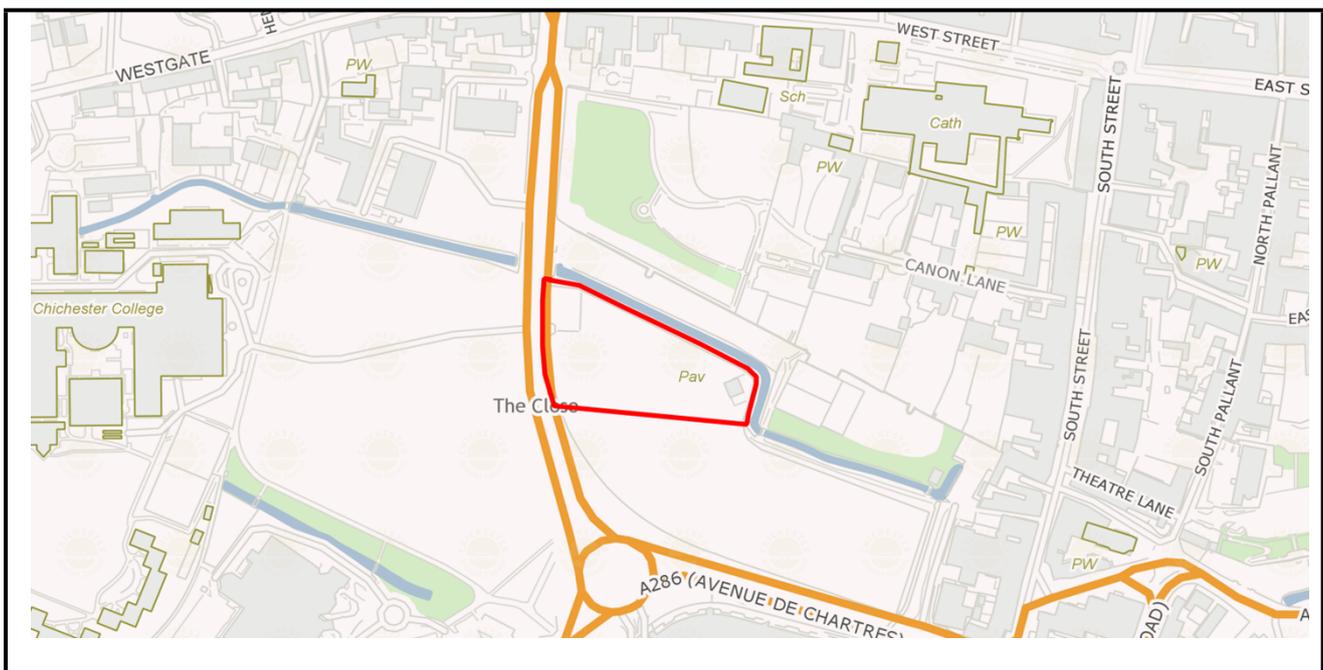


Parish: Chichester	Ward: Chichester Central
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**CC/20/00970/FUL**

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

**RECOMMENDATION TO REFUSE**



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

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

## **2.0 The Site and Surroundings**

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

## **3.0 The Proposal**

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

## **4.0 History**

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

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

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Chichester City Council

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

### 6.2 CDC Principal Historic Buildings Advisor

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

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

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

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

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

Note:

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

### 6.3 CDC Archaeology Officer

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

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

### 6.4 Sport England

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

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

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

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

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

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

[https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing\\_fields\\_policy](https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-forsport#playing_fields_policy)

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

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

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

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

## 6.5 CCAAC

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

## 6.6 The Chichester Society

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

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

## 6.7 Third Party Comments

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

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

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the Site Allocations DPD and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

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

## Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

### National Policy and Guidance

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

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

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

- 7.5 Consideration should also be given to Sections 4 (Decision-making), 8 (Promoting healthy and safe communities), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

### Other Local Policy and Guidance

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

- Chichester Conservation Area Character Appraisal

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## 8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Siting, design, and impact upon visual amenity and character of the Conservation Area and Heritage assets
- iii) Archaeology
- iv) Impact upon the amenity of neighbouring properties
- v) Impact upon trees
- vi) Other Matters

i) Principle of development

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

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

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

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

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

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

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

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

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

iii) Archaeology

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

iv) Impact upon the amenity of neighbouring properties

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

v) Impact upon trees

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

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

vi) Other Matters

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

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

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

## Conclusion

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

## Human Rights

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

## **RECOMMENDATION**

REFUSE for the following reasons:-

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

## **Decided Plans**

### INFORMATIVE

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

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

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

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