

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

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

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

**Map Ref** (E) 485027 (N) 94693

**Applicant** Mr Lucan Daniell

**RECOMMENDATION TO REFUSE**



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## **1.0 Reason for Committee Referral**

1.1 Red Card: Cllr Timothy Johnson Exceptional level of public interest

## **2.0 The Site and Surroundings**

2.1 The application site is located within the parish of Selsey, outside of the settlement boundary and within the designated countryside. The site forms part of the Selsey Golf Club which is situated north of Golf Links Lane. The proposal would be located on an area of open grassland situated between Gold Links Lane, the club house located to the north, and a bowls green with associated building to the west. There is a public right of way (No.76) located to the south-west of the site, which runs along Golf Links Lane.

2.2 There is a bowls green and associated building to the north west of the site. Immediately surrounding the golf club there are paddocks to the east; residential properties approximately 315m to the south-east; Northcommon Farm to the south-west and holiday chalets to the north-west.

## **3.0 The Proposal**

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

## **4.0 History**

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

## 5.0 **Constraints**

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

## 6.0 **Representations and Consultations**

### 6.1 Parish Council

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

### 6.2 Environment Agency

None received.

### 6.3 CDC Environmental Protection - Noise

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

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

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

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

Noise mitigation techniques can also include measures such as:

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

#### 6.4 CDC Coast Protection & Land Drainage Officer

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

#### 6.5 Third party objection comments

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

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

#### 2.6 Third party support comments

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

## 2.7 Applicant/Agent's Supporting Information

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

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

## 7.0 Planning Policy

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Selsey Neighbourhood Plan (2017) underwent examination in October 2018, with a number of fairly minor amendments suggested but no final Decision Statement has yet been agreed. At the current time no referendums are being held until May 2021 in the light of the coronavirus.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

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

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity

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

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

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**
- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 6, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

## Other Local Policy and Guidance

- 7.7 The following documents are material to the determination of this planning application:
- Surface Water and Foul Drainage SPD

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

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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

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

### Assessment

i. Principle of development

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

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

8.3 National and local planning policies seek to encourage economic growth and the provision of recreation facilities for local communities, and in principle the provision of a marquee to increase services available at the golf club is considered acceptable within the existing complex. The principle of siting a marquee adjacent to the club house has been established under planning application 18/00169/FUL on a seasonal basis between March and October. It has therefore been demonstrated that it is possible to accommodate a marquee in an alternative location closer to the existing golf club buildings thereby balancing the economic interests of the business and the impacts upon the character and appearance of the rural area, and as such there are no over-riding.

8.4 On balance, it remains that the provision of a marquee on the open area of land adjacent to the existing golf club house would not be justified as it would not meet the requirements of policy 2 and 45 of the Local Plan.

ii. Design and impact upon character of the surrounding area

8.5 Policy 45 of the Local Plan requires all development permitted within the rural setting to meet a set number of criteria. Development must be well related to an existing group of building or settlement and that the scale, design, siting and materials must be sympathetic to their surroundings to ensure minimal impact on the landscape and rural character. Additionally, Policy 47 discusses design and requires the integrity of predominantly open and undeveloped character of the area to not be undermined, and for development to respect distinctive local character.

8.6 The proposed marquee which would be positioned to the south of the clubhouse on an open grassed area where it would be significantly more visible, both in the wider context of the site and from public footpath No. 76 that runs alongside the application site, than the permitted marquee. In the proposed location the marquee would not be read in conjunction with the built form of the existing white painted clubhouse, which helps the existing marquee to blend somewhat into the existing surroundings. Rather, the isolated position of the proposed marquee set away from the club house building would result in the sprawl of development away from the clubhouse within an open landscape. It is considered that this exposed position, combined with the large, white stark appearance of the marquee would result in a visually harmful encroachment upon the countryside. The site lies in a highly prominent location adjacent to the public footpath and the provision of a large marquee in the position proposed would result in an obtrusive and incongruous form of development that would cause harm to the character and appearance of the surrounding area contrary to Policies 45 and 48 of the Local Plan.

iii. Impact upon highway safety and parking

8.7 The proposed marquee would be located to the west of the car park area serving the golf course and it is proposed to use the car parking within the golf club to serve the marquee. It is considered that the proposal would not result in a material change in the level of use of the site compared to the existing marquee and sufficient parking space would be available to serve the proposal. It should also be noted that under the previous

applications no concerns were raised regarding highway safety or the impact upon the highway network. It is considered that the same conclusion should be reached given the similar size, siting and capacity of the proposed marquee, and the proposal would accord with policy 39 of the Local Plan.

iv. Noise

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

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

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

8.9 The current application has been supported by a Noise Impact Assessment; however the assessment is based on the siting of the marquee in its approved location immediately in front of the clubhouse and not its alternative siting to the south. Therefore the assessment is not an accurate reflection of the noise that would be produced by the proposal. Furthermore the noise assessment was carried out when the approved marquee was not erected, without the playing of an amplified sound and was based on the assumption that there would be a maximum of 10 events per year. The alternative siting of the marquee would be located approximately 20 metres further to the south of the clubhouse on the open grassed area bringing the marquee closer to the residential property known as Northcommon Farm to the south west of the site. However, the Council's Environmental Health Officer (EHO) is satisfied that sufficient information has been provided to demonstrate that noise from the marquee as proposed could be adequately mitigated.

8.10 The Council's EHO has recommended that subject to securing a noise management plan through a condition, which would include mitigation such as restriction of music, events, orientation of speakers and sound monitoring, no adverse noise impacts to residential amenity would occur. Therefore subject to conditions to require the necessary noise management measures, the location proposed would be considered acceptable in respect of noise and disturbance to neighbour amenity.

- 8.11 Additionally, it should be noted that the sound monitoring devices have been acquired by the club with the intent to utilise them during such events and it has been indicated that an external security company and 'events' manager would be present during events within the marquee which would go some way to mitigate any potential noise disturbances.
- 8.12 On balance it is considered that subject to the proposed conditions the use of the proposed marquee would safeguard the amenities of neighbouring properties in accordance with national and local planning policies.

v. Flood risk

- 8.13 The location of the proposed marquee, like much of the application site is located within Flood Zones 2 and 3. The south eastern corner of the application site, including the access road is however not within a Flood Zone.
- 8.14 Under previous applications, including the 13/03950FUL, the Environment Agency raised no objections to the principle of the proposal on the basis that the marquee is temporary and would be used during the less vulnerable, summer months of the year. No response has been provided for this application, and the Environment Agency has confirmed that their standing advice is applicable to the proposal.
- 8.15 The standing advice states that 'Less Vulnerable' development in Flood Zone 3 requires the submission of a site specific Flood Risk Assessment (FRA). A FRA has been submitted with this application. The report makes a number of observations and recommendations, including the attenuation of surface water using SuDS and the preparation of an Emergency Flood Plan along with the subscription to the Environment Agency's Flood Line. Additionally, the reports notes the close proximity to ground outside of a flood zone, as mentioned above, and the ease to which people would be able to reach relative safety, should a flood event occur.
- 8.16 Given the temporary nature of the structure, in combination with the small number of annual events, it is considered that the findings of the FRA are in principle acceptable, and if the application were to be recommended for approval these measures could be secured by condition.

vi. Other matters

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

### Conclusion

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

### Human Rights

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

### **RECOMMENDATION**

REFUSE for the following reasons:-

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

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

## Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Block and Location Plan	P18-003 02-01-001		28.02.2020	Not Approved
PLAN - Floor Plan	P18-003 02-01-002		28.02.2020	Not Approved
PLAN - North West and South East Elevations	P18-003 02-01-003		28.02.2020	Not Approved
PLAN - South West and North East Elevations	P18-003 02-01-004		28.02.2020	Not Approved

## INFORMATIVES

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

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

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

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