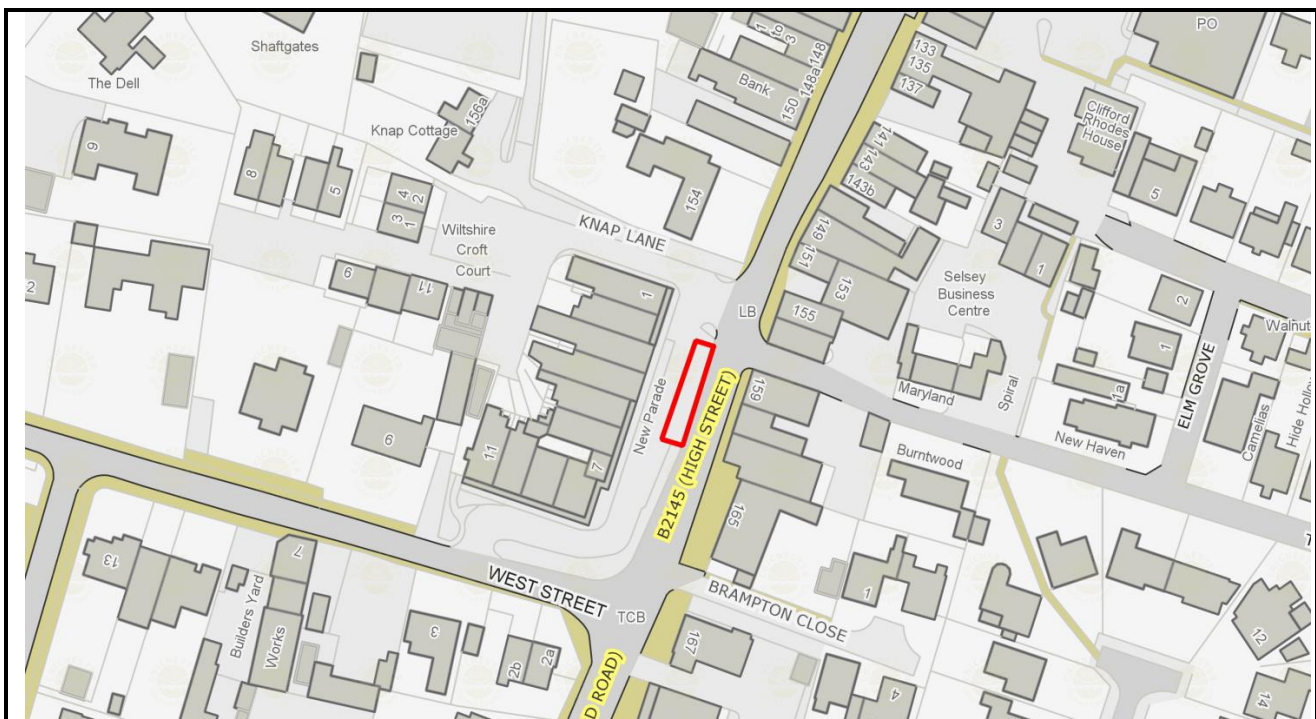



Parish: Selsey	Ward: Selsey South
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SY/22/00138/FUL

Proposal	Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.		
Site	The Boulevard Land Adjacent 3-4 New Parade 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



	<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 site is located within the Selsey town centre along the High Street. The site is a rectangular shaped piece of land that lies immediately opposite the Boulevard Restaurant to the east. There is an intervening access road between the restaurant and the site. The restaurant occupies units 3 & 4 of New Parade. There are a mix of commercial retail units and residential properties in the surrounding area.
- 2.2 The application site was converted to an outdoor seating area in June 2021 where the area was enclosed with timber boarding, a timber pergola structure was constructed, and tables and chairs sited within the enclosed area. The site measures 20m long and 3.8m wide.
- 2.3 The land previously accommodated approximately 6 vehicle parking spaces. The land is within the ownership of the applicant.

3.0 The Proposal

- 3.1 The proposal seeks retrospective consent for the change of use from a parking area to an outdoor seating area in connection with The Boulevard restaurant.
- 3.2 The proposal seeks planning permission to modify the pergola by removing the timber posts, panelling and joists above 0.8m in height from ground level.
- 3.3 The timber boarding on the southeastern elevation would be removed from the black railings that are sited upon a low brick boundary wall. The railings and wall were existing and would be retained as they were previously. The timber boarding on the northeast elevation would be reduced to 750mm to match the remaining timber boarding on the north western and southwestern elevations.

4.0 History

93/00546/FUL	PER	Re-align existing road to an increased width. Re-site external table area to 3 New Parade. Amend car park.
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.
21/02895/FUL	PCO	Retention of canopy to shopfront.
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 (STC) objects on the grounds that the size and mass of the eating area is out of keeping with the area as it is visible from the Conservation Zone and is therefore contrary to policy 001 of the Selsey Neighbourhood plan, Policy 47 of the Chichester Local Plan and 8b and 130 of the NPPF.

STC also wishes to object on the loss of parking which impacts the main High Street where cars that have been pushed out of the designated parking area are now parking in the main High Street, in front of other businesses and residents and causing congestion within the main highway for bus routes and amenities.

STC wishes to draw the planning department's attention to the inaccurate report by WSCC highways.

WSCC Highways may not be aware of previous applications concerning the construction and modification of the garages behind the restaurant which has led to a loss of spaces as these are used by staff in the preparation of services (applications 02/03184/COU, 01/03030/FUL, 00/01058/FUL, 99/02650/FUL). These spaces will be shown on a map - but will not be in use for customers.

Furthermore, STC would also like to point out that the landowner, not the current applicant who is the lease holder, had entered into an agreement with CDC under a Section 106 agreement (DX 30340) to allocate part of the car parking spaces to a housing development to the rear of the site (Wiltshire Croft Court) which compromised of the use of six spaces. So, the number of 14 quoted is not an accurate statement as others, including business users of shops use the spaces.

Part of the Section 106 agreement also prohibited the restaurant from further development which would result in the loss of parking. Section 6 stipulates that parking shall be maintained and used solely for such purpose and shall not at any time be used for other purpose whatsoever.

Therefore, STC believes the applicant would be in breach of previously agreed planning regulations.

6.2 WSCC Highways

This proposal is for the modification and retention of pergola for the continued use of area for customer seating. The site is located on High Street, a B-classified road subject to a speed restriction of 30 mph. 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 similar application SY/21/02892/21, raising no objections. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways content.

The applicant proposes to retain an existing outdoor seating area in connection with The Boulevard restaurant, which has been in use since June 2021. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout/placement of the pergola within the vicinity of the site. Therefore, there is no evidence to suggest the nearby road network/existing site arrangement is operating unsafely or that the proposal would exacerbate an existing safety concern.

The pergola is situated within private land and does not encroach into publicly maintained highway. Six parking spaces have been lost as a result of the outdoor seating area. However, the site benefits from 14 parking spaces to the north of the site. In addition, the site is situated in a sustainable location close to regular bus service connections and within walking distance of nearby public car parks.

In regard to on-street parking, there are comprehensive parking restrictions in place on the nearby road network that prohibit vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the loss of six car parking spaces would result in a highway safety concern, nor give rise to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

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

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 39: Transport, Accessibility and Parking

Policy 47: Heritage

Selsey Neighbourhood Plan

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. 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 took effect 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), 9 (Promoting sustainable transport), 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 highway safety and parking
- iv. Impact upon amenity of neighbouring properties
- v. 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, the provision of an outdoor seating area in connection with an existing restaurant is acceptable in principle subject to other material considerations. In addition, the proposal would support the ongoing operation of an existing business within the commercial centre of a settlement hub, the economic benefits of which are an important material consideration.

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.

8.4 The seating area was created in June 2021. A previous application was refused on 23 November 2021 to modify and retain the pergola and for the continued use of area inside the pergola for customer seating used in connection with the Boulevard Restaurant. The reason for refusal was:

The proposed pergola, by reason of its prominent siting, considerable scale and mass and its poor detailed design including use of low quality materials would result in a development of poor quality that would have a significant adverse and detrimental impact upon the visual amenities and character of the area, while also not take the opportunities available for improving the character and quality of the area. The proposal is therefore contrary to Policy 47 of the Chichester Local Plan, Paragraphs 8b and 130 of the NPPF which states that planning decisions should ensure developments are visually attractive as a result of good architecture and Policy 001 of the Selsey Neighbourhood Plan which states that development should recognise the distinctive character of the Parish, and this proposal is not in keeping with the High Street and the street scene.

8.5 This application seeks to retain the seating area and remove the pergola structure including the removal of the timber boarding along the south eastern elevation and reduce the height of the boarding enclosure on the north east elevation to match the height of the remaining timber enclosure and the brick wall.

8.6 The site is in a prominent position within the High Street. The removal of the pergola, timber boarding on the south east elevation and reduction in height of the timber boarding enclosure is considered to address the harmful impact on the visual amenity and character of the area.

8.7 The restaurant has an existing seating area to the front of the building. It is considered that this additional seating area is in keeping with the restaurant, the parade of shops, hot food takeaways and the character of the surrounding area.

- 8.8 It is noted that the remaining structure would be under 1m in height. A means of enclosure under 1m adjacent to the highway would be permitted development under Schedule 1, Part 2, 'Minor operations', Class A 'gates, fences, walls etc of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 8.9 The additional seating area was created 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 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.
- 8.10 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 highway safety and parking

- 8.11 The proposal to retain the seating area would result in the loss of 6 parking spaces along New Parade.
- 8.12 To the north west of New Parade there is a parking area that serves residential accommodation and the retail units of New Parade. There are 9 car parking spaces along the northern boundary that have been conditioned to be used for shoppers/restaurant customers in a previous planning permission (reference 97/00194/FUL) these are still available for that use. There are also a further 6 parking spaces within this area that are for the sole use of the occupiers of Wiltshire Croft Court. There are a further 5 parking spaces along the north boundary of the access road that are available for use for customers of The Boulevard. In total, there are 14 available parking spaces for customers of the shops along New Parade and The Boulevard Restaurant.
- 8.13 It is considered that due to the location of the seating area within the Selsey high street, an area well connected to public transport, nearby public car parks and 'on street' parking at New Parade, the development would not result in severe harm to the highway network. In addition, the access road would remain unobstructed by the seating area and allow adequate means of access and internal circulation along New Parade. The development is therefore compliant with Policy 39 of the local plan.

iv. Impact upon amenity of neighbouring properties

- 8.14 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. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.15 The site is located within the vicinity of the existing restaurant and other commercial premises and therefore it is not considered that the development would result in any additional impact on neighbouring amenity.

v. Impact upon Heritage Assets

- 8.16 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.
- 8.17 The previously proposed pergola structure was considered to be harmful to the character of the conservation area due to its scale, appearance and prominent position. However, the proposed use of the area for seating compared to parking would not result in any impacts that would detract from the character and appearance of the conservation area.
- 8.18 It is considered that the proposal to remove the pergola structure would address the harmful impact. The low timber enclosure would be modest within the setting and the materials and colour of the timber boarding enclosure is considered to be sympathetic to the character of the conservation area.
- 8.19 The size and appearance of the seating area itself is not considered to result in a harmful impact on the setting of the conservation area as the appearance would not be significantly different from the previous parking area. Therefore, the development is considered to be compliant with Policy 47 of the Local Plan and Policy 001 of the Selsey Neighbourhood Plan that states that new development should recognise the distinctive character of the Parish.

Conclusion

- 8.20 Based on the above it is considered that the outdoor seating area and modified enclosure is acceptable due to the size and materials of the timber boarding enclosure and the siting of the seating area within an established retail/hot food area. The proposal would not result in any adverse impacts on highway safety, street scene, visual amenity, character of the surrounding area or on the setting of the conservation area, and it would support an existing business. The proposal therefore complies with the relevant national and local planning policy and therefore the application is recommended for approval, subject to conditions set out below.

Human Rights

- 8.21 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) Within three months of the date of this permission, the existing pergola and the timber boarding attached to the existing railings shall be removed and the resultant materials cleared from the site, in accordance with the details agreed by the Local Planning Authority.

Reason: In the interest of the visual amenity of the area.

3) The development hereby permitted shall not be constructed other than 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.

4) 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 any other statutory instrument amending, revoking and re-enacting the Order, the outdoor seating area outlined in red in the approved plan DLS-047-PL- 01-A hereby permitted shall only be used in connection with The Boulevard restaurant outlined in blue.

Reason: To ensure the use of the seating area does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION + BLOCK PLANS PROPOSED SITE + FLOOR PLANS - PERGOLA	DLS-047-PL- 01-A		20.01.2022	Approved
PLAN - PROPOSED ELEVATIONS - PERGOLA	DLS-047-PL- 02-B		20.01.2022	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=R67NIIER10R00>