flooding. However, this degree of 'risk' is based on *modelled data only* not on actual site measurements. The applicant's drainage consultant as part of the submitted Flood Risk Assessment (FRA) and FRA Addendum has carried out winter groundwater monitoring across the middle and western parts of the site to provide greater certainty of the actual site conditions. The results of this monitoring show that groundwater levels here are lower than the LLFA mapping evidence suggests. The actual results show identified groundwater levels at between 0.23m and 1.67m below ground level compared with the modelled figure of 0.025m and 0.5m i.e. a lower level of risk than the modelling suggests and below the highest area of risk identified on the LLFA mapping (within 0.025m of the ground surface) which is restricted to a small corner of the north-west part of the site where it is proposed to site the allotments. Notwithstanding these results and given the relatively high groundwater levels, the Council's Drainage Engineer has recommended that further groundwater monitoring, and shallow percolation tests should be carried out during the winter period across the remaining parts of the site to further inform the final drainage strategy and this can be secured by condition. Notwithstanding this, the Committee will note that there is no objection from the Drainage Engineer or from the LLFA.
- 8.33 The SuDS basins in the southern part of the site will necessarily need to be lined to prevent groundwater ingress so as to retain the maximum available volume. It is anticipated that they will only fill during significant rainfall events and will normally be predominantly empty. During each time it rains there will be some flow into these basins and there will be a low flow channel that will meander through the basins to allow for these flows. Provided the outer perimeter of the basins are planted-up appropriately - the base and sides overlying the liner will be grassed - they should appear as natural and attractive features that contribute to the foreground setting of the development.
- 8.34 The drainage scheme and the final configuration of the basins and their landscaping will be controlled by condition, but the submitted details indicate that a drainage solution resulting in the maintenance of current greenfield discharge rates is achievable.

Foul Water Drainage

- 8.35 It is proposed that foul sewage would be discharged to the public sewer in Brooks Lane with the aid of a new pumping station to be located mid-way along the south part of the site from where it will then be pumped to the Harts Farm wastewater treatment works.
- 8.36 Whilst there is sufficient capacity at the receiving wastewater treatment works at Harts Farm to process new flows, the comments of Southern Water (SW) above regarding the need to upgrade the existing network of pipes in order to convey those flows is noted. The carrying

out of these reinforcement works is the responsibility of SW using the Infrastructure Charge which, since April 2018, is levied on all new residential development.

8.37 Whilst the provision and timing of any necessary on and off-site foul infrastructure works is now the sole responsibility of Southern Water, given the known network capacity issues in the Parish it is important to ensure that any network reinforcement that is required is completed prior to occupation of any dwellings. Accordingly, the recommendation below is conditioned to require the submission of evidence demonstrating that all necessary works will be carried out prior to occupation of any dwelling. An informative is also proposed advising that discussions between the developer and Southern Water commence at the earliest possible stage in the development process.

Ecology

8.38 As a predominantly open field in arable use the principal features of ecological interest are largely confined to the field margins and the tree and scrub lined field boundaries. The field boundaries generally provide foraging and commuting corridors for bats and up to 7 species of bat were recorded in 2019 surveys. A low population of slow worms and common lizard were recorded in the north-west corner of the site. Wintering bird surveys have established the site is not important for wintering birds and is not used or suitable as foraging habitat by Solent Wader and Brent Geese. The application proposes a significant landscape buffer on the east boundary extending around the north-east and south-east corners and a number of ecological enhancements. These include: establishing grassland open space, woodland and species rich meadow, protection of existing trees, hedgerow and scrub with native infill planting where needed, installation of 5 bat boxes on trees to be retained and 6 bat boxes on properties throughout the site, 30 nest boxes for birds to benefit Starlings, Swifts and Sparrows in particular and log piles for Stag Beetles and other invertebrates. The SuDS basins are to be seeded around the perimeter with a species rich water meadow grass mix to provide an additional ecologically valuable habitat. The ecological enhancements and habitat mitigation proposed in the application are to be secured by condition/s on the recommendation and on this basis the Council's Environment Officer has no objection.

8.39 From a baseline ecological position where the features of interest are restricted to the field margins it is considered that overall, the proposals will result in a biodiversity net gain (BNG) for the site. In advance of secondary legislation to the Environment Act 2021 which is expected in 2023 it is not yet mandatory for developers to quantify the extent of BNG as part of a planning application but the biodiversity measures overall find support in existing Local Plan policy 49(3).

8.40 Turning to the issue of potential recreational disturbance at the nearby Chichester and Langstone Harbours Special Protection Area, Natural England has confirmed its agreement with the conclusions of the Council's Appropriate Assessment that the proposals should not have an adverse effect on the integrity of this European site subject to the developer contributing towards the well-established Bird Aware Solent scheme. The applicant has agreed to make such a contribution, and this would be secured through the S106 legal agreement referred to below.

Community Building

- 8.41 In addition to the majority residential component of the application, the proposals also include provision for a community building. Draft LPR policy AL7 supports the provision of community facilities and policy 4 of the neighbourhood plan states that '...proposals for new community facilities of an appropriate scale that comply with BPNP policies will be supported.' Existing community facilities in Bosham include the village hall in Walton Lane and St. Nicholas Church Hall off Brooks Lane both of which are well-used by numerous local clubs, groups and societies. With the additional population realised by 300 new homes the provision of an additional facility to serve a community function is considered important. This is particularly so given that the relationship of the Highgrove site to the existing adjacent development at Brooks Lane where, with the exception of the proposed cycle/pedestrian access point in the north-west corner of the site, the development will largely be a self-contained entity.
- 8.42 The single storey community building built in brick with a hipped tiled roof has an open hall (103 sqm), 2 meeting rooms (2 x 21 sqm), welfare facilities, foyer, storage and parking for 14 cars and will provide a focal point for meeting the needs of the new community as well as being available for use by the existing community in Bosham. It is envisaged that the building and associated parking area will be managed and maintained by a management company to be secured through the terms of the s.106 agreement. Officers note the comments of Bosham Parish Council with regards to the level of parking that has been allocated to the allotments and community centre not being sufficient. The County Highways officer in response has commented that there are no specific standards on parking requirements for the combined land uses proposed and it is up to developers to provide an appropriate level. However, WSCC point to the example of the community hall perhaps being used for group fitness activities where the parking demand for a 250m² unit would be 11 spaces for that particular use. WSCC also point to the fact that the development provides 4 visitor parking spaces in close proximity to the hall (as well as 60 visitor spaces on the site overall). The conclusion is therefore that the level of parking is satisfactory in combination with the effective management of the facilities by the management company through the S.106 agreement.
- 8.43 The Council's Community Engagement Manager has advised that there is merit in the provision of a facility within the development as the volume of new housing would inevitably put significant pressure on the existing facilities in the Parish and particularly at St. Nicholas Hall which would be the closest. Some concern is expressed regarding the uncertainty of the end user but until the new community at Highgrove Farm is established the scope of the potential future uses will not be known and in that regard it is considered that the fairly generic internal layout is appropriate and could be amended at a later date according to the intended uses. The use of the building is necessarily restricted by condition on the proposed recommendation.

Other Matters

Education

- 8.44 Draft LPR policy AL7 refers to the Highgrove Farm site providing 250 dwellings *and* a two-form entry primary school. The Preferred Approach containing AL7 was published in December 2018 and subsequent to that WSCC as the local education authority (LEA) has reviewed the likely requirements for education provision going forward. Following long and

detailed discussions on this matter the LEA has confirmed to the Council that there is no longer a requirement for the provision of an education facility on the application site. As referred to earlier in the report a potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. WSCC is to pursue this approach and is therefore content that the future education needs can be addressed through CIL.

Nitrates

8.45 The application site is arable farmland and has been used for the growing of crops for which a fertilizer has been applied for in excess of 10 years. The applicant has carried out the necessary nutrient neutrality assessment which is based on the updated March 2022 methodology set out by Natural England. This compares the nitrogen load associated with the last use of the land for the growing of crops with the proposed use for primarily housing development. The resultant calculations show that without appropriate mitigation the proposed development would result in a positive nitrogen 'budget' which has the propensity to add to the existing nutrient burdens and deterioration of the protected waters of the Chichester Harbour SPA and Solent Maritime SAC. To avoid a resultant likely significant effect on these protected areas and thereby conflict with the Habitat Regulations, the applicant has reached agreement with a local landowner at Chilgrove Farm to convert an area of 3.40 hectares of existing agricultural land which has been used for at least the last 10 years for the growing of cereal crops, to broadleaved native woodland. That land, the nitrate mitigation land, is necessary for the development to demonstrate that it is nitrate neutral overall. Natural England's guidance is that the level of woodland planting to achieve nutrient neutrality is approximately 100 trees per hectare so a yield in this instance of around 340 trees. The application site, the proposed Chilgrove Farm nitrate mitigation land and Bosham WwTW are all located within the Chichester Harbour Fluvial Catchment area. The Council has carried out an Appropriate Assessment and consulted with Natural England. Natural England has confirmed no objection to the development subject to the proposed mitigation measures being secured through the S.106 agreement and on that basis no conflict is identified with the Habitat Regulations.

Sustainability

- 8.46 The applicant has produced an Energy Report in response to the requirements of Local Plan policy 40. With the advent of the new Building Regulations in June 2022, there are some key changes under Part L (Conservation of fuel and power) which the proposed development will need to comply with as a matter of course. As a minimum, new build homes will now need to produce at least 31 per cent less carbon emissions than current standards. There are also new minimum efficiency standards in terms of the thermal efficiency of the fabric of new homes and a requirement under new Part S of the Regulations that all new homes will have to have the preparatory work completed for the future installation of an electric vehicle charging point.
- 8.47 The applicant's proposals are to deliver a fabric first approach to minimising energy needs in order to achieve the 31% reduction. In terms of maximising the energy supplied from renewable resources, the proposals are for solar PV's to be installed across 11 housetypes on the site (equating to 90 plots out of 300) to deliver an average improvement of 19.6% in carbon emissions reduction based against the Part L 2013 Building Regs (the June Building Regulations do not introduce a specific new requirement/target for renewable energy). The

Council's Environmental Strategy Officer has welcomed the introduction of the PV's and commented that the 19.6% improvement on emissions is satisfactory. In terms of the updated building regulations the improvements now required are noted as being significantly better than the Council's current requirements under Local Plan policy 40. In terms of water savings, the developer identifies 110 litres per person per day maximum usage which accords with policy 40. The applicant's Sustainability Statement advises that all dwellings are to be supplied with electric vehicle charging facilities. The recommendation to permit this development includes relevant conditions to secure the sustainable benefits proposed by the developer.

Railway

8.48 Following original submission of the application, Network Rail (NR) raised a formal holding objection to the planning application on account of concerns it had about the likely safety implications of the development at the Brooks Lane at-grade railway crossing at Barnside, adjacent to the north-west boundary of the site. This is particularly so in view of the sustainable pedestrian/cycle link which the development is to create in that corner of the site. The Brooks Lane crossing is a public bridleway and WSCC Rights of Way has confirmed that it would not accept either a diversion of the route so that it does not cross the railway line at this point or its downgrading to a footpath only. Following survey work at the crossing and detailed negotiations between NR and the developer, a mitigation package has been agreed. This entails the installation of Miniature Stop Lights (MSL's) at the crossing together with an audible warning system to warn users of the crossing of on-coming trains. NR as the statutory railway undertaker responsible for the safety of the railtrack network is satisfied that with the installation of the MSL's the safety of the crossing which is open to use by pedestrians, cyclists and potentially horse traffic is satisfactorily addressed. To that end the developer has agreed to pay a contribution of £800,000 to fund the upgraded safety measures at the crossing. On the basis of this upgrade being secured, WSCC Rights of Way has removed its original holding objection. The financial contribution will be secured through a separate agreement between the developer and NR and, on the advice of the Council's solicitor, a Grampian condition is attached to the recommendation to ensure that the safety upgrades funded by the contribution are delivered prior to occupation of the first dwelling on the site. The upgrade is a necessary component of the development to make the application acceptable in planning terms and satisfies the necessary Regulation 122 tests from the Community Infrastructure Levy in that regard. Officers are satisfied that with the proposed mitigation the railway safety mitigation issue is satisfactorily addressed.

Mini Football Pitch

8.49 To accord with the Infrastructure SPD in respect of the provision of sports pitches for major developments of over 200 dwellings and in response to the Council's Playing Pitch Strategy which suggests a Local Plan area need going forward to 2036 for 4 mini pitches, the application proposes a children's playing pitch measuring 61m x 43m located towards the south-east part of the site. Officers are aware that one of the priority actions of the Playing Pitch Strategy is a new football ground for Bosham Football Club (BFC). The Club is seeking a full-size adult pitch, floodlit with spectator stands around the periphery. It is considered that the Highgrove site is not an appropriate location to site such a facility particularly given the requirement for floodlights and the fundamental contradiction this would cause in respect of the Dark Skies policy of the National Park and the inter-relationship of the site both to the National Park and the AONB. The mini football pitch

would not be floodlit, would not be fenced off and would have no spectator stands. It would have 2 junior goalposts 12ft x 6ft. When not in use for football it would form part of the open amenity space for recreational use by the community. BFC has advised that it is keen to grow its youth teams and the proposed pitch would facilitate that objective. The pitch proposals include the provision of 6 additional car parking spaces and the LHA has confirmed it is happy with that level of provision. The Committee will note that the proposal is supported by the Council's Divisional Manager for Sport and Leisure. It is envisaged that the hiring of the pitch and its on-going management and maintenance would be by the estate management company for the development secured through the S.106 agreement.

Allotments

8.50 In addition to the proposed community building, and the mini football pitch, the application proposes a further community benefit in the form of approximately 4,469 sqm of allotment space. The proposed allotment plots are shown next to the Community Hall in the north-west corner of the site adjacent to the boundary with the railway line. The allotments are to be provided with bases for sheds and a water supply. Parking is to be shared with the community building although the allotments are located well within the recommended 600m walking distance of all proposed properties on the site. The management company to be set up to manage the community building will manage the allotments also. The inclusion of a significant provision of allotment space responds to an identified need. As a supporting background document to the Local Plan Review, the Chichester Open Space Study 2014 - 2036 (September 2018) identified a shortfall of 6.21 ha in the overall supply of and access to allotment space in the east-west growth corridor. 'The main gaps in access are in parts of Chichester Parish, and within Parishes including **Bosham**, Funtington, Chidham and Hambrook, Fishbourne, Westhampnett and Boxgrove.' [emphasis added]. The proposed development would help address that identified need and is therefore considered a benefit of the scheme.

Residential Amenity

8.51 The nearest existing residential properties are on the west side of the application site at Brooks Lane, Brooks Barn and at Barnside. The dwellings at Brooks Lane are in the main well set back from the site with generous rear gardens mostly in excess of 20 metres. The properties are separated from the application site by a line of tree and hedgerow boundary planting. Back-to-back separation distances between the existing properties and those proposed are in excess of the Council's standards (minimum 20 m) and in some instances up to around 60 metres and there would as a consequence be only a limited impact on the established private residential amenity of these dwellings. Similarly, whilst the separation distances between existing and proposed dwellings at Brooks Barn and Barnside from dwellings on the new development are not as great they are still in excess of the standard and are acceptable. Therefore, whilst the change in character and appearance of the site from its baseline condition as an agricultural field will be obvious to existing residents, this change will not result in the development appearing overbearing or result in overlooking and is not therefore a reason to not approve the application.

8.52 In terms of the new dwellings on the site itself, it is considered that the layout is successful in that it respects the standard required separation distances between dwellings so as to avoid direct overlooking and to ensure a satisfactory level of residential amenity.

Significant Conditions

8.53 The key conditions that are recommended to make this development acceptable have been discussed in the relevant sections of this report. These conditions would include details of vehicular, pedestrian and cycle access including the new access through to Barnside, safety measures at the Brooks Lane railway crossing, construction management plan, surface water drainage and its long-term management and maintenance, sustainability components, soft landscaping and tree protection measures and ecological mitigation and enhancements. The standard 3-year period in which to implement the permission is reduced to two years to expedite the delivery of the housing and to accord with criterion 13 of the IPS.

Section 106 Agreement

8.54 This development is liable to pay the Council's CIL charge at £147.01 per square metre which will address most of the infrastructure matters. At the time of preparing this report work was continuing on preparing a Section 106 agreement including the relevant triggers for providing the infrastructure. The applicants have confirmed they will enter into an agreement. The anticipated final heads of terms are:

- 30% Affordable Housing (90 units) with a tenure mix as follows:

Social Rent 34.4% (31 units)
Affordable Rent 22.2% (20 units)
Shared Ownership 17.7% (16 units)
First Homes 25.5% (23 units)

Rent - 51 units

20 x 1 bed
18 x 2 bed
10 x 3 bed
3 x 4 bed

Shared ownership/First homes - 39 units

10 x 1 bed
15 x 2 bed
14 x 3 bed
0 x 4 bed

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £540,900 (£1,803 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.

- Financial contribution of £196,128 for recreational disturbance mitigation at Chichester and Langstone Harbours SPA in accordance with Local Plan Policy 50 and Planning Obligations and Affordable Housing SPD.

- Securing 3.4 ha of existing agricultural land off-site at Chilgrove Farm for non-agricultural/horticultural purposes (the growing of native broadleaved woodland) in perpetuity as mitigation for nitrate neutrality. Payment of monitoring fee in that regard.
- Provision of Community Hall building comprising 228 sqm (GIA minimum).
- Provision of allotments.
- Mini football pitch for up to U9/U10 age group
- Landscape buffers along the northern and eastern site boundaries.
- Public Amenity Open Space including an equipped play area of 931 sqm (minimum).
- A management company for the open space land, the play area, the landscape buffers, the allotment land, the community hall and mini football pitch to provide for the management and on-going maintenance.
- Delivery of an adopted shared use pedestrian and cycle link to/from site into Barnside to be carried out by the developer.
- Travel Plan and Travel Plan Auditing Fee of £3,500.
- Traffic Regulation Order contribution of £7,500 to enable extension of the 30mph speed limit along the A259.
- Improvements to local walking and cycling facilities (improvements to footway surface north side of A259 to east of site; tactile paving and surface improvements at A259 east entrance to Bosham roundabout; dropped kerbs and tactile paving to west of Delling Lane at entrance to Broadbridge Business Centre.
- WSCC S106 monitoring fee £600
- CDC S106 monitoring fee of £5,106

Conclusion

8.55 This application is for a significant amount of new housing development in the designated Rural Area outside of but adjoining the existing settlement boundary for Bosham. In such a location and following a development plan approach to determining planning applications the application should normally be refused. However, the picture is more complicated. The Council has accepted it cannot currently demonstrate a 5-year housing supply and the 'tilted balance' in the NPPF i.e., the presumption in favour of permitting sustainable new development where a housing supply cannot be demonstrated is engaged. Additionally, the Council's housing policies from the extant Local Plan are now out of date because as the report explains they have not been reviewed within the 5-year period as required by the Local Plan Inspector when she approved the Local Plan in 2015. The Council's current local housing need is also now calculated by the Standard Method. By that measure the need is for 670 dwellings per annum, but that need cannot be met because existing settlement boundaries have not been reviewed resulting in a shortfall of allocated housing sites. The failure to meet the current housing need is at odds with the government's stated intention in

paragraph 60 of the NPPF of significantly boosting the supply of homes and has left the Council open to a spate of speculative housing applications in inappropriate locations. The Highgrove Farm site by contrast is a sustainably located site adjoining the existing settlement boundary for Broadbridge. The application site includes a significant portion of land that has been allocated for housing development and has received planning permission for 50 dwellings. Significantly, it has consistently been identified in the evidence base to the LPR as an important strategic housing site under draft policy AL7 of the Preferred Approach, located as it is on the East-West corridor where new growth is planned going forward.

8.56 To help secure a 5YHLS in the current period between the out-of-date housing policies of the Local Plan and before adoption of the LPR, the IPS provides a supplementary set of criteria against which to assess developments. When assessed against the IPS the proposals score favourably, as the report makes clear. The application site includes an area of 2.2 hectares which is an allocated site for 50 homes. The current proposals would provide a further 250 homes adjacent to this allocation as part of a landscape led development. There are no consultee objections that cannot be mitigated for by condition or via the S.106 agreement and none that would support a refusal of planning permission. Officers note the objections of the Parish Council and the large number of third-party objections. However, in carrying out the planning balance exercise it is considered that the significant benefits of delivering new housing including 36 units of much needed affordable housing, together with the large areas of open space with public access, the landscape and bio-diversity enhancements and the community benefits in the form of a community hall, children's football pitch and allotment provision are benefits which, when taken as a whole, outweigh the harms.

8.57 The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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

N81:2818 102 D1; N81:2818 104 P21; N81:2818 105 P17; N81:2818 106 P15;
N81:2818 107 P16; N81:2818 108 P13; N81:2818 109 P13; N81:2818 110 P12;
N81:2818 114 P5; N81:2818 115 P6; N81:2818 116 D1; N81:2818 117 P6; N81:2818
201 D3; N81:2818 248 P1; N81:2818 250 P1; 103154-SK022 Rev A; 103154-SK014

REVB; 1595-TF-XX-00-DR-L-1001 REV P08; 1595-TF-XX-00-DR-L-1002 REV P08; 1595-TF-XX-00-DR-L-1003 REV P06; N81:2818 201 P3; N81:2818 260 P1; N81:2818 202 P4; N81:2818 203 P4; N81:2818 204 P3; N81:2818 205 P3; N81:2818 206 P4; N81:2818 207 P4; N81:2818 208 P3; N81:2818 209 P3; N81:2818 258 P2; N81:2818 210 P3; N81:2818 211 P3; N81:2818 212 P3; N81:2818 256 P2; N81:2818 213 P3; N81:2818 214 P3; N81:2818 255 P1; N81:2818 216 P3; N81:2818 217 P3; N81:2818 254 P1; N81:2818 218 P4; N81:2818 219 P4; N81:2818 220 P4; N81:2818 221 P4; N81:2818 259 P1; N81:2818 222 P4; N81:2818 223 P3; N81:2818 238 P3; N81:2818 252 P1; N81:2818 264 P1; N81:2818 224 P4; N81:2818 225 P4; N81:2818 265 P2; N81:2818 226 P4; N81:2818 227 P4; N81:2818 228 P4; N81:2818 262 P2; N81:2818 263 P2; N81:2818 229 P3; N81:2818 230 P3; N81:2818 231 P4; N81:2818 232 P4; N81:2818 233 P3; N81:2818 234 P3; N81:2818 235 P2; N81:2818 236 P3; N81:2818 239 P3; N81:2818 261 P1; N81:2818 240 P4; N81:2818 257 P1; N81:2818 241 P3; N81:2818 242 P3; N81:2818 245 P4; N81:2818 246 P4; N81:2818 247 P5; N81:2818 248 P3; N81:2818 251 P3; N81:2818 254 P2; N81:2818 249 P2; N81:2818 253 P1; N81:2818 250 P2.

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

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

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

4) If the Phase 2 report submitted pursuant to condition 3 identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

5) No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. 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.

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

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

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

- (a) the phased programme of construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction

upon the public highway (including the provision of temporary Traffic Regulation Orders),

(j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,

(k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,

(l) measures to control the emission of noise during construction,

(m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,

(n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,

(o) waste management including prohibiting burning and the prevention of litter

(p) provision of temporary domestic waste and recycling bin collection point(s) during construction,

(q) hours of construction.

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

8) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements and recommendations set out in the Ecological Mitigation and Management Plan Appraisal, the Wintering Bird Survey and the Reptile Report all prepared by WYG in December 2020 and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. In addition to the mitigation measures the ecological enhancements shall include:

- wildflower meadow, wooded copse and wetland SuDS planting
- filling gaps in tree lines or hedgerows with native species
- the provision of 5 x bat boxes on retained trees within the site and 6 x bat boxes installed on dwellings throughout the site facing south/south westerly and positioned 3-5 m above ground
- the provision of 10 x swift nesting boxes, 5 x starling nest boxes, 10 x open fronted bird boxes and 5 x sparrow terraces
- the provision of 3 no. log piles as habitat for stag beetles
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site
- 2 x hedgehog nesting boxes

Reason: In the interest of conserving and enhancing biodiversity.

9) **No development shall commence** until details of the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site have been submitted to and been approved in writing by the Local Planning Authority. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future landowners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure the continued effectiveness of the surface water drainage system is maintained.

10) **No dwelling shall be occupied** on the site unless and until the off-site foul drainage infrastructure necessary to serve the development is operational and it is confirmed in writing by the sewerage undertaker that sufficient sewage capacity exists within the network to accommodate the development.

Reason: To ensure adequate provision for drainage.

11) Notwithstanding any information submitted to the contrary details including planting plans and section drawings of the final configuration of the proposed SuDS basins in terms of size and positioning and the associated landscaping proposals shall be submitted to and be approved in writing by the Local Planning Authority **before commencement of the development** hereby permitted. The development shall thereafter be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the Local Planning Authority following the submission of details in that behalf.

Reason: To ensure the effective function of the SuDS basins and to ensure their successful integration into the surroundings in the interests of visual amenity.

12) **Before the development hereby permitted is commenced** the developer shall enter into an agreement with Network Rail to deliver additional safety mitigation measures comprising Miniature Stop Lights and associated infrastructure (or such alternative measures as may be agreed in writing with Network Rail) at the Brooks Lane, Bosham railway crossing and written evidence of such agreement (including the timetable for the works) shall be submitted to the Local Planning Authority. The agreed safety mitigation measures shall be fully installed and operational prior to occupation of the first dwelling on the development or in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

Reason: To ensure the development does not have an adverse impact on the safety of the railway crossing.

13) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, window/door surrounds and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

14) **Before construction of any dwelling above slab level** and notwithstanding any information submitted to the contrary details shall be submitted to and be approved in writing by the Local Planning Authority of the windows to be installed in the development. Window frames shall be flush fit and not storm proof frames and shall be set within window reveals of not less than 100mm depth. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a development of visual quality.

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

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

16) **Before construction of any dwelling above slab level** a noise scheme to include close boarded fence or walling in accordance with drawing no. N81:2818 P15 to a height of not less than 1.8m around all garden areas shall be submitted to and be approved in writing by the Local Planning Authority showing how the recommendations in section 5 of the noise impact assessment produced by 24 Acoustics (dated December 2020) will be put in place at the development. Thereafter the approved noise impact measures shall be implemented in full prior to first occupation of any dwelling on the site.

Reason: To ensure an acceptable noise environment for all future occupiers of the development.

17) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facilities shall be submitted to and be approved in writing by the Local Planning Authority. No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Sustainability Statement dated September 2021 and the approved technical EV charging points details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

18) The landscaping of the site shall be based on the submitted strategic planting drawing nos. 1595-TF-XX-00-DR-L-1001 REV P08; 1595-TF-XX-00-DR-L-1002 REV P08 and 1595-TF-XX-00-DR-L-1003 REV P06, the Proposed Plot Landscaping Plan 110 REV P12 and the Proposed Landscaped Areas Plan 116 REV D1 and shall be in accordance with a further detailed set of landscape drawings specifying the location, numbers, size and species of trees and shrubs to be planted together with details of the proposed watering infrastructure and regime, and a programme/timetable for implementation to be submitted to and approved in writing by the Local Planning Authority **before occupation of the first dwelling on the site**. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which after planting are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity

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

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22.

20) **Before the Community Hall building is first brought into use** the car parking provision allocated for that purpose and access to that provision as shown on Proposed Site Layout drawing no. N81:2818 104 P20 shall be provided and shall thereafter be retained for car parking purposes.

Reason: To ensure satisfactory parking provision for the use and to accord with the terms of the application.

21) The solar PV panels where provided shall be constructed so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. **No dwelling to be fitted with solar PV panels as shown on drawing no. 114 Rev P5 (Proposed PV Plan) shall be occupied** unless the solar PV panels for that respective dwelling have been provided and are ready for use.

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

22) **Before first occupation of any dwelling**, details showing the precise location, installation and ongoing maintenance of fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrants shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

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

23) **No dwelling shall be first occupied** until covered and secure cycle storage provision for that dwelling has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be retained for the stated purpose.

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

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

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

25) **No part of the development shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Cycle Priority Junction Layout and numbered 103154-SK014 Rev B.

Reason: In the interests of road safety

26) **No dwelling hereby permitted shall be first occupied** until the car parking space(s) and any associated turning space serving that dwelling have been constructed, surfaced and drained in accordance with the approved site plan drawing no. N81:2818 104 P20. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide satisfactory car-parking space for the development in accordance with the submitted details.

27) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day. **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

28) **Before occupation of the first dwelling on the site** hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority for the specification and timetable for delivery of the off-site pedestrian/cycleway link in the north-west corner of the site via Barnside as shown on Pell Frischmann drawing number 103154-SK022 Rev A. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To accord with the terms of the application and to facilitate sustainable transport.

29) The Community Hall hereby permitted shall not be used other than as a community resource for local community purposes within Use Class F2 of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020.

Reason: To accord with the terms of the application and to provide a building for use by the community.

30) At no time shall any street lighting be installed in the development hereby permitted. This restriction shall not prohibit the installation of street lighting at the junction of the site access with the A259 the form of which shall be first agreed in writing by the Local Planning Authority in consultation with the Local Highway following the submission of details in that behalf. The junction street lighting shall thereafter be carried out in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and foraging bats, and local residents from light pollution and to accord with the terms of the application.

31) Following closure of the show homes/sales offices and before their subsequent first occupation as dwellinghouses as permitted the temporary secondary access shall be reconfigured to provide an emergency vehicular access onto the A259 constructed in accordance with plans to be submitted to and approved in writing by the Local Planning Authority. The access once constructed shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To accord with the terms of the application and to ensure that the emergency access is suitable for its intended purpose.

32) Before construction of the final wearing course of the internal roads within the development hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority of the surfacing materials which shall be suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The final wearing course of the internal roads shall thereafter be constructed in the approved surfacing materials.

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

INFORMATIVES

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

2) The 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.

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595,

sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

4) The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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


To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QP1HZXERMHX00>


Parish: Bosham	Ward: Harbour Villages
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BO/22/01550/FUL

Proposal	Erection of balcony structure to replace the current marquee		
Site	Bosham Sailing Club The Quay Quay Meadow Bosham Chichester West Sussex PO18 8LU		
Map Ref	(E) 480389 (N) 103806		
Applicant	Bosham Sailing Club	Agent	Claire Bunton

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application property is located to the south of Quay Meadow, there are neighbouring properties to the north and open community space to the north-west of the application property. The application property is a two-storey property and is Grade II listed (list no. 1026429). The listed description is as follows:

'Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north-west gable end. Faced with red brick stone rubble, tile-hanging and tarred weather boarding. Tiled roof. Casement windows.'

3.0 The Proposal

3.1 Erection of a single storey extension to include balcony structure to replace the existing marquee. The proposal includes the alteration of an existing dormer to allow access to the first floor balcony/terrace. This dormer window was subject to a previous permission, 91/00146/BO, which included two proposed dormer windows on the west elevation. However, only one of these dormer windows have been constructed. The current proposed works includes the construction of this previously permitted dormer with alterations to allow access to the balcony/terrace.

4.0 History

00/01709/LBC	PER	Refurbishment of bar and dining room, removal of walls to combine two offices.
00/03128/LBC	PER	Remove existing loadbearing brick columns (2no.) (approx 25 years old) and replace with 2 no. 200mm diameter steel columns.
01/00059/FUL	PER	Change in condition BO/56/91 4. increase boat numbers from 400 to 500 craft 5. Allow limited racking of craft. 6. clarify definition craft.
86/00180/BO	PER	Rebuilding and improvement of existing porch entrance.
86/00182/BO	PER	Rebuilding and improvement of existing porch entrance.
91/00146/BO	PER	General refurbishment and alterations. Construction of two dormers and new stair. Construction of cellar.
88/00086/BO	PER	Installation of HAIB 60 sea crane to replace existing derrick.
88/00128/BO	PER	8 inch reinforced concrete scrubbing down base laid flush with the bed of channel size o/a 35ft x 15ft

94/00157/FUL	PER	Reinforced concrete scrubbing-off base laid in channel.
94/02172/FUL	REF	Six metal posts already erected on quay to store tenders.
97/01762/LBC	PER	Proposed new bar store.
97/01763/FUL	PER	Proposed new bar store.
98/02721/FUL	PER	Raising the existing HAIB crane on to a new steel framed base fixed to quay.
BO/00086/88	PER	Installation of HIAB 60 sea crane to replace existing derrick
BO/00128/88	PER	8" reinforced concrete scrubbing down base laid flush with bed of channel
09/01602/FUL	PER	Storage container.
15/03319/LBC	PER	Strip out of existing changing rooms, internal layout alterations and new changing rooms.
16/00273/DOC	DOCDEC	Discharge of conditions relating to BO/15/03319/LBC Condition3.
19/01467/FUL	PER	Temporary 1 no. shipping container used as secure storage for boating.
22/00876/LBC	PDE	Single storey rear west elevation extension to include balcony/roof terrace above and external spiral staircase to access top deck and lifting side, to replace existing marquee. Enlargement of existing dormer window on first floor west elevation to create door access to balcony/roof terrace and proposed new dormer door to match. Internal alterations.
22/01598/FUL	PCO	Temporary location of 1 no. storage container.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. Bosham sailing club is a listed building situated in a highly prominent position on Bosham Quay which is the most visited part of the conservation Area. The marquee is a temporary structure and whilst it has a visual impact on the building, there is no physical impact on the structure. We do not believe it can be used to validate a planning application. The elevated dining/sitting area is intrusive on the surrounding area and will allow the noise associated with the social aspect to radiate over a much wider area. We have concerns that the lighting necessary for this platform to be safe will be invasive and will be difficult to control to meet the requirement of the Dark Skies Policy.

6.2 Chichester Harbour Conservancy

No objection, subject to: -

- o Removal of the marquee from the site;
- o 1:20 drawings, detailing the physical attachment of the balcony to the Listed Building and a method statement for making the attachment and standard working practices to ensure the integrity of the Listed Building is not damaged during construction;
- o Agreement of materials samples, with external stairwell to be powder-coated matt black; and,
- o Installation of a system of drapes or blinds to be deployed or drawn in hours of darkness.

Reasoned justification:

Following a site visit made 22/8/2022 and having regard to the policy framework below I make the following observations.

A pre-application meeting was held between a few Club members and myself during the second Covid lockdown, at which time it was stressed that the acceptability of the proposals would revolve around how the integrity and significance of the heritage asset would be conserved, within the Bosham Conservation Area and wider Chichester Harbour AONB, of which the site is very prominently located.

The planning application form states that pre-application enquiries took place with the Council's Conservation Officer Owen Bradley, who appears to have been supportive of the tabled design solution. Curiously, the LB application form says no pre-application advice was sought from the local authority!

Historic England's list description of this grade II Listed Building - (previously listed as 10.5.73 Nos 1 and 2 Church Cottages) - reads -

"Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north west gable end. Faced with red brick stone rubble, tilehanging and tarred weather boarding. Tiled roof. Casement windows."

On the face of it the submitted supporting written statement lacks an in-depth assessment of the Policy framework designed to conserve and enhance the AONB, safeguard the integrity of a designated heritage asset, with some views also impacting the setting of the Grade I Listed Holy Trinity Church.

For example, the installation of a bat box discretely and appropriately positioned on the building would have been a useful enhancement of the AONB's biodiversity.

The agent fails to acknowledge that the existing tented structure/marquee has never enjoyed the benefit of formal planning permission nor Listed Building Consent and sits away from the building envelope.

The proposed balcony is lightweight and appears to have been designed to cause the least intervention with the Listed Building, the retractable walling system, would also allow the Listed Building to be viewed in times of fine weather. That this structure is far more respectful of the Listed Building is indisputable and the structure would also have less mass than the marquee, yet staying subordinate to the main eaves line and setting of the Holy Trinity Church. The spiral staircase is discrete and its impact on the Listed façade minimal. Unfortunately, no detail is given of the colour finish of the staircase. The Conservancy considers a bare galvanised finish would not be respectful of the Listed Building and considers it should be powder-coated matt black during its manufacture.

It is agreed that the additional dormer window would balance out the west elevation. Reference has been made to an earlier unimplemented permission for a dormer window, but no reference number is given and the earliest consent I can trace is DC 86/00180/BO, which was for rebuilding and improvement of the existing porch. If such a consent was granted, it would have been helpful for the agent to have properly illustrated/documentated this.

I make no observations on the proposed internal alterations and leave those for the Council's Conservation Officer to comment on. It is considered that no lighting ought to be installed to the underside of the balcony, or that if this is the intention, a scheme of blinds or drapes should be considered to limit pollution of the night sky.

The proposed development, in the wider AONB landscape and Bosham Conservation Area, is acceptable, subject to the suggested planning conditions.

6.3 Natural England

No objection.

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

6.4 Environmental Health Officer

No comment.

6.5 Third party comments

One letter commenting on the following have been received;

- Objection to the spiral staircase. It is considered that this is unsightly and intrusive and should be moved or omitted.

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 Bosham Parish Neighbourhood Plan was made on 22nd November 2016 and forms part of the Development Plan against which applications must be considered.

Chichester Local Plan: Key Policies 2014-2029

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 38: Local and Community Facilities
Policy 43 Chichester Harbour AONB
Policy 47: Heritage and Design

Bosham Parish Neighbourhood Plan 2014-2029

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

Policy 1 - The Settlement Boundary
Policy 5 – Conservation of the Historic Environment
Policy 6 - Landscape and the Environment
Policy 7 - Ecology, Wildlife and Biodiversity

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 early 2023. 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. Relevant policies include:

Strategic Policies

S1 Presumption in favour of sustainable development
S20 Design
S22 Historic Environment
S26 Natural Environment

Development Management Policies

DM19 Chichester Harbour AONB
DM27 Historic Environment
DM28 Natural Environment

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20th 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.

7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 12, 14, 15, and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Bosham Conservation Area Character Appraisal

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Design and Impact upon visual amenity and character of the area
- iii. Impact upon Heritage Assets
- iv. Impact upon the amenity of neighbouring properties
- v. Ecological Considerations

Assessment

Principle of Development

8.2 The site is located within the Bosham settlement boundary area. Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. In addition, Policy 1 of the Bosham Neighbourhood Plan states that within the settlement boundary there is a presumption in favour of sustainable development that will apply to proposals that respect the setting, form and character of the settlement of Bosham. Therefore, the principle of the construction of an extension including a first floor terrace is considered acceptable, subject to other material planning considerations.

Design and Impact upon visual amenity and character of the area

- 8.3 Policy 47 of the Chichester Local Plan requires that proposals must conserve and enhance the special interest and setting of Conservation Areas, respect distinctive local character and maintain the individual identity of settlements. Policy 43 of the Chichester Local Plan states that planning permission will be granted where proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. In addition, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing the landscape and scenic beauty in Areas of Outstanding Beauty and development within their setting should be sensitively located and designed.
- 8.4 The proposal consists of an extension on the west elevation of the property to include a balcony structure and a spiral staircase and alterations to the fenestration. The proposal includes the alteration of an existing dormer (subject to a previous permission 91/00146/BO) to allow access to the first floor balcony/terrace and the construction of the other previously permitted dormer window from the same permission with alterations to allow access to the balcony/terrace. The application property is a Grade II listed building located within the Chichester Harbour Area of Outstanding Natural Beauty(AONB). The proposed extension consists of a lightweight structure with aluminium framed glazing. It is considered that the proposed materials would be acceptable in terms of the listed building and Bosham Conservation Area. Officers considered that the proposed lightweight design with a fold-up sides would be acceptable and would retain the visibility of the facade of the listed building and thereby have a neutral impact on the character and appearance of the conservation area. Given the localised impact of the proposed development, it is considered that the character and appearance of the AONB would be conserved. Overall,

the proposal is not considered to have a detrimental impact on the character of the surrounding area and would comply with Policies 43 and 47 of the Chichester Local Plan, Policy 5 of Bosham Neighbourhood Plan and Paragraph 176 of the NPPF.

Impact upon Heritage Assets

- 8.5 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Policy 47 of the Local Plan requires new development to recognise, respect and enhance local the distinctiveness and character of the area and heritage assets. Policy 5 of Bosham Neighbourhood Plan states that any new development must recognise, respect, conserve and enhance and seek to reveal the local distinctiveness and character of the historic environment and the setting of designated and non-designated assets.
- 8.6 Bosham Sailing Club is a former tidal mill and mainly consist of 18th Century fabric, however earlier timber is understood to still exist in the north west corner of the building. The building is grade II listed within Bosham Conservation Area and Chichester Harbour AONB. The building consists of predominantly brick construction and the interior of the building appears to have been subject to a number of alterations. It is noted that there are number of nearby listed building within the conservation area. One of these building is the Parish Church of the Holy Trinity, which is grade I listed. The application property and Church would be visible from the adjacent green/open space. Therefore, the impact of the proposal on the setting on the grade I listed building would need to be assessed. It is considered that given the modest scale of the proposal and proposed materials, that it would not have a detrimental impact on the setting of the Parish Church of the Holy Trinity.
- 8.7 The current application follows an application for Listed Building Advice on site, which was generally positive. The proposal has been verbally discussed with the Council's Conservation and Design Officer during the course of the application. It is considered that the extension and would be an acceptable form of development. The proposal would represent an overall improvement from the existing marquee. However, it is acknowledged that the existing marquee is not a lawful development. It is considered that the proposal would result in less than substantial harm and would result in public benefit and would be in accordance with paragraph 202 of the NPPF 2021. The proposed materials for the development would be acceptable and would not detract from the setting of Bosham Conservation Area. In addition, it is considered that the spiral staircase would be acceptable and would not impact the character of the listed building or the setting of Bosham Conservation Area. Therefore, it is considered that the proposed development would comply with the requirements of the Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Local Plan and Policy 5 of Bosham Neighbourhood Plan.

Impact upon the amenity of neighbouring properties

- 8.8 The National Planning Policy Framework in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users.
- 8.9 A concern has been raised by a Third Party regarding the impact of the proposed spiral staircase upon neighbouring amenity. It is considered that while the proposed spiral staircase may be visible from the nearby property, it would not have a detrimental impact on neighbouring amenity. The spiral staircase is sufficiently distanced from the neighbouring property and would not have an impact in terms of visual impacts and overlooking. In addition, the proposed extension and dormer window, due to their siting and distance from the neighbouring property, is not considered to have a detrimental impact on neighbouring amenity.
- 8.10 The Council's Environmental Health Department have been consulted during the course of the application regarding noise and have stated that they have no comments regarding the application. If the application is permitted, conditions would be added to prohibit the playing of music on the terrace and outdoor areas and that any future external lighting would need to be submitted and approved by the Local Planning Authority.
- 8.11 Overall, it is considered that the development complies with paragraph 130 of the NPPF which seeks to safeguard residential amenity.

Ecological Considerations

- 8.12 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced. The Chichester Harbour Conservancy has commented and suggested that the installation of a bat box discretely and appropriately positioned on the building would be a useful enhancement of the AONB's biodiversity and that drapes or blinds should be deployed in the hours of darkness. In light of the listed status of the building, it is considered that the siting of a bat box would not be appropriate in this instance.

Conclusion

- 8.13 Based on the above it is considered that the proposal complies with development plan policies 1, 2, 38, 43 and 47 of the Chichester Local Plan, Section 2, 4, 12, 15 and 16 of the National Planning Policy Framework 2021 and Policies 1, 5, 6 and 7 of the Bosham Neighbourhood Plan. Therefore, the application is recommended for approval.

Human Rights

- 8.14 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 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 be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. 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) No live or recorded music (acoustic or amplified) is permitted for the external terrace and outdoor areas.

Reason: To safeguard the amenities of neighbouring properties.

5) Notwithstanding the General Permitted Development Order 2015 there shall be no external lighting anywhere on the proposed extension and terrace other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include the detailed design of the lighting, including the measures proposed to avoid light spillage. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the amenities of neighbours and the wider area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - PROPOSED GROUND FLOOR PLAN	56XX_A_100	REV A	17.06.2022	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	56XX_A_101	REV A	17.06.2022	Approved

PLAN - PROPOSED SECTION A-A	56XX_A_200		17.06.2022	Approved
PLAN - PROPOSED SOUTH ELEVATION	56XX_A_301		17.06.2022	Approved
PLAN - PROPOSED NORTH ELEVATION	56XX_A_302		17.06.2022	Approved
PLAN - PROPOSED WEST ELEVATION	56XX_E_300		17.06.2022	Approved
PLAN - LOCATION PLAN	56XX_E_500		17.06.2022	Approved
PLAN - BLOCK PLAN	56XX_A_500B LOCK		01.07.2022	Approved

INFORMATIVES

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

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

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

For further information on this application please contact Rebecca Perris on 01243 534734

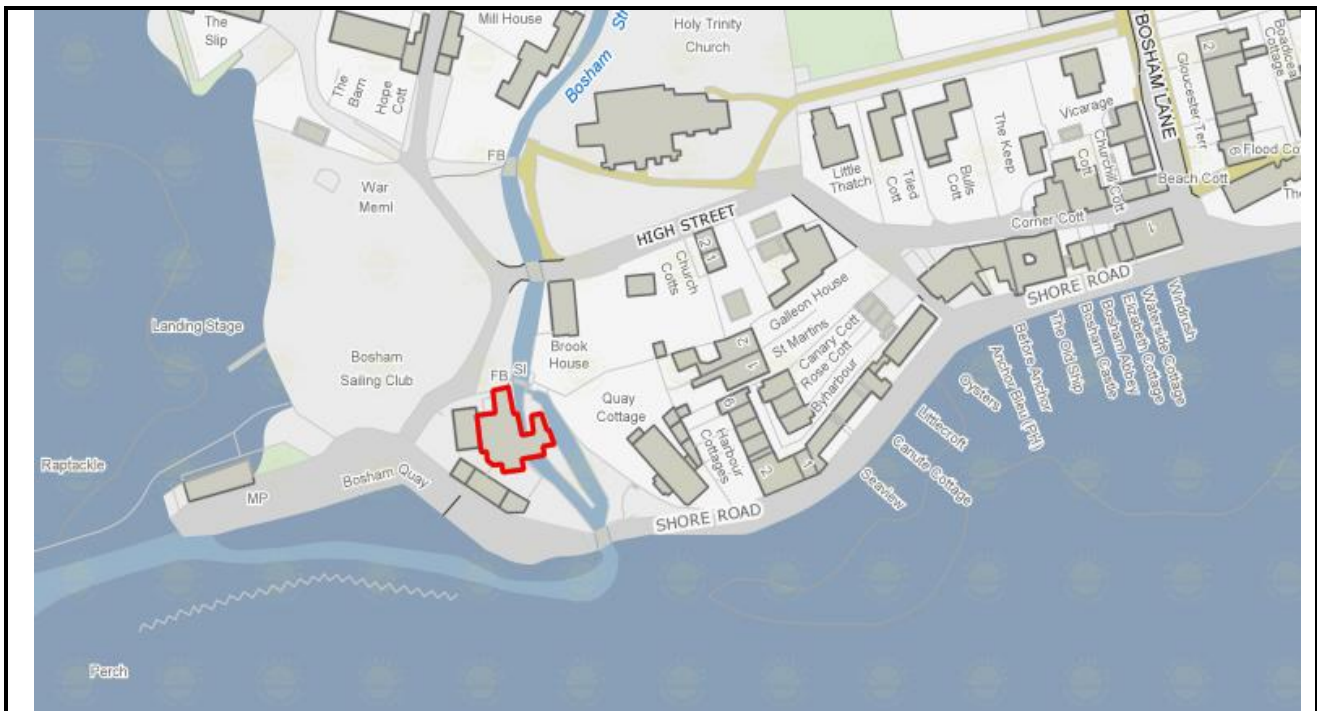
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDIZ9XER12Q00>


Parish: Bosham	Ward: Harbour Villages
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BO/22/00876/LBC

Proposal	Single storey rear west elevation extension to include balcony/roof terrace above and external spiral staircase to access top deck and lifting side, to replace existing marquee. Enlargement of existing dormer window on first floor west elevation to create door access to balcony/roof terrace and proposed new dormer door to match. Internal alterations.		
Site	Bosham Sailing Club The Quay Quay Meadow Bosham West Sussex PO18 8LU		
Map Ref	(E) 480389 (N) 103806		
Applicant	Bosham Sailing Club	Agent	Lab Architects Ltd

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application property is located to the south of Quay Meadow, there are neighbouring properties to the north and open community space to the north west of the application property. The application property is a two storey property and is Grade II listed (list no. 1026429). The listed description is as follows:

'Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north west gable end. Faced with red brick stone rubble, tile-hanging and tarred weather boarding. Tiled roof. Casement windows.'

3.0 The Proposal

3.1 Single storey rear west elevation extension to include balcony/roof terrace above and external spiral staircase to access top deck and lifting side, to replace existing marquee. Enlargement of existing dormer window on first floor west elevation to create door access to balcony/roof terrace and proposed new dormer door to match. Internal alterations.

4.0 History

86/00180/BO	PER	Rebuilding and improvement of existing porch entrance.
86/00182/BO	PER	Rebuilding and improvement of existing porch entrance.
88/00086/BO	PER	Installation of HAIB 60 sea crane to replace existing derrick.
88/00128/BO	PER	8 inch reinforced concrete scrubbing down base laid flush with the bed of channel size o/a 35ft x 15ft
91/00146/BO	PER	General refurbishment and alterations. Construction of two dormers and new stair. Construction of cellar.
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00/01709/LBC	PER	Refurbishment of bar and dining room, removal of walls to combine two offices.
00/03128/LBC	PER	Remove existing loadbearing brick columns (2no.) (approx 25 years old) and replace with 2 no. 200mm diameter steel columns.
01/00059/FUL	PER	Change in condition BO/56/91 4. increase boat numbers from 400 to 500 craft 5. Allow limited racking of craft. 6. clarify definition craft.
09/01602/FUL	PER	Storage container.
15/03319/LBC	PER	Strip out of existing changing rooms, internal layout alterations and new changing rooms.
16/00273/DOC	DOCDEC	Discharge of conditions relating to BO/15/03319/LBC Condition3.
19/01467/FUL	PER	Temporary 1 no. shipping container used as secure storage for boating.
21/03326/LBAOS	PCO	Proposed top bar terrace, proposed below terrace space with demountable sides to provide additional seating in inclement weather, new proposed first floor bar and new location of ground floor bar.
22/01550/FUL	PDE	Erection of balcony structure to replace the current marquee.
22/01598/FUL	PCO	Temporary location of 1 no. storage container.

5.0 **Constraints**

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

6.0 Representations and Consultations

6.1 Parish Council

Bosham Parish Council objects to this application. Bosham sailing club is a listed building situated in a highly prominent position on Bosham Quay which is the most visited part of the conservation Area. The marquee is a temporary structure and whilst it has a visual impact on the building, there is no physical impact on the building. We do not believe it can be used to validate a planning application. The elevated dining/sitting area is intrusive on the surrounding area and will allow the noise associated with the social aspect to radiate over a much wider area. We have concerns that the lighting necessary for this platform to be safe will be invasive and will be difficult to control to meet the requirement of the Dark Skies Policy.

No objection, subject to: -

- o Removal of the marquee from the site;
- o 1:20 drawings, detailing the physical attachment of the balcony to the Listed Building and a method statement for making the attachment and standard working practices to ensure the integrity of the Listed Building is not damaged during construction;
- o Agreement of materials samples, with external stairwell to be powder-coated matt black; and,
- o Installation of a system of drapes or blinds to be deployed or drawn in hours of darkness.

Reasoned justification.

Following a site visit made 22/8/2022 and having regard to the policy framework below I make the following observations.

A pre-application meeting was held between a few Club members and myself during the second Covid lockdown, at which time it was stressed that the acceptability of the proposals would revolve around how the integrity and significance of the heritage asset would be conserved, within the Bosham Conservation Area and wider Chichester Harbour AONB, of which the site is very prominently located.

The planning application form states that pre-application enquiries took place with the Council's Conservation Officer Owen Bradley, who appears to have been supportive of the tabled design solution. Curiously, the LB application form says no pre-application advice was sought from the local authority!

Historic England's list description of this grade II Listed Building - (previously listed as 10.5.73 Nos 1 and 2 Church Cottages) - reads -

"Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north west gable end. Faced with red brick stone rubble, tilehanging and tarred weather boarding. Tiled roof. Casement windows."

On the face of it the submitted supporting written statement lacks an in-depth assessment of the Policy framework designed to conserve and enhance the AONB, safeguard the integrity of a designated heritage asset, with some views also impacting the setting of the Grade I Listed Holy Trinity Church.

For example, the installation of a bat box discretely and appropriately positioned on the building would have been a useful enhancement of the AONB's biodiversity.

The agent fails to acknowledge that the existing tented structure/marquee has never enjoyed the benefit of formal planning permission nor Listed Building Consent and sits away from the building envelope.

The proposed balcony is lightweight and appears to have been designed to cause the least intervention with the Listed Building, the retractable walling system, would also allow the Listed Building to be viewed in times of fine weather. That this structure is far more respectful of the Listed Building is indisputable and the structure would also have less mass than the marquee, yet staying subordinate to the main eaves line and setting of the Holy Trinity Church. The spiral staircase is discrete and its impact on the Listed façade minimal. Unfortunately, no detail is given of the colour finish of the staircase. The Conservancy considers a bare galvanised finish would not be respectful of the Listed Building and considers it should be powder-coated matt black during its manufacture.

It is agreed that the additional dormer window would balance out the west elevation. Reference has been made to an earlier unimplemented permission for a dormer window, but no reference number is given and the earliest consent I can trace is DC 86/00180/BO, which was for rebuilding and improvement of the existing porch. If such a consent was granted, it would have been helpful for the agent to have properly illustrated/documentated this.

I make no observations on the proposed internal alterations and leave those for the Council's Conservation Officer to comment on. It is considered that no lighting ought to be installed to the underside of the balcony, or that if this is the intention, a scheme of blinds or drapes should be considered to limit pollution of the night sky.

The proposed development, in the wider AONB landscape and Bosham Conservation Area, is acceptable, subject to the suggested planning conditions.

6.3 Third party comments

Three letters commenting on the following have been received;

- Objection to the spiral staircase. It is considered that this is unsightly and intrusive and should be moved or omitted.
- Objection to the terrace and that it will result in light pollution and noise.
- The proposed dormers will result in light pollution.

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 Bosham Parish Neighbourhood Plan was made on 22nd

November 2016 and forms part of the Development Plan against which applications must be considered.

Chichester Local Plan: Key Policies 2014-2029

- 7.2 The principal planning policies relevant to the consideration of this application are as follows:
Policy 47: Heritage and Design

Bosham Parish Neighbourhood Plan 2014-2029

- 7.3 The principal planning policies relevant to the consideration of this application are as follows:
Policy 5 – Conservation of the Historic Environment

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 early 2023. 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 Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20th 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.
- 7.6 Consideration should also be given to the following paragraph and sections: Section 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Impact upon Heritage Assets

Assessment

Impact upon Heritage Assets

- 8.2 S. 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Also, S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.3 Bosham Sailing Club is a former tidal mill and mainly consist of 18th Century fabric, however earlier timber is understood to still exist in the north west corner of the building. The building is grade II listed within Bosham Conservation Area and Chichester Harbour AONB. The building consists of predominantly brick construction and the interior of the building appears to have been subject to a number of alterations. It is noted that there are number of nearby listed building within the Conservation Area. One of these building is the Parish Church of the Holy Trinity, which is grade I listed. The application property and Church would be visible from the adjacent green/open space. Therefore, the impact of the proposal on the setting on the grade I listed building would need to be assessed. It is considered that given the modest scale of the proposal and proposed materials, that it would not have a detrimental impact on the setting of the Parish Church of the Holy Trinity.
- 8.4 The current application follows an application for Listed Building Advice on site, which was generally positive. The proposal has been verbally discussed with the Council's Conservation and Design Officer during the course of the application. It is considered that the extension and would be an acceptable form of development. The proposal would represent an overall improvement from the existing marquee. However, it is acknowledged that the existing marquee is not a lawful development. It is considered that the proposal would result in less than substantial harm and would result in public benefit and would be in accordance with paragraph 202 of the NPPF 2021. The proposed materials for the development would be acceptable and would not detract from the setting of Bosham

Conservation Area. In addition, it is considered that the spiral staircase would be acceptable and would not impact the character of the listed building or the setting of Bosham Conservation Area . Therefore, it is considered that the proposed development would comply with the requirements of the Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy 47 of the Local Plan and Policy 5 of Bosham Neighbourhood Plan.

Conclusion

- 8.5 Based on the above it is considered that the proposal complies with the legislative requirements, the NPPF and the relevant development plan policies. Therefore the application is recommended for approval.

Human Rights

- 8.6 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 subject to the following conditions and informatives:-

1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of three years beginning with the date of this consent.

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

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

Reason: To ensure the works comply with the listed building consent.

3) No development shall be carried out above ground floor slab level until a schedule of external materials finishes and samples to be used on the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. 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) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building

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 GROUND FLOOR PLAN	56XX_A_100	REV A	28.04.2022	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	56XX_A_101	REV A	28.04.2022	Approved
PLAN - PROPOSED SECTION A-A	56XX_A_200		28.04.2022	Approved
PLAN - PROPOSED SOUTH ELEVATION OPEN AND CLOSED	56XX_A_301		28.04.2022	Approved
PLAN - PROPOSED NORTH ELEVATION OPEN AND CLOSED	56XX_A_302		28.04.2022	Approved
PLAN - EXISTING WEST ELEVATION - WITH AND WITHOUT EXISTING MARQUEE	56XX_E_300		28.04.2022	Approved
PLAN - Location Plan	56XX_E_500		28.04.2022	Approved

INFORMATIVES

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

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

toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R9NOKYERMWP00>

Parish: Birdham	Ward: The Witterings
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BI/22/01742/FUL

Proposal	Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping (Variation of condition 3 from planning permission BI/12/00475/FUL - To allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365 sqm.)		
Site	Chichester Marina Birdham Chichester West Sussex PO20 7EJ		
Map Ref	(E) 482896 (N) 101105		
Applicant	Mr Matthew Boyle	Agent	Mr Robert Dalton

RECOMMENDATION TO PERMIT



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

- 1.1 Officer's Recommendation significantly contrary to Development Plan

2.0 The Site and Surroundings

- 2.1 Chichester Marina comprises an area of approximately 20 hectares within Chichester Harbour AONB and is adjacent to the both the harbour waterside and Chichester Canal, located to the east. Chichester Marina is a commercial site providing in-water berthing for boats. The site is accessed from the A286 Birdham Road to the east. A coastal path/PROW runs around the edge of the marina.
- 2.2 The application site is located close to the harbour waterside, positioned between the Chichester Canal (to the south) and the marina berths (to the north and east). The buildings have on-site parking and are accessed along the Chichester Marina approach road from the east. The Commercial Units at Chichester Marina are set within four blocks, titled "A" to "D" running from east to west.
- 2.3 The closest settlement is Birdham to the south-west.

3.0 The Proposal

- 3.1 The application is submitted under Section 73A of the Town and Country Planning Act 1990, to amend condition 3 of planning permission 12/00475/FUL.
- 3.2 Planning application 12/00475/FUL was granted on 28/06/2012 for the 'Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovion and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping.'
- 3.3 Condition 3 of that planning permission states:
- a) Buildings A, B, and C shall be used for marine related uses only (with ancillary sales). These uses can include boat brokerage or B1, B2, B8; and for no other purpose (including any other purpose in Class B1, B2, B8 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).
 - b) Building D shall be used for
 - i) B1, B2, B8, marine related uses only (with ancillary sales) and/or
 - ii) a chandlery (to a maximum of 468 sqm) and/or
 - iii) a mixed use cafe/restaurant within use class A3/A4 (to a maximum of 244sqm) and for no other purpose (including any other purpose in Class B1, B2, B8 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order) and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Reason: To accord with the terms of the application and to retain the provision of accommodation for marine related uses in compliance with policy C7 of the Chichester District Local Plan First Review 1999.

- 3.4 The Town and Country Planning (Use Classes) Order was amended in September 2020. The former A3 use now falls within use class E (b), and the former A4 use is now a sui generis use, which means it does not have a specific use classification. The current proposal seeks to amend part b)iii) of condition 3 to allow building D to have a mixed use cafe/restaurant (use class Eb) to a maximum of 365sqm.) i.e. an uplift in the permitted floor area by 121sqm (50% increase).

4.0 History

12/00475/FUL	PER106	Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping.
12/03668/DOC	DOCDEC	Discharge of condition nos. 18, 20 and 21 from permission BI/12/00475/FUL.
12/03850/DOC	DOCDEC	Discharge of condition nos. 4, 7 and 24 from permission BI/12/00475/FUL.
12/03935/DOC	DOCDEC	Discharge of condition nos. 6, 11, 12 and 13 from permission BI/12/00475/FUL.
12/03959/DOC	DOCDEC	Discharge of Condition no. 5 from permission BI/12/00475/FUL.
13/03700/DOC	APPRET	Discharge of condition nos. 6, 9 and 24 of permission BI/12/00475/FUL (lighting, renewables and boundary treatment).
15/04153/FUL	WDN	Variation of condition 3b of permission BI/12/00475/FUL. To allow for the vacant unit to be occupied by a retail (A1) occupier.
21/00833/FUL	REF	Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23

car parking spaces, boat parking and storage and appropriate landscaping - Variation of Condition 3 of planning permission BI/12/00475/FUL - Class use variation on buildings A to D allowing greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities.- Appeal Dismissed 18/07/2022

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 Birdham Parish Council

Birdham Parish Council has no objection to this application on condition that the maximum space is limited to 365 square metres and Birdham Parish Council endorses the comments of the Harbour Conservancy.

6.2 Chichester Harbour Conservancy

No objection with conditions.

- 1) Limit the proposed use to the area shown on the submitted plan and no greater than 365sqm (as set out in the application)
- 2) Any new external lighting to be agreed and to accord with the AONB's Dark Skies policy and avoid light spillage beyond the site.

6.3 Southern Water

Southern Water has no objection to above variation of condition 3.

Comments provided on foul drainage connections to public foul sewer.

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises. It should be noted that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

6.4 Natural England

Natural England currently has no comment to make on the variation of condition 3.

6.5 WSCC Highways

The proposal includes to extend operations to utilise D5 in addition Unit D6. Unit D5 is proposed to cater for the casual visitor whereas Unit D6 will cater for those who want a longer stay and a more premium service. A similar Variation of Condition 3 application was made under application 21/00833/FUL for which no objection was raised from WSCC Highways.

The floor areas and associated car parking will stay the same as in application BI/12/00475/FUL. Whilst there would be slight change in use this is still essentially retail and therefore the transport impact would stay the same. Therefore, the LHA would raise no objection to this application.

6.6 WSCC Fire and Rescue

Additional comments received 12/10/2022

As identified in in Approved Document B (AD-B) - Volume 2: 2019 edition B5 section 16 a building requires additional fire hydrants if both of the following apply; has a compartment area more than 280sqm and erected more than 100m from the nearest fire hydrant will require an additional fire hydrant. What it does not say is what is required if the compartment size is less than 280sqm but is more than 100m away from a fire hydrant. A fire appliance will still require a supply of water to extinguish any property on fire, without a supply of water puts the property at greater risk form fire.

With the premises being more than 100m away from the nearest fire hydrant I wanted to make the owner/occupier aware of this fact and to maybe consider an alternative supply of water for fire fighting such as the Chichester Ship canal that is considerably nearer to the property but would need to comply with the requirements identified in (AD-B) - Volume 2: 2019 edition B5 section 16 for alternative supply of water.

Original comments received 14/07/2022

The nearest fire hydrant to this site is 240 metres away, 150 metres further than the 90 metre distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document - B (AD-B) Volume 2 2019 edition: B5 section 16.

6.7 CDC Archaeology Officer

No objection.

6.8 CDC Drainage Engineer

No objection.

6.9 CDC Environmental Health Officer

No comments received.

6.10 CDC Environmental Strategy Officer

No objection subject to condition 6 of 12/00475/FUL being reimposed (lighting scheme).

6.11 CDC Planning Policy

Additional comment received 27/09/2022

The applicants' supporting statement, in particular, their contention that the proposed development will "complement the existing offer within the harbour and will provide an improved visitor experience...enhance the local economy and will provide further employment in the area" would appear to address the requirements of policies within the Birdham Neighbourhood Plan. In particular, Policy 23 which requires that proposals for development must not have a significantly adverse impact on the marine businesses and Policy 22 which provides support for the small-scale expansion of existing businesses where they deliver local employment opportunities. This application involves a loss of approximately 100 square metres of employment floorspace to a use already permitted under planning consent 12/00475/FUL.

As detailed in my last response, the adopted Local Plan Appendix E sets out the marketing evidence requirements where a proposal would lead to the loss of an existing business use class to an alternative use. The unit which the applicants propose to extend their café business into has been vacant for approximately 6 months and the applicants have now produced evidence showing the unit has been actively marketed during this period as well as providing comparison marketing of other units and an enquiry log. There does not, however, appear to be any activity since July in the enquiry log supplied, and it would be helpful if the applicants could provide some commentary on this.

As currently provided, the marketing evidence appears to demonstrate that in the current economic climate there is a low level of interest in the unit, although it has only been marketed for a relatively short period in comparison with that suggested in the guidance. Equally, however, it is recognised there is a balance to be considered between the unit continuing to remain vacant, and the overall impact of its loss and contribution to the wider economy of this area. If it is considered that in taking account of the wider picture, in other words that the expansion of the neighbouring existing use into this unit is preferable to its continued marketing and vacancy, then a policy objection would no longer be raised.

Original Comment received 13/09/2022

The site is located outside the Birdham settlement boundary and within the Chichester Harbour AONB. Therefore, Policy 45 applies which seeks to ensure that development would only be granted, subject to certain criteria, where it requires a countryside location and meets essential, small scale and local need which cannot be met within or immediately adjacent to existing settlements. Policy 43 concerns development within the Chichester Harbour AONB and requires development proposals to be appropriate to the economic, social and environmental well-being of the area as well as meet the policy aims of the Chichester Harbour AONB Management Plan. As the site is an existing employment site, Policy 26 also applies.

Policy 15 - "Rural Area" refers primarily to the re-use of farm and rural buildings although requires that the proposed re-use would not cause any unacceptable conflict with

agriculture, horticultural and other land and water-based economic and leisure activities. Policy 22 provides support for the conversion of existing buildings and small-scale expansion of existing business, horticultural or agricultural premises especially those that deliver local employment opportunities, Policy 23 supports the retention of all business related to tourism, marine, horticulture and agriculture against any proposals for redevelopment or for a change of use in accordance with Local Plan Policies 2 and 26. Proposals for development must not have a significantly adverse impact on the marine businesses.

The adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. This application seeks to vary condition 3 of the planning consent 12/00475/FUL granted on 28 June 2012. Policy 26 of the adopted Local Plan supports alternative uses on land or floorspace currently or previously in employment generating uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses. Paragraph 16.7 of the policy recognises that it may sometimes be appropriate to allow for alternative non-employment uses subject to clear evidence that the site is no longer required for business uses. Applicants are required to provide supporting evidence in accordance with the guidance in Appendix E - the marketing process is set out at paragraph E5. Paragraph 16.8 states that given the limited opportunities for employment uses with direct access to water, particular scrutiny will be given to marketing evidence for marine related employment sites with the aim of preserving these uses. Appendix E, paragraph E6, states that where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses, supporting information will be required to demonstrate that the site has been vacant for some time, has not been made deliberately unviable; and has been actively marketed for business or similar uses at a realistic price for a minimum of 2 years or a reasonable period.

In relation to Policy 43 and the requirement to meet the policy aims of the Chichester Harbour Management Plan, Planning Consideration PP02 Safeguarding Marine Enterprise requires an applicant to demonstrate that a site is not fit-for-purpose for a marine-related business and that any marine-related business use is unviable. A sequential approach in relation to marketing is set out within the planning consideration and requires an initial 12 months of marketing for marine-related business prior to a planning application being submitted.

This application involves a loss of approximately 100 square metres of employment floorspace, namely Unit D5 which has been vacant for approximately 6 months. The applicants appear to intend to expand the existing café enterprise in Unit D6 with a further coffee shop in the vacant unit D5. As their marketing evidence, the applicants provide links to Henry Adams' website where D5 is currently marketed and state that agents "have been seeking to secure a marine related use..... with no success". However, no further details are supplied in accordance with E5 of Appendix E such as confirmation by the marketing agent that the premises has been appropriately and extensively marketed; how interest in the site has been objectively dealt with; details that the marketing price is realistic; or an enquiry log.

As stated above, the adopted Local Plan and made Neighbourhood Plan represent the Development Plan and the starting point for the consideration of any planning application. We appreciate however, the significant difficulties faced in the current economic climate

and therefore, provided that adequate marketing evidence can be produced in the terms set out above, there would no policy objection in principle to this application.

6.12 CDC Economic Development

The Economic Development Service supports this application.

The economic benefits of the proposed development are positive as it would safeguard 30 existing jobs but is projected to create an additional 10 new jobs.

Much like the high street, marinas over the country are changing. While the core of operations will be marine based, the focus of marinas is increasingly geared towards becoming attractive to non-boat owners and more leisure and hospitality based.

The vibrancy and longevity of marinas as leisure locations, not just for boat owners, will depend on the ability to attract the right mix of businesses, boat owners and visitors to the site and having strong catering and hospitality offer is a key requirement and important revenue stream for the marina.

Premier Marinas want to remain relevant, and successful but they also realise the importance of making sure that services that boat owners would expect are on site, which would fit into the current marine use.

6.13 Third Party Representations

No third party letters have been received.

6.14 Applicants supporting comments

- The unit has been vacant since 1st April 2022.
- The landlord Premier Marinas currently has four vacant units at Chichester marina and have appointed Henry Adams as their agents who have been seeking to secure a marine related use for these units, in some cases, in excess of two years with no success. Also Premier Marinas themselves have been undertaking similar marketing on their own website.
- The café is an ancillary marine related business - as stated in the officer report for BI/12/00475/FUL
- The proposal would result in the employment of 10 additional staff, compared with 1 person when the unit was used as clothing retail & accessory shop use and selling of ice creams.
- It is proposed to separate customers who wish to use the existing premises as a café/restaurant from those who wish to use the premises as a coffee shop/takeaway
- Currently the premises have evolved to cater for both the casual visitor and those wishing to use the facility for a more substantial meal. This has caused difficulties both on the operation of the business and for visitors wishing to secure the service they require.
- Unit D5 is proposed to cater for the casual visitor whilst Unit D6 will cater for those who want a longer stay and a more premium service.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Birdham Neighbourhood Plan was made on the 19 July 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 26: Existing Employment Sites
Policy 30: Built Tourist and Leisure Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 44: Development around the Coast
Policy 45: Development in the Countryside
Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

Birdham Neighbourhood Plan

Policy 2: Archaeological Sites
Policy 3: Habitat Sites
Policy 4: Landscape Character and Important Views
Policy 5: Light Pollution
Policy 6: Biodiversity
Policy 9: Traffic Impact
Policy 10: Footpaths & Cycle Paths
Policy 15: Rural Area Policy
Policy 18: Flood Risk Assessment
Policy 20: Surface Water Run-off
Policy 22: Development for Business Use
Policy 23: Retention of Businesses

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 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 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: 2, 4, 6, 8, 9, 11, 12, 14,15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

- 7.6 The following Supplementary Planning Documents are material to the determination of this planning application:
- The Chichester Harbour Management Plan Third Review (2019 - 2024)
 - The Chichester Harbour AONB Joint SPD (2017)
 - Chichester Harbour AONB Landscape Character Assessment
- 7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Maintain 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
 - 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, planning policy and planning history
- ii. Loss of marine enterprise and harm to the local economy
- iii. Impact on the AONB

i. Principle of development, planning policy and planning history

8.2 The principle of the development of 'Demolition of three workshops/sheds for the comprehensive redevelopment of the South-West area of the marina comprising four purpose built buildings including marine related workshops, offices, storage, reprovision and extension of the retail (chandlery) and a cafe/restaurant together with an additional 23 car parking spaces, boat parking and storage and appropriate landscaping' was established by the granting of planning permission 12/00475/FUL. Whilst the applicant is applying for a variation of Condition 3 of that permission, under Section 73A of the Town and Country Planning Act 1990 (as amended), this is in effect a fresh planning application. The development approved under application 12/00475/FUL has been completed and occupied for some time. The current application seeks to vary part of the approved use of the development.

Relevant changes to Planning Policy

- 8.3 The original planning condition was imposed to safeguard waterside sites for boating related facilities in accordance with Policy C7 of the Chichester District Local Plan First Review 1999.
- 8.4 Policy C7 of the Chichester District Local Plan First Review (1997) stated: 'In order to safeguard waterside sites for boating related facilities, the development or redevelopment of boating and marina sites will only be permitted for uses associated with boat building, fitting out, maintenance and repair of boats and ancillary uses'.
- 8.5 The justification behind the Policy (C7) stated (inter alia) that existing boatyards are situated on prime waterfront sites which makes them attractive for redevelopment for alternative uses. Loss of boat building, fitting out, repair, maintenance and ancillary services would not be in the interests of the harbour users or the local economy. In addition, loss of boatyard capacity could create demand for greenfield extensions to the remaining active boatyards. Changes of use to other users not dependant on a waterside location is also wasteful of that resource and damaging to the character of the harbour. Non-marine industrial activities could also generate more traffic on the narrow roads within the AONB leading to the boatyards.
- 8.6 Since the determination of planning application 12/00475/FUL, the Chichester District Local Plan: Key Policies 2014-2029 (CLP) has been adopted and the policies contained in the Chichester District Local Plan First Review (1997) no longer apply.
- 8.7 The current CLP includes Policies 26 and 43. Policy 26 seeks to safeguard existing employment sites and supports more efficient use of underused employment sites. Paragraph 16.8 of the supporting text for Policy 26 states that 'Given the limited opportunities for employment uses with direct access to water, particular scrutiny will be

given to the marketing evidence for marine related employment sites with the aim of preserving these uses'.

- 8.8 Policy 43 of the CLP relates to the AONB, which amongst other things seeks to ensure that development accords with the policy aims of the Chichester Harbour Management Plan (CHMP).
- 8.9 Principle PPO2 of the CHMP supports 'the retention and continued development of marine business uses and only support a change of use if the site is demonstrated as not being fit-for-purpose for a marine related business or being unviable. In all cases, proposals should not have an adverse impact on the landscape and nature conservation interests of the AONB.' Changes of Use applications should demonstrate a sequential test approach to marketing.
- 8.10 Policy 13 of the CHMP seeks to ensure that Chichester Harbour is a place where marine businesses prosper. In the supporting text it sets out that 'Many businesses support the Harbour's use as a recreational destination, with employment in boat building, services and visitor facilities'...'The Conservancy and its partners support sustainable tourism. This is when visitors make a positive impact on the economy, society, and environment.'
- 8.11 The Birdham Neighbourhood Plan (BNP) was made on 19th July 2016. Policy 22 of the BNP states that support will be given for 'small-scale development and expansion of existing businesses'. Policy 23 of the BNP states that 'Proposals that adversely affect businesses related to the marine heritage of Birdham (i.e. Birdham Pool & Chichester Marina) will be discouraged. Support will be given to the retention of all business related to tourism, marine, horticulture and agriculture against any proposals for redevelopment or for a change of use in accordance with Local Plan Policies 3 and 26. Accordingly, proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.'
- 8.12 The Chichester Harbour AONB Joint SPD is dated 17th May 2017. Paragraph 24.1 of the SPD states 'Marine and tourism uses are closely associated with the special qualities of the AONB. Once sites are lost from marine-related use it is extremely unlikely that they will be replaced by new ones. It is therefore vital that marine sites are retained for the long-term viability of the Chichester Harbour's marine infrastructure and the boats and businesses that depend on it.
- 8.13 The NPPF has been updated several times since the determination of 12/00475/FUL (latest revision 2021) and includes amendments to the presumption in favour of sustainable development, greater focus on making effective use of land and support for a prosperous rural economy.
- 8.14 As stated in paragraph 3.4 of this report the Town and Country Planning (Use Class) Order 1987 (as amended) was updated in September 2020. Class A was revoked. Class A3 was replaced with Use Class E(b). Class A4/5 uses were not covered by Use Class E and became defined as 'Sui Generis'. Class B1 was revoked and effectively replaced by Class E(g).

Relevant Planning History

8.15 Planning Application 21/00833/FUL previously sought to vary condition 3 of 12/00475/FUL to allow 'Class use variation' on buildings A, B, C and D allowing greater flexibility in the use of the existing business units, to enable retention and creation of employment opportunities.' This application was refused on 29/06/2021 for the following reason:

1. The application site is located on the harbour waterside, within the Chichester and Langstone Harbour Area of Outstanding Natural Beauty (AONB). The removal of the marine related only occupancy condition relating to the commercial and business units (buildings A-D inclusive) would be likely to result in the unacceptable loss, or potential loss, of marine-related floor space along the harbour waterside site, where marine uses are traditionally and practically best placed, which would have a significant adverse impact on the marine industry in this location. Furthermore, the removal of businesses that have a relationship with the waterside environment would fail to conserve and enhance the character of the AONB. Inadequate marketing evidence has been provided to justify the removal the marine related only occupancy condition in relation to all units within buildings A-D inclusive. The proposal is therefore contrary to Appendix E of the Chichester Local Plan 2014-2029, Policy 23 of the Birdham Neighbourhood Plan, AONB planning principles PP01 and PP02 and policy 13 of the Chichester Harbour Management Plan Third Review (2019 - 2024) and policy 24 of the Chichester Harbour AONB Joint SPD (2017).

8.16 This application was subsequently dismissed at appeal on 18/07/2022. The Planning Inspector concluded that:

8.17 Paragraph 7 ...'it is relevant to look at levels of vacancy and the marketing that has been undertaken to secure marine-based tenants. The Council's decision refers to Appendix E in the LP, which relates to marketing requirements in connection with various policies. These do not include policy 43 and I am not convinced that the provisions of Appendix E are particularly pertinent in the present case. Of more relevance is the MP and the marketing expectations in the planning principle PP02.'

8.18 Paragraph 9 ...'apart from unit D7 and possibly unit A2, there is insufficient evidence to justify the Appellant's assertion about long term vacancy indicating a lack of demand. I can appreciate that such vacancy is not beneficial to the vitality and viability of the marina enterprise as a whole or this group of business uses in particular. In such circumstances there could therefore be justification for adopting a more flexible approach for unit D7 and possibly unit A2 in accordance with PP02 in the MP. This suggests that a mix of marine related business use and other appropriate commercial or employment uses should be explored. '...

8.19 Paragraph 10 'The proposal as it stands would allow any of the units to be operated as B2, B8 and E class1 uses without any marketing at all.'...' The MP and SPD indicate that once a change has occurred, a marine-based use is unlikely to be re-established.'

8.20 Paragraph 11 ...' the condition is reasonable and necessary and that its variation as proposed would be detrimental to the local economy and fail to conserve the character of the Chichester Harbour AONB. This would be contrary to policy 43 in the LP and policy 23 in the NP, which seem to me to be the most important policies in this case. The proposal would also fail to accord with the policy and principles in the MP and the SPD, which are material considerations to which I give significant weight in this case'

- 8.21 Paragraph 13 'It is acknowledged that no external changes would necessarily be required to the buildings. However, the importance of the marine-based enterprises relates to the character of the AONB.'
- 8.22 Unit D7, referred to in the appeal decision for 21/00833/FUL, is located in the roof space of Building D. (N.B. the numbering of units on the original planning application differ that to the numbering on site, the unit marketed as D7 is Unit D6 on the approved plans). The submitted indicative plans accompanying this current planning application show that the existing café is located in Unit D6 with back of house in Unit D4 (*Unit D1 and part of Unit D3 on the approved plans*). This planning application seeks to extend the café into Unit D5 (*Unit D2 and part of Unit D3 on the approved plans*) which is located at ground floor directly adjacent to the existing café.
- 8.23 It is noted that approximately 230m to the east of the application site along the access road (halfway along the southern marina edge), planning permission was granted under planning application 15/00339/FUL for the change of use of an existing restaurant on the site to residential flats. As part of the supporting information submitted it was set out that the commercial activity was now focused to the west of the marina (the area of the current planning application) and therefore the existing restaurant use in the eastern part of the site was no longer viable.
- 8.24 Having regard to the planning history and current policies the main considerations in the determination of this application are:
- Whether the proposal would result in the unacceptable loss of marine enterprise that would be harmful to the local economy
 - Whether the proposed use would conserve the character of the Chichester Harbour AONB.
- ii. Loss of marine enterprise and harm to the local economy
- Loss of Marine Enterprise*
- 8.25 The proposed café would not constitute a marine enterprise. The applicant has put forward the argument that the café is ancillary to the wider marine related use of the site. Officers consider that the café would complement the existing marine uses however the café would not necessarily be exclusively used by the marina occupiers. Therefore, there would be a loss of marine enterprise.
- 8.26 The applicant has advised that the unit proposed for the expanded café has been vacant since 1st April 2022. As such the unit has not been marketed for marine related uses for a minimum of two years. The proposal is therefore contrary to the requirements of Appendix E and Policy 26 of the CLP. Furthermore, the marketing requirements of PPO2 of the CHMP have not been met.
- 8.27 S38(b) of the Planning and Compulsory Purchase Act 2004 states that the determination of planning applications 'must be made in accordance with the plan unless material considerations indicate otherwise.'

8.28 Whilst the submitted indicative plans show the proposed extension of the café would be at ground floor level, the original condition (3) did not specify which specific unit the café shall be sited in. Instead, the restrictions on the floor area of the café were building wide. Furthermore, the plans listed in condition 2 of 12/00475/FUL do not specify the location of the café within building D. Therefore, in principle the floor area of the café could be provided in any part of building D. It is noted that in the appeal for 21/00833/FUL, the planning inspector was satisfied that the unit contained within the roof space of Building D had been marketed for a sufficient length of time. Therefore, a pragmatic approach could be taken when considering the variation of the part of the condition that relates to the entirety of building D, subject to there being no material harm caused by the larger café area.

8.29 Whilst there would be a direct loss of marine enterprise by 121sqm, officers are satisfied that the proposed extension of the café would not prejudice the operations of marine enterprises across the wider marina and would not result in a further indirect loss of marine enterprise. In addition, as accepted above, it would also complement the existing marine uses.

Harm to the local economy

8.30 The Council's Planning Policy Team has commented there is a balance to be considered between the unit continuing to remain vacant, and the overall impact of its loss and contribution to the wider economy of this area.

8.31 The greater hospitality provision could attract more visitors to the area. It is accepted that tourism does have economic benefits to the local economy.

8.32 The application receives the support of the Council's Economic Development Team, who note that the proposed expansion of the café would create 10 jobs. Furthermore, the Council's Economic Development Team has commented that in order to remain relevant and successful the focus of marinas across the country are increasingly geared towards becoming attractive to non-boat owners and more leisure and hospitality based.

8.33 The proposal constitutes a departure from the development plan as it would be contrary to the requirements of Appendix E and Policy 26 of the CLP. However, on balance the loss of marine enterprise is acceptable in the specific instance. The proposed use would complement and not prejudice the marine enterprises within the wider marina. Furthermore, there would be no significant harm to the local economy due to the job creation and contribution to tourism.

iii. Impact on the AONB

8.34 The proposed variation of condition relates to the use of floor space only and there would be no operational development, as such, there would be no physical impact on the AONB. Nonetheless, as set out in the previous sections, the proposed change of use could have an impact on the character of the AONB. The proposed café could attract more visitors to the area, however the vast majority of floor space originally permitted under application 12/00475/FUL would remain as marine related. Therefore, it is considered that the impact on the character of the area would be minimal. Furthermore, it is noted that the marina previously had a restaurant further east that has now been converted to residential flats (reference 15/00339/FUL).

- 8.35 The Chichester Harbour Conservancy has raised no objection subject to conditions. The floor space of the café would be restricted by the amended condition. With regards to lighting there was an existing condition on planning permission 12/00475/FUL (original condition 6) which required details of illumination to be agreed with the local planning authority, which was discharged under application 13/03700/DOC. This condition is recommended to be retained on the new decision notice (new condition 4) requiring the approved details to be complied with.
- 8.36 Having regard to the above, it is considered that the proposal would conserve the character of the Chichester Harbour AONB, and the development would be in accordance with Policy 43 of the CLP.

Planning Obligations

- 8.37 Planning permission 12/00475/FUL was subject to a S106 agreement. This was in the form of a Unilateral Undertaking that required a public art contribution and bus stop contribution prior to the first occupation of the development. These obligations have been fulfilled and as such, no deed of variation is required in this instance.

CIL

- 8.38 There is no additional floor space, as such there will be no implications in respect of CIL requirements.

Significant Conditions

- 8.39 All relevant conditions from 12/00475/FUL are recommended to be carried forward and amended where appropriate to reflect those that have been discharged.
- 8.40 Condition 1 of 12/00475/FUL related to the expiry date of the planning permission, given that the development has been implemented it is not appropriate to reapply this condition. Likewise, conditions 4 (materials), 7 (landscaping), 8 (landscaping), 10 (construction hours), 11 (Demolition and Construction Method Statement and Noise Management Plan), 12 (method of piling), 13 (archaeological investigation), 21-23 inclusive (contamination) and 24 (screening walls) are no longer applicable as they have been complied with and there are no ongoing compliance requirements.
- 8.41 Condition 3 of the original permission has been amended to reflect the amended Town and Country Planning (Use Class) Order. Reference to B1 has been changed to E(g) as well as reference to use class A3/A4 being replaced by class E(b). This would be condition 3 on the new decision notice.
- 8.42 In response to Southern Water's comments an additional condition and informative have been added to ensure that a wastewater grease trap is provided on the kitchen waste pipes or drains.

Conclusion

- 8.43 The proposal constitutes a departure from the development plan as it would be contrary to the requirements of Policy 26 and Appendix E of the CLP. However, on balance the loss

of marine enterprise is acceptable in the specific instance. The proposed use would complement and not prejudice the marine enterprises within the wider marina. Furthermore, there would be no significant harm to the local economy due to the job creation and its contribution to tourism. The proposed use would conserve the character of the Chichester Harbour AONB.

8.44 On balance the proposal to vary condition 3 of 12/00475/FUL is considered acceptable and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the approved plans:

28819-A-02-S-001 rev T-1, A-bIA-03-P-00-001 Rev T, A-bIA-03-P-01-001 Rev T, A-bIA-27-P-001 Rev T, A-bIB-03-P-00-001 Rev T, A-bIB-27-P-001 Rev T, A-bIC-03-P-00-001 Rev T, A-bIC-03-P-01-001 Rev T, A-bIC-27-P-001 Rev T, A-bID-03-P-00-001 Rev T, A-bID-03-P-01-001 Rev T, A-bID-27-P-001 Rev T, A-bIA-05-E-001 Rev T, A-bIB-05-E-001 Rev T, A-bIC-05-E-001 Rev T, A-bID-05-E-001 Rev T, A-04-D-101 Rev T, A-04-D-102 Rev T, A-02-D-101 Rev T, A-02-D-103 Rev T, 0004-PL-3D-NW, 0004-PL-3D-SE, 08-881-205 P2 , 0004-PL-GA-00-CONTEXT and DD2205-01 Rev AB, DD2205-02 Rev AB.

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

2) Prior to the first use of the café hereby permitted a wastewater grease trap shall be installed on all the kitchen waste pipes or drains and maintained by the owner or operator of the premises thereafter.

Reason: To ensure adequate foul drainage.

3) a) Buildings A, B, and C shall be used for marine related uses only (with ancillary sales). These uses can include boat brokerage or E(g), B2, B8; and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

b) Building D shall be used for

i) E(g), B2, B8, marine related uses only (with ancillary sales) and/or

ii) a chandlery (to a maximum of 468 sqm) and/or

iii) a mixed use cafe/restaurant (use class E(b)) to a maximum of 365sqm.)

and for no other purpose (including any other purpose in Class B2, B8 or E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order) and notwithstanding any change permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Reason: To accord with the terms of the application and to retain the provision of accommodation for marine related uses in compliance with policies 26 and 43 of the Chichester District Local Plan: Key Policies 2014-2029, Principle PPO2 and policy 13 of the Chichester Harbour Management Plan Third Review (2019 - 2024) and policy 23 of the Birdham Neighbourhood Plan 2016.

4) There shall be no departure from the permitted method of illumination of the car parking areas and any external lighting within the application site, pursuant to condition 6 of planning permission 12/00475/FUL (under application 13/03700/DOC), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and safeguarding bats.

5) A minimum of 10% on-site renewable energy shall be retained and maintained in full accordance with the details specified in the submitted "Interim Statement Compliance Form" submitted with planning application 12/00475/FUL.

Reason: In the interest of sustainable development.

6) The parking and turning areas shown on approved plan number 28819-A-02-S-001 rev T-1 shall be used and retained exclusively for their designated purpose.

Reason: To ensure a satisfactory standard of development.

7) Notwithstanding the submitted details, this permission does not authorise any removal of vegetation adjacent to the canal and any alteration to the surfacing of the public rights of way unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of ecology and safeguarding the PROW and not to prejudice the users of the PROW.

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

Reason: To safeguard the amenities of the area and of neighbouring properties and to prevent pollution.

9) The foul drainage scheme shall be maintained in accordance with the approved details and plan 09-881-S102 P3 submitted pursuant to condition 18 of planning permission 12/00475/FUL (under application 12/03668/DOC).

Reason: To ensure the protection of water quality at Chichester Harbour, a European designated site and compliance with the Water Framework Directive (WFD) and in accordance with the NPPF.

10) The mitigation measures detailed within section 7.1 of the approved Flood Risk Assessment (FRA) produced by URS Infrastructure and Environment UK Ltd (Report ref. MARP0001) and dated 03/08/2011 shall be retained and finished floor levels shall be retained no lower than 4.4m above Ordnance Datum (AOD), as specified in section 6.1 of the FRA.

Reason: In the interest of mitigating flood risk

11) The surface water drainage scheme shall be maintained and managed in accordance with the approved details and plan 09-881-S101 P2 submitted pursuant to condition 20 of planning permission 12/00475/FUL (under application 12/03668/DOC).

Reason: In the interest of mitigating flood risk

12) No external plant or machinery shall be erected or installed within the site without the prior written approval of the Local Planning Authority following the submission of full noise and visual details.

Reason: The mechanical installation details submitted for external condenser units, heat pumps etc does not indicate the proposed location or appearance of such units and the visual and noise impacts would need to be assessed.

13) Bird and bat boxes shall be retained as set out in Appendix 3 of the Environmental Management Plan prepared by URS and dated October 2012, submitted pursuant to condition 5 of planning permission 12/00475/FUL (under application 12/03959/DOC).

Reason: To ensure appropriate ecological mitigation.

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 advised that under the Water Industry Act 1991 it is an offence to throw, empty, turn or permit to be thrown or emptied or to pass into any drain or sewer connecting with a public sewer any matter likely to injure the sewer or drain or to interfere with the free flow of its contents.

3) The applicant is advised that the nearest fire hydrant to this site is 240 metres away, 150 metres further than the 90 metre distance required for a commercial premises. An alternative supply of water for firefighting will need to conform with the details identified in Approved Document - B (AD-B) Volume 2 2019 edition: B5 section 16.

For further information on this application please contact Kayleigh Taylor on 01243 534734.

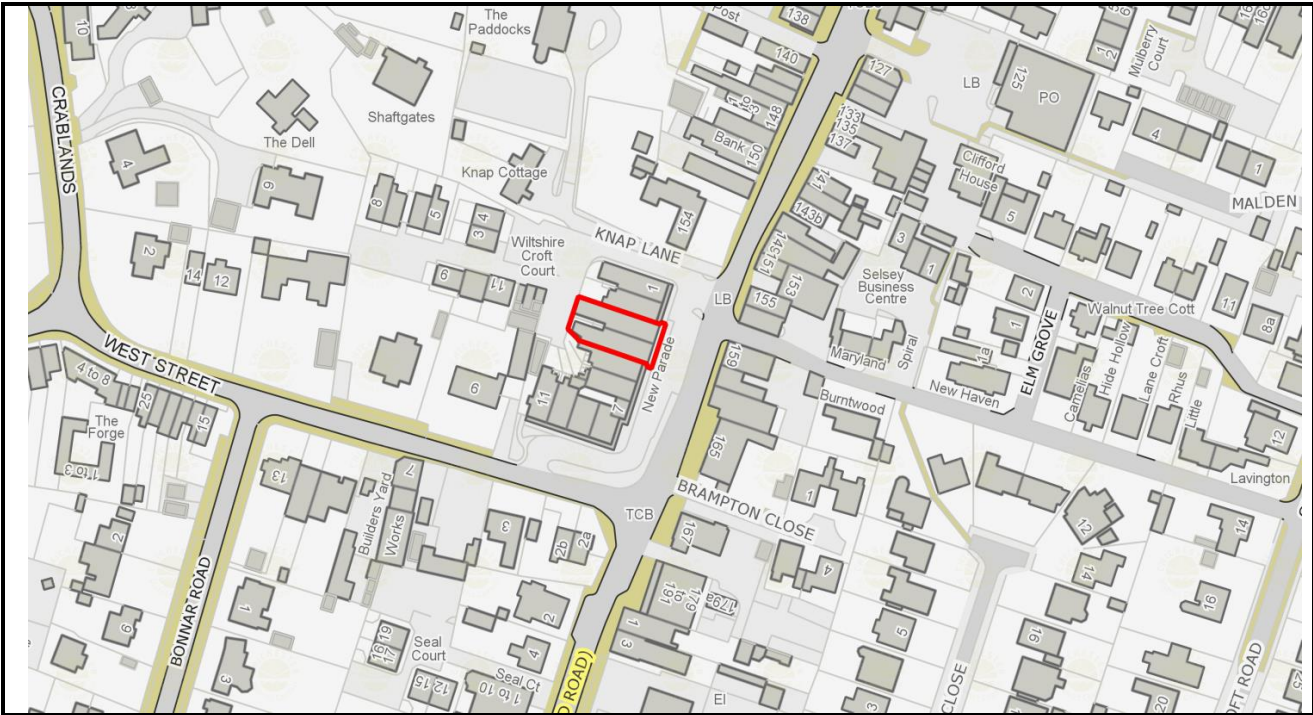
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=REL7H8ERIIIE00>


Parish: Selsey	Ward: Selsey South
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SY/21/02895/FUL

Proposal	Retention of canopy to shopfront.		
Site	The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA		
Map Ref	(E) 485252 (N) 93100		
Applicant	Mr Adam Christmas	Agent	Mr Matthew Pickup

RECOMMENDATION TO PERMIT



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

- 1.1 Parish Objection - Officer recommends Permit
- 1.2 The application was deferred at the planning committee on 10 August 2022 for further negotiations regarding the proposed materials, lighting, depth of proposal and guttering.

2.0 The Site and Surroundings

- 2.1 The application site is located within the Selsey town centre along the High Street. The site is a restaurant with an existing outdoor seating area to the front. The restaurant occupies units 3 & 4 of New Parade. There is a mix of commercial businesses and residential properties in the surrounding area.
- 2.2 The restaurant has had an outdoor seating area for a number of years. It comprises a small area to the front of the restaurant with timber decking and approximately 5 tables and chairs within the enclosed area.
- 2.3 In June 2021 a canopy structure was built over the existing seating area to provide shelter. The seating area measures 14m long and 2.1m wide and the canopy structure is 2.7m at its highest point.

3.0 The Proposal

- 3.1 This retrospective application seeks to retain the canopy to the shopfront.
- 3.2 The canopy is a lean-to structure that extends from the face of the building's east elevation by 2.6m. A mono pitched corrugated sheet metal canopy is constructed on a timber frame and rafters that have been stained brown. The canopy is 2.7m high where it joins the building and reduces to 2.3m at its lowest point.

3.3 The proposal was amended in response to members comments at the planning committee on 10 August 2022 as follows:

- **To improve the appearance of the roof of the canopy it is proposed to paint the metal sheeting, Slate Grey.**
- **The posts of the structure will be stepped back to ensure there is no encroachment onto the footpath.**
- **A gutter will be added to the canopy to avoid water running off onto the footpath.**

Note: the illumination of the fascia does not form part of the application for planning permission for the canopy, however the applicant has confirmed that the spot lighting will be readjusted and angled to illuminate the fascia sign.

4.0 History

93/01604/FUL	PER	New garage and store on land at rear of New Parade.
97/02785/FUL	PER	Extend and infill existing shopfront.
05/00211/FUL	PER	Ground floor rear extension.
21/02892/FUL	REF	Modification and retention of pergola and continued use of area inside the pergola for

customer seating used in connection with the Boulevard Restaurant.

22/00138/FUL	PDE	Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.
SY/00050/86A	PER	1 no. internally illuminated projecting clock.
SY/00186/91A	PER	1 no. internally illuminated projecting clock with wrought iron wall mounting bracket, dial-white with black hour mark numerally.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Parish Council**

Selsey Town Council object to this application on the basis that the size, mass and construction protrudes outside of its boundary and contravenes Policy 1 of Selsey Town Councils Neighbourhood Plan 2021.

Selsey Town Council were consulted on the amended plans on 1 September 2022. No further comments have been submitted.

6.2 **Third party objection comments**

1 third party representation of objection has been received concerning the following matters:

- a) The previous large umbrellas/parasols were more in keeping with the setting
- b) The corrugated metal roof is not in keeping with the surrounding area
- c) The canopy extends beyond the boundary width of the shop of both sides

The amended plans were re-advertised on 1 September 2022. No further comments have been submitted in relation to the amended scheme.

6.3 Third party support comments

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

- a) The outside seating and canopy enables people to sit outside while being sheltered from the elements all year round.
- b) The canopy is in keeping with the area and contributes to a vibrant community feeling on New Parade. It is an improvement to the look of the high street.
- c) The restaurant has been an important Selsey landmark for many years. The new restaurant frontage is attractive and well suited to seaside town
- d) The structure is incredibly useful and thoughtful in times of health uncertainty. The structure promotes care to the family's who use it.
- e) The council should support local business through this difficult time.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Selsey Neighbourhood Plan was made on the 22nd June 2021 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 47: Heritage

Selsey Neighbourhood Plan 2021

Policy 001: Design

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in ~~late 2022~~ **early 2023**. 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 Policy and Guidance

7.4 The revised National Planning Policy Framework was published in 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 Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- Maintain low levels of unemployment in the district
- 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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon heritage assets

Assessment

i. Principle of development

8.2 The application site lies within the Selsey Settlement Boundary Area. Policy 2 of the Chichester Local Plan includes a presumption in favour of sustainable development within settlement boundaries. Therefore, installing a canopy over an existing outdoor seating area in connection with an established business, the economic benefits of which are an important material consideration, is acceptable in principle subject to other material considerations.

ii. Design and impact upon character of the surrounding area

- 8.3 Policy 47 of the Local Plan identifies that planning permission will be granted where Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality. Policy 001 of the Selsey Neighbourhood Plan states that new development should recognise the distinctive character of the Parish and materials in any new development should complement the established vernacular in the use of natural, local resources and colours.
- 8.4 This application seeks to retain the shopfront canopy. The site is in a prominent position within the High Street. The units along New Parade consist of a mix of retail, restaurant and hot food takeaway. The units all have a flat roof canopy that continues in a line across the shop fronts. The proposed canopy appears as a natural continuation of the line of these shopfront canopies. Therefore, it is considered that the canopy is in terms of size and position is in keeping with New Parade and the surrounding area.
- 8.5 The decked seating area has not been increased in size. A concern has been raised by the Selsey Town Council and a third party that the development encroaches outside of the application site. However, when comparing images on Google street view 2009 to 2022, it is evident that the sides of the canopy and the posts to the front are within the application site. If the canopy does overlap the boundary, it would only be very minimal. In its current position, it is not considered to impact on the safe movement of pedestrians on the front pavement. Furthermore, it would not have an adverse impact to the visual amenity of the area. **Notwithstanding this, in order to address the concerns of the Planning Committee the amended plans show that the posts would be moved back slightly from the front of the canopy to assist members of the public manoeuvring past the structure.**
- 8.6 The timber posts and joists have been stained dark brown. The use of natural materials complies with Policy 001 of the Selsey Neighbourhood Plan. The corrugated metal roof sheeting could be improved, however on balance it does not result in such significant harm to the street scene, visual amenity or character of the surrounding area to warrant a refusal of permission. **The corrugated metal roof sheeting would be painted slate grey. It is considered that this is acceptable and will match the grey canopies of the neighbouring units along The Parade. The colour would reduce the impact of the metal appearance of the roofing material and will not result in significant harm to the street scene, visual amenity or character of the surrounding area.**
- 8.7 The canopy was constructed to allow for 'all weather' outdoor seating in response to COVID restrictions. The area has allowed customers to have the option to sit outside. It is considered that the outdoor seating area supports the local small business and local economy. Paragraph 81 of the NPPF is supportive for such development and states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

8.7a The amended plans show that guttering would be added to the canopy in order to avoid surface water running off the roof directly onto the pavement or people passing by, however a condition is recommended to ensure full details are provided as to demonstrate how the water would be drained from the canopy.

8.8 Overall, the proposal is considered to comply with Policy 47 of the Chichester Local Plan which states that any proposed development must respect distinctive local character and paragraph 130 of the NPPF which states that planning decisions should ensure developments function well and add to the overall quality of the area.

iii. Impact upon amenity of neighbouring properties

8.9 The National Planning Policy Framework 2021 paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.10 The site is located in close proximity to existing restaurant and other commercial premises and therefore it is not considered that the development would result in any additional impact on neighbouring amenity.

8.10a The amended plans indicate that the spot lighting along the fascia board would be readjusted and angled to avoid light pollution to the residential properties opposite the application site and would illuminate the fascia sign only. The illumination of the fascia does not form part of this application for planning permission; however, a condition is now recommended to prevent any additional lighting. It is considered that this would be acceptable to manage the impacts upon the amenity of the neighbours.

8.10b Although concerns were raised by the Planning Committee about the noise of rain on a corrugated sheet roof, it is a material that is not unusual for a range of buildings, and it is considered that it would not be possible to evidence that the noise arising from rain falling on it would be harmful to residential amenity, particularly given the central and busy location of the application site.

iv. Impact upon Heritage Assets

8.11 Policy 47 of the Local Plan states that development must conserve and enhance the special interest and setting of conservation areas. Although the site is not within the Selsey Conservation Area it is near to the boundary and the impact on the setting of the conservation area should be assessed. As required by S. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. It is considered that due to the scale and design of the proposal that it would not detract from the setting of the conservation area. The proposal would therefore be acceptable in this respect.

Conclusion

- 8.12 Based on the above it is considered that the restaurant canopy is acceptable in respect of its size, materials, appearance, and siting within an established retail/hot food area. The proposal would not result in any substantive adverse impacts upon the street scene, local visual amenities or on the character of the surrounding area, including the setting of the conservation area. The proposal is therefore considered to comply with the relevant national and local planning policy and therefore the application is recommended for approval, subject to conditions set out below.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall be retained in its size, design, and position in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

3) Within 2 months of the date of this permission full details of the proposed guttering system shall be submitted in writing to the local planning authority for approval, and thereafter the guttering and canopy shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of ensuring satisfactory development and public amenity.

4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the canopy, other than in accordance with a scheme that shall first been submitted to and approved in writing by the local planning authority. Any lighting scheme shall include full details of the proposed lighting location and design, including level of luminance, appearance and design, which shall include measures to prevent outward or upward light spill. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: In the interests of protecting the amenity of residential properties and the visual amenity of the locality.

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 - Existing/Proposed Elevations - Canopy (A3)	DLS-047-PL-04		05.10.2021	Approved
PLAN – LOCATION, BLOCK, PROPOSED SITE, FLOOR PLANS AND CANOPY	DLS-047-PL-03-A		14.07.2022	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.

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R07702ERFZY00>

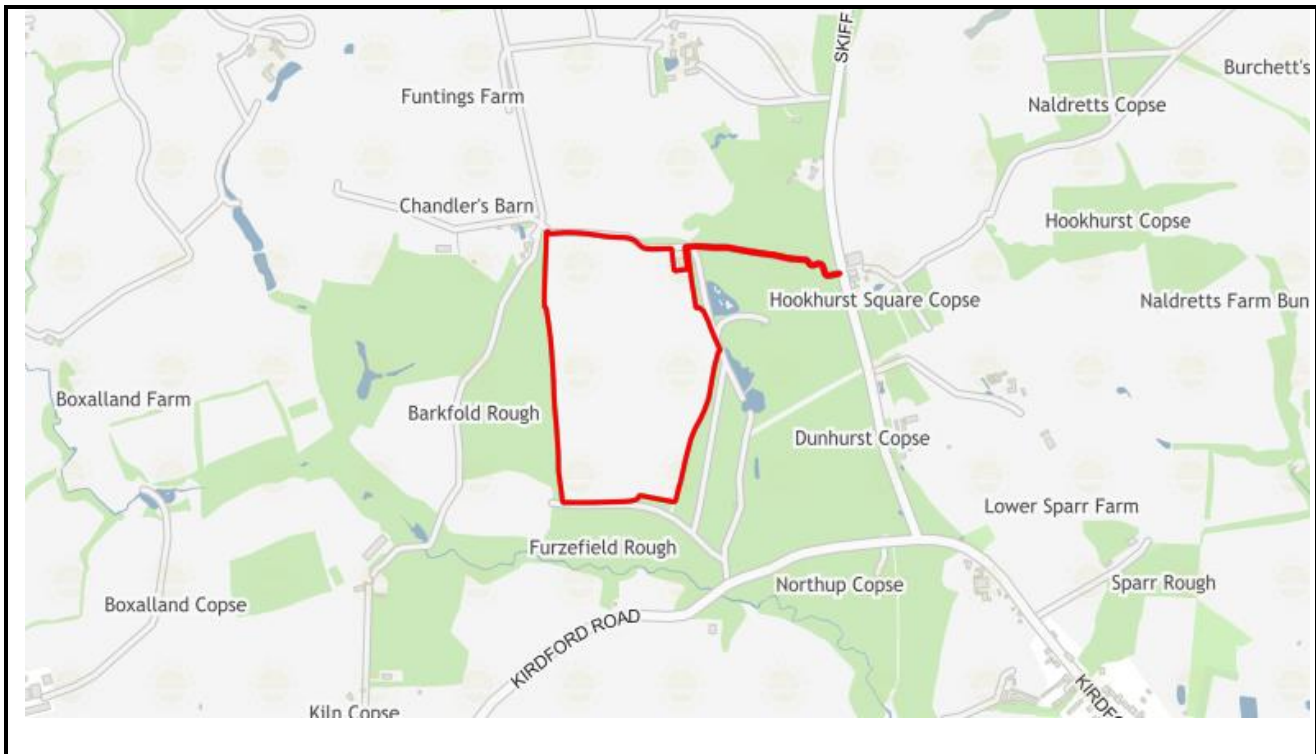
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Parish: Wisborough Green	Ward: Loxwood
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WR/21/02064/FUL

Proposal	Change of use of land to mixed agricultural and private equestrian, together with the erection of a stable building and menage and laying of a track.		
Site	Land South Of Dunhurst Barn Skiff Lane Wisborough Green West Sussex		
Map Ref	(E) 503411 (N) 127376		
Applicant	Mr & Mrs Andrews	Agent	Miss Hannah McLaughlin

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies in the rural area to the northwest of Wisborough Green. The site comprises an area of agricultural grassland approximately 16.48 hectares in size with an agricultural building in the northeast corner of the site. The land slopes down away from the northern end of the site. Prior approval was granted for the change of use of the agricultural building to a dwelling (20/02460/PA3Q) in 2020.
- 2.2 The wider area is characterised by woodland and agricultural land with dispersed dwellings. Ancient woodland lies to the east, south and west of the application site. The site is located within the Sussex North Water Resource Zone and within the 6.5km buffer zone of the Ebernoe Common and The Mens Special Areas of Conservation.
- 2.3 There are a number of bridleways close to the application site to the north and west which meet adjacent to the northwest corner of the site. The bridleways form part of a reasonably extensive network of bridleways in the locality.

3.0 The Proposal

- 3.1 The application seeks planning permission for the change of use of land to mixed agricultural and private equestrian, together with the erection of a stable building and menage and laying of a track. The equestrian development is for the private use of the owners of the dwelling.
- 3.2 The stable building and the menage would be located to the northeast of the site adjacent to the dwelling and the access track from Skiff Lane. The land to the west of the stables would be used as equestrian. It is proposed to divide the land into paddocks using timber posts and electric rope. The perimeter fencing would comprise stock proof fencing.
- 3.3 A buffer would be retained between the paddock and the adjacent ancient woodland. The remaining land would be farmed to produce hay.
- 3.4 The proposed stables would accommodate 6 horses with storage space for feed, hay and tack. The building would be approximately 35m long, 11m wide, and 3.1m in height. The building would be arranged in a courtyard formation with a covered walkway to the rear and constructed with shiplap cladding and black roof sheeting. The timber stable block would be sited on a concrete base and the ground levels for the construction of the stables and menage would not be altered.
- 3.5 The proposed menage measures approximately 60m x 30m. There would be a retaining board 30cm above ground level and it would be enclosed with 1.5m high post and rail fencing. The menage would be constructed of a permeable clean stone subbase and the surface would be sand/rubber mix over a separate membrane.
- 3.6 A new track is proposed to connect the stables to the existing access track and an area of hardstanding around the stable building and adjacent to the menage. This area would be used for vehicle parking in connection with the use of the land.

4.0 History

13/00303/FUL	WDN	Reposition/replace existing gate and provide hard surface to entrance.
13/02500/PNO	NOPA	Tracks to be extended and upgraded.
15/03579/FUL	PER	Retrospective application for erection of a log store.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
6.5km Buffer Ebernoe Common SAC	YES
6.5km Buffer The Mens SAC	YES
North Water Resource Zone	YES

6.0 Representations and Consultations

6.1 Parish Council

Comments dated 5th May 2022 in response to amended site plan:

Wisborough Green Parish Council objects to this application for the following reasons:

WGPC acknowledges that this revised application does address some concerns relating to the previous location being too close to ancient woodland and watercourses, and the lighting impact upon bats. However, WGPC views this proposal as overdevelopment and loss of greenfield space in the context of a high quality visual rural landscape.

The present owners acquired the agricultural barn for conversion into a residential development knowing that it did not have a stable building or menage. This in itself has created a residential building in a rural environment, outside the settlement boundary, having an impact upon the dark skies in this area.

WCPC views the stable building, menage, extensive hardstanding and track proposal as a substantial change and harmful development in the countryside, contrary to Neighbourhood Plan Policy EN2.

It is felt that the Ecology report submitted for the application is lacking in details. In view of the sensitive location next to ancient woodland, WGPC feels that a more thorough report should be commissioned which obtains permission to access and examine the three pods.

With regard to Water Neutrality, it is felt that the current provision is inadequate in times of drought (as currently being experienced). If CDC is minded to permit the water storage capacity should be increased.

6.2 Natural England

Further comments (received 26.09.22)

No objection - subject to appropriate mitigation being secured

The following mitigation measures are required/or the following mitigation options should be secured:

- o The adoption of the proposed rainwater harvesting strategy, as outlined within the 'Amended Water Neutrality Statement (V3)'
- o The implementation of the submitted lighting strategy

Original Comments (received 02.09.21)

As submitted the application could have potential significant effects on Ebernoe Common site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) and The Mens SSSI and SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- o A detailed lighting strategy that considers any potential impacts to the designated sites, and any mitigation that shall be necessary to avoid and/or mitigate any impacts to them.
- o An assessment of the proposed development and any measures intended to avoid and/or mitigate impacts to the features of the designated site, through a Habitats Regulations Assessment.

6.3 CDC Environmental Protection

Our department does not object to the development from an Environmental Health perspective.

It is unlikely the position of the proposed manure heap area, will cause nuisance to neighbours. The storage and disposal of manure waste is covered by legislation outside of the planning regime.

6.4 CDC Environmental Strategy

Additional comments (received 20.06.22)

We are satisfied that the overall water demand will be reduced and the site will become water neutral. A condition should be used to ensure that this takes place and also ensure the rainwater harvesting systems are retained within the buildings or only replaced with fittings with the same efficiency or a higher level of efficiency.

Additional comments (received 05.11.21)

The proposed lighting plan and strategy is suitable for the proposed development. We are happy to see that the lighting strategy is in accordance with BCT guidelines. Provided these measures are implemented in their entirety no further information is required.

Additional comments (received 07.09.21)

Our mapped flight-lines on the Intranet GIS system show a known barbastelle flightline through the ancient woodland immediately to the east of the site. Therefore there is an identified mechanism of impact as disturbance to barbastelle bats using this flightline to food will affect the SAC feature of interest, and barbastelle are known to be very sensitive to disturbance and light in particular.

Original Comments

On the western boundary, there are two mature oak trees with low bat roost potential and on the eastern boundary, located directly behind the proposed building is another mature oak with low bat roost potential. The habitats around the sites boundaries are considered to be of high value for foraging bats, as there is ancient woodland and deciduous woodland bordering the south, east and west of the site, and several ponds are present to the east of the site. The surrounding habitats are well connected through hedgerow and areas of woodland. If these trees are to be felled then further surveys will be required. This survey needs to be undertaken by a suitable qualified ecologist during the active breeding period (May-September) and submitted for our approval with the planning application. If bats are found to be roosting within the building mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

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

Additionally, habitat enhancements benefitting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; the use of a range of native trees and shrub species within landscaping proposals/ and establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

We would like a bird box to be installed on the building/and or tree within the garden of the property.

Dormice

The woodland and scrub habitats bordering the site have high potential to support common dormouse. The boundary tree line/hedgerows on site could be used by dormice for commuting and foraging and will need to be retained and enhanced. This will include having a buffer strip around the hedgerow (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Reptiles

We are happy that a precautional approach can be undertaken on the site for reptiles. This involves any removal of scrub grassland, or ruderal vegetation to be done sensitively and done with a two phased cut.

Hedgehogs

Precautions should be put in place for hedgehogs and the site will need to be searched carefully before work begins. If any small mammals including hedgehogs are found they should be relocated away from the construction area into the surrounding suitable habitats.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

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.

Ancient Woodland

Three of the boundaries (eastern, southern, and western) consist of a margin of improved grassland and is bordered by ancient woodland. We require that a mitigation strategy is produced detailing how you can reduce the level of impact of the proposed development on the ancient woodland ensuring this meets the requirement with paragraph 175C of the NPPF.

6.5 CDC Drainage

Surface water drainage:

The document submitted in support of this application appear to suggest that the proposed means of surface water drainage is through an unrestricted discharge to a local watercourse. This approach is unacceptable in principle.

The surface water drainage scheme design should follow the hierarchy of preference as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration had not been deemed viable for this development.

If following site investigations it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SUDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained:

Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

6.6 Third party objection comments

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

- a) Proposed development will have a serious and damaging impact on the ecology of the land. Further in-depth surveys are required before the applicant commences work.
- b) There is an existing fenced area on the land, no requirement to further subdivide the land. The existing bridleway provides a surface for exercising horses rather than the need for a menage. The menage is excessive in size and is unsympathetic to the landscape of the rural area.
- c) The open views of the land will be broken up by the creation of a stable complex and the menage. The new siting magnifies the impact. The parking area for lorries is unnecessary when an existing parking area is very close to the proposed site.
- d) The site has an agricultural building, the storage areas in the existing building could be used rather than a new building.
- e) Water neutrality, in times of extended heavy rain, the proposed tank does not have capacity to contain the likely quantity of rain.
- f) The escape of contaminated water from washing down, wastewater and from the muck heap will be devastating if it enters the boundary ditch to the east.
- g) Large scale development is out of proportion for domestic use, it points to commercial use.
- h) Noise generated and increase in volume of traffic would affect local wildlife.
- i) Temporary lighting may be used for the menage, impact on local wildlife and dark skies.
- j) The area is unsuitable for equestrian use due to the heavy clay drying out during summer and becoming waterlogged in winter.

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 Wisborough Green Neighbourhood Plan was made on the 19th July 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 55: Equestrian Development

Wisborough Green Neighbourhood Plan

Policy EN2 Landscape character and open views

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in early 2023. 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 Policy and Guidance

- 7.4 The revised National Planning Policy Framework was published in 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 Sections 1 (Introduction), 2 (Achieving sustainable development), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal erosion) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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
- Wisborough Green Village Design Statement

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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 the development
- ii. Design, impact upon character of the surrounding area and environmental impacts
- iii. Impact upon amenity of neighbouring properties
- iv. Ecological considerations

Assessment

i. Principle of development

8.2 Policies 2 and 45 of the Local Plan allow development within the countryside where a countryside location is required, where it supports rural diversification or where it meets a need which cannot be met within existing settlements. Policy 55 accepts that horse related development may require adequate land within a countryside location. Policy 1 of the Local Plan requires development to accord with these policies. Development in the countryside is limited to that which is sustainable, essential for agriculture, requires a countryside location, can demonstrate need/demand and is small scale.

8.3 The application site is a plot of agricultural land with a permitted dwelling located in the northeast corner. In principle the change of use of agricultural land to a mixed equestrian and agricultural use would be acceptable, subject to compliance with the requirements set out within policy 55 of the development plan and other material considerations.

ii. Design, impact upon character of the surrounding area and environmental impacts

8.4 Policy 55 of the local plan allows for horse related development to be granted where it can be demonstrated that all of the following criteria have been considered:

1. *There is adequate land for the number of horses kept;*

8.5 The DEFRA Code of practice for the welfare of horses, ponies, donkeys and their hybrids state that as a general rule each horse requires approx. 0.5 - 1.0 hectare (1.25 - 2.5 acres) of grazing if no supplementary feeding is provided. The area proposed for grazing is approximately 8 hectares. There would be 6 horses on the grazing area, and therefore the standard of 0.5-1.0 hectare per horse would be met.

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

8.6 The site has one building that has been converted to a dwelling using permitted development rights. There are no other buildings on the site. It was proposed initially for the stable and menage to be located along the eastern boundary. This was amended to the current proposed siting to the north of the plot to prevent sprawl of built form and the provision of a long track on the land in the interests of protecting the rural character of the site. As amended, the stable building and menage would be well-related to the dwelling and the access track and would be appropriate in size in relation to the 6 horses. Due to the size of the site, the development is not considered to result in overdevelopment.

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

8.7 In addition to this criteria of Policy 55 of the CLP the Wisborough Green Neighbourhood Plan, Policy EN2, advises that any development should maintain the local character of the landscape and should not cause unacceptable loss or diminution of significant views that currently provide open field aspects of views from the village centre or other open spaces. This requirement has also been considered in assessing the merits of the proposal in respect of the visual impact of the proposal both individually and cumulatively. The proposal consists of the stable building, the menage, and an area of hardstanding. Post and rail fencing and posts with electric wires will be used to divide the equestrian areas from the agricultural land and the boundary treatment would be stock proof fencing.

8.8 The site is an open grassed area with mature woodland on three sides. The stable building is low in height and would be located next to the dwelling. The size of the building is considered to be proportionate with providing shelter for 6 horses, and additional storage space for feed, hay and tack. The appearance and design of the stable would be in keeping with the character of the rural area, and therefore it would not appear overly intrusive within the landscape. It would read as a rural structure that would commonly be found in a rural area, particularly one where there is a network of bridleways and equestrian uses are not uncommon.

8.9 The menage would be sunk into the ground and enclosed with post and rail fencing. The surface of the menage and the design of the fencing is considered to be in keeping with the character of the rural area. Due to the limited structures above ground level the menage would have a minimal impact on the visual amenity and rural character of the area. The yard area would have a concrete base to allow for suitable draining. This would be moderately sized forming the courtyard area of the stables.

8.10 A short track is proposed to lead from the existing track to the stables. An area to the north of the stables would be surfaced with scalpings to allow for parking of vehicles. The hardstanding area is considered to be appropriate for the proposed use of the land and the stable/menage area. It is considered to be well-related to the proposal and the adjacent dwelling. The materials used for the surface of the hardstanding and access track would be controlled by the recommended conditions.

8.11 The paddock areas would be divided by posts and electric wire and the boundary fencing will be stock proof. The rest of the site will be agricultural and used to produce hay. The majority of the land will therefore remain open and the view unobstructed by buildings, structures and solid forms of means of enclosure. A bridleway runs to the north of the site from which the site is visible. It has been proposed to plant a native boundary hedge along the northern boundary of the site to soften the visual impact of the stable/menage and

hardstanding. The planting of the hedgerow would have some impact on the open view across the land however a native hedgerow would match the hedgerow to the north of the access track and the woodland and would enhance the character of the rural area, as well the biodiversity.

8.12 The proposal, overall, is considered to result in minimal visual impact on the landscape due to the siting, size, design, use and materials of the stable building, menage, hardstanding and means of enclosure. The proposed planting would also serve to ameliorate some of the impact. It is therefore considered that the development, taken as individual elements, and as a whole, would not result in harm to the visual amenity of character of the locality that would warrant refusal of the application.

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

8.13 The previous use of the land appears to be production of hay according to the applicants planning statement and the Councils aerial views since 2001. The land is classified as Grade 3 Agricultural Land, and therefore it is not the best and most versatile agricultural land. In addition, the proposal would retain a large area of the land for the production of hay and the use of the land for grazing would not result in the irreversible loss of agricultural land. It is therefore considered that the proposal would be acceptable in this respect.

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

8.14 The details of the proposal have been amended during the course of the application. The proposed lighting scheme is discussed in detail in the ecological considerations section below. With regard to the other matters;

- Storage would be within the stable building and would not encroach into the open countryside.
- There would be a designated muck heap area to the north of the stable as shown on the site plan. A licenced contractor would remove the waste from the site. The storage and disposal of manure waste is covered by legislation outside of the planning regime.
- Any wastewater will be drained into an underground sealed clearwater 4600l or 4800l cesspool that would be emptied by a contractor on a yearly basis.
- The sub-division of the fields allows for a proportionate area of grazing for the horses and for the production of hay, however it is not intended that the paddocks be sub-divided with an excessive amount of fencing. The means of enclosure/division are considered to be acceptable in the context of the application site and its surroundings. It is recommended that a condition removing permitted development rights for fencing is included in the planning permission.

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

- 8.15 The application site is located along an access track leading from Skiff Lane. The proposal is for the private use of the owners of the dwelling and therefore any additional traffic generated would be minimal. The development would not impact on the use of the access track and would therefore not impact on the safety of the road users.
- 8.16 The submitted Flood Risk Statement and Drainage Strategy (V3) outlines the Surface Water Drainage Strategy and how rainwater runoff and wastewater from the equestrian use will be managed in relation to the neighbouring fishing lakes, watercourses and groundwater. The muck heap would be constructed with a slight gradient to the west ensuring that run-off is captured within the stable yard.
- 9.17 It is proposed to drain rainwater from the stable block into a field ditch via an underground pipe to the south of the stables connecting to the boundary ditch south of the neighbouring fishing lakes. The Coastal and Drainage officer has advised that surface water drainage through an unrestricted discharge to a local watercourse is unacceptable in principle and it needs to be demonstrated that infiltration drainage is un-viable. Due to the site being located over Wealden Clay, it is accepted that it is unlikely that the site will be suitable for infiltration drainage, however this should be ruled out prior to accepting an alternative means of drainage. Therefore, a condition is recommended that requires for percolation testing to be undertaken, and if the results of such testing prove that on-site infiltration is unviable, the applicant would not then need to undertake the Winter Groundwater Monitoring.

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

- 9.18 There is a dwelling onsite within the same ownership than the application site. It is therefore unlikely that the development will lead to the need for additional housing.

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

- 9.19 There is a bridleway located to the north of the site. The development would be well-related to the network and would not result in any significant impacts on the capacity with an additional 6 horses.

- 9.20 Overall, it is considered that the proposal requires a countryside location and the development and uses proposed would not result in a detrimental impact on the character of the rural area and landscape. The proposal therefore complies with policies 45 & 55 of the CLP and policy EN2 of the Wisborough Green Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

- 8.21 The nearest neighbouring property is to the west of the site and would be approximately 250m to the stable building. The proposed grazing area would be to the western side of the plot, it is not considered that the use of the land for grazing would impact on the amenity of the neighbouring property. It is unlikely that the position of the proposed muck heap area will cause nuisance to the neighbours due to its siting.

iv. Ecological Considerations

8.22 There are three areas of ancient woodland along the eastern, southern and western boundaries. The site is within the buffer zone of the Ebernoe Common and The Mens Special Area of Conservation (SAC). It is also within the North Water Resource Area where water abstraction has an adverse impact on European protected sites in the Arun Valley (the Arun Valley SAC and the Arun Valley Special Protection Area (SPA)).

Water Neutrality

8.23 It is proposed to use rainwater harvesting tanks to store water and provide the necessary water for the equestrian use of the land. The amended Water Neutrality Statement (V3) advises that the water use per day would be 240l. A tank capacity of 8400 litres would be required to account for a 35 day drought period. A 7500l tank and a 1500 litre tank with UV light filters have been proposed. Natural England and the Council's Environmental Strategy Unit have confirmed that the water mitigation strategy would provide sufficient water to ensure that the proposal would not impact upon the designated sites in the Arun Valley. A condition is recommended to ensure provision of the measures.

Ebernoe Common and The Mens SAC's

8.24 It has been identified that there is a known barbastelle bat flightline through the ancient woodland immediately to the east of the site. The external lighting scheme was amended during the course of the application to minimise impacts upon the area used by bats. The lighting would be limited to the stable building only and 4 out of 5 lights would be under the canopy of the stable block. The stable building siting has been amended to be further away from the woodland to the east. The lights under the canopy would be operated by switch and the light on the north side of the stable would be timed motion censored. The lights would be directed downwards with no directional lighting resulting in lightspill. Natural England and the Council's Environmental Strategy Unit have confirmed that the lighting strategy is acceptable with regards to the impact on the bats, and a condition is recommended to ensure the proposal is implemented as submitted.

8.25 With regards to the on site impacts upon ecology; a Preliminary Ecological Appraisal (dated 29th June 2021) was submitted with the application. This included a walkover survey to evaluate the habitat value and its potential to support EU and UK protected/notable species. No further surveys were recommended for protected species due to the small scale of the proposed building and the low potential impact on protected species. The Council's Environmental Strategy Unit reviewed the report and advised that subject to a number of ecological mitigation measures and enhancements that the proposal would be acceptable.

Conclusion

8.26 Based on the above it is considered that the development proposed is acceptable in principle and due to its size, siting, use and appearance the proposal would not have an adverse impact upon the character and visual amenity of the location, and it would be acceptable in all other respects. The proposal complies with the NPPF, the Chichester Local Plan and the Wisborough Green Neighbourhood Plan and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) The development shall be carried out in strict accordance with the Preliminary Ecological Appraisal (June 2021) in particular the precautionary approach as detailed in section 4.0. The following additional mitigation measures shall also be strictly adhered to at all times during construction:

- i) Hedgehogs- the site should be searched carefully before work begins. Any small mammals should be relocated away from the construction area. Any brush piles, compost and debris piles on site must be removed outside of hibernation period mid-october to mid-march inclusive and undergo soft demolition.
- ii) Any works to or clearance of vegetation shall be carried out in the presence of and following the instruction of a qualified Ecologist if during the months of March to September (inclusive)

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

4) Development shall not commence until the full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in the Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA, and only where percolation testing has first been carried out will a non-infiltration means of drainage be acceptable. The report will confirm the methods used to control and slow down rainwater discharge and will contain the percolation testing results and if necessary the infiltrating testing results. No building shall be first occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Reason: To ensure adequate surface water drainage for the lifetime of the development and protect local watercourses.

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

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

6) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, in particular shall include details of the boundary planting on the north boundary, and the proposed watering infrastructure and regime. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. A buffer strip of 5m should be retained around the existing hedgerows with the use of fencing during the construction phase. The strategy should also detail how the level of impact on the ancient woodland will be managed. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the biodiversity/visual amenity of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees/hedgerows/Special Areas of Conservation

7) The development hereby permitted shall not be first brought into use until the following ecological enhancements are carried out;

- a) a hedgehog nesting box to be installed within the site.
- b) a bird box to be installed on the building/and or tree within the garden of the property.
- c) a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Thereafter the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of enhancing the ecology and biodiversity of the area.

8) The development hereby permitted shall not be first occupied unless and until the water neutrality rainwater harvesting measures and as detailed within the Water Neutrality Statement (V3) has been installed in accordance with the approved details. Thereafter the water neutrality rainwater harvesting measures shall be maintained as approved in perpetuity.

Reasons: To ensure the protection of special areas of Arun Valley.

9) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting on the site other than in accordance with the submitted Lighting Strategy and Lighting Plan. The approved lighting shall be maintained as approved in perpetuity.

Reasons: To protect biodiversity in the locality.

10) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall be used only as private, non-commercial, stabling and for no other purpose.

Reason: To prevent the stables from being used for commercial purposes to the detriment of the locality with respect to increased activity and vehicle movements.

Informatives:

- 1) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectation and requirements for Surface Water Drainage Proposals. This document should be used for Discharge of Conditions applications.

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 -	100059532 (Fencing Plan)		10.10.2022	Approved
PLAN - PROPOSED STABLE BLOCK FLOOR AND ROOF PLANS (A3)	003		20.07.2021	Approved
PLAN - SITE LOCATION PLAN (A3)	001		20.07.2021	Approved
PLAN - PROPOSED STABLE BLOCK ELEVATIONS (A3)	002		20.07.2021	Approved

PLANS - Plans PLAN -	Sand School Section		01.10.2021	Approved
PLANS - Plans PLAN -	Proposed site plan		05.04.2022	Approved

For further information on this application please contact Emma Kierans on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVMGF9ERKA900>

Parish: West Wittering	Ward: The Witterings
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WW/22/01646/FUL

Proposal	Change of use of land to tourist accommodation including siting of 2 no. shepherd's huts and associated works.		
Site	Land North-East of The Truffles Piggery Hall Lane West Wittering West Sus PO20 8PZ		
Map Ref	(E) 480088 (N) 99026		
Applicant	Mr Tim Howarth	Agent	Mrs Kerry Simmons

RECOMMENDATION TO PERMIT WITH S106



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies within land associated with Truffles, a residential dwelling, with outbuildings, set within a small cluster of dwellings and a B&B, located to the east side of Piggery Hall Lane, within the Parish of West Wittering. The approximately 0.35 ha site comprises the existing vehicle access serving Truffles and extends eastwards along the northern boundary before opening into two triangular parcels to the northeast and southeast of the Truffles. The land to the north, east and south of truffles comprises of paddock, which has been in both agricultural and equestrian uses.
- 2.2 The surrounding area is rural in character, mostly comprising of undeveloped agricultural land, but frequently interspersed with clusters of residential dwellings, and appropriate countryside development, including small commercial enterprises, tourism uses including B&Bs and the Harbour Country Club. Whilst outside of the defined settlement boundary, the site is well connected to the nearby settlement hubs or services villages through the existing road network, public transport, and an extensive network of Public Rights of Ways (PRoWs). The Settlement Hub and Service Villages of East Wittering / Bracklesham, Birdham and West Wittering are located approximately 1.6km to the south, northeast and southwest of the site. These offer a range of employment and services for the surrounding areas, which support both the existing residential and tourism uses within this locality.

3.0 The Proposal

- 3.1 The proposal seeks the change of use of the land to tourist accommodation including the siting of two shepherds' huts and associated works, to include a bin/cycle store, and low-level post and rail fencing to delineate the extent of the tourism use within the paddock. Each shepherds' huts would be capable of accommodating two persons and the use would operate between the 1st May - 31st October each year.
- 3.2 The proposal has been revised during the application address the concerns of the Parish Council and third parties, with amendments including the extent of the red line, the proposed access and parking arrangements and a reduction in the number of shepherds huts from four to two.

4.0 History

21/01839/PA3Q	YESPAP	Class Q (b) Application for Prior Approval - Change of use of agricultural building from agriculture to 1 no. dwelling (C3 Use Class).
22/00485/FUL	PER106	Erection of 1 no. 4 bed dwelling - alternative to Class Q approval WW/21/01839/PA3Q
22/00938/FUL	WDN	Change of use to tourist accommodation including siting of shepherd's huts and barn and associated works.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further comments

Although Councillors were sympathetic to the applicant and appreciated all of the efforts to address the Parish Council's previous concerns, and also appreciated the desire of the District Council to increase tourism, the Parish Council is still very concerned about this site being in the countryside. Guidance 6 in the Village Design Statement states that "where settlement areas are bordered by an environmental designation, or 'green lung' developments should not encroach."

The NPPF is very clear on the protection of the countryside there must be an overriding weight to necessity for building in the countryside. There is concern about intensification and encroachment in the countryside and the law is very clear on intensification.

The Parish Council continues therefore to object to this application

Original comments

Objection on the grounds that this is an inappropriate development in the Countryside. There is no proven need for further tourist accommodation in the area and the positioning is dangerous with concern from WSCC Highways on the safety of cyclists on this road. Further, the redline application site is contrived and does not accord to any feature on the ground, this is not good planning practice and would be open to confusion and creep of the new use in the future. The proposal if granted will not limit the use of the site to just two caravans. Case law confirms that once the caravan use exists it is not possible for the LPA to control the number of caravans on the site. The Parish is concerned that if this is granted that the use will intensify and spread over a much larger area of the existing planning unit to the significant detriment of the countryside and the residential neighbours.

6.2 WSCC Local Highway Authority

Further Comments

The applicant now proposes a different access to the site, utilising the existing vehicular access that currently serves Truffles. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access on to Piggery Hall Lane.

The proposed parking area has also been relocated, with a provision of two parking spaces proposed. Considering the number of shepherd's huts proposed, the LHA anticipates that the proposed level of parking will be suitable for the proposed use. Secure cycle parking has also been demonstrated. The access drive can be utilised for turning, allowing cars to exit the site in a forward gear.

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

Original Comments

This proposal is for the change of use of land to tourist accommodation and siting of two shepherd's huts. The site is located on Piggery Hall Lane, a C-classified road subject to a speed restriction of 40 mph in this location. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application WW/22/00938/FUL, raising no highway safety concerns. The applicant withdrew the application.

The applicant proposes to the existing vehicular access, with no alterations to this arrangement proposed. From inspection of local mapping, there are no apparent visibility issues with the existing point of access on to Piggery Hall Lane. Considering the scale of the proposed development, the LHA does not anticipate that the proposals would give rise to a significant material intensification of movements to or from the site.

The applicant proposes a parking area with provision for two car parking spaces. Given that the development is for two shepherd huts, the LHA is satisfied with the proposed parking provision. From inspection of the plans, there is sufficient space for on-site turning to be achievable.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

The proposals also include the provision of a shared cycle store. The provision of secure cycle storage will help promote the use of sustainable transport methods.

The site is situated in a relatively rural location that lacks access to immediate services and amenities. There are bus stops located approximately 250m north of the site on the B2179, providing regular services to Chichester. However, Piggery Hall Lane is unlit and

lacks a footway. As such, some visitors may have a reliance on the private car. Cycling is a viable option for experienced cyclists.

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

6.3 CDC Economic Development

The Economic Development Service supports this application.

The proposed development of 2 Shepherd's Huts is an appropriate farm diversification initiative which would add modest value to the local tourist-based economy.

The overall goal of the Manhood Peninsula Destination Management Plan 2018-2023 is "To develop high quality sustainable visitor experiences that enhance and rely on the characteristics of the locality that have been shaped by the Manhood Peninsula's sea, coast, countryside, and the communities that live on it." Number 2 of the specific aims is cited as "To increase the benefits of the tourism economy for local communities and businesses by maximising visitor expenditure and minimising their environmental and social impacts". In any tourism location it is well documented that staying visitors increase the economic benefit for the local area.

According to a study carried out by Destination Research the total value of tourism for the district was £469,585,000 in 2019, which includes visitor spend and indirect spend. There were 498,000 staying trips and 5,122,000-day trips. The total spend for staying trips equated to £114,732,000 compared to £187,288,000 for day trips. Tourism employed over 6,600 full time equivalents in 2019 is an important part of our economy.

The inclusion of a cycle store is welcome as this provides an environmentally friendly means of transportation to explore the local area and connect with local cycle ways such as Salterns Way.

6.4 CDC Environmental Strategy

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

Trees 1, 2 and 3 have been identified as having moderate bat roosting potential within the Ecological Appraisal (April 2022). Due to this these trees need to be retained and protected from harm during and post construction. If any works needs to take place to these trees or surrounding area then further bat surveys will be required.

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

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

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

The hedgerows on site are used by dormice for commuting and foraging and will need to be retained and enhanced for dormice. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Following submission of the Ecological Appraisal (April 2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

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 / and or tree within the garden of the property.

6.5 CDC Environmental Protection

Consideration has been given to Smith Simmons and Partners Planning Statement April 2022. Given the scale and nature of the proposed development our department would raise no objection from an Environmental Health perspective.

6.6 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. So we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: We have considered the proposal, and we are satisfied that it should not have a significant impact on existing surface water drainage / flood risk.

Due to the scale of the proposed development, we have no conditions to request.

6.7 Third party objection comments

45 third party representations of objection have been received, eight by a single party, concerning the following matters:

- a) Inappropriate and unjustified development
- b) Isolated rural area
- c) Dangerous precedent for other properties across CDC
- d) The cumulative impact of these application
- e) Insignificant impact upon the economy
- f) There is no need for more tourism accommodation
- g) Urbanising paraphernalia
- h) Impacts of lighting
- i) The use of septic tanks
- j) Lack of policing the development
- k) The site lies within the zone of influence for Chichester and Langstone Harbours
- l) Impact on wildlife and ecology
- m) The supporting documentation doesn't list all relevant policies
- n) Increased traffic generation
- o) Opposing housing in the area so should be opposing this development
- p) Highway's safety concerns
- q) It's a commercial venture which will destroy the environment
- r) Huge inconvenience to neighbours
- s) Noise from the proposal
- t) Light pollution
- u) Mobile homes will appear on the site
- v) Inaccurate information supplied
- w) Reference to a D&A statement from the application at Truffles Barn
- x) Another application will be submitted to relocate the barn
- y) Work has already stated on site
- z) The inability to monitor the red line
- aa) Foreign travel available again - UK demand will reduce
- bb) Inappropriate scale of development
- cc) How will the ability of cyclists be assessed?
- dd) Lack of pavements
- ee) Ruining views and tranquillity
- ff) Planning experts are working the system
- gg) Existing sites are not full
- hh) Shepherd's Huts and wooden camping Pods are not new offerings, but established parts of the local tourism accommodation
- ii) The site is prone to flooding in winter
- jj) Issues with the application form
- kk) If permission is granted, it will make it easier for further applications in the future
- ll) If this is refused, there is nothing to stop the applicant applying for houses on the land
- mm) Security concerns
- nn) Lack of control over the number of shepherd's huts
- oo) Strain on the healthcare centres

2.8 Third party support comments

16 third party representations of support have been received concerning the following matters:

- a) Low impact development
- b) Sustainable imitative
- c) Benefits to the local economy
- d) Desirable type of accommodation
- e) Type of accommodation which allows people to get away from everyday life
- f) Typical visitors will be seeking the quiet of the site and will respect that
- g) B&B in the area only offer week bookings, small scale units offer more flexibility
- h) The structures will blend into the surroundings
- i) Tourism plays a massive part of the local economy
- j) It's a positive change to the locality
- k) The huts are being made by a local Artisan - supporting local business
- l) We should be encouraging staycations
- m) Ecological benefits
- n) Minimal disturbance to the local surroundings
- o) The existing campsite may not appeal to everyone - should be a wide range of tourism offering
- p) No significant increase in traffic
- q) Likely attract couples as smaller units
- r) A thoughtful application for small holiday accommodation
- s) Low intensity accommodation
- t) There is a shortage of this type of accommodation

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 31: Caravan and Camping Sites
- Policy 39: Transport, Accessibility and Parking
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

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

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in early 2023. 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 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 In addition, consideration should also be given to Sections 1 (Introduction), 2 (Achieving sustainable development), 6 (Building a strong, competitive economy), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment). The relevant paragraphs of the National Planning Practice Guidance have also been considered.

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
- West Wittering Village Design Statement

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- 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 amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Drainage
- vii. Recreational Disturbance
- viii. Other matters

Assessment

i. Principle of development

8.2 Paragraph 84 of the NPPF advises 'planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside'. In addition, Policy 31 (Caravan and Camping Sites) of the Chichester Local Plan (CLP) states:

Proposals for caravan, camping and chalet sites and associated facilities and intensification/alterations to existing sites will be granted, where it can be demonstrated that all the following criteria are met:

1. They meet a demonstrable need and require a rural location;
2. They are of an appropriate scale in relation to their setting and would not diminish local amenity;
3. They are sensitively sited and designed to maintain the tranquillity and character of the area;
4. They are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape; and
5. The road network and the site's access can safely accommodate any additional traffic generated.

8.3 The information accompanying the application highlights the increasing importance of the tourism industry within the UK and the contribution it makes to the economy both in terms of employment but also in terms of the spending power of visitors. It goes on to highlight the popularity of West Wittering and the Manhood Peninsular as a tourism destination, noting the range of tourism accommodation currently offered within the surrounding areas.

It also highlights the accessibility of the site, in terms of its proximity to the Saltern's Way foot/cycle path, the extensive network of PRow's and parishes proximity to the City Centre which offers an extensive range of tourist attractions.

- 8.4 One of the main aims of the Manhood Peninsula Destination Management Plan 2018-2023 is to 'increase the benefits of the tourism economy for local communities and businesses by maximising visitor expenditure and minimising their environmental and social impacts'. In addition, the West Wittering Village Design Statement acknowledges West Wittering to be a popular tourist destination, which experiences high visitor numbers, which in turn reflects the broad range of tourism accommodation provided within the area. In addition, the VDS notes the various attractions of West Wittering generate 'welcome revenue to the local shops, hostelrys and eating places', which helps to support and sustain local businesses.
- 8.5 Policy 31 of the Local Plan acknowledges that the nature of camping and caravan sites means that they are likely to be sited within the rural area and directs development to sustainable locations where possible. Although within the rural area, this site is reasonably well located to the nearby settlement hubs and services villages and the city centre itself. The site is not isolated and neighbours a long-established B&B, and there is a clear justification and evidence of the attractiveness of West Wittering for tourists. As such, there is adequate justification to support this low-key tourism use within this rural location, and the proposal complies with criteria one of Policy 31.
- 8.6 The proposal is considered to comply with all other criteria of Policy 31 in terms of amenity, character, visual impact, and highway safety and this is assessed in more detail under the relevant sections of this report. Accordingly, for the reasons given above the proposal would fully comply with the requirements of Policy 31 and the principle of development is acceptable.

ii. Design and impact upon character of the surrounding area

- 8.7 Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality, respect existing natural landscapes, and maintain the predominantly open and undeveloped character of the area
- 8.8 The site is located to the east of Piggery Hall Lane and would be served from the existing access point serving Truffles, with the proposal not requiring an additional access point onto the public highway. The existing gravel driveway would remain unchanged, and parking would be provided on an existing gravel area adjacent to the northern boundary of the site. A small bin and bike store would site within the gravel area, which would represent a modest addition to the site, which would not be widely visible. A condition has been suggested to secure details of the structure, but it is anticipated to be a lightweight timber structure. The footpath denoted on the site plan will remain a lawned footpath, which would be kept short, and no surfacing material is proposed.
- 8.9 The site lies within Area 6 of the VDS which identifies that 'well screened caravan parks are features of the landscape'. The Shepherds huts are positioned to the northeast and southeast of Truffles, within a small part of the wider paddock. The extent of the change of use would be delineated by a low post and rail fence, which is a common feature within the countryside and would be suitably in keeping. The paddock benefits from an

established hedgerow boundary to the east and south, with it likely only glimpsed views would be afforded of the shepherd huts. The Shepherd huts utilise a muted palette of materials, with a soft form including a curved roof to minimise their visual impact, and they would be read in the context of the adjacent two storey dwellings.

8.10 There would be limited view of the shepherd huts from public vantage points; however, it is appreciated natural screening thins during winter months. The proposal seeks to operate between the 1st May -31st October (inclusive), limiting the operational times when there may be less screening of the active use from the natural growth. The number of shepherd huts and the proposed use would not be to the detriment of the tranquillity of the area and would conserve the character of the landscape in this location.

8.11 In considering the proposal is acceptable in terms of design, layout and the character of the area and complies with Policy 31 and 47 of the Local Plan.

iii. Impact upon amenity of neighbouring properties

8.12 Section 12 of the NPPF states inter alia that planning decisions should achieve well designed places, create places that offer good design quality, and a high standard of amenity for existing and future users. In addition, Policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties in terms of their outlook, privacy, or available sunlight and daylight.

8.13 The shepherd huts are separated from the neighbouring properties by Truffles, Truffles Barn and established planting both within the site and one the boundaries within neighbouring properties, which provide an extensive buffer between the proposal and neighbouring properties. The closet neighbouring property is approximately 55m to the west, which together with the adequate buffering is considered to result in an acceptable relationship with neighbouring properties.

8.14 The Council's Environmental Protection team consider that noise impacts from the proposed development are likely to be minimal, given the small-scale nature of the proposal, which not be reflective of the existing resident activities within the immediate setting of the site.

8.15 In considering the proposal is acceptable in terms of design, layout and the character of the area and complies with Section 12 of the NPPF and Policy 31 and 33 of the Local Plan.

vi. Impact upon highway safety and parking

8.16 Paragraph 111 of the NPPF states '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. In combination, Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site.

8.17 The proposal would utilise an existing access onto Piggery Hall Lane, which is a C-classified road subject to a speed restriction of 40 mph in this location. There are no apparent visibility issues with the existing point of access on to Piggery Hall Lane and the proposal would not result in a significant material intensification of movements to or from

the site. The proposal makes provision of an adequate number of vehicle parking spaces for the number of shepherds huts proposed. As such, WSCC Highways are satisfied with the proposed vehicle access and parking arrangements.

8.18 In terms of the sustainability of the site, there is likely to be a degree of reliance upon private motor vehicles for visitors accessing the accommodation. However, there are adequate services and attractions within a reasonable proximity to the site which would allow more sustainable modes of transport to be an option for some guests, especially those which are visiting the area to explore outdoor pursuits. In addition, there is a bus stop located within 250m of the site, which provides direct links to Chichester and East and West Wittering and PRowS provide walking routes to nearby services.

8.19 In considering the above, the proposal is considered to result in an acceptable impact upon the highways network and would provide options for sustainable transport. As such, the proposal complies with Paragraph 111 of the NPPF and Policy 31 and 33 of the Local Plan.

v. Ecological considerations

8.20 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.21 The proposal has been accompanied by an Ecological Appraisal, which has assessed and documented the ecological value of the site, including the importance of the hedgerows for bats and dormice. It has detailed appropriate mitigation measures, including protection measures of hedgerows and trees during the siting of the shepherds' huts. It has also suggested the several ecological enhancements, including the provision of a bat and bird box, which can be provided within the established trees within the site, and can be adequately secured via condition. The site is sensitive to additional light pollution, and a condition is proposed to secure details of external lighting to ensure appropriate downward facing lighting is obtained.

8.22 In considering the above, the proposal would result in an enhancement to the biodiversity of the site, in accordance with Paragraph 174 and Policy 49 of NPPF.

vi. Drainage

8.23 The site is within Flood Zone 1 which is at low risk of flooding, and the provision of shepherd's huts within this location is acceptable. The site experiences localised wet periods, but these are within the winter months when the shepherds hut would not be occupied. There are no requirements for a surface water drainage strategy, as the rainwater would infiltrate into the ground beneath and around the shepherd huts. The Councils Drainage Engineer has reviewed the proposal and has raised no objection nor requested any conditions to be imposed upon the application.

8.24 The site lies outside of the Chichester Harbour Fluvial Catchment, to the north of the Chichester District in a location where it is not necessary to demonstrate nutrient neutrality. Nevertheless, the foul water will be collected in small storage tanks under/behind the huts, and then periodically pumped out into the existing foul drainage

system. It has been indicated a flat tank produced by Glampsan will be utilised, which are specially designed tanks for 'off grid' solutions for shepherd's huts and similar low key uses. The tanks are designed to be easily emptiable, with a portable domestic sewerage pump and flexible hosing. As such, the proposal would comply with Policy 42 of the Local Plan.

vii. Recreational disturbance

8.25 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area (SPA) where a net increase in overnight accommodation would likely cause harm to the special qualities of the European designated site because of recreational disturbance. In accordance with Policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required to mitigate recreational disturbance because of the proposal.

8.26 Chichester Harbour is at risk of increased disturbance of the over-wintering bird species so mitigation is required for increases in visitors during the winter period only (1 October - 31 March inclusive). As the proposal would only operate for 31 days within this period (1st - 31st October) a pro-rata payment has been sought via a Unilateral Undertaking. As such, the proposal complies with Policy 50 of the Local Plan.

viii. Other matters

8.27 The Parish Council refer to Guidance 6, within the Village Design Statement which states 'where Settlement areas are bordered by an environmental designation (see 4.2) or "green lungs" developments should not encroach'. As the site lies outside of the settlement area, not within an environmental designation (such as the AONB) and outside of the illustrated "green lungs", the guidance is not considered to be relevant to the development proposed.

8.28 Several third-party comments raised questions regarding the accuracy of the submitted documents and plans; however, the information submitted is considered to be of a satisfactory standard to accurately assess this application. The absence of measurements annotated on the proposed site plan is acceptable, given it is possible to scale these from the plans.

Conclusion

8.29 In considering the above, the proposal would result in an appropriate low key tourism use, which would make a small contribution towards the economic objectives of the district by increasing opportunities for overnight tourism accommodation. The proposal is located within a suitable location and would not result in any adverse impacts upon the character of the countryside, neighbour amenity, highways safety or flood risk and would result in a biodiversity enhancement. The proposal therefore complies with the development plan policies and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT 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 development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented

1. The provision of a bat box within a tree sited within the application site.
2. The provision of a bird box within a tree sited within the application site.
3. The provision of hedgehog nesting boxes within the site.
4. The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

4) The following ecological mitigation measures shall be adhered to at all times during construction;

- a) Due to the potential for bats within the existing hedgerows to be retained a buffer around the hedgerows shall be maintained during the course of the development. The buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.
- b) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- c) If any works need to take place to the trees or for vegetation clearance on the site, they 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).

Reason: In the interests of protecting biodiversity and wildlife.

5) The development hereby permitted shall be carried out in strict accordance with the methodology and mitigation recommendations as set out within the Ecological Appraisal prepared by The Ecology CO-OP (P4762), unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

6) The foul drainage shall comprise of a Flat Tank 500 produced by Glampsan (or similar equivalent) which shall be located underneath or alongside the shepherds' huts and shall be emptied in accordance with manufacture recommendations, into the existing onsite foul sewerage drainage system.

Reason: To ensure the shepherds huts are adequately drained of foul sewerage.

7) 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 development hereby permitted shall be used as a tourist accommodation including siting of 2 shepherd's huts. The huts shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

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

8) The use hereby permitted shall not take place except between 1st May and 31st October (inclusive) in each calendar year.

Reason: To accord with the terms of the application and in the interests of the amenity of the area.

9) The shepherd's huts shall not be positioned on the site, other than in accordance with the location shown on the approved site plan. There shall be no more than two shepherds' huts sited at any one time and at no time shall there be tented or another forms of accommodation on the site.

Reason: To accord with the terms of the application and in the interests of the amenity of the area.

10) 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.

11) 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 additional means of boundary treatment shall be provided anywhere on the site without a grant of planning permission.

Reason: In the interests of protecting the rural character of the locality.

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 SHEPHERDS HUT	22016-402		14.07.2022	Approved
PLAN - EXISTING SITE PLAN	22016-121	REV B	06.09.2022	Approved
PLAN - PROPOSED SITE PLAN	22016-122	REV B	06.09.2022	Approved

INFORMATIVES

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

For further information on this application please contact 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=RE4NP9ERI4D00>

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Report to **Planning Committee**
Date **9 November 2022**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No **SDNP/21/02183/FUL**
Applicant **Jessica Stilwell**
Application **Demolition of existing and construction of replacement farm office.**
Address **Green Lanes Farm Back Lane Forestside Stoughton PO9 6EB**

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.

Executive Summary

Parish Council objection - officer recommends PERMIT

The application site has the benefit of an authorised office/administration element associated with the agricultural activities undertaken on this and surrounding land and so the principle of the replacement office building is compliant with the authorised use and is acceptable. It will be sited directly where the office building is currently and would be read in context with other, existing agricultural buildings on the site. Although the proposed building possesses a larger floorspace than the one it is to replace, it has been designed to have a multi-functional role and incorporates an agricultural aesthetic, reflecting its setting within the wider landscape. Overall, the scale of the proposed building remains modest and, together with the removal of existing structures will not result in proliferation of buildings on the site and will result in a minor visual benefit overall. Therefore, the building and associated use is considered to comply with the objectives of relevant National and Local planning policy set out in this report. Subject to conditions limiting the use of the building to Green Lanes Farm only, provision of ground floor accommodation only and removal of existing office and storage containers from the site, the application is recommended for approval.

1.0 Site Description

- 1.1 Green Lanes Farming occupies a modest holding on the north side of West Marden Hill and east of Back Lane. Several buildings occupy the site, including calf-rearing barns (one subject to SDNP/21/00014/FUL), storage containers and rudimentary timber office/welfare building. The largest building on the site is a general purpose barn erected under Part 6 of the GPDO in 2020 under reference SDNP/20/02455/APNB.
- 1.2 The wider site boundaries to the south and southwest of the holding (with the highways) is effectively screened by tall, mature hedgerows. Similar screening is found along the eastern and northern boundaries.

- 1.3 To the north of the site is open pasture. Between the building group and the highway to the south (West Marden Hill) is an area of pasture. To the east of the site is a group of four dwellings fronting the highway, the nearest being Filkins, which shares a common boundary with Green Lanes Farm. Filkins is approximately 32 metres away from the nearest barn (building to building).
- 1.4 The general character of the landscape is a mixture of both agriculture (arable and grazing) and parcels of woodland, with equestrian use of some fields. Fields are mainly modest and irregular in size, defined by mature boundary hedging.

2.0 Proposal

- 2.1 Planning permission SDNP/18/03033/FUL - allowed the retention of a farm office building, storage barn, cattle pens, and provision of a new private sewage treatment plant. This existing office facility is a modest but rudimentary domestic timber outbuilding adapted for use for the administrative functions undertaken in connection with Green Lanes Farming Ltd. Adjacent to this building is an adapted steel storage container used as additional office accommodation. A further storage container is used for secure storage purposes. The applicant considers that the existing office building has reached the end of its operational life and requires replacement.
- 2.2 The applicant has taken the opportunity to amalgamate the current office floorspace along with staff welfare facilities into one building. The current ad hoc arrangement of the existing timber building and associated storage containers are to be removed from the site.
- 2.3 The replacement office/welfare building is an Oak-framed, single storey building located in approximately the same position as the existing structures. Its elevations are to be clad in timber boarding under a hipped, clay tiled roof. The accommodation comprises farm office, mess room, wc/washroom, boot room and store. There is no first floor accommodation. The floorspace of the replacement building amounts to 90m². The footprint of the building is articulated into a broadly 'L' - shape, with an overall height of 4.5 metres.

3.0 Relevant Planning History

SDNP/18/03033/FUL - Retrospective application for erection of a farm office building, storage barn, cattle pens, and a new private sewage treatment plant. PERMIT 07.09.2018

SDNP/20/02455/APNB - Erection of a new agricultural building for straw storage, including hardstanding. PRIOR APPROVAL NOT REQUIRED 07.07.2020

SDNP/20/04750/FUL - Demolition of existing farm office and construction of replacement farm office with open-fronted parking area. WITHDRAWN 08.02.2021

SDNP/20/05865/FUL - Retrospective permission for installation of 1 no. electric roller blind and proposed installation of 1 no. electric roller blind on an existing agricultural building. PERMIT 04.08.2021

SDNP/21/00014/FUL - Retrospective application for erection of a calf rearing barn and a concrete pad. PENDING CONSIDERATION

4.0 Consultations

Parish Council

The Parish Council is concerned about the proliferation of buildings in this particular part of the farmstead in question, in this rural location. It is not clear why the proposed building needs to be as large as what is proposed; in appearance it resembles a 'chalet bungalow' style dwelling, which is quite inappropriate for this location. In view of these concerns these comments should be taken as an OBJECTION on the part of the Parish Council

Natural England

No comments to make on this application

WSCC - Highways

DATE OF SITE VISIT: N/A

RECOMMENDATION: Advice

S106 CONTRIBUTION TOTAL: N/A

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

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

This proposal is for the demolition of an existing farm office and construction of a replacement farm office. The site is located on Back Lane, an unclassified road subject to national speed limit.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for a similar application at this site, SDNP/20/04750/FUL, raising no objections. This application was withdrawn by the applicant.

The applicant proposes no alterations to the existing vehicular access arrangements. The LHA does not anticipate that the proposed development would give rise to a material intensification of movements using this access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposed development would exacerbate an existing safety concern.

The Planning Statement states that on-site vehicular parking will be located adjacent to the proposed office building. From inspection of the plans and local mapping, there is adequate space for this to be accommodated, including space for on-site turning.

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

HCC - Landscape Team

The proposed replacement office is now smaller than the original application, but it still proposes a one and a half storey building and it is very noticeable that the plans do not show any internal design for the space. Therefore like the earlier building it still appears to be large enough to include accommodation and not just an office.

On landscape grounds there is a holding objection to this scheme, due to the lack of mitigation and improving the overall environment.

The scale of the proposed development lacks detail of the internal use of the building space, it still appears to be large enough to be used as accommodation as well as a farm office.

CDC - Environmental Strategy

Bats:

The Protected Species Walkover Survey (November 2020) concluded a negligible potential to support roosting bats overall and therefore did not recommend any further surveys. However, the lighting scheme for the site will need to take into consideration the presence of bats in the local area. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings, especially around the northern boundary of the property, by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

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

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

Nesting Birds:

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

We would like a bird box to be installed on the building and/or tree within the garden of the property.

Reptiles:

The site of the proposed replacement building is currently used for storage of materials and holds some potential for use by over wintering amphibians and reptiles under these piles. We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut. Additionally, material piles should be removed carefully by hand under method statement to ensure any animals which may be present are not injured or killed.

Dormice:

The hedgerow along the northern boundary of the site is considered to have suitability to support hazel dormouse as it offers foraging opportunities and is well connected to adjacent suitable habitat. The hedgerow is being retained within this proposal and therefore, no further surveys are needed, just a precautionary approach, including having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this. However, if

works require any destruction or removal of the hedgerow then further surveys for dormice will need to be undertaken

5.0 Representations

3 Third Party objections

Domestic design ('bespoke garage') at odds with proposed function as farm office and design of other farm buildings on the site and its rural setting
Size disproportionate for proposed use - existing office space more than adequate.
Condition of existing building insufficient justification for replacement by larger structure
Overdevelopment
Agricultural justification for replacement of the building inaccurate

Agent's supporting information

Green Lanes Farm is the administrative centre for Green Lanes Farming Ltd, a productive beef cattle enterprise specialising in calf rearing, growing store cattle and finishing cattle. Green Lanes Farm is where calves are reared and weaned before being moved on to grower sites elsewhere in the South Downs and further afield. The business has outgrown the office and administration facilities presently on the site. An adjacent storage container is also used as an office and administration storage. Proposal has been subject to pre-application discussion and reflects that advice
Proposal in line with the objectives of rural and agricultural policies of NPPF and Local Plan
Siting is within existing building group.
Functional design informed and in keeping with rural setting, with minimal impact on the surrounding landscape
No proliferation - existing office building and containers to be removed

6.0 Planning Policy Context

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

- N/a

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.

7.0 **Planning Policy**

Relevant Government Planning Policy and Guidance

- 7.1 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 176 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)

- 7.2 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
 - NPPF12 - Achieving well-designed places
 - NPPF15 - Conserving and enhancing the natural environment
- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant 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 SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Development Management Policy SD39 - Agriculture and Forestry

Partnership Management Plan

7.4 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 3
- Partnership Management Plan Policy 13
- Partnership Management Plan Policy 50

8.0 Planning Assessment

8.1 The main issue with this proposal is considered to be the effect of the proposed development on the character and appearance of the surrounding area.

8.2 Green Lanes Farm (GLF) is noted to be the administrative centre of the overarching beef cattle enterprise, Green Lanes Farming Ltd. As well as being the administrative centre for the business, other buildings on the site are used for calf-rearing, with up to 200 calves on site at any one time. Planning permission SDNP/18/03033/FUL authorised the use of the site and buildings for the enterprise, as well as the retention of the current office building and the provision of a package treatment plant. Therefore the principle of the site acting as the administrative centre for this enterprise has been acknowledged in planning terms. Subsequently, a general purpose barn has been erected with the benefit of permitted development and there is an as yet undetermined application for the retention of a further open-sided calf barn sited in the northeast corner of the site.

8.3 The current office building is sited on the northern edge of the site, adjacent to an established rural hedgerow. The office building is of rudimentary timber construction under a shallow pitched felted roof and has the appearance of a re-purposed domestic summer house/chalet. Adjacent to this building are two steel shipping containers under a shared corrugated sheeting roof, one of which is used as additional office space, the other for storage. An area at the front of the present office building is dedicated to staff parking. The current arrangement and visual appearance of buildings and structures is ad hoc and somewhat rudimentary and whilst public views of this part of the site are relatively well screened, the condition and appearance of the structures do impart a negative impact on landscape character.

8.4 The proposed replacement building will provide not only office accommodation for the administrative function of the business as a whole but also secure storage for documents and welfare facilities for staff. The drawings propose that the replacement building will occupy the footprint of the existing timber office, together with a modest area of degraded land immediately to the west. The building will be of traditional timber framed construction under a fully hipped, tiled roof. The building's aesthetic and choice of materials are reflective of those commonly found on rural buildings throughout the National Park and are acceptable in this rural context.

- 8.5 It is acknowledged that the replacement building is larger than the one it is to replace (excluding the floor space of the steel containers) and third parties have made representations on this aspect of the application. The building is multifunctional in that it is to provide not just office space for the administrative function of this rural enterprise but also staff welfare and meeting facilities, secure document storage, some of which is currently accommodated in the two steel containers.
- 8.6 The building will be single storey only and the hipped roof and articulated footprint and roofscape effectively address any massing issues. Whilst the pitch of the roof is necessary to secure a tiled roof, the resultant increase in height is modest and visually well contained in perceptual terms by mature hedging and trees defining the boundaries of the wider holding.
- 8.7 Overall, the proposal would result in a better quality building that is sympathetic to the rural character and appearance of the surrounding landscape. The low overall height of the replacement building, its siting in context with other (more substantial) farm buildings and supplementary planting will ensure that the impact on the visual qualities of the area would be benign. The removal of the existing poor quality building and incongruous shipping containers agreed as part of this proposal would, in itself, result in a visual enhancement of the site and immediate area.

9.0 Conclusion

- 9.1 The application site has the benefit of an authorised office/administration use associated with the agricultural activities undertaken on this and surrounding land. Therefore, the principle of the replacement office building is acceptable. Although the proposed building is larger than the one it is to replace, it has been designed to have a multi-functional role and possesses an agricultural aesthetic, reflecting its setting within the wider landscape. The overall scale of the proposed building remains modest and, together with the removal of existing structures, will result in a visual enhancement. Therefore, on balance the building is considered to comply with the objectives of relevant National and Local planning policy set out in section 2 of this report.

10.0 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the above 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. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. Notwithstanding condition three above, the development hereby permitted shall not proceed beyond slab level until details of the proposed roof tile has been submitted to and approved by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To safeguard the appearance of the building and the character of the area.

5. At no time shall any first floor or mezzanine level be inserted within the building unless approved by way of an application to and approved by the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure that the level of office accommodation reflects the scale of the administrative and functional operations undertaken by Green Lanes Farming Ltd and to prevent an over intensive use of the site.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the building hereby permitted shall not be used other than as office, administration and welfare purposes solely in connection with agriculture at Green Lanes Farm and Green Lanes Farming Ltd and for no other purpose, including any other purpose within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To accord with the terms of the application and to ensure that the Local Planning Authority has future control over the building to prevent inappropriate commercial uses in this sensitive countryside location.

7. The building hereby permitted shall not come into use until the existing office building has been demolished and resultant debris removed from the site, together with the complete removal of the two steel containers and associated roof covering located immediately to the north east of the office building.

Reason: In order to prevent the proliferation of buildings on the holding; the proposed building provides sufficient floorspace to negate any justification for the retention of buildings and structures that have a negative impact on the character and appearance of the area.

8. No development shall commence until protective fencing in accordance with BS5837/2012 has been erected along the application side of the boundary hedgerow forming the northwest boundary of the site. The fencing shall remain in situ for the duration of the construction period of the building hereby permitted.

Reason: To ensure the protection of a feature that has important landscape and ecological benefits.

9. No external lighting shall be installed to the building or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity and protect the South Downs International Dark Night Skies Reserve.

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

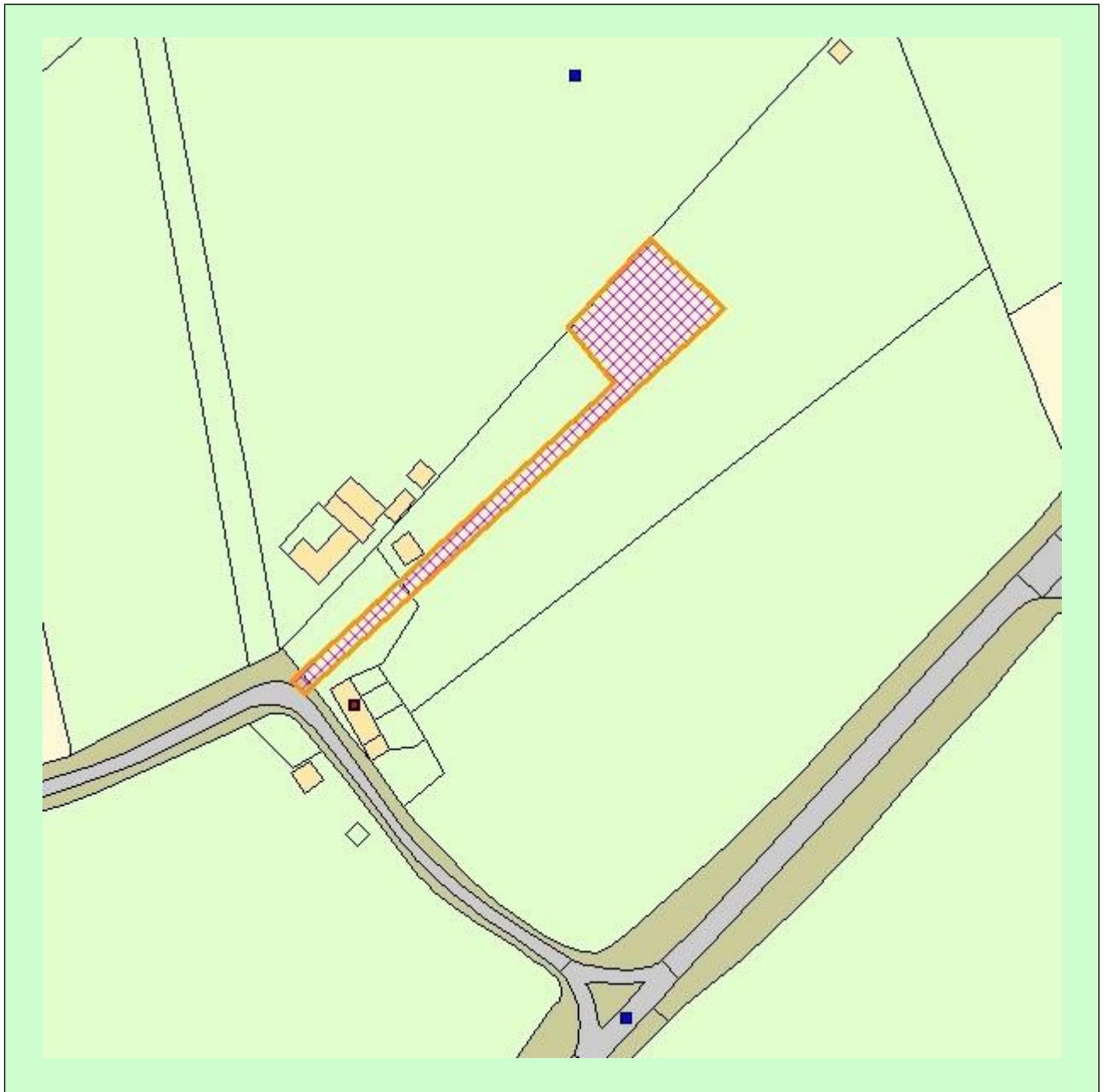
14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result,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

Tim Slaney
Director of Planning
South Downs National Park Authority

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Appendices	Appendix 1 - Site Location Map Appendix 2 – Plans Referred to in Consideration of this Application
SDNPA Consultees	Parish Council, WSCC Highways, HCC Landscape, CDC Ecology
Background Documents	SDNPA Local Plan, SDNPA Management Plan, SDNPA Design Guide, NPPF

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 - Site Location Plan (A4)	001		27.04.2021	Approved
Plans - Site Block Plan (A3)	002		27.05.2021	Approved
Plans - Substitute plan: proposed elevations and floor plan	2010948-01	Rev E	03.05.2022	Approved

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

Chichester District Council Planning Committee

Wednesday 09 November 2022

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

Appeals, Court and Policy Matters

between 14-09-2022 - 18-10-2022

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

Note for public viewing via Chichester District Council web site

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

* = Committee level decision

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>22/01547/PIP</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Residential development of 9 residential dwellings comprising parking, landscaping and associated works.
<u>22/00470/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a).
<u>22/00637/PA3Q</u>	
Loxwood Parish Case Officer: Sascha Haigh Written Representation	Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).

Reference/Procedure	Proposal
<u>22/00094/FUL</u>	
<p>Sidlesham Parish Case Officer: Emma Kierans Written Representation</p>	<p>Lockgate Nursery 72 Lockgate Road Sidlesham Chichester West Sussex PO20 7QQ</p> <p>Demolition of existing redundant greenhouse and construction of 2 no. detached 3 bedroom chalet bungalows.</p>
<u>21/03110/FUL</u>	
<p>West Wittering Parish Case Officer: Sascha Haigh Written Representation</p>	<p>43 Marine Close West Wittering PO20 8HG</p> <p>Demolition of existing dwelling and erection of replacement dwelling.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
20/01854/OUT*	
<p>Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings</p>	<p>Chas Wood Nurseries Main Road Bosham PO18 8PN</p> <p>Outline permission for 26 no. dwellings with access, public open space, community orchard and other associated works (with all matters reserved except for access).</p>
<p>Appeal Decision: APPEAL ALLOWED</p>	
<p>"... although the appeal site has few everyday services and facilities within walking distance, it is near a school and the appeal site is very well placed to access other methods of sustainable transport. Paragraph 105 of the Framework explains that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The appeal site is in a rural area and in this context, I find that it is well served by sustainable transport.the appeal scheme would have adequate access to services and facilities by means other than private motorised transport. As a result, it would adhere to Policy 8 of the LP, which seeks to secure development that encourages the use of sustainable modes of transport as an alternative to private car use. the appeal scheme would preserve the character and appearance of the area, including the open rural character found between settlements along the A259. Accordingly, there would be no conflict with Policy 48 of the LP, which seeks to secure development that would not have an adverse impact on the openness of views and the tranquil and rural character of the area.I was advised at the hearing that there are other applications for housing in the vicinity of the site and any approval of the appeal scheme would set a ‘precedent’. Every application should be considered on its own merits, but decisions should be made consistently. It will be for future decision makers to decide what weight they afford my findings based on the prevailing circumstances at the time..... Overall, the appeal scheme would have notable benefits that would deliver positively against several policies in the Framework11. Most notably the aim to significantly boost the supply of housing, including delivery of affordable housing, and locating housing to maintain or enhance the vitality of rural communities. Thus, the moderate cumulative adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan....The proposal would be at odds with the spatial strategy in the development plan. I have afforded this moderate weight for the reasons already given. The proposal would be at odds with the development plan taken as a whole. That said, the adverse impacts of the proposal would not significantly and demonstrate outweigh the benefits. This is material consideration that suggests the proposal should be determined otherwise than in accordance with the development plan. Accordingly, the appeal has been allowed."</p>	

Reference/Procedure	Proposal
<u>20/00047/FUL*</u>	
Westbourne Parish Case Officer: Calum Thomas Written Representation	Hopedene Common Road Hambrook Westbourne PO18 8UP Change use of land to a single private gypsy pitch with associated hardstanding and day room.
Appeal Decision: APPEAL ALLOWED	
<p>" The appeal is allowed and planning permission is granted for change of use of land to a single private gypsy pitch with associated hardstanding and day room at Hopedene, Common Road, Hambrook, Westbourne. ... Westbourne Neighbourhood Plan (WNP) was made on 21 September 2021, ... it now forms part of the development plan for the area. Policy OA3-1 of the WNP sets out criteria against which proposals for additional Gypsy, traveller and travelling showpeople applications should be assessed. ... Policy 36 ... sets out that ... sites should not dominate the nearest settled communities. Policy OA3-1 of the WNP ... includes criterion c) which requires that development does not result in sites being over-concentrated in any one location The site is in the open countryside. There is some limited dispersed development within the wider area, with the nearest settlements being the small hamlet of Woodmancote and the larger villages of Funtington, Hambrook and Westbourne, all of which are a short drive away. The appeal site is located within the immediate vicinity of an established Gypsy and traveller site, ... there are a number of Gypsy and traveller pitches along Newells Lane, Scant East Road and West Ashling Road. ... In terms of numbers, the addition of a single pitch would amount to a very marginal increase. I do not find this would be disproportionate to the size of the settled population. ... I have been provided with no specific details as to how the proposed additional pitch would impact upon the local settled community such as through pressure on existing infrastructure. ... the proposal is not of a scale that it would place an undue pressure on local infrastructure or dominate the nearest settled community. ... the pitch is set behind a high evergreen hedge and not prominent from the public domain and would therefore not dominate the settled community through visual intrusion. In combination with the twelve existing pitches and the five permitted, the addition of a single gypsy pitch would not on its own, or in combination, resulting a scale of Gypsy site that would be disproportionate in size, so as to dominate the nearest settled communities. ... The WNP sets out at paragraph 4.5.17 that the development of further Gypsy and traveller sites in the parish would be premature and disproportionate. This is on the basis that the broad location of new Gypsy and traveller sites from 2022 will be determined in light of the revised Gypsy and Traveller Accommodation Assessment (GTAA) findings and implemented through the Council's forthcoming Gypsy and Traveller Development Plan Document (the DPD). On this basis, it is not anticipated that any further allocations for plots or pitches will be made in the parish for the next 6-15 year period. Whilst this position is noted, the GTAA has identified a sizeable deficit in the supply of Gypsy and traveller pitches across the District and the timetable for the preparation of the DPD is under review. In view of this, I am unable to reach a firm view as to whether or not further plots or pitches will be allocated within the parish. In any event, I have found that the limited scale of the proposed development would not adversely affect the community balance in the area. ... I conclude that the appeal site would be a suitable location for the proposed development, having regard to the effect of the proposed additional Gypsy/traveller pitch, ... The WNP requires justification for additional pitches within the Parish. ... The Council has acknowledged that there is a total unmet need of 39 pitches within the District between October 2021 and March 2026. Given the lack of pitches, there is limited evidence before me to suggest that there would be available alternative pitches. Parish Council</p>	

Appeal Decision: APPEAL ALLOWED

- continued

has indicated that some approved pitches and plots remain vacant locally with five pitches at Cemetery Lane, ... I have been provided with no substantive evidence to confirm this. In any event, this would not meet the site specific requirements of the appellants. I therefore attribute very limited weight to this. ...The Solent habitats sites and catchment, which includes the SPA is in an unfavourable condition due to poor water quality caused by nutrient enrichment from elevated nitrogen and phosphorus levels. ... The appellants propose the use of a package treatment plant (PTP), specified as a 'BioBubble Compact'. This would discharge into an area of reedbed ... A condition would ensure that a PTP, achieving the required standards for reducing the discharge of nutrients, is installed and maintained. ... I am satisfied that the adverse effects of the proposal could be effectively mitigated with regards to nutrient impacts. Thus, I conclude that the proposed development would not have an adverse effect on the integrity of the SPA...."

3. IN PROGRESS

Reference/Procedure	Proposal
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearings 22-Nov-2022 Chichester College	Land And Buildings On The South Side Of Church Lane Birdham West Sussex Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>21/03407/PA3Q</u>	
Boxgrove Parish Case Officer: Sascha Haigh Written Representation	Eartham Quarry Eartham West Sussex PO18 0FN Change of use of agricultural building to 2 no. dwellinghouses (Class C3).
<u>21/03343/FUL</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>21/03344/LBC</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex Appeal against CC/154

Reference/Procedure	Proposal
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023	Land East Of Broad Road Broad Road Nutbourne West Sussex Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023	Land North Of A259 Flat Farm Main Road Chidham West Sussex Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearing	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.
<u>22/00137/FUL</u>	
Earnley Parish Case Officer: Calum Thomas Written Representation	Russ Autos132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU Demolition of B2 workshop and erection of 1 no. live/work unit.
<u>21/03163/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Hanneys West Bracklesham Drive Bracklesham PO20 8PH Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)

Reference/Procedure	Proposal
<u>21/03282/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Written Representation	Land South Of Tranjoeen Ashcroft Place Bracklesham Lane Bracklesham Bay West Sussex Proposed vehicle crossover (means of access to a highway Class B).
<u>* 21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.
<u>21/02553/FUL</u>	
Fishbourne Parish Case Officer: Joanne Prichard Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
<u>22/00142/FUL</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Re-grading of existing agricultural land to create natural grass and wetlands.
<u>22/00575/PA3R</u>	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL Prior Approval - Change of use of existing agricultural building to storage use (B8).

Reference/Procedure	Proposal
* 19/00445/FUL	
Funtington Parish Case Officer: Martin Mew Written Representation	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.
19/02939/FUL	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
20/00234/FUL	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
20/00534/FUL	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	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
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/00956/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	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.
<u>20/03306/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land To The West Of Newells Farm Newells Lane West Ashling West Sussex The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ Appeal against HH/22
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/80

Reference/Procedure	Proposal
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/77
<u>20/00288/CONENG</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD Appeal against Enforcement Notice FU/89
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Farm Newells Lane West Ashling West Sussex Appeal against Enforcement Notice FU/87
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS Erection of a detached dwelling following demolition of free-standing garage.

Reference/Procedure	Proposal
<u>21/00992/FUL</u>	
Oving Parish Case Officer: Joanne Prichard Written Representation	Littlemead Business Centre Tangmere Road Tangmere PO20 2EU Erection of 10 no. new lettable E(a), E(g)(ii), (iii) and B8 units of differing sizes, including mezzanines and ancillary access slabs, onsite unallocated parking, cycle and communal bin area, planting.
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>21/03123/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Little Wephurst Walthurst Lane Loxwood RH14 0AE Replacement dwelling following demolition of an existing dwelling.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ Appeal against PS/70
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lanefold Loxwood Billingshurst West Sussex RH14 0UJ Appeal against Enforcement Notice PS/71.

Reference/Procedure	Proposal
<u>20/02785/ELD</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Use of building 3 for B1 and B8 purposes.
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Martin Mew Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.
<u>22/00144/PNO</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Chalk Lane Nursery 17A Chalk Lane Sidlesham Chichester West Sussex PO20 7LW Erection of agricultural building.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).

Reference/Procedure	Proposal
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ Construction of 9 no. dwellings.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	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
<u>* 20/01569/FUL</u>	
Westbourne Parish Case Officer: Jeremy Bushell Informal Hearings	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG Erection of 1 no. dwelling and associated landscaping.
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Monk Hill Monks Hill Westbourne West Sussex Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/02159/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex Erection of 7 no. dwellings, access, landscaping and associated works.

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex Appeal against WE/40, WE/41 and WE/42
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/58

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry 29-Nov-2022 Chichester District Council East Pallant House PO19 1TY	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
<u>21/03424/FUL</u>	
Wisborough Green Parish Case Officer: Sascha Haigh Written Representation	Howfold Barn, Howfold Farm, Newpound Lane Wisborough Green RH14 0EG Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land North West of Premier Park	Of 4 Enforcement Notices	Injunction granted by the High Court and varied in 2021. Most of the plots have been vacated but 3. Counsel consulted to consider Contempt of Court Proceedings for the alleged breach of the Injunctive Order.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Birdham Farm, Birdham Road	Of Enforcement Notice	Date requested from the court. Defendants notified.
Land South-East of the Stables	Of Enforcement Notice	Date requested from the court. Defendant notified.

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 14-09-2022 and 18-10-2022

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
SDNP/21/02690/HOUS West Lavington Parish Council Case Officer: Beverley Stubbington Written Representation	St Andrews Selham Road West Lavington GU29 0EG - Proposed erection of a single storey orangery to the rear of the property.
SDNP/19/00375/BRECON Stedham with Iping Parish Council Case Officer: Michael Coates-Evans Written Representation	Wispers Titty Hill Milland Midhurst West Sussex GU29 OPL- Appeal against ML/26

2. DECISIONS

Reference/Procedure	Proposal
<p data-bbox="108 250 466 318"><u>SDNP/18/00609/BRECO</u> Rogate Parish Council</p> <p data-bbox="108 385 497 452">Case Officer: Steven Pattie (EX SDNPA)</p> <p data-bbox="108 474 466 519">Written Representation</p>	<p data-bbox="552 250 1385 353">Land South of Harting Combe House Sandy Lane Rake Rogate West Sussex - Appeal against Enforcement Notice RG/37</p>
<p data-bbox="453 551 1040 586">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="108 595 785 618">" Summary of Decision: the appeal is dismissed</p> <p data-bbox="108 622 370 654">Ground (d) appeal</p> <p data-bbox="108 658 1391 1402">1. This ground of appeal is that at the date the notice was issued no enforcement action could be taken. In order to succeed on this ground it is necessary for the Appellant to demonstrate that the use alleged (the stationing of a shepherd's hut and use of wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. The burden of proving relevant facts falls on the Appellant and the relevant test of evidence is the balance of probability. ... the shepherd's hut provides sleeping accommodation, a dining area, cooking facilities and wood burner. A short walk away the wooden building provides shower and toilet facilities. Together they provide the facilities necessary for day to day living and human habitation. ... The Appellant says that the shepherd's hut has been on the land for in excess of 10 years and the wooden building in excess of 4 years. He says that they were repaired and refurbished in Summer 2017 and that their use as tourist accommodation began in 2018. ... The Council argue that regardless of when the hut and building were stationed on the land their previous use was extinguished when the hut was refurbished in 2018 to provide overnight accommodation and a larger wooden building fitted with shower and toilet facilities to be used in association with the hut. They argue that a new chapter in the planning history of the site commenced when the structures became a single habitable residence. ... On balance I do not consider that the evidence produced by the Appellant satisfies the burden of proof that rests upon him in this appeal. He has not demonstrated that the use alleged (the stationing of a shepherd's hut and wooden building for the purposes of human habitation) took place for a period in excess of four years before the notice was issued and without any material change in the use since that date. ... The appeal is dismissed and the enforcement notice is upheld."</p>	

Reference/Procedure	Proposal
SDNP/21/04110/LDE Lynchmere Parish Council Case Officer: Louise Kent Written Representation	1 Stone Pit Cottages Marley Combe Road Camelsdale Linchmere GU27 3SP - Existing lawful development - rear garden cabin.
Appeal Decision: APPEAL DISMISSED	
<p>" ... The reason for refusal is that the rear garden cabin would not fall within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would be located outside the domestic curtilage of the dwellinghouse. ... There is a material difference in the character of the land where it is proposed to site the cabin compared to the well-defined and terraced domestic garden land nearer the dwellinghouse. ... Taking all of the evidence into account the parcel of land on which it is proposed to erect a cabin does not as a matter of fact and degree have the kind of intimate association with the dwellinghouse that is required for it to be reasonably interpreted as within its curtilage. ..."</p>	

Reference/Procedure	Proposal
SDNP/21/00910/FUL Rogate Parish Council Case Officer: Rebecca Perris Written Representation	Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.
Appeal Decision: APPEAL DISMISSED	
<p>"... Policy SD25 of the South Downs Local Plan 2019 (LP) contains a list of settlements with defined boundaries where development, including housing, is supported in principle. Although relatively recently adopted, the LP does not specifically address isolated homes in the countryside. I have taken this into account in my decision. ... Hill Brow to the west and nearby Rake to the east ... are not defined settlements. They are, therefore, in the countryside, as is the site. ...</p> <p>Albeit an outlying part ... with limited visual connectivity to the centre of Hill Brow ... the site, is in my view nonetheless physically part of the settlement at Hill Brow. The proposed dwelling would therefore not be an isolated new home in the countryside. As a result, Framework paragraph 80 e) is not engaged in this appeal.</p> <p>In the countryside development will only be permitted exceptionally in any of the circumstances set out in LP Policy SD25(2)(a) to (d). There is no evidence of an essential need for the dwelling to be in the countryside, the site is not allocated or safeguarded for development and the proposal is not community infrastructure. ... the ... majority part of the site which would be developed, including by change of use of land, is not previously developed land. ... Accordingly, even a single dwelling on the site would undesirably consolidate a more dispersed pattern of residential development, at odds with aims of the Authority's spatial strategy and settlement hierarchy.</p> <p>Considering the above, I find that the site is not an appropriate location for a dwelling, having regard to local and national policy for the provision of housing. Consequently, the proposal would conflict with LP Policies SD1 and SD25 which collectively seek to focus housing development in, or at, the most sustainable locations unless exceptionally justified and with regard to cumulative impacts. ... Despite its flat roof, part single-storey design and use of land levels, the dwelling would have appreciable vertical scale and massing, overall built form and physical presence. ... in relation to the size of the site, the proximity of retained and proposed planting and the size of some other dwellings nearby, including some plot sizes, it would not appear overly cramped. However, infilling most of the centre of the site with the dwelling would unduly erode openness and result in a notable intensification of residential development and related activity in this part of the frontage. It would alter fundamentally the innate essence of the site, reduce tranquility and result in an undesirable consolidation of development along this road in the direction of Rake. The ... design ... would be unexpected and incongruous given the more conventional design of gabled and hipped roof, mainly brick and tiled dwellings nearby. The proposal would, therefore, be out of keeping with the prevailing pattern, sequence and appearance of open spaces and dwellings in this part of Hill Brow and along this part of London Road. The secluded location of the site in a corridor of roadside trees means that the dwelling would not have any meaningful direct visual or physical effect on the wider surrounding countryside or landscape of the NP. However the proposal would be conspicuous in elevated views from the pavements in London Road, overlooking the site, and result in unwarranted visual intrusion. ... The significant contrast between the open undeveloped nature of the site and as developed by the dwelling would be plain to see in these short distance views. Moreover, the absence of greater public visibility does not mean the absence of intrinsic harm to the countryside or NP. The dwelling would have a high standard of design and ... would incorporate techniques or technologies to mitigate the effects of climate change, achieve zero carbon outcomes and deliver biodiversity net gains. ... This would be a comprehensive and meaningful package of such measures. However, while this would deliver a more efficient and effective building in these respects, that is not the same as innovative. Many of these measures are well-established, no longer new and regularly and routinely used in new homes. Even though not reflected in dwellings in the NP, this includes Passivhaus principles. ... it is a mature design philosophy over 25 years old. There is no compelling evidence that the proposal would introduce or feature</p>	

Appeal Decision: APPEAL DISMISSED - continued

genuinely new ideas, fresh creative thinking or authentic advanced or original measures. ... I am not satisfied that the dwelling would be remarkable or impressive, thus truly outstanding, or innovative or reflect the highest standards of architecture. In addition, the dwelling and associated domestic activity on the site would not enhance the immediate setting of the site or be sensitive to the defining characteristics of the built and natural environment of the local area. Overall, the proposal would not be a novel or exemplar scheme in these regards. ... Taking all of the above into account, I find that the proposal would cause significant harm to the character and appearance of the area, including the South Downs National Park. Consequently, it would conflict with LP Policies SD1, SD4, SD5 and SD7 which include that the landscape of the NP will be conserved. ..."

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p>SDNP/21/04858/FUL Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.</p>
<p>SDNP/21/03816/FUL Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>
<p>SDNP/21/03068/LIS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/04109/FUL Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p>SDNP/21/01971/FUL Lurgashall Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.</p>

Reference/Procedure	Proposal
<p>SDNP/21/00910/FUL Rogate Parish Council</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Land North East of Paddock Lodge London Road Hill Brow Rogate West Sussex - 1 no. dwelling with associated work and extension of driveway.</p>
<p>SDNP/20/02935/CND Harting Parish Council Case</p> <p>Officer: Derek Price</p> <p>Informal Hearing 28/02/2023</p> <p>SDNPA - South Downs Centre</p>	<p>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.)</p>
<p>SDNP/21/03067/HOUS Fittleworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Old Well Cottage Lower Street Fittleworth RH20 1EJ - First Floor extension and internal alterations.</p>
<p>SDNP/21/03527/FUL Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>
<p>SDNP/21/05908/HOUS Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p>
<p>SDNP/21/04454/HOUS Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>

Reference/Procedure	Proposal
<u>SDNP/19/00386/COU</u> Fittleworth Parish Council Case Officer: Sue Payne Written Representation	Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS

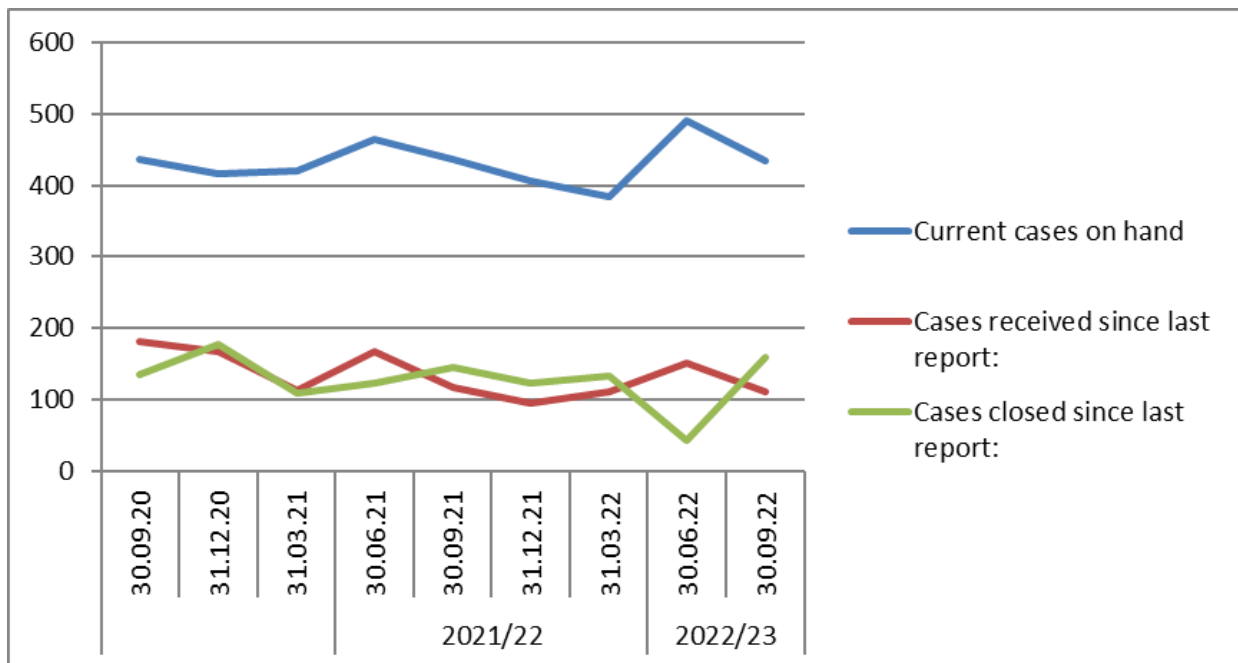
**PLANNING COMMITTEE
(Wednesday 9 November 2022)
SCHEDULE OF OUTSTANDING CONTRAVENTIONS**

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

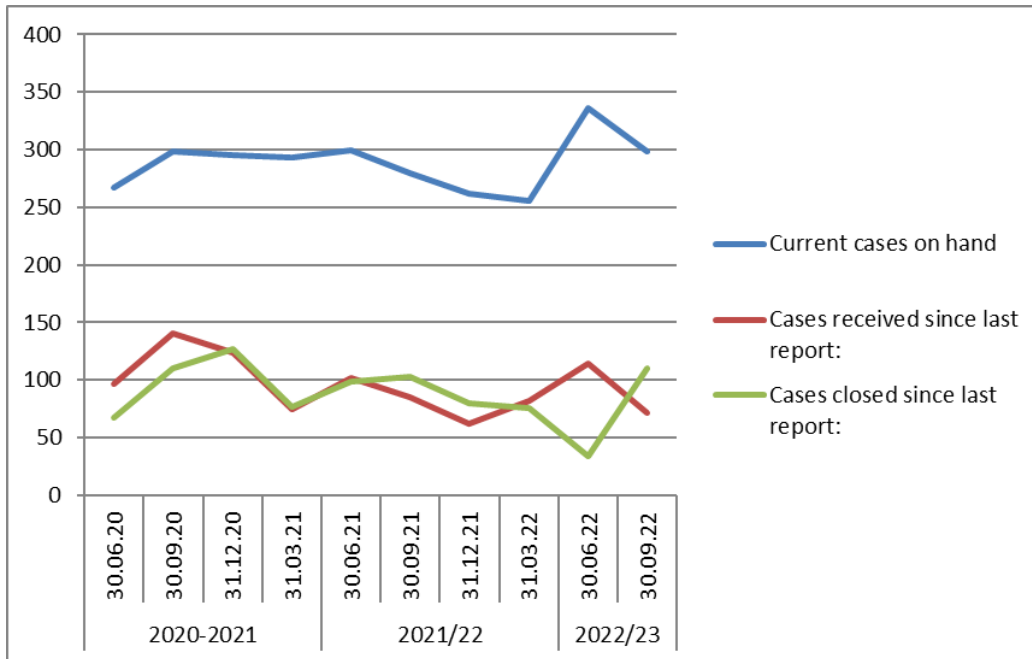
2. Statistics as of 30 September 2022

Case Numbers:	CDC	SDNP	Total
On hand as at last report:	336	155	491
Cases received since last report:	72	31	103
Cases closed since last report:	110	49	159
Current number of cases on hand:	298	137	435
Number of "On hand" cases awaiting compliance with an EN or the outcome of an appeal/application	95	24	119
Total Number of Active Cases	239	128	367

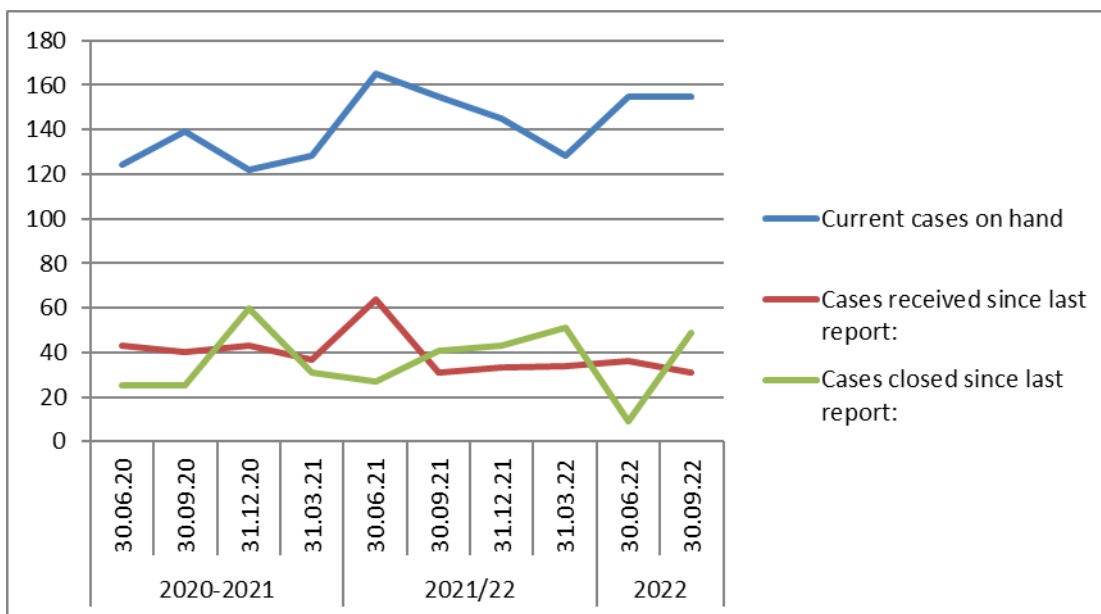
CDC and SDNP



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:
- | | |
|----------------------------------|-------|
| High with 2 days (10 Cases) | 80% |
| Medium within 10 days (19 Cases) | 100% |
| Low within 20 days (125 Cases) | 98.4% |

- b. Time taken to notify complainants of action decided from date of complaint:
- | | |
|----------------------------------|--------|
| High within 9 days (13 Cases) | 92.31% |
| Medium within 20 days (15 Cases) | 86.67% |
| Low within 35 days (111 Cases) | 98.20% |

4. Notices Served.

Notices Served:	July-Sep 2022	
	CDC	SDNP
Planning Contravention Notice		
Enforcement Notices	4	
Breach of Condition Notices	2	
Stop Notices		
Temporary Stop Notices		
Section 215 Notices		
Section 225A Notices		
High Hedge Remedial Notices		
Tree Replacement Notice		
Total	6	

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 complied with. 18.09.19 – Crawley Magistrates - total fine of £660; victim’s surcharge of £66 and 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 for prosecution 23.06.20 – Property is a Building at Risk. 16.07.20 –CDC Historic Building Advisor [HBA] to assess the property; repairs notice is pending 19.10.20 –confirmation of ownership and occupancy sought. 20.01.21 – letter to be sent to Owner about a 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 – as above 07.01.22 – Visit in Spring 2022 to assess condition 17.02.22 –fabric of building appears to have deteriorated 18.07.22 – No change since 4 th April 2022 17.10.22 – No change since 4 th April 2022
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 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 – Use had ceased. Works delayed due to Covid 22.04.21 – Owner working towards compliance 19.07.21 – Work to comply with the EN underway. 30.09.21 – Works of compliance ongoing; progress slow as track is being removed by hand 13/04/22 – Ongoing Works of compliance 21.10.22 – Site visit needed to check whether compliance has

				been achieved
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 Awaiting decision of appeal – Written Representation Appeal site visit scheduled for 10 th August 2022 has been cancelled and is to be re-scheduled. 17.10.22 – appeal site visit completed. PINS are now considering water neutrality.
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 Planning application SDNP/22/00670/FUL received for the timber building – pending consideration
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 demonstrable evidence of non-compliance 18.06.20 – site visit revealed that authorised persons do not live on site. Prosecution instructions to be prepared 20.01.21 – case with Legal Services 21.04.21 – 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 21.10.22 – Enforcement action held in abeyance pending s78 appeal
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. 13/04/22 – Enforcement Notice HT/29 to be withdrawn following advice from legal. Further EN to be served 21.10.22 – Enforcement action held in abeyance pending outcome of pending s78 appeal (Linked with 18/00587/TPO)

CON NO. (Case Officer)	ADDRESS	DETAILS OF BREACH	Date of Notice	COMMENTS EN = Enforcement Notice/BCN = Breach of Condition Notice HHRN = High Hedge Notice/TSN = Temporary Stop Notice SN = Stop Notice/HRN = Hedge Replacement Notice
HART/SDNP/ 18/00587/TPO (Tara Lang)	Three Cornered Piece Hollow Road East Harting	Breach of condition – 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/20/02935/CND. 21.10.22 – Enforcement action held in abeyance pending outcome of pending s78 appeal (Linked with 18/00587/TPO - 20/00600/ OPDEV)
HART/SDNP/1 8/00228/BREC ON (Tara Lang)	North Marden Farm East Marden Road North Marden	Without planning permission, construction of two buildings in the approximate positions shown and marked “East Barn” and “West Barn” on the attached plan.	11.05.22	EN HT/32 issued Compliance date 22.06.2023 25.07.22 Variation to the enforcement notice issued Period for compliance extended to 22.06.2024 in recognition of the amount of work required to be undertaken
LURG/SDNP/ 20/00539/ OPDEV (Mike Coates- Evans)	Land North of Blind Lane Lurgashall	Without planning permission, the erection of an agricultural building	27.01.21	EN LG/17 issued Appeal dismissed against SDNP/20/03482/APNB New compliance date 14.03.22 22.06.22 – application SDNP/22/00098/FUL Refused 14.10.22 – SV needed to check status of any development on the land
LURG/SDNP/ 20/00539/ OPDEV (Mike Coates- Evans)	Land North of Blind Lane Lurgashall	Building works in the construction of an agricultural building	27.01.21	SN LG/18 issued Takes effect on 31.01.21
LURG/SDNP/2	Smugglers	Unauthorised erection	27.07.22	LG/21 issued 27.07.2022, takes effect on 07.09.2022

0/00647/GENE R (Mike Coates-Evans)	Cottage, Jobsons Lane, Windfallwood Common	of an outbuilding		14.10.22 – No appeal lodged against the enforcement notice but appeal running against refusal of planning application SDNP/21/00564/HOUS
NC/SDNP/20/00225/COU (Mike Coates-Evans)	Land at Copygrove Copse, Valentine's Lea, Northchapel	Without planning permission, the material change of use of the land to a mixed use for forestry and leisure purposes	27.07.22	NC/16 issued on 27.07.2022, becomes active on 07.09.2022 14.10.22 - Compliance date is 7 th December
ROG/SDNP/18/00609/BRECON (Mike Coates-Evans)	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 Appeal dismissed – compliance date 7 th December
TILL/SDNP/18/00733/COU (Mike Coates-Evans)	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 02.04.21 - application for smaller building to be made 06.10.21 – application SDNP/21/03527/FUL refused. 22.10.21 - Need for further action to be considered 18.01.22 – letter before action sent 27.07.22 – site visit needed to update records before proceeding 14.10.22 – letter before action to be sent to owner regarding prosecution

OUTSTANDING CONTRAVENTIONS – CHICHESTER DISTRICT CASES:

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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	<p>EN BI/23 and BI/24 issued Appeals dismissed and EN's upheld. Compliance by: 02.08.18 Injunction granted by the High Court 08.01.21 – As a result of COVID the Order was amended 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 31 March 2021. 2) The Defendants shall remove all hard-core, tracks, fences, stables, cabling etc. and restore the land to its agricultural use by 30 April 2021. 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. 22.09.2021 – a letter was delivered to the remaining families 22.10.21 – Three families continue to occupy the land. 16.12.21 – site visit/photographs taken. Three families remain 13.01.22 – statement drafted and discussed with Solicitor. 27.07.22 – barrister appointed 14.10.22 – Papers with barrister. Case preparation ongoing</p>
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	<p>EN BI/29 issued with compliance date of 21.12.15 Following the outcome of the Inquiry, compliance to remove the stables is 2 August 2018 As serial BI/15/00194/CONTRV</p>

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 As serial BI/15/00194/CONTRV
BI/15/00139/ CONSH (Shona Archer)	Land North West of Premier Business Park Birdham Road	Without planning permission, change of use of the land to a mixed use as a residential caravan site, for the storage of caravans and the keeping of horses	03.03.16	EN BI/31 issued As serial BI/15/00194/CONTRV
BI/17/00356/ CONMHC (Shona Archer)	Plot 12 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to use as a residential caravan site	22.11.18	EN BI/44 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be vacated
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 Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act 22.07.23 – Site to be cleared
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 Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act

				22.07.23 – Site to be vacated
BI/17/00357/ CONMHC (Shona Archer)	Plot 15 Land North West of Premier Business Park Birdham Road	Without planning permission change of use of the land to a mixed use of agriculture, a residential caravan site and animal boarding and rescue centre	22.11.18	EN BI/43 issued. Compliance date 03.07.19 01.04.20 – Breach remains 22.07.20 – prosecution papers compiled 20.01.21 – some structures removed but stables and MH remain on the land 22.04.21 – Mobile home has been removed 16.12.21 – Full compliance not yet achieved 13.04.22 – wooden buildings remain on the land 27.07.22 – LPA has been informed that land has been sold. 18.08.22 - Site found a touring caravan and wooden stables and building on the land. Land registry check required. Then consideration of the need to prosecute.
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	23.01.19	EN BI/45 issued Compliance date 06.06.19 17.10.19 – Meeting on site with the landowner. 8.1.20 – no application made but use of land continues. The owner considers that the LPA wrongly issued the notice 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. 17.02.21 – Prosecution papers under review by Legal Services 21.10.21 – Legal advised that further evidence be gathered 16.12.21 – photographs taken of site. 25.04.22 – prosecution statement sent to legal 27.07.22 – Legal opinion awaited
BI/20/00379/ CONCOU (Shona Archer)	Plot 13 Land North West of Premier Business Park Birdham Road	Without planning permission, the erection of a wooden barn/stable, a kennel and kennel run and a	13.10.21	EN BI/47 issued Hearing 21.06.22 22.07.22 – appeal dismissed, the notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act

	Chichester	close boarded fence/ gates and concrete and tarmac hard standings		22.07.23 – Site to be cleared
CC/20/00040/ CONENG (Mike Coates- Evans)	Land North West Of Newbridge Farm Salthill Road Fishbourne	Without planning permission a material change of use of the land to a mixed use comprising the stationing of a mobile home for the purpose of human habitation, the stationing of a items and operation of a waste collection business		27.04.22 – EN CC/152 issued Compliance date: 7 February 2023 Appeal lodged – written reps submitted. Await decision of PINs and confirmation of site visit date
CC/22/00196/C ONBC (Mike Coates-Evans)	Duke and Rye Public House	Breach of condition 16 of CC/98/00156 /FUL - no amplified music to be heard on the public highway	27.09.22	27.09.22 – BCN CC/156 Issued Compliance Date: 25.10.22

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FU/18/00323/ CONHI (Sue Payne)	Land south of West Stoke Farm West Stoke Funtington	High Hedge Remedial Notice	22.11.21	HHRN HH/25 issued Appeal lodged – Written Representation 17.10.22 – appeal withdrawn. Owner has confirmed works will be undertaken Oct/Nov 2022
FU/17/00310/ CONCOU (Tara Lang)	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 - Prosecution held in abeyance as owners intend to appeal the refusal of 21/01003/ELD 13.01.22 - No appeal lodged 13.04.22 – Planning applications made for a means of enclosure, stationing of containers and the wintering of caravans. Also, an ELD for a residential unit of accommodation. The applications are currently invalid. 25.07.22 – ELD applications have been refused. Application for stationing of containers and wintering of caravans has been returned as invalid. a/w information from owner’s agent re: appeal. 14.10.22 – letter before action to be sent to the owner 21.10.22 – Assessment required on welfare needs on parties who reside on site.

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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 –Case has been adjourned pending appeal 01.04.22 - 10:00 at Brighton Magistrates' Court. Case has been adjourned pending outcome of appeal 04.04.22 – removed from court listing until the outcome of appeal against refusal of planning permission: 20/00534/FUL 29.07.22 – Pending appeal outcome 14.10.22 – appeal in progress 21/10/22 – Public hearing set for 29.11.22
FU/17/00011/C ONBC (Shona Archer)	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 21.02.22 – SV undertaken. EN has not been complied with. Prosecution to be prepared for legal. 25.07.22 – Prosecution prepared for consideration by legal. 14.10.22 - Second statement required

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FU/17/00011/ CONBC (Shona Archer)	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
FU/19/00231/ CONBC (Shona Archer)	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 Application (19/02662/FUL) for additional caravans refused 23.07.20 – Non-compliance with BCN 19.11.20 – Listed for court 29.01.21 @Brighton 25.01.21 - Court case adjourned to 30/07/2021 30.07.21 – Defendant found guilty in absence - £2500 fine, £1161.95 costs, and £181 victim surcharge 21.02.2022 – SV undertaken to check compliance with BCN. 19.04.22 – Prosecution instructions sent to legal 29.07.22 – Matter rests with legal for consideration 23.09.22 – Site visited. Too many caravans remain on the land and occupied by persons not meeting the definition of Gypsy and Traveller 14.10.22 – prosecution statement to be prepared
18/00368/CON BC	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 – EN has been partially complied with. Officers are working with owner to achieve discharge of drainage condition on FU/17/01191/FUL. 18.10.2021 – awaiting discharge of drainage condition. 24.02.22 – Application 21/03330/DOC permitted 13.04.22 – approved drainage tank not installed. 21.10.22 – waiting for agent to confirm drainage arrangements. There is a cesspit on site already.

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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 31 January 2023
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 18.10.2021 – letter sent to owner to request site visit to check compliance 15.02.22 – prosecution papers forwarded to Legal Services 21.10.22 – matter rests with legal for consideration
FU/21/00087/ CONBC (Shona Archer)	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 17.01.2022 – no evidence for a prosecution 22.07.22 – focus sits with the excess number of caravans 23.09.22 – site visit confirmed occupancy by persons
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 31 January 2023

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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 04.04.2022 – linked appeal in progress with refusal of planning application: 20/00950/FUL Informal Hearing 31 January 2023
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 04.04.22 – linked appeal in progress with refusal of planning application: 20/00950/FUL Informal Hearing 31 January 2023
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 17.01.2022 – sv required to check compliance. 21.02.220 – All rubbish/waste items have been removed from the land. 22.07.22 – use ceased but hardstanding to be removed. Prosecution papers to be prepared
FU/21/00010/ CONENG (Tara Lang)	Plot 1 The Old Allotment Newells Lane West Ashling	The parking 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.

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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 Appeal lodged – Informal Hearing 31 January 2023
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 Informal Hearing 31 January 2023
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 Appeal lodged – Informal Hearing 31 January 2023
FU/20/00288/ CONENG (Tara Lang)	Land west of Newells Lane West Ashling	The introduction and stationing of additional mobile homes/caravans 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. Appeal lodged – Informal Hearing 31 January 2023
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 11.03.22 – appeal dismissed New compliance date 11.09.22 23.09.22 – Prosecution instructions passed to legal

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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 11.03.22 – appeal dismissed New compliance date 11.06.22 18.07.22 – Witness statement drafted for prosecution following non-compliance with notice. 29.07.22 – Witness statement to be sent to legal services 23.09.22 – Prosecution instructions passed to legal
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 13.01.22 – access to site not obtained. Neighbour confirmed that the site has not been cleared. 13.04.22 - Letter to be sent to the tenanted property to request access to garden area for the purpose of taking photographs June – site visit found the compound overgrown but with the items still in situ 14.10.22 – no contact from owner received. Letter before action to be sent.
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/	03.02.17	EN O/26 issued Appeal dismissed – new compliance date 05.04.18 20.12.19 – 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

		caravanettes, motor vehicles and shipping containers		18.10.2021 – planning application: 21/02041/FUL submitted 13.04.22 – application is pending determination 14.10.22 – application decision awaited
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 – Use ceased. 17.10.18 – Extension to compliance until 21.05.21 24.05.21 – site visit identified non-compliance 28.06.21 – prosecution papers forwarded to Legal Services 13.01.22 – owner intends to apply to EA for special licence. 13.04.22 – letter before action sent to owner and instructions to barrister drafted 29.07.22 – EA and CDC have advised owner of legal requirements. 14.10.22 - A prosecution has been held in abeyance at this time.
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 See PS/13/00015/CONAGR serials
PS/20/00182/ CONCOU (Sue Payne)	Manor Copse Farm Oak Lane Shillinglee	Without planning permission, the erection of a building	25.08.21	EN PS/70 issued Appeal lodged – Written Representation 17.10.22 – waiting for PINS to confirm appeal site visit
PS/20/00414/C ONHH (Sue Payne)	Oxencroft, Ifold Bridge Lane, Ifold	Without planning permission, change of use of the land and	27.04.22	EN PS/71 issued 27.04.2022 01.06.2022 - Appeal lodged – Public Inquiry 17.10.22 – Rule 6 Statement submitted. Waiting for PINS to

		buildings to a mixed use comprising mobile home/caravan(s) for the purposes of human habitation, B8(storage), forestry and agriculture,		confirm dates for PI.
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 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 03.02.22 – application refused 08.02.22 – letter before action sent 23.02.22 – application 22/00406/FUL received for Change of use of land for 2 no. travelling showmen plots 04.04.22 – application remains pending consideration 14.10.22 – application remains pending consideration.
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 21.10.22 – Enforcement action held in abeyance until outcome of pending application 22/00406/FUL
SB/21/00030/ CONHI (Sue Payne)	The Cottage Prinsted Lane Prinsted Emsworth	High Hedge Remedial Notice	11.11.21	HHRN HH/24 issued Compliance date 10.03.22 04.04.22 – overall height of the hedge has been reduced to 3.5 metres. The reduction to 3 metres could have resulted in long term damage to the hedge so further reduction required at the end of 2022 to decrease the height to 3 metres. 29.07.22 – to be checked at end of year 17.10.22 – owner confirmed work to be completed by end of Oct 2022.
SB/19/00103/C	Thornham Marina	Siting of	N/A	16/06/2022 – authority to serve an EN

ONCOU (Michael Coates-Evans)	Thornham Lane Southbourne Emsworth	accommodation pods in marina, change of use to residential purposes		Instructions sent to legal 11/10/2022 – SB/124 Notice issued 22/02/2022 – Date to comply
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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 02.07.20 – appeal dismissed New compliance date 02.01.21 20.04.2021 – Site visited the breach remains. Letter sent to the owner and their agent about prosecution proceedings 20.07.2021 – Correspondence to planning agent regarding the breach 21.10.22 – site visit needed to assess use of land prior to consideration of a prosecution
SI/20/00238/ CONCOU (Shona Archer)	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. 13.04.22 – some items remain on the land. 14.10.22 – expediency to be considered regarding condition of land
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 17.10.22 – appeal dismissed. New compliance date 30 th November 2022
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	09.08.21	EN SI/78 issued Appeal lodged – Written Representation 01.03.22 – appeal dismissed New compliance date 01.03.23

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STED - SDNP/19/0056 9/BRECON (Mike Coates- Evans)	Stedham Sports Ground, The Street, Stedham	Breach of condition 2 of SDNP/12/02805/FUL – failure to comply with approved plans / materials for parking area and track.	N/A	07/06/2022 – authority to serve a BCN Instructions sent to Legal
ML/SDNP/19/0 0375/BRECON (Mike Coates- Evans)	Wispers, Tittys Hill, Milland	Unauthorised erection of a dwellinghouse	27.07.22	27.07.2022 – EN ML/26 served 06.09.2022 - Appeal Lodged 22.09.2022 – Appeal Started
TG/19/00069/ CONSRV (Sue Payne)	17 Nettleton Avenue Tangmere	Breach of condition - retention of amenity land	09.01.20	BCN TG/21 issued 23.10.20 – Planning appeal dismissed New compliance date 28.01.21 Planning application 20/03130/DOM submitted and refused 09.11.21 – Appeal dismissed New compliance date 09.02.2022 04.04.22 – Lawful position of pp 99/01811/OUT challenged. 29.07.22 – Permission held to be lawful, owner to be advised the LPA will prosecute for non-compliance 17.10.22 – owner confirmed works to comply with the notice would be completed by November 2022.
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 New compliance date 02.01.2020 11.6.20 – planning application WE/19/03206/FUL Refused, and appeal lodged 04.01.22 – appeal Dismissed. 13.04.22 – owner considering future use of the land.

				29.07.22 – owner is aware of need to comply. Their timescale for doing so will be requested.
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 Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team To be reconvened October 2022
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use of land for storage of portable site office cabins, container cabins, portable toilet blocks and commercial vehicles	10.04.18	EN WE/41 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team As above
WE/13/00163/ CONWST (Shona Archer)	The Old Army Camp Cemetery Lane Woodmancote Westbourne	Without planning permission, change of use, storage of skips, building materials, scaffolding, lifting platforms, storage racks, engine parts, commercial vehs, HGV's, redundant vehicles and truck bodies	10.04.18	EN WE/42 issued Sep 21 - Public Inquiry suspended to due illness of Inspector Jan 22 – Public Inquiry suspended due to illness on appellant's team As above
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	27.06.18	WE/44 issued 14.01.20 – Appeal dismissed. New compliance date 14.01.21 22.04.21 – date for compliance deferred to 30.06.2021 19.07.21 – Owner requested additional time to comply 17.01.22 – prosecution papers drawn up

		stationing of a shepherd's hut		17.02.22 – prosecution papers forwarded to Legal Services 21.10.22 – this matter rests with legal for consideration
WE/17/00403/ CONENG (Shona Archer)	Land South West of Racton View Marlpit Lane Hambrook	Without planning permission, the erection of fencing and entrance gates, wing walls and piers and raised gravel banks containing wooden sleepers	06.08.18	EN WE/46 issued 13.08.19 – appeal dismissed and the notice is upheld New compliance date 13.11.19 10.01.2020 – Works to remove walls/gates/pillars started. 24.07.20 – Works to comply not complete. 21.10.20 – Owner intends to comply with the EN 14.01.21 – Owner confirmed most of the works have been done to comply with the EN. 22.04.21 –Part of the fence remains in situ. 29.07.22 – Public interest in prosecuting the offence to be considered
WE/19/00117/ CONMHC (Michael Coates-Evans)	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 07.01.22 – Application made for a temporary 3 year use 04.04.22 – invalid application returned 29.07.22 - Site visit required to check compliance
WE/19/00217/ CONCOU (Michael Coates-Evans)	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 19.01.22 – appeal dismissed. New compliance date 19.07.22 19.07.22 – SV
WE/19/00107/ CONMHC (Michael Coates-Evans)	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 Appeal Dismissed New Compliance date = 7 December 2022

WE/19/00107/ CONMHC (Michael Coates-Evans)	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 Appeal Dismissed New Compliance date = 7 December 2022
WE/21/00169/ CONDWE (Shona Archer)	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 (Shona Archer)	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
WE/21/00169/ CONDWE (Shona Archer)	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 Appeal lodged Awaiting appeal site visit to be re-organised by PINS following cancellation on the 26 th September 2022.
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use two storey dwelling house	06.01.22	EN WE/57 issued Appeal lodged – Public Inquiry
WE/21/00169/ CONDWE	Land South of Racton View	Without planning permission the material	06.01.22	EN WE/58 issued Appeal lodged – Public Inquiry

(Shona Archer)	Marlpit Lane Westbourne	change of use of the land to residential use timber dwelling house (east)		
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
WE/21/00169/ CONDWE (Shona Archer)	Land South of Racton View Marlpit Lane Westbourne	Without planning permission the material change of use of the land to residential use timber dwelling house (west)	06.01.22	EN WE/59 issued Appeal lodged – Public Inquiry
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 08.11.21 - Site visit carried out to check compliance. Unable to establish if the breach had ceased as curtains were closed. 17.01.22 - Letter out to owner requesting an accompanied SV and to set out the issues should compliance not have occurred 13.04.22 – Consideration to be given to prosecuting for non- compliance with EN WW/49 29.07.22 – Update on this case is awaited 21.10.22 – Enforcement action held in abeyance until outcome of 22/00778/FUL
WR/19/00290/ CONBC	Goose Cottage Durbans Road Wisborough Green	Breach of condition of 14/02859/FUL - building being used for		23.08.22 – authority to serve a BCN WR/27 Instructions sent to legal 03.10.22 – BCN served

	Billingshurst West Sussex RH14 0DG	purposes other than for the keeping of poultry and storage.		03.01.23 - compliance date
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