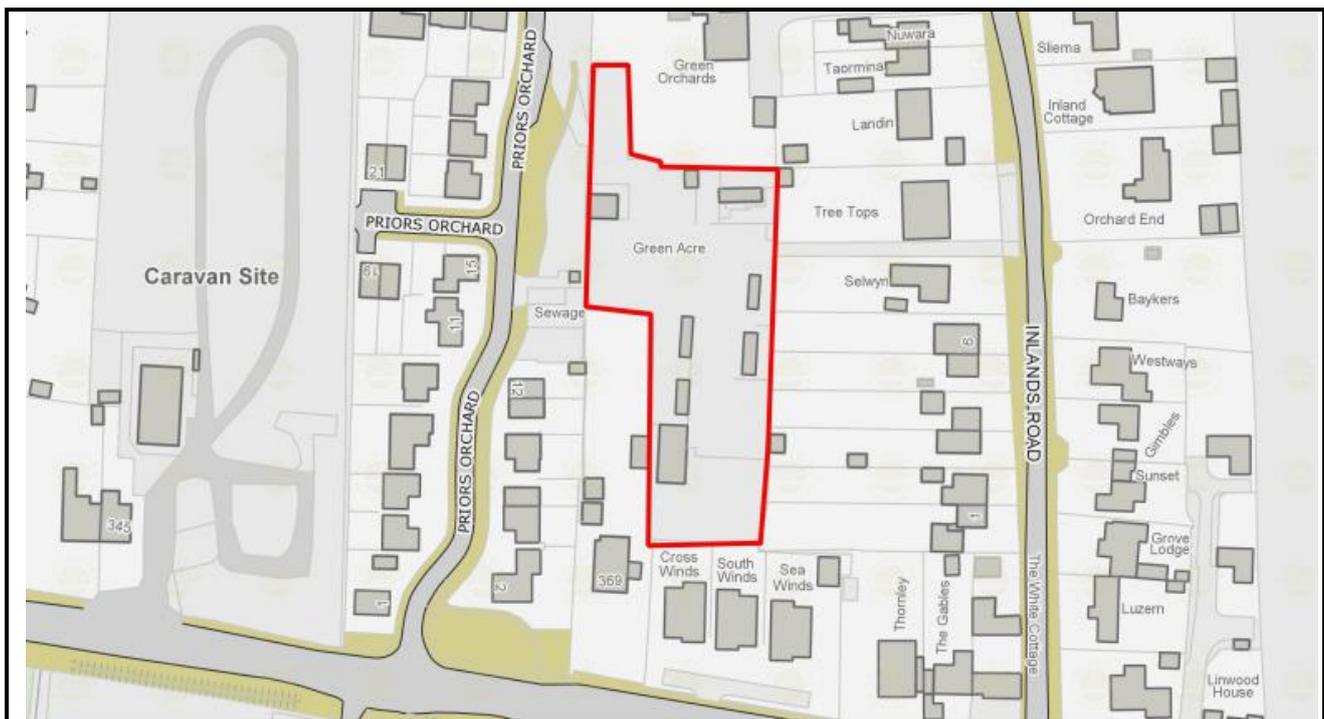


Parish: Southbourne	Ward: Southbourne
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SB/21/02603/FUL

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

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

Parish objection - Officer recommend Permit.

2.0 The Site and Surroundings

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

3.0 The Proposal

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

4.0 History

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

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

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

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Southbourne Parish Council

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

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

6.2 WSCC Highways

No objection.

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

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

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

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

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

6.3 CDC Environmental Protection

No comment.

6.4 Third Party Representations

10 letters of objection have been received concerning:

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

1 Letter commenting on the following have been received:

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

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Southbourne Neighbourhood Plan 2014-2029 was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered.
- 7.2 The Southbourne Neighbourhood Plan Review 2019-2037 was published for consultation according to Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 from 8th April 2021 to 3rd June 2021. Arrangements have since been made for an independent Examiner to undertake the examination of the plan.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012-2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 20: Southbourne Strategic Development
Policy 33: New Residential Development
Policy 36: Planning for Gypsies, Travellers and Travelling Showpeople
Policy 39: Transport, Accessibility and Parking

Southbourne Neighbourhood Plan 2014-2029

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

Southbourne Neighbourhood Plan Review 2019-2037 - Submission Plan

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

National Policy and Guidance

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

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

7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

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

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development

S2 Settlement Hierarchy

S3 Development Hierarchy

S4 Meeting Housing Needs

S5 Parish Housing Requirements 2016-2035

S7 Meeting Gypsies, Travellers and Travelling Showpeoples' Needs

S12 Infrastructure Provision

S23 Transport and Accessibility

S28 Pollution

AL13 Southbourne Parish

Part 2 - Development Management Policies

DM5 Accommodation For Gypsies, Travellers and Travelling Showpeople

DM8 Transport, Accessibility and Parking

DM23 Lighting

DM24 Air Quality

DM25 Noise

DM26 Contaminated Land

Other Local Policy and Guidance

7.8 Consideration has also been given to:

- Surface Water and Foul Drainage SPD (September 2016)

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

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

8.0 Planning Comments

Planning Assessment

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

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

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

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

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

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

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

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

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

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

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

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

iii. Other matters

- 8.11 Section 5 of the appeal decision states:

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

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

Conclusion

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

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

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

Reason: To safeguard the amenities of neighbouring properties.

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

Reason: To safeguard the amenities of neighbouring properties.

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

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

INFORMATIVES

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

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

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QYGB0ZERMAY00>