


Parish: Birdham	Ward: Harbour Villages
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BI/22/01498/FUL

Proposal	Demolition of existing car park island and creation of new proposed ticket machine island, installation of 1 no. new hub pay station and 2 no. main entry lane hub ticket machines and associated works within the existing east car park at Chichester Marina.		
Site	Land At Premier Marinas Chichester Marina Birdham West Sussex PO20 7E		
Map Ref	(E) 482891 (N) 101245		
Applicant	C/O Agent	Agent	Mr Andy Pearce

RECOMMENDATION TO PERMIT



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

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site measures 0.11 ha and comprises part of the existing east car park, with an unmade surface, located to the south-east of Chichester Marina. The site includes a 20m stretch of WSCC owned Chichester Marina Road (Road no. 336 not maintained at public expense but freehold of WSCC, Deed number D3218) which then leads to a private road to the west that runs parallel to the Chichester Canal. The Marina Road connects to the A286 (Birdham Road) to the east. The Council's mapping system shows a bus stop within the application site.
- 2.2 There are public right of ways (PROWs) (BIR/196 and BIR/37) that loop around the Marina and run adjacent to the application site to the south and along the main access road which passes through the application site.
- 2.3 The car parks within Chichester Marina are used by berth holders, tenants, Chichester Yacht Club, visitors to the area and local people.
- 2.4 The application site is outside a settlement area and is within the Chichester Harbour AONB. The site is approximately 0.66km from the Chichester Harbour Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). The majority of the site is located within Flood Zone 1 with the north-eastern corner in Flood Zone 2, there is currently no parking provision within Flood Zone 2.
- 2.5 The site falls within the Birdham Parish Council boundary and is approximately 60m from the Apuldram Parish Council Boundary to the north.

3.0 The Proposal

- 3.1 The proposal seeks the installation of one pay on foot ticket machine to the south-west of the car park. The proposed ticket machine would measure 0.48m width, 0.45m depth and 1.3m in height. It would have a black coloured stainless steel housing.
- 3.2 The existing island on the WSCC owned Chichester Marina Road would also be removed and replaced with a new island measuring 6m in length and 0.7m in width. There would be barriers installed across the entry and exit lanes at this point.
- 3.3 One entry and one exit machine would be installed on the new island. These would measure 0.28m in width, 0.45m in depth and 1.3m in height. These would also have black coloured stainless steel housing.
- 3.4 An over height barrier would also be installed at the entrance of the east car park (restricting vehicle heights to 2.2m).
- 3.5 A further pay on foot ticket machine is proposed under planning application 22/01497/FUL in the west car park of the marina.

4.0 History

There is an extensive planning history for the wider Marina. The most relevant planning application to this application is:

22/01497/FUL	PDE	Installation of 1 no. hub pay station and associated works within the existing west car park at Chichester Marina.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	YES (north eastern corner only)
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Birdham Parish Council

Birdham Parish Council OBJECTS to this application on the grounds that it would have a detrimental displaced parking effect on lanes around the Parish causing problems for residents and have an equally detrimental effect on the environment.

6.2 Apuldram Parish Council

Apuldram Parish Meeting strongly recommends refusal to the above application. The application whilst falling outside our parish will impact the area greatly. By the Marina charging for parking, more people will be inclined to park down Dell Quay Road. This road is not suitable for an increase in parking. Many accidents and near misses (due to bad parking) are recorded at this location and as a result any increase would also lead to even more incidents. Our parishioners have also been subjected to an increase in anti-social behaviour due to parking matters; this is not acceptable. The District cannot support such a development without the appropriate infrastructure being introduced to the area.

6.3 Environment Agency

No comments received.

6.4 Natural England

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

6.5 Chichester Harbour Conservancy

Additional comments received 08/09/2022

The amended submission includes additional information in the form of a letter dated 15 August 2022, that seeks to fulfil the role of an AONB Landscape Visual Impact Statement (LVIS). This additional information makes reference to NPPF paras 174 and 176, to the District Council Local Plan Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB), and to the Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document (SPD), which was omitted from the initial application submission. It is noticeable that whilst the above planning documents have been now referenced, AONB Management Plan has not been commented upon, notwithstanding that it is specifically mentioned under bullet point 5 of Local Plan Policy 43. In this regard the AONB Planning Principles have NOT been mentioned, which is unfortunate given the opportunity that the submission of this additional information provided and that the letter was purported to be a (substitute) AONB LVIS.

The above situation as it is, the additional information letter does make some consideration of the submitted proposal in terms of its size and scale and the unlikely visual impact that the proposed works would have on the AONB aims and purposes.

Original comments received 01/08/2022

No objection with conditions - Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.

The location of the proposal within the AONB and occupies a position within a rural location, sitting with a backdrop and setting of the marina complex. Vehicular access is from the eastern part of the land and is unchanged. The proposed works lie wholly within the site.

The proposed works are to the approach road entry into the east car park areas. The works involve the formation of a new central island within the approach road, two access/egress control barrier posts and the installation of two ticket collection/insertion machines for the car parking tickets. On a side area there is proposed a ticket payment machine.

There is unfortunately no AONB Landscape Visual Impact Statement, submitted with the application, notwithstanding its location impacting on the AONB. However, there is reference to the AONB and the AONB Management Plan Policy approach within the Design and Access Statement (DAS). The Joint Chichester Harbour AONB supplementary Planning Document is not referenced. There is no reference to para 172 of the NPPF.

The planning history raises nothing of direct relevance to the current submission. AONB PP01, PP13, PP18, and Joint SPD considerations have been part of this AONB planning assessment. The proposal makes seeks to manage visitor access to the marina site and facilities. The commercial use of the marina site is not changed. The location of the proposal is to the approach road south of the internal road to the east car parking areas. Given the location set back from the public highway and other public realm vantage points proposed works would be largely visually inconsequential. The scale, structural shape,

and massing of the proposed works (ticket machines, payment machine, vehicle control barriers) would have a minimal change in the visual impact within the site. The design is functional and as discrete as such structures area. The visual appearance would not be out of place. The character and atmosphere / ambiance of the AONB locality is unlikely to be altered by this proposal. In matters of ecology, biodiversity, or wildlife habitat, hibernation, foraging, mating, or spawning / nesting / rearing areas, the development proposal in the AONB would be unlikely to have any identifiable harmful impact. The proposal is unlikely to have any significant impact or effect in relation to wildlife conservation and protection. Existing trees and hedges and any other green infrastructure should be retained, particularly were providing screening from surrounding external areas. There are no mitigation measures necessary in relation to this proposal.

The adopted guidance requires a clear demonstration that no harm is caused to the AONB. Taking the proposal as described, CHC has no substantive objection to the submitted physical works. The proposal is generally acceptable within the AONB and has a limited external impact to the wider AONB protected landscape.

6.6 WSSC Estates

1. We understand there are works proposed to land within the demise of the Premier Marinas Lease dated 14th February 2012. We note a reference to notice being served by Premier Marina on WSSC as landowner at the beginning of August, although I've not seen anything.
2. The works appear to be removing free access to the current east car park for members using the tow path and PROW, the WSSC Lease of the Marina Clause 2.16 may come into force , which is, "*To keep open to the general public without charge the tow path*". WSSC would need this covenant in the lease to be maintained and the access not impeded by these plans.
3. Our Countryside Team who manage the Canal do not have any issues with the application.

6.7 WSSC Highway Authority

Additional comments received 30/08/2022

The road is not mandated at public expense and is not a designated road type but is identified as freehold, current WSSC property.

Original comments received 11/08/2022

The proposals are unlikely to result in a detriment to the public highway or the junction with the A286. The alterations proposed would not be a detriment. Therefore no concerns would be raised with the proposals.

We are aware of Apuldram Parish Council has been concerned with this proposal in relation to parking on Dell Quay Road. The LHA have assessed this information and would provide the following comments:

No waiting restrictions are in operation on Dell Quay Road and given the good forward visibility in both directions it is not considered that parking would be detrimental to highway safety. Having looked at the local context we don't see the addition of paid parking will change the situation significantly especially given the popularity of the area currently which is subject to on-street parking (especially during the summer season). Having reviewed the accident data there is no evidence to suggest that the highway in its current format is operating unsafely. The carriageway is circa 4.5m in width and provides space for another vehicle to pass a parked vehicle. It may result in vehicles having to wait for a few moments while giving way to an oncoming vehicle before pulling out to pass the parked vehicle, this however is not considered to be a 'severe' impact.

What we're not able to control thorough planning is whether drivers choose to commit an offence. It wouldn't be possible to insert a condition on a planning consent that prevented drivers parking on the road, as this is outside the control of the Applicant and blocking or parking in an unsafe space on the highway is an offence in its own right. There are legal mechanisms for action to be taken to discourage this behaviour, enforced by either Civil Enforcement Officers or the Police. Blocking the public can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980.

6.8 CDC Drainage Engineer

We have reviewed the proposal, and we are satisfied that it should not have a significant impact on surface water drainage / local flood risk, and therefore we have no objection to the proposal and require no conditions be applied should you be minded to approve the application.

6.9 CDC Environmental Strategy

Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October - Feb) to ensure they are not disturbed by any increase in noise and dust.

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

6.10 CDC Environmental Protection

Our department does not object to the proposed development.

Given the scale of works the condition below is considered necessary.

Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation.

6.11 CDC Economic Development

The Economic Development Service supports both applications.

The Marina is a key commercial and leisure destination on the Manhood Peninsula and is a popular destination with the public as well as users of the site. It has always offered free parking. However recently there has been several thefts from boats berthed at the site and commercial units on the site. Premier Marinas needs to address concerns by their users and introducing car parking will allow them to have a higher level of visibility of public users and movements on the site, as well as contributing to repair and maintenance costs for the parking areas. Both berth holders and tenants pay for the car parking that they use.

Although no decisions have been made in regard to pricing structure for the parking, the applicant is minded to have a free period to ensure that the commercial tenants are not adversely effected by a drop in footfall to their premises. We also understand that discussions have taken place with Chichester Yacht Club and a discount for their staff has been agreed.

In conclusion, these applications will improve security and funding of the upkeep of the car parks. This will regularise the parking and negate any adverse impact on businesses at the site around accessibility, due to lack of parking in close proximity to their premises. This is likely to have a positive economic impact.

6.12 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.13 Third party comments

No third party comments have been received on this application.

6.14 Applicant/Agent's Supporting Information

- a) The ticket machines are necessary to collect revenue and regulate use of the car parks.
- b) The pay station and ticket machines will have minimal visual impact and their installation will create very limited disturbance.
- c) Each ticket machine requires a limited amount of excavation works to connect to utility services with all surfaces being made good upon completion.
- d) Only marina visitors will be charged to use the car park. Members of the marina, marina staff and tenants will not be required to pay to use the car park and will be identified through the car park registration details.
- e) The revenue generated by the car park will be directly used to pay for car park maintenance and improvements to the public realm.
- f) Chichester Marina is a private site and car parking is managed site-wide. The car parking apparatus is required in specific east and west car park locations but all car parking site-wide will be subject to charges.

- g) With respect to the Yacht Club, this has a lease with Premier Marinas that gives it a specified area of car parking. In addition to this we are offering, at our discretion, substantially reduced charges for yacht club staff. Any space they occupy beyond this will be chargeable. We note that Premier Marinas did consult with the Yacht Club in advance of the current planning applications being submitted. The Yacht Club are aware of the security issues on-site and the need to introduce stricter parking measures for this commercial (private) site.
- h) Chichester marina is a privately owned site and public car parking is offered entirely at Premier Marinas discretion. We also note that all public car parking in the local area is chargeable, including sites owned by the local authority. Furthermore, the introduction of car park charging at Chichester marina is not dependent on this application. There are alternative charging systems that could be introduced that do not require development. Those alternatives do not though deliver the levels of security that are required and which the Automatic Number Plate Recognition (ANPR) system will provide.
- i) Higher standards of car parking management are required at Chichester marina to address security issues and provide a safe environment for all those using the site. These measures are vital to ensure the viability and vitality of the wider marina is protected and to secure it's long term future for the benefit of the local area and economy in accordance with Chichester Local Plan Policies 26, 43 and 44 and the Chichester Harbour Area of Outstanding Natural Beauty Joint SPD (July 2017).
- j) No external lighting is proposed other than the internal LED screen associated with the payhub stations and entry lane ticket machines. We do not see imposition of any further conditions to be strictly necessary and relevant to planning and to the development to be permitted in accordance with paragraph 56 of the NPPF (July 2021)
- k) There is no existing bus stop on-site and no public buses serve the site. The closest bus stop servicing the site is on the main A286 - Birdham Road, approximately 0.80km to the east of the site. The site from the entrance is private land and not adopted highway meaning, Premier Marinas are not under any obligation to provide access for "private buses" that seek to use the site. The security barrier along the main marina access road has been in situ for many years and to-date there has been no issues over bus access.

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 3: The Economy and Employment Provision

Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 44: Development around the Coast
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 52: Green Infrastructure

Birdham Neighbourhood Plan

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

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed;
- or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Other Local Policy and Guidance

7.6 The following Supplementary Planning Documents are material to the determination of this planning application:

- Surface Water and Foul Drainage SPD
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- Joint Chichester Harbour Area of Outstanding Natural Beauty SPD

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

- Maintain low levels of unemployment in the district
- Support local businesses to grow and become engaged with local communities
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- 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. Visual and Landscape Impact
- iii. Parking Provision and Highway Safety
- iv. PROW and Tow Path
- v. Ecology

Assessment

i. Principle of Development

8.2 The Local Plan adopts a development strategy and settlement hierarchy (policy 2 of CLP), sites located outside the identified boundaries of the listed settlements are categorised as being located in the Rest of the Plan Area. Here, development is restricted to that which requires a countryside location, meets an essential rural need or supports rural diversification (policy 45 of CLP). The proposed ticket machines, entrance and exit machine and barriers and over height barrier are all considered to be reasonable infrastructure ancillary to the existing use of the site as a marina with car parks. As such,

with regards to policy 45 it is considered that a countryside location is required. The ticket machines would be of a small scale and well related to the existing parking provision. The entrance and exit barriers and machine and over height barrier are also small scale and related to the operation of the site. The proposed infrastructure would not prejudice the existing viable uses of the wider marina. The applicant has stated in their supporting documentation that members of the marina, marina staff and tenants will not be required to pay to use the car parks.

- 8.3 Policy 3 of the CLP seeks to support and promote a high quality tourism economy. Policy 43 of the CLP requires developments within the Chichester Harbour AONB amongst other requirements to be appropriate to the economic, social and environmental well-being of the area. Policy 23 of the BNP states proposals for development must not have a significantly adverse impact on the tourism, marine, farming and horticultural businesses.
- 8.4 The proposed ticket machines would generate revenue from visitors to the area. Whilst the Council cannot control how the revenue is spent, the applicant has indicated their intention for the revenue to be used to pay for car park maintenance and improvements to the public realm. As such it is considered that the proposal would support a high quality tourism economy and would not have an adverse impact on marine businesses and would accord with policies 3 and 43 of the CLP and policy 23 of the BNP.

ii. Visual and Landscape Impact

- 8.5 Policy 43 of the CLP seeks to ensure that the natural beauty and local distinctiveness of the AONB are conserved and enhanced. Proposals shall reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Policy 48 of the CLP requires proposals to be sensitive to landscape character, tranquillity and openness and respect and enhance landscape character of the site and surrounding area through detailed design. Furthermore, paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in of AONBs. The scale and extent of development within these designated areas should be limited.
- 8.6 The proposed scale and size of the ticket machines, entrance and exit machine and barriers and over height barrier would be well related to the surrounding environment and would not be out of place in their proposed context and would be consistent with the operations of parking areas. The proposed development would not result in harm the landscape character of the AONB.
- 8.7 During the course of the application, the applicant has submitted further information to demonstrate how the development would accord with paragraphs 174 and 176 of the NPPF, Policy 43 of the CLP and the Chichester Harbour AONB SPD. It is noted that Chichester Harbour Conservancy (CHC) commented that the AONB Management Plan and Planning Principles have not been referred to in the submitted information, however they conclude no objection subject to conditions.
- 8.8 The CHC has suggested that details of materials are secured. The applicant has provided amended plans (22-3908-114 Rev PL2 and 22-3908-251 Rev PL3) which show sufficient materials details for the proposed island, barriers and housing of the machines.

- 8.9 A condition is recommended to restrict lighting to prevent harm to dark skies. It is noted that the applicant does not consider such a condition to meet the tests of Paragraph 56 of the NPPF. However, officers believe this condition is relevant to the development as the ticket machines may result in greater pressure for lighting to improve visibility in the car park and the condition would be necessary to safeguard dark skies.
- 8.10 Further to this, a condition has been recommended to prevent any structure from being erected around or over the ticket pay machines, such as a shelter, without prior agreement of the LPA.

iii. Parking Provision and Highway Safety

- 8.11 Policy 9 of the BNP states 'Any new development within the Parish with a significant traffic impact will only be supported if that impact can be mitigated via developer contributions to measures agreed with the highway authority. Traffic impact includes effects of adverse road safety, congestion and pollution on both the main roads and rural lanes.' Policy 10 of the BNP states 'Any development must protect the existing cycle and pedestrian network.'
- 8.12 Policy 39 of the CLP requires proposals to not create or add to problems of safety, congestion, air pollution or other damage to the environment. Developments shall have a safe and adequate means of access and internal circulation/ turning arrangements for all modes of transport relevant to the proposal. It also requires developments to not create residual cumulative highway impacts which are severe.
- 8.13 The proposed pay machines would have a minimal footprint and would not result in the loss of existing parking spaces. As such it is considered there would be no material change in parking provision.
- 8.14 Concerns have been raised over the charging of parking. Whilst the ticket machines may have an impact on the parking preferences for users of the marina, this is not a matter that can be considered when determining the planning application.
- 8.15 The proposed entry and exit barriers would help to regulate the use of the car parks at the marina, the applicant has explained that this is necessary for the security of the marina.
- 8.16 It is noted that the Council's mapping system shows that there is a bus stop within the application site. The applicant has stated that there is no bus stop on-site and the closest bus stop is approximately 0.8km to the east of the site.
- 8.17 The County Highway Authority have commented that the proposal is unlikely to result in a detriment to the public highway or the junction with the A286. In response to the concerns raised by the Parish Councils they advise that whilst parking on local roads cannot be controlled as part of this planning application there are legal mechanisms to discourage unsafe parking on roads outside of the application site that can be enforced by either Civil Enforcement Officers or the Police.

8.18 As such, the proposal would accord with policies 9 and 10 of the BNP and policy 39 of the CLP.

iv. PROW and Tow Path

8.19 WSCC Estates have commented that 'the works appear to be removing free access to the current east car park for members using the tow path and PROW, the WSCC Lease of the Marina Clause 2.16 may come into force, which is, "*To keep open to the general public without charge the tow path*". WSCC would need this covenant in the lease to be maintained and the access not impeded by these plans'. Covenants are not a planning matter and the applicants would need to apply to WSCC as Freeholder to seek to change the terms of their lease and this clause.

8.20 Submitted plan 22-3908-114 Revision PL2 shows that there would be 0.6m between the far edge of the proposed barriers across the access road (when closed) and the verge either side of the access road. Whilst this would allow for pedestrians to pass, a PROW footpath should also provide access for mobility scooters or powered wheelchairs. A condition is recommended to require the submission of details of the PROW routing around the barriers demonstrating sufficient space for all users of the footpath. An informative is recommended advising that WSCC PROW should be consulted on any proposed diversion of the PROW.

v. Ecology

8.21 The Council's Environmental Strategy Officer has recommended conditions requiring that the works are undertaken outside the winter months to safeguard overwintering birds and requiring an ecologist to be present should there need to be any vegetation clearance during the bird nesting season. These conditions are recommended.

8.22 Given that the works relate to ticket machines only, there would be no increase in recreational pressure on the Chichester and Langstone Harbour SPA. As such, an appropriate assessment is not required in this instance.

8.23 In light of the above, the proposal would accord with Policies 49 and 50 of the CLP.

Conclusion

8.24 As a result of its acceptable scale and form within the car park context, it is considered that the proposal would conserve the landscape character and natural beauty of the AONB. Subject to compliance with the recommended conditions, there would be no adverse effect on the public highways or PROWs. Furthermore, the proposal is unlikely to result in a detriment to the public highway or the junction with the A286 and any impact on the wider local road network can be dealt with by way of other legal mechanisms.

8.25 Based on the above, it is considered the proposal complies with the development plan and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

- 3) The island and entry and exit barriers hereby permitted, shall not be installed until further details of the routing of the Public Right of Way (PROW) have been submitted to and agreed in writing by the Local Planning Authority. These details shall include the location, alignment, width and finish of the footpath around the barriers. The footpath shall be appropriate for pedestrians, mobility scooters and powered wheelchairs. The details shall also include how the access to the public right of way shall be maintained during the course of the works. Thereafter the development shall be completed in full accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

- 4) Should any land contaminants or unexpected ground conditions be identified during the course of development then groundworks shall cease, and the Environmental Health Department shall be notified so that any required remediation can be approved in writing before implementation. Thereafter the development shall be carried out in accordance with the approved details.

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

- 5) Construction works shall only be undertaken outside of the winter months (1st October - 28th February).

Reason: In the interest of safeguarding ecology and to ensure overwintering birds are not disturbed by any increase in noise and dust.

- 6) Any vegetation clearance associated with the development hereby permitted carried during the bird nesting season (1st March - 1st October) shall require a suitably qualified ecologist to check and ensure there are no nesting birds present on the site prior to any vegetation being cleared works (maximum 24 hours prior to any works commencing).

Reason: In the interest of safeguarding ecology.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) there shall be no structure(s) shall be erected around or over the ticket pay machine hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and landscape character.

- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

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 - EAST CAR PARK - SITE LOCATION PLAN	22-3908-111	REV PL1	09.06.2022	Approved
PLAN - EAST CAR PARK - EXISTING BLOCK PLAN	22-3908-112	REV PL1	09.06.2022	Approved
PLAN - EAST CAR PARK - PROPOSED BLOCK PLAN	22-3908-113	REV PL1	09.06.2022	Approved
PLANS - Plans PLAN -	22-3908-114	REV PL2	14.09.2022	Approved
PLANS - Plans PLAN -	22-3908-251	REV PL3	14.09.2022	Approved

INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2) This permission is granted under the Town and Country Planning Act 1990 as amended and the applicant is reminded that since the works extend beyond the boundary of the property, the necessary consent of the adjoining owner should be sought prior to the commencement of the works.
- 3) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.
- 4) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

- 5) The applicant is advised that notwithstanding this planning permission there are covenants on the land and separate consent would need to be provided by WSCC as Freeholder to change the terms of the lease of the land.
- 6) The applicant is advised to consult with WSCC PROW with regards to condition 3 and any diversion of the PROW.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RD7QBZERHG200>