

Agenda Update Sheet

Planning Committee
Wednesday 9 November 2022

ITEM: 5

APPLICATION NO: BO/21/00571/FUL

COMMENT:

Bosham Parish Council

Whilst we welcome the inclusion of additional sports facilities {in the form of a grass mini football pitch for the under tens} we are astonished that this proposal should come at such a late stage and is going before the CDC Planning Committee without proper prior consultation with the community and seemingly little thought given to practicalities. The Parish objects in the strongest terms at this poorly considered proposal.

It should be remembered that in the early days of the preparation of this proposed housing development that the entire northern area of the site was earmarked for a school and recreation area. This recreation area was first considered for a replacement full size football pitch for the Bosham Football Club to enable the recreation ground/school sports pitch to cope with increased demand. The recreation area was subsumed into space for a community hall and allotments and the area that had been earmarked for the school became additional housing.

We do have the following concerns with this proposal:

1 Position

The position chosen at the southern end (of the site) is known to be the wettest part of the development site and therefore could be rendered unusable, particularly for young children, during periods of heavy rain. The pitch is situated extremely close to the planned tree and shrub planting. Experience tells us that Bosham Football Club do not like overhanging trees or leaves falling onto the pitch. It is our understanding that play areas should not be situated closer than 20m from a residential boundary. If this is correct, we would like assurance that this has been taken into account. It appears that the eleventh-hour inclusion of this facility has been shoe-horned in with no thought given to viability or suitable close facilities. We consider the layout of the whole site should be reconsidered with a view to incorporating the pitch on the drier northern part of the site close to the facilities available at the community hall.

2 Parking

No information has been provided on the envisaged frequency of use by BFC. If the pitch is to be used for matches held each weekend, we consider that 6 drop off/parking spaces will be insufficient to accommodate parents and spectators.

3 Buffer

The proposal erodes the open space buffer on the south-eastern edge of the site which was indicated to be an ecological area with a wildflower meadows, shrubs and trees. It has already been reduced in width since the Planning Statement posted in February 2021 by the housing line spreading further eastwards, particularly in the northern section. We are still awaiting a reply to our email (dated 17.08.22 and signed by Charlotte Pexton) requesting confirmation that the open space requirement has been met. We would like assurance that the current open space does meet the made Local Plan requirement. With the mini pitch marked on the plan it is clear just how little recreational space there is for 600+ residents of the new development. It is a well recorded fact that Bosham already has less than the minimum accepted public open space and this proposal for a dedicated single use recreation facility will only exacerbate this lack of amenity.

Correction to the report

Correction at paragraph 8.56. The reference in the conclusion to the development providing 36 affordable homes should read 90 affordable homes.

Revised Plans

New site layout plan and corresponding landscape strategy plans (x 3) received showing minor re-alignment of the mini football pitch to achieve a minimum 20 metre separation distance to the nearest boundary.

Additional Condition

33) Before occupation of the 150th dwelling hereby permitted the mini grass football pitch shall be provided on the site in the location shown on drawing no. N81:2818 104 P22. The playing pitch shall be levelled, drained, seeded, marked out and provided with age-appropriate goalposts (12ft x 6ft) in accordance with Sport England guidance and details to be first submitted to and approved in writing by the Local Planning Authority. The playing pitch area shall be suitable for the up to 10 years old age group and shall measure not less than 61m x 43m with an additional 3m overrun all around it making 64m x 46m overall. At no time shall the playing pitch be floodlit or any fencing erected around its perimeter.

Reason: To accord with the terms of the application and in the interests of amenity.

Amended conditions – 9, 18, 23 and 31. A verbal update will be provided.

8 Additional Third Party Objections (officers have also received copies of representations sent direct to members of the Planning Committee)

Mini football pitch doesn't meet guidelines

Pitch is in wrong location and will harm residential amenity

Level of parking for pitch is not enough

Loss of previously proposed areas of planting

Local infrastructure cannot cope
Too many houses proposed
Wrong development in wrong location
No services
Surface water flooding

Planning Comment

In response to Bosham Parish Council's letter dated 08.04.2021 and the reference to the Gladman appeal decision in the High Court in March 2021 and the weight to be applied to adopted development plan policies in the context of the NPPF, officers would make the following comments.

The first point to make is that because the housing policies of the Local Plan are out of date because they haven't been reviewed within a 5 year period i.e. by 2020 as required by the Local Plan Inspector in 2015, and because housing need is now calculated by the Standard Methodology which shows that CDC has a deficit, that does not mean that the Local Plan and the non-housing policies within it are automatically rendered out of date as well. In fact, to the contrary, the lifetime of the current Local Plan is until 2029 and the Council continues to rely on this for decision making purposes where the non-housing policies it refers to in decision making remain consistent with government policy in the NPPF. The Interim Position Statement does not supplant up to date non-housing policies in the adopted Local Plan but provides supplementary guidance for development management decision making and to inform choices about where to locate new housing.

The Council doesn't do anything different to what was found in Gladman in terms of decision making. Decisions are made on the basis of the policies in the adopted Local Plan as a whole where these remain up to date and consistent with the NPPF. These have to be weighed in the balance – the 'tilted balance' – which is applied when there is no housing supply and where government policy states that there is a presumption in favour of permitting sustainable [housing] development unless the adverse impacts of so doing would clearly and demonstrably outweigh the benefits.

The mini football pitch

The 'Fields in Trust' guidance for mini-football pitches for under 9 and under 10's has no recommended buffer zone to residential properties. Buffer distances are only recommended for equipped outdoor play areas for example for a LEAP it is 20 metres between the activity zone and the nearest habitable room façade. The proposed playing pitch is a minimum 21 metres from the boundary with the nearest neighbour at 'Southcourt' and up to a maximum 26 metres away. From the dwelling itself the playing pitch surface is closest at 32 metres. The site boundary is to be screened with a landscape buffer secured through the S.106 agreement.

There are 6 dedicated parking spaces for those using the football pitch and a further 6 spaces dedicated at the outset of the development for the show home will also be provided making 12 in total. The control of these spaces can be through the Travel Plan secured through the S.106 agreement and via the pitch hire arrangement through the estate Management Company set up through the S.106.

Agricultural land classification

As the main report states, the application site is a mix of grade 2 and grade 1 agricultural land. This is a land classification pattern which in addition to some grade 3 land is repeated all the way along the East-West growth corridor as identified in the adopted Local Plan and the Preferred Approach of the Local Plan Review. To the north of the corridor opportunities for growth are severely constrained by the presence of the National Park whilst to the south of the A259 growth opportunities within the corridor are similarly constrained by the AONB. Whilst the thrust of government policy in the NPPF is to make as much use as possible of brownfield or previously developed land (para 119/120) before using the best and most versatile agricultural land (grades 1, 2 and 3a), the simple truth is that brownfield land does not exist in the levels necessary for the significant amounts of new housing which the Council has to deliver. To deliver large housing developments such as the Highgrove Farm proposals therefore requires difficult decisions to be made regarding utilising productive farmland.

ITEM: 6

APPLICATION NO: 22/01550/FUL and 22/00876/LBC

COMMENT:

Addendum to report:

Correction for listed building consent report (22/00876/LBC) on p.89 at paragraph 6.1. New paragraph number and title added below the first paragraph of 6.1 to reflect that Chichester Harbour Conservancy raises no objection to the application:

6.2 Chichester Harbour Conservancy

No objection, subject to: -

- o Removal of the marquee from the site;
- o 1:20 drawings, detailing the physical attachment of the balcony to the Listed Building and a method statement for making the attachment and standard working practices to ensure the integrity of the Listed Building is not damaged during construction;
- o Agreement of materials samples, with external stairwell to be powder-coated matt black; and,
- o Installation of a system of drapes or blinds to be deployed or drawn in hours of darkness.

Reasoned justification.

Following a site visit made 22/8/2022 and having regard to the policy framework below I make the following observations.

A pre-application meeting was held between a few Club members and myself during the second Covid lockdown, at which time it was stressed that the acceptability of the proposals would revolve around how the integrity and significance of the heritage asset would be conserved, within the Bosham Conservation Area and wider Chichester Harbour AONB, of which the site is very prominently located.

The planning application form states that pre-application enquiries took place with the Council's Conservation Officer Owen Bradley, who appears to have been supportive of the tabled design solution. Curiously, the LB application form says no pre-application advice was sought from the local authority!

Historic England's list description of this grade II Listed Building - (previously listed as 10.5.73 Nos 1 and 2 Church Cottages) - reads -

"Irregular shaped building, originally the tide-mill. Mostly C18 but with some earlier timbering exposed in the north west gable end. Faced with red brick stone rubble, tile hanging and tarred weather boarding. Tiled roof. Casement windows."

On the face of it the submitted supporting written statement lacks an in-depth assessment of the Policy framework designed to conserve and enhance the AONB, safeguard the integrity of a designated heritage asset, with some views also impacting the setting of the Grade I Listed Holy Trinity Church.

For example, the installation of a bat box discretely and appropriately positioned on the building would have been a useful enhancement of the AONB's biodiversity.

The agent fails to acknowledge that the existing tented structure/marquee has never enjoyed the benefit of formal planning permission nor Listed Building Consent and sits away from the building envelope.

The proposed balcony is lightweight and appears to have been designed to cause the least intervention with the Listed Building, the retractable walling system, would also allow the Listed Building to be viewed in times of fine weather. That this structure is far more respectful of the Listed Building is indisputable and the structure would also have less mass than the marquee, yet staying subordinate to the main eaves line and setting of the Holy Trinity Church. The spiral staircase is discrete and its impact on the Listed façade minimal. Unfortunately, not detail is given of the colour finish of the staircase. The Conservancy considers a bare galvanised finish would not be respectful of the Listed Building and considers it should be powder-coated matt black during its manufacture.

It is agreed that the additional dormer window would balance out the west elevation. Reference has been made to an earlier unimplemented permission for a dormer window, but no reference number is given and the earliest consent I can trace is DC 86/00180/BO, which was for rebuilding and improvement of the existing porch. If such a consent was granted, it would have been helpful for the agent to have properly illustrated/documentated this.

I make no observations on the proposed internal alterations and leave those for the Council's Conservation Officer to comment on. It is considered that no lighting ought to be installed to the underside of the balcony, or that if this is the intention, a scheme of blinds or drapes should be considered to limit pollution of the night sky.

The proposed development, in the wider AONB landscape and Bosham Conservation Area, is acceptable, subject to the suggested planning conditions.

6.3 Principal Conservation Officer

The comments received from the Council's Conservation & Design Team are incorporated within the officer's report, but the advice provided by the Principal Conservation Officer through pre-application discussion is copied here in full for information:

"Thank you for making use of the Conservation and Design pre application advice service. I was able to meet with you and the club Commodore at the sailing club and conducted a thorough inspection of the building. The building is a former tidal mill, listed at grade II and occupies a prominent position within the Bosham Conservation Area. A number of other landmark listed buildings are located nearby including the Quay Masters office, Quay Cottage, Brook House and Holy Trinity Church, all listed at grade II. The club forms a group with these historic buildings and others and this constitutes a key part of the special interest of the Bosham Conservation Area.

The building itself is a heavily adapted former tidal mill. Externally the original mill building is visible with several later 18C-20C extensions. The proposed location for the extension is well chosen, the original part of the building has already been extended in this area probably in the 19C with a significant two storey extension. Later 20C dormers and a staircase to the east mean that this elevation is the most heavily altered.

The acceptability of an extension at ground floor in this area is highly dependent on the detailed design of the proposals. We spoke on site and the challenges of a traditional approach were discussed. I am of the view that solid masonry walls, traditional roofing and pastiche design would be incongruous in this setting against a backdrop of such obviously high quality authentic historic buildings. It is likely that this approach would require a larger footprint, height and overall mass to achieve the same usable internal space.

A contemporary approach which prioritises light and elegant proportions, with innovative use of cladding materials, glazing, slim framing, a low and shallow roof profile is much more likely to be acceptable in this context. Such a design would be easily distinguishable from the historic building and would read as a congruent addition to the historic building. A key consideration is the impact of such a structure within what is highly historic townscape of the quay and its surroundings. An entirely glazed structure would be likely to have quite a serious light spill effect in what is very prominent location so careful consideration should be given to using fin details, blinds and solid finishes where appropriate to minimise this effect and give some light touch solidity to the design.

In terms of the overall approach in your existing proposals, the exit through the dormer windows to a roof terrace is acceptable in design terms. The additional dormer already benefits from listed building consent and both are non historic. The overall plan form, height and mass are subservient to the main building and to the later extension that they adjoin. A suitably designed extension in this location would be read as an addition to the historic building without competing with it in terms of size, mass and plan form. If a suitably design extension comes forward it has the potential to be a positive addition to the listed building.

We spoke briefly about the reasons for the extension. It is clear from my site visit that a social club of several thousand members can find only the barest level of accommodation in what is a surprisingly small bar and dining area, this is part of the challenge of a historic building and a new extension that provides modern open plan proportions is preferable to

further opening up works internally which could erode the historic plan form of the original mill building. At application stage the public benefits of the proposals should be made clear and will be a material consideration.

As the design will be of central importance I want to make it clear that I am available to help review sketch proposals, elevations and materials as they are developed into a full planning and listed building application. I am happy to do this in whatever format works best for the applicant whether that be further site visits or meetings as required.

The above comments solely concern the conservation and design implications of the proposals and there may be amenity or environmental concerns that I am not in a position to advise on."

22/01550/FUL

Additional Representations received:

2 no. additional letters of objection have been received concerning

- The proposed design is out of keeping with the quay.
- The proposed extension is overbearing.
- The proposed extension is not required for sailing purposes.
- The proposed extension will be used for events not consistent with the history of the building.
- The application site is located within flood zone 3. The application is for a permanent structure and concerns are raised for the impacts in relation to flood risk.

5 no. additional letters of support have been received concerning:

- The facilities are enjoyed by both members of the sailing club and members of the community.
- The temporary marquee structure is not fit for purpose and is unsightly.
- The proposed extension would be an improvement and would be in keeping with the street.
- The proposed plans were shared with members and they were supportive.
- The proposed structure will be less intrusive.
- It will provide a flexible permanent space for use by the sailing club.
- The proposed materials would be sympathetic to the surrounding area.
- The proposed extension represents an improvement on the visual aspect of the building

Amendments to conditions

Amended wording for Condition 4 of **22/01550/FUL** (p.87 of the report)

Condition should now read:

"No live or recorded music (acoustic or recorded) is permitted for the external terrace and outdoor areas between the hours of 22.00 – 12.00 on any given day."

Additional condition proposed for **22/01550/FUL**:

6. Prior to the first occupation of the extension hereby permitted the windows hereby permitted shall be fitted with blinds that shall be closed between dusk and dawn. Thereafter the blinds shall be maintained and operational between dusk and dawn in perpetuity.

Reason: In the interests of conserving and enhancing the AONB and in the interests of protecting the wildlife habitats.

ITEM: 7

APPLICATION NO: BI/22/01742/FUL

COMMENT:

Amendment to paragraphs 3.1 and 8.2. The application is not retrospective and therefore falls to be considered under Section 73 of the Town and Country Planning Act and not Section 73A as stated.

ITEM: 9

APPLICATION NO: 21/02064/FUL

COMMENT:

Amendment to Condition 6

The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and in particular shall include details of the boundary planting on the north boundary. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. A buffer strip of 5m should be retained around the existing hedgerows with the use of fencing during the construction phase. The strategy should also detail how the level of impact on the ancient woodland will be managed. The plan should include any proposed levelling of the land and creation of bunds. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably

practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the biodiversity/visual amenity of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees/hedgerows/Special Areas of Conservation

Amendment to Condition 10

Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the development hereby permitted shall be used only as private, non-commercial, stabling in connection with the dwelling at Dunhurst Barn, as shown within the blue line on the approved plans, and for no other purpose.

Reason: To prevent the stables from being used for commercial purposes to the detriment of the locality with respect to increased activity and vehicle movements.

ITEM: 10

APPLICATION NO: 22/01646/FUL

COMMENT:

Additional Consultee Comment

CDC Tree Officer

As per our discussions relating to impact of a new drive between adjacent trees (shown in red on the submitted plan).

An appropriate condition for a geosynthetic construction type drive would be required with a no dig construction within the trees' RPA's (of the adjoining trees) and protective fencing to be put up to limit vehicle proximity near the trees during construction and limit root compaction/root damage on the drive itself.

Also, a pruning condition (in accordance with BS 3998 (2010) to detail any possible tree works (crown lifting) on the sectors overhanging the drive on both adjacent trees.

Additional Conditions

Additional Conditions

12) The construction and laying out of the car parking shall not commence, until protective fencing has been erected around all trees, shrubs, and other natural features which boarder the proposed parking area, in accordance with the recommendations of

BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

13) The development hereby approved shall not be first brought into use until the car parking has been constructed and laid out in accordance with the approved site plan. The car parking surfacing material shall incorporate a geosynthetic membrane to prevent compaction of the soil and roots of the adjoining trees. The construction of the car parking area shall incorporate no dig construction within the root protection area of the adjoining trees, and the soil levels shall not be raised or lowered. Thereafter, these spaces shall be always retained for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development and to ensure that trees, shrubs, and other natural features to be retained are adequately protected from damage to health and stability.

14) Any tree works, required in connection with the construction, laying out and future use of the car parking shall not be carried out other than in full accordance with all standard arboricultural practices as set out in British Standard 3998:2010 (Tree Work).

Reason: In the interests of amenity and to protect the tree

ITEM: 11

APPLICATION NO: SDNP/21/02183/FUL

COMMENT:

HCC - Landscape Team Further comment

This application is for a replacement office building. The scheme has now been amended and the plans show a much smaller, single storey building, which is more in keeping with the scale of the site. This new office should result in the removal of some of the steel storage containers, which would improve the visual quality of the site.

There is no longer a landscape object to this proposal.

ITEM 12: SCHEDULE OF PLANNING APPEALS, COURT AND POLICY MATTERS

6.COURT AND OTHER MATTERS

High Court Hearings

Site: Land at Flat Farm, Broad Road, Hambrook, West Sussex PO18 8FT

Matter: Appellant's challenge of Planning Inspectorate's decision letter dated 14th January 2022.

Stage: Application lodged 24th February 2022 and Grounds of Defence lodged on behalf of the Planning Inspectorate on 25th March 2022. Permission to proceed with the claim granted on 11th April 2022. Consent Order (signed by all parties) agreeing to stay of proceedings for two months issued on 11th May 2022. A further Consent Order agreeing to a stay of proceedings for a further eight weeks from 8th September 2022 was issued by the court. Notice of Discontinuance filed with the court on 21st October 2022.