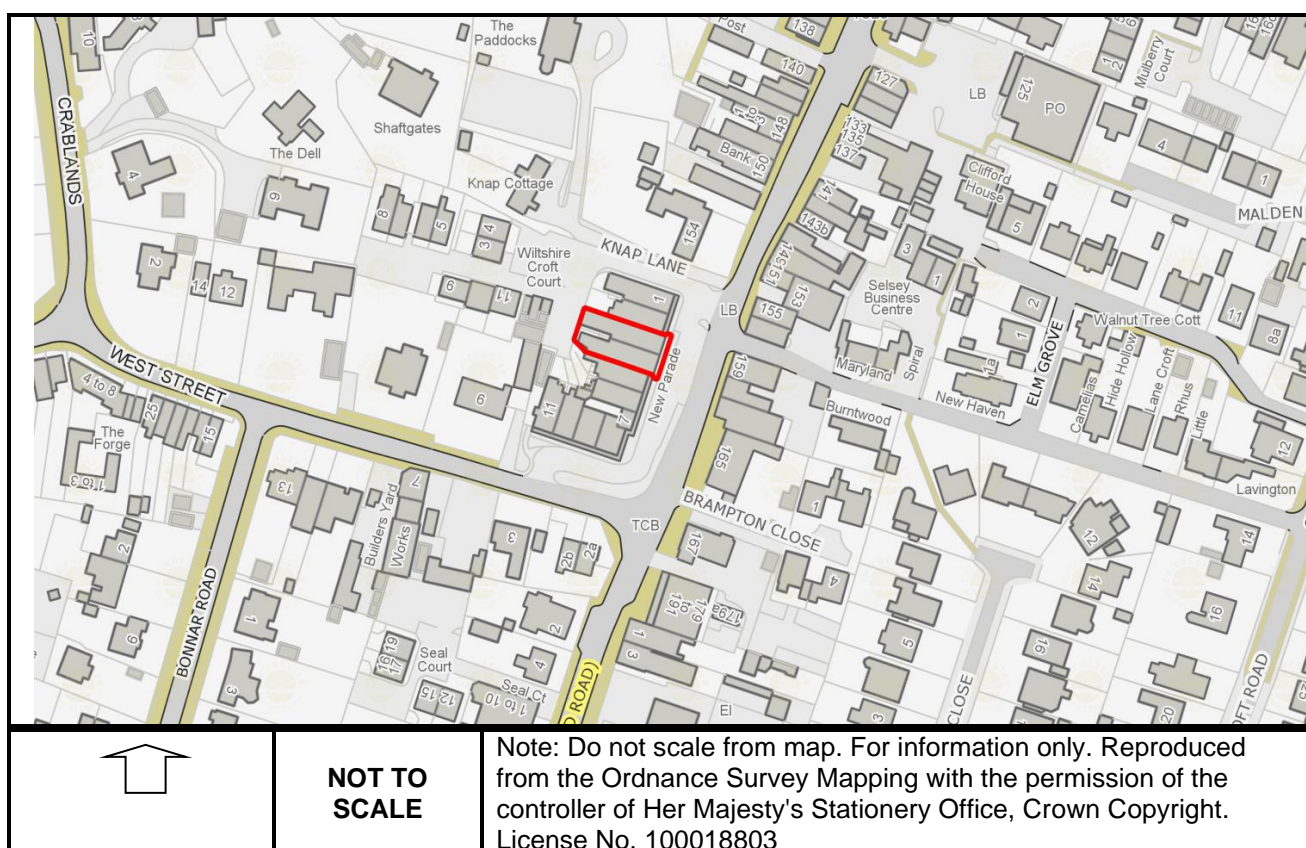


Parish: Selsey	Ward: Selsey South
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**SY/21/02895/FUL**

<b>Proposal</b>	Retention of canopy to shopfront.		
<b>Site</b>	The Boulevard 3 New Parade High Street Selsey Chichester West Sussex PO20 0QA		
<b>Map Ref</b>	(E) 485252 (N) 93100		
<b>Applicant</b>	Mr Adam Christmas	<b>Agent</b>	Mr Matthew Pickup

## RECOMMENDATION TO PERMIT



### 1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

1.2 The application was deferred at the planning committee on 10 August 2022 for further negotiations regarding the proposed materials, lighting, depth of proposal and guttering.

## **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 restaurant with an existing outdoor seating area to the front. The restaurant occupies units 3 & 4 of New Parade. There is a mix of commercial businesses and residential properties in the surrounding area.
- 2.2 The restaurant has had an outdoor seating area for a number of years. It comprises a small area to the front of the restaurant with timber decking and approximately 5 tables and chairs within the enclosed area.
- 2.3 In June 2021 a canopy structure was built over the existing seating area to provide shelter. The seating area measures 14m long and 2.1m wide and the canopy structure is 2.7m at its highest point.

## **3.0 The Proposal**

- 3.1 This retrospective application seeks to retain the canopy to the shopfront.
- 3.2 The canopy is a lean-to structure that extends from the face of the building's east elevation by 2.6m. A mono pitched corrugated sheet metal canopy is constructed on a timber frame and rafters that have been stained brown. The canopy is 2.7m high where it joins the building and reduces to 2.3m at its lowest point.
- 3.3 **The proposal was amended in response to members comments at the planning committee on 10 August 2022 as follows:**
- **To improve the appearance of the roof of the canopy it is proposed to paint the metal sheeting, Slate Grey.**
  - **The posts of the structure will be stepped back to ensure there is no encroachment onto the footpath.**
  - **A gutter will be added to the canopy to avoid water running off onto the footpath.**

**Note: the illumination of the fascia does not form part of the application for planning permission for the canopy, however the applicant has confirmed that the spot lighting will be readjusted and angled to illuminate the fascia sign.**

## **4.0 History**

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.
22/00138/FUL	PDE	Modification of pergola and continued use of external area for customer seating used in connection with the Boulevard Restaurant.
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 object to this application on the basis that the size, mass and construction protrudes outside of its boundary and contravenes Policy 1 of Selsey Town Councils Neighbourhood Plan 2021.

**Selsey Town Council were consulted on the amended plans on 1 September 2022. No further comments have been submitted.**

### 6.2 **Third party objection comments**

1 third party representation of objection has been received concerning the following matters:

- a) The previous large umbrellas/parasols were more in keeping with the setting
- b) The corrugated metal roof is not in keeping with the surrounding area
- c) The canopy extends beyond the boundary width of the shop of both sides

**The amended plans were re-advertised on 1 September 2022. No further comments have been submitted in relation to the amended scheme.**

### 6.3 Third party support comments

5 third party representations of support have been received concerning the following matters:

- a) The outside seating and canopy enables people to sit outside while being sheltered from the elements all year round.
- b) The canopy is in keeping with the area and contributes to a vibrant community feeling on New Parade. It is an improvement to the look of the high street.
- c) The restaurant has been an important Selsey landmark for many years. The new restaurant frontage is attractive and well suited to seaside town
- d) The structure is incredibly useful and thoughtful in times of health uncertainty. The structure promotes care to the family's who use it.
- e) The council should support local business through this difficult time.

## 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 47: Heritage

### Selsey Neighbourhood Plan 2021

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~~ **early 2023**. 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 was published 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), 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 amenity of neighbouring properties
- iv. 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, installing a canopy over an existing outdoor seating area in connection with an established business, the economic benefits of which are an important material consideration, is acceptable in principle subject to other material considerations.

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 and materials in any new development should complement the established vernacular in the use of natural, local resources and colours.
- 8.4 This application seeks to retain the shopfront canopy. The site is in a prominent position within the High Street. The units along New Parade consist of a mix of retail, restaurant and hot food takeaway. The units all have a flat roof canopy that continues in a line across the shop fronts. The proposed canopy appears as a natural continuation of the line of these shopfront canopies. Therefore, it is considered that the canopy is in terms of size and position is in keeping with New Parade and the surrounding area.
- 8.5 The decked seating area has not been increased in size. A concern has been raised by the Selsey Town Council and a third party that the development encroaches outside of the application site. However, when comparing images on Google street view 2009 to 2022, it is evident that the sides of the canopy and the posts to the front are within the application site. If the canopy does overlap the boundary, it would only be very minimal. In its current position, it is not considered to impact on the safe movement of pedestrians on the front pavement. Furthermore, it would not have an adverse impact to the visual amenity of the area. **Notwithstanding this, in order to address the concerns of the Planning Committee the amended plans show that the posts would be moved back slightly from the front of the canopy to assist members of the public manoeuvring past the structure.**
- 8.6 The timber posts and joists have been stained dark brown. The use of natural materials complies with Policy 001 of the Selsey Neighbourhood Plan. The corrugated metal roof sheeting could be improved, however on balance it does not result in such significant harm to the street scene, visual amenity or character of the surrounding area to warrant a refusal of permission. **The corrugated metal roof sheeting would be painted slate grey. It is considered that this is acceptable and will match the grey canopies of the neighbouring units along The Parade. The colour would reduce the impact of the metal appearance of the roofing material and will not result in significant harm to the street scene, visual amenity or character of the surrounding area.**
- 8.7 The canopy was constructed to allow for 'all weather' outdoor seating 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 is supportive for such development and 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.

**8.7a The amended plans show that guttering would be added to the canopy in order to avoid surface water running off the roof directly onto the pavement or people passing by, however a condition is recommended to ensure full details are provided as to demonstrate how the water would be drained from the canopy.**

8.8 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 amenity of neighbouring properties

8.9 The National Planning Policy Framework 2021 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.

8.10 The site is located in close proximity to existing restaurant and other commercial premises and therefore it is not considered that the development would result in any additional impact on neighbouring amenity.

**8.10a The amended plans indicate that the spot lighting along the fascia board would be readjusted and angled to avoid light pollution to the residential properties opposite the application site and would illuminate the fascia sign only. The illumination of the fascia does not form part of this application for planning permission; however, a condition is now recommended to prevent any additional lighting. It is considered that this would be acceptable to manage the impacts upon the amenity of the neighbours.**

**8.10b Although concerns were raised by the Planning Committee about the noise of rain on a corrugated sheet roof, it is a material that is not unusual for a range of buildings, and it is considered that it would not be possible to evidence that the noise arising from rain falling on it would be harmful to residential amenity, particularly given the central and busy location of the application site.**

iv. Impact upon Heritage Assets

8.11 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. It is considered that due to the scale and design of the proposal that it would not detract from the setting of the conservation area. The proposal would therefore be acceptable in this respect.

## Conclusion

- 8.12 Based on the above it is considered that the restaurant canopy is acceptable in respect of its size, materials, appearance, and siting within an established retail/hot food area. The proposal would not result in any substantive adverse impacts upon the street scene, local visual amenities or on the character of the surrounding area, including the setting of the conservation area. The proposal is therefore considered to comply with the relevant national and local planning policy and therefore the application is recommended for approval, subject to conditions set out below.

## Human Rights

- 8.13 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) The development hereby permitted shall be retained in its size, design, and position 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.

**3) Within 2 months of the date of this permission full details of the proposed guttering system shall be submitted in writing to the local planning authority for approval, and thereafter the guttering and canopy shall be maintained in accordance with the approved details in perpetuity.**

**Reason: In the interests of ensuring satisfactory development and public amenity.**

**4) Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the canopy, other than in accordance with a scheme that shall first been submitted to and approved in writing by the local planning authority. Any lighting scheme shall include full details of the proposed lighting location and design, including level of luminance, appearance and design, which shall include measures to prevent outward or upward light spill. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.**

**Reason: In the interests of protecting the amenity of residential properties and the visual amenity of the locality.**



## 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 - Existing/Proposed Elevations - Canopy (A3)	DLS-047-PL-04		05.10.2021	Approved
PLAN – LOCATION, BLOCK, PROPOSED SITE, FLOOR PLANS AND CANOPY	DLS-047-PL-03-A		14.07.2022	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=R07702ERFZY00>