



Chichester District Council
Louise Brace
Planning Officer

25th November 2022

22/02154/FUL | Rear extension with associated internal reconfiguration and works to external front and rear trade areas including new fence and double gate. | Foresters Arms Village Road Kirdford West Sussex RH14 0ND

Dear Ms Brace,

Please find enclosed our representations to the planning application 22/02154/FUL (Foresters Arms, Village Road, Kirdford) prepared on behalf of Kirdford Parish Council.

Our representations focus on matters relating to:

Validation

- o Design and Access Statement
- o Heritage Statement
- o Lighting Assessment
- o Noise Assessment
- o Biodiversity Survey and Assessment

Pre-Application Engagement

Heritage, Design & Landscape

Change of Use

Amenity

Lighting

Safety

Water Neutrality

The red line boundary for the planning application is included below.

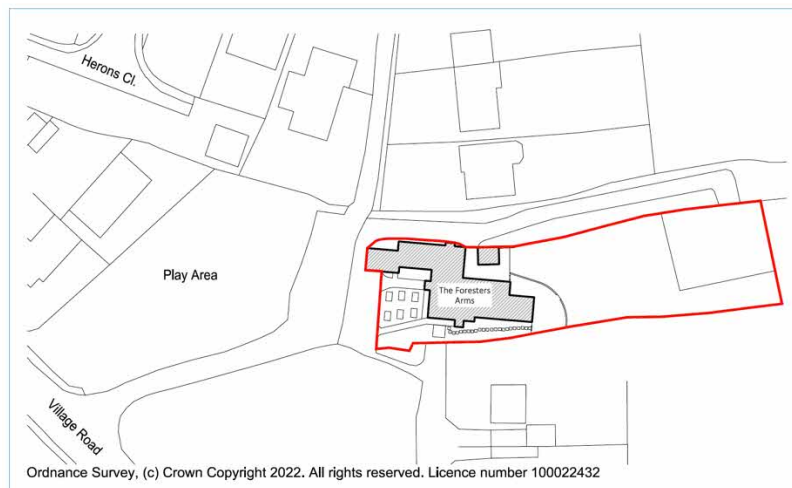


Figure 1: Location Plan

From the plans and elevations submitted by the Applicant it is unclear what it is proposing regarding the close board fence proposed at the northwest of the site. Based on the 'West Elevation' drawings the fence appears to extend beyond the application boundary and into the lane located to the north (see Figures 2 and 3 below). KPC questions whether this proposed fence would prevent access to the lane as well. The fence is not indicated on the 'Layout Plan' therefore KPC is unable to confirm the details of this proposal and requests that the Applicant provides a full set of drawings, measurements and explanation in relation to the fence.



Figure 2: Proposed West Elevation (indicating close board fence)

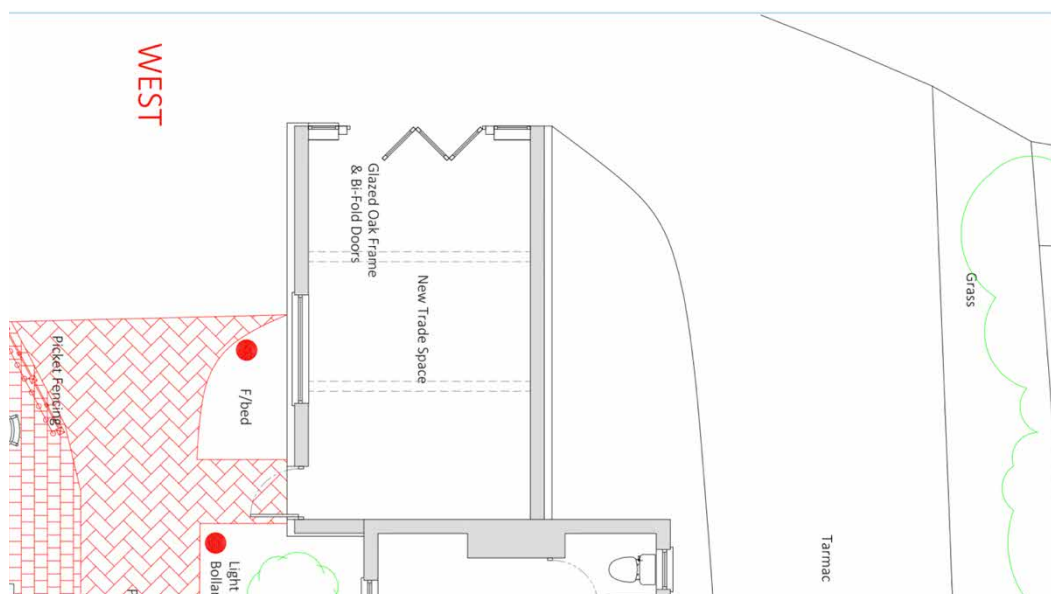


Figure 3: Proposed Site Layout (not indicating close board fence)



Policy Context

The NPPF is clear that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.¹

Therefore, the starting point for decision-making is the Chichester Local Plan – Key Policies 2014 – 2029, Kirdford Neighbourhood Development Plan ('made' 2014) and the Kirdford Village Design Statement (2011). We refer to NPPF policies in our response as appropriate. We note with disappointment that the Applicant does not appear to refer to any of the adopted development plan policies nor does it refer to the National Planning Policy Framework (NPPF).

1. Validation

Design and Access Statement

CDC's Local List (Information required to support a valid planning application) (July 2017) clearly states the following regarding applications for listed building consents and the specific requirements for what the Design and Access Statement must include:

"A Design and Access Statement accompanying an application for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- (a) the special architectural or historic importance of the building;
- (b) the particular physical features of the building that justify its designation as a listed building; and
- (c) the building's setting."

(See Page 9)

The Applicant has failed to explain the design principles and concepts it has applied to the scheme. It fails to explain how points a-c have been taken account of. The Applicant simply provides historical context of the buildings but does not explain how the proposals take this into account.

¹ NPPF (2021) Paragraph 12



The Local List also requires that the Applicant to explain how issues relating to access to the building have been dealt with, its approach to access, what alternative means of access have been considered and how relevant Local Plan policies have been taken into account:

“Unless the proposed works only affect the interior of the building, Design and Access Statements accompanying applications for listed building consent must also explain how issues relating to access to the building have been dealt with. They must explain the applicant’s approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account”.
(See Page 9)

This required access information has simply not been provided by the Applicant. This is of particular concern given that there are valid concerns locally about the safety of the access due to the proposed new opening the old forge building onto the car park which is also the access road for Village Road (leading to Herons Farm).

Heritage Statement

The Local List normally requires the following from the Applicant’s Heritage Statement:

- an explanation of the history and character of the heritage asset,
- a schedule of works that affect the heritage asset,
- a statement of justification explaining why the works are proposed and identifying any public benefits (this should include a development appraisal where appropriate);
- a statement of significance describing both the overall significance of the asset/s and the constituent parts, with special emphasis on the parts directly affected;
- an assessment of the impact of the works on the significance of the asset, both overall and with special emphasis on the parts directly affected, along with a mitigation strategy explaining how harm to significance will be avoided or minimised, with any harm weighed against any public benefits;
- a specialist assessment where any features of special historic, archaeological, architectural and artistic interest may exist;
- a structural report by an engineer familiar with heritage assets, which identifies defects and proposes remedies, when works include significant elements of demolition or rebuilding.

(See Page 21)

The Applicant’s Planning Design and Heritage Statement (PDHS) falls well short of these requirements as the Case Officer can see upon inspection of the Applicant’s Statement. The Local List also advises applicants to discuss proposals with either a planning officer or the historic buildings adviser officer before any application is made so that the necessary information regarding heritage can be provided by the applicant – presumably the Applicant did not discuss the proposals with CDC.



Lighting Assessment

The Local List requires a Lighting Assessment for “All development that includes external lighting systems within sensitive areas (such as conservation areas, listed buildings and Areas of Outstanding Natural Beauty) and within or adjoining residential areas”. The proposals are within a Conservation Area and the building is Grade II listed therefore a Lighting Assessment is required yet the Applicant only refers to lighting in passing in its PDHS. Yet the Local List specifies what is required:

“It is expected that the written scheme will include a description of the lighting requirement referring to relevant standards; the layout and composition of the scheme; isolux diagrams showing the showing the predicted luminance in both the horizontal and the vertical plane (at a height of 3.5 metres); the periods of operation for the lighting; a description of the area where the lighting is to be installed detailing any sensitive receivers. The report shall provide the information in relation to sky glow (max %), light intrusion into windows (lux) luminaire intensity in candelas and building luminance as an average in candelas / metre squared as appropriate to the application.” (See Page 23)

Noise Assessment

The Local List requires a Noise Assessment “When there is an alteration to a site with existing industrial or commercial use. Alteration can take many forms including introduction of a new noise source such as fixed plant, a change to the layout or a change to working hours.”. In the case of this Application, the proposed increased indoor and outdoor space is likely to lead to an increase in noise locally and the Applicant should be required to assess the impact of this in line with the Local List requirements.

Biodiversity Survey and Assessment

On-Site Impacts. The Local List explains that Applicants are required to submit Biodiversity information where the proposals include “Conversions and the demolition of buildings where there is a reasonable expectation that protected species such as owls and bats may be present”.

“When required all applications must be accompanied by:

Preliminary Ecological Appraisal (PEA), and
completed [Protected Species Survey Checklist](#)

When a Preliminary Ecological Appraisal has been carried out and it has identified the need to carry out further surveys i.e. Emergence Survey for Bats, it will be necessary to submit;

Preliminary Ecological Appraisal (PEA),
all secondary surveys identified as necessary within the PEA, and
completed [Protected Species Survey Checklist](#)



The Local List goes into far greater detail setting out what is required than what we provide above. The Applicant has simply not provided any of this information as required and without such information the Application should not have been validated.
(See Page 13 -14 of the Local List)

For the reasons set out above, the Application should not have been validated and in any case the Applicant still needs to provide this information for the impacts of the proposals to be fully considered and consultees, including KPC, will need ample opportunity to review the submitted documentation and provide their comments.

2. Pre-Application Engagement

Under the heading of 'Pre-application engagement and front-loading' the NPPF states that "Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community."²

There has been no pre-application consultation with CDC, KPC or the local community and immediate residents which would have further informed the applicant on the current issues and opportunities for the application site. It would be beneficial to the applicant / business owner to understand how proposed changes to the pub would affect the community it serves and to come to a mutually agreeable resolution before submission of the application.

3. Heritage, Design & Landscape

Local Plan Policy 47 (Heritage and Design) states that:

"The Local Planning Authority will continue to conserve and enhance the historic environment through the preparation of conservation area character appraisals and management plans and other strategies, and new development which recognises, respects and enhances the local distinctiveness and character of the area, landscape and heritage assets will be supported.

However, the Applicant fails to refer to any Local Plan Policies in the information it submitted and does not refer to CDC's Kirdford Conservation Area – Character Appraisal & Management

²NPPF Paragraph 39



Proposals (September 2010) despite this clearly being an important document given that the Foresters Arms (and its adjoining former smithy) is Grade II listed building and within the Conservation Area. CDC's Appraisal document refers to the Foresters Arms and its setting in a number of places however this has clearly been missed by the Applicant.

The Conservation Area Appraisal states that: "Looking across Butts Common, views focus on the Foresters Arms Public House, but the building itself is only two storeys so although it can be described as a focal building it is not in any way visually dominant"³. The building is current a 'focal building' and it does not visually dominate the area or the view across Butts Common. However, the proposals in the front of the building will result in the building being more visually dominate and are likely to negatively impact on the listed building, its setting and the Conservation Area.

Local Plan Policy 47 (Heritage and Design) also states that Planning permission will be granted where it can be demonstrated that all the following criteria have been met and supporting guidance followed:

1. The proposal conserves and enhances the special interest and settings of designated and non-designated heritage assets including:
 - Monuments, sites and areas of archaeological potential or importance;
 - Listed buildings including buildings or structures forming part of the curtilage of the listed building;
 - Buildings of local importance, including locally listed and positive buildings;
 - Historic buildings or structures/features of local distinctiveness and character;
 - Conservation Areas; and
 - Historic Parks or Gardens, both registered or of local importance and historic landscapes.
2. Development respects distinctive local character and sensitively contributes to creating places of a high architectural and built quality;
3. Development respects existing designed or natural landscapes; and
4. The individual identity of settlements is maintained, and the integrity of predominantly open and undeveloped character of the area, including the openness of the views in and around Chichester and Pagham Harbours, towards the city, the Cathedral, local landmarks and the South Downs National Park, is not undermined."

KPC considers that the proposals fail each of the tests set out in Policy 47 as we set out below.

³ Kirdford Conservation Area – Character Appraisal & Management Proposals (Sep 2010) Section 4.3



The submitted PDHS states that the site is “in a largely rural setting”, we would therefore expect that a landscape-led approach to design would have been taken to capture the rural character of the village in the design proposals. Guidance and policies to inform the design proposals and identify an appropriate approach can be found in the [Kirdford NP Design Policy](#) and [Kirdford Village Design Statement](#) neither of which have been referred to in the PDHS.

It is understandable that the business would like to expand its seating areas and enhance its outdoor offer for customers to support viability of this important amenity use in the village, and in principle is supported, but several the building materials and architectural detailing proposed are not acceptable for a Grade II listed building of this significance in the Conservation Area, in centre of the village.

While the internal reconfiguration may be acceptable (Heritage Consultant to advise), the external treatment proposed falls short on retaining the intrinsic character of the Grade II listed building within a Conservation Area as described in the applicant’s PDHS.

It is notable that the [Kirdford Conservation Area Appraisal and Management Proposals](#) expanded the Conservation Area boundary to include the rear garden of the Foresters Arms in 2011 for good reason. The setting of the Grade II listed buildings is equal importance as the building itself and therefore the materials proposed should respond to guidance that explains the importance of using local (locally sourced) materials in order to reflect the character and appearance of the listed building.

3.1.1 Garden to the Foresters Arms Public House

Add the whole of the back garden to the Foresters Arms Public House, a grade II listed building.

Reason:

- *The current boundary cuts through the back garden of the public house. This garden forms part of the historic curtilage to the public house, as shown on the 1912 map, and also contains a number of mature trees.*

Figure 4: Kirdford Conservation Area Appraisal and Management Proposals

In 4.2 of the submitted PDHS it acknowledges the historic use of clay and flint in the village of Kirdford, this information is baseline evidence that should have informed the applicants decision when deciding on specific materials to propose. Neither sandstone nor grey concrete block pavements are local materials, nor do they reflect any locally distinctive construction material. The PDHS identifies the abundance of surrounding woodland and timber indicating that the use of timber and oak frames is appropriate. Similarly, ironwork, ironstone and



greensand are typically used local materials and should be considered in the proposals. We would therefore recommend rethinking which materials that will add value to the listed building and enhance its setting should be used to deliver a high-quality proposal.

Front outdoor seating area and west elevation:

There does not appear to be a strong design rationale or functional need for the pergola except to attach festoon lights to and it is not particularly characterful of West Sussex, it may be perceived to be adding unnecessary clutter to the frontage of the building and further, disrupts the view of the front elevation of the main building within the hierarchy of three buildings.

Local Materials: As set out in the overview above, good design often means using a simple high-quality palette of materials, in this case references should be taken from the applicant's own PDHS where the historic use of specific materials has been identified. Policy DS.2 – Encouraging quality design of the Kirdford Neighbourhood Plan states in reference to applicant's proposals "They should adopt design, materials and landscaping in keeping with the local vernacular unless an acceptably high standard of alternate or contemporary design can be demonstrated".

Garage (former foundry):

An opportunity has been missed to ensure that any improvements to the garage are tied to 'place' and are distinctive of Kirdford's historic local trades. The garage, part of the cluster of buildings has a rich history as a former forge and foundry using local iron, therefore an attempt should be made to retain the overall character of this former use and making sure it continues to be subservient within the hierarchy of three buildings and retains a rural character that is rooted in its historic use. This can be done for example by integrating ironwork, untreated local timber cladding (as can be seen in the provided historic images in the PDHS) and a palette of materials to reflect its historic form and character as a foundry and offer a continued sense of place.

This can still be achieved through a contemporary approach as long as the building form is simple, and the materials are appropriate. Bi-fold doors and the proposed fenestration does not complement the host building/s or create a frontage which is legible as a public house. It is too domestic in character, generic and can be seen in residential properties throughout the UK rather than being specific to the local area.

In the PDHS states that the pub provides for and welcomes "walkers and cyclists, wet dogs and wellies" yet there appears to be no provision for these user groups individual needs in the design. Instead of a function space it would seem plausible to provide covered cycle storage or a covered indoor / outdoor area for people to sit during light rain in summer or



inclement weather in autumn / winter as well as with wet dogs (water bowls) and muddy boots without having to go through to the pub itself.

Rear extension to the east wing:

Landscape treatment / landscaping materials:

As well as the materials for the buildings themselves, external ground materials and landscaping should be carefully considered in the context of the setting of the listed building. The cherry tree has been identified as a positive landscape feature to the front of the property and as such will require enough space to accommodate root growth. The plan indicates that paviours will be placed very close to the trunk which may need to be reconsidered for tree health. The plans for both the front and rear of the site show an overly large area of uncharacteristic hard surfacing which even if permeable does not seem necessary, does not enhance the character of the listed building, nor will it support biodiversity. Sandstone is not an appropriate local material and rather than 'planter beds...to help demarcate the area and soften the transition from patio to lawn', functional landscape enhancements that provide wildlife habitat and biodiversity should be a preferred option.

Opportunities for an increase in biodiversity and wildlife habitat have not been included in the proposals, and further work towards integrating functional pollinators and beneficial planting should be proposed. Including the use of raingardens and vegetative SuDs to capture rainwater run-off (while also) providing amenity value and is critical to mitigate against the effects of climate change.

Similarly, provision should be made for bat boxes / tiles and bird boxes in the proposals and should be informed by a PEA, survey and report which assesses the existence of protected species in the area. As stated previously, this has not been submitted by the Applicant.

A large close board fence is proposed on the west elevation which is not appropriate to face onto the public realm, especially on the frontage of the listed building. A close board fence of this style will prevent wildlife movement. A small wall (with integrated hedgehog holes) with hedge planting may be more aesthetically attractive as a boundary treatment. See Figure

4. Change of Use

KPC questions whether the Applicant has provided a correct description of the site in its Application Form. It states that the 'existing use' is a 'Public House' and that it is not currently vacant. Yet it explains in its PDHS (see Paragraph 2.3) that the "garage to the front is unused which presents an opportunity for it to be utilised to support the public house".



This does suggest that the garage is a separate use to the public house and that the Applicant would need to apply for a change of use.

This is particularly important not just in terms of ensuring the lawful planning process is following correctly, there may be a conflict between the proposed change of use as a function room and the neighbouring properties (noise and amenity) as well as public safety issues which we explain further below.

5. Noise & Amenity

NPPF Paragraph 185 states that:

“decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life (See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010);
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

The point has already been regarding the fact that the Applicant has not provided enough of the required information regarding the existing baseline noise situation and the potential noise increases that are likely to result from the increase in the proposed internal and outdoor space for patrons. This is an important issue for local residents living near to the pub whose amenity will be impacted through the proposals if they were to be approved.

6. Lighting

Referring to NPPF Paragraph 185 above, KPC has concerns about the lighting proposed and require more information about the baseline situation, the specification of proposed lighting and the impact of that lighting on the area.

The NPPF (Paragraph 185) is clear that proposals should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.



Kirdford is an intrinsically dark landscape, there are potential local amenity impacts from lighting in the proposal and there is a need for the proposals to protect nature conservation.

The proposed festoon lighting and lit bollards could prevent birds nesting and could potentially deter bats from travelling along their identified feeding flight paths, an ecology report should make recommendations on this. The outdoor areas would be mostly used in the summer months when it is light outside for the majority of opening hours. In the dark hours of the winter people are likely to be inside so external lighting will not be necessary.

The excessive number of light bollards in the outdoor areas are not necessarily functional and could create an urban feel, that of a car park. Low level, floor or oak posts with down lights may be a better option if required at all.

7. Safety

The proposed changes to the existing garage into a dining area includes bi-fold doors that access directly onto an area that is regularly used by cars for pub parking, deliveries and accessing the properties on Village Road (leading to Herons Farm). This presents a safety risk and conflict between patrons of the pub and passing cars. The proposals should be reconsidered and properly assessed in terms of highway safety.

8. Water Neutrality

The site falls within Sussex North's Water Supply Zone. As set out by [Natural England's Position Statement for Applications with the Water Supply Zone \(September 2021 Interim Approach\)](#), the Sussex North Water Supply Zone includes supplies from a groundwater abstraction which cannot, with certainty, conclude no adverse effect on the integrity of;

Arun Valley Special Area Conservation (SAC)

Arun Valley Special Protection Area (SPA)

Arun Valley Ramsar Site.

Natural England states that it cannot be concluded that the existing abstraction within Sussex North Water Supply Zone is not having an impact on the Arun Valley site, we advise that developments within this zone must not add to this impact. It states that developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality.

CDC sets out the requirements for Applicants on its [website](#)⁴:

"If a development will create demand (regardless of any existing use of the site) for mains water from the Sussex North Water Resource (Supply) Zone, the applicant must

⁴ <https://www.chichester.gov.uk/waterresources>



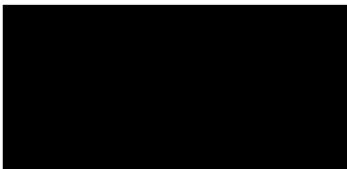
submit a Water Neutrality Statement setting out the existing and proposed water consumption figures and a scheme for how water neutrality will then be achieved. In the future, the submission of a water neutrality statement will likely become a local validation requirement”.

The Applicant has made no mention of Water Neutrality and has not provided a Water Neutrality Statement. Given that the construction phase and operational phase of the proposals is likely to lead to an increase in water usage there is clearly a need for the Applicant to prepare the necessary evidence regarding Water Neutrality so that the evidence can be assessed, and the application determined accordingly.

Conclusion

We urge CDC to refuse this planning application for the reasons provided in our representations. If the Applicant wishes to withdraw the Application and prepare a new Application KPC would encourage the Applicant to engage with KPC and the local community as part of its pre-application process.

Yours sincerely,



Troy Hayes BSc, MSc, MRTPI, AICP

Founder & Managing Director

TROY PLANNING + DESIGN