


Parish: Southbourne	Ward: Southbourne
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SB/23/01952/FUL

Proposal	Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.		
Site	The Sussex Brewery 36 Main Road Southbourne Emsworth West Sussex PO10 8AU		
Map Ref	(E) 475462 (N) 105739		
Applicant	Punch Partnerships (PML) Limited	Agent	Miss Francesca Pepper

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

1.1 Red Card - Councillor Bangert. Reason for this request is: When the Member has information or an opinion which he/she wishes to raise in debate.

Update for 27.03.24 Planning Committee:

1.1a The application was deferred by the Planning Committee on 07.02.24 for reasons relating to highway safety measures and for further relating to the swept path analysis for commercial waste vehicles.

1.1b Since the item was deferred at that meeting, further information has been provided by the applicants and the Committee report updated appropriately.

1.1c Updates to the committee report following consideration of this additional information are set out below in bold text.

2.0 The Site and Surroundings

2.1 The application site lies within the Parish of Southbourne to the South side of Main Road (A259) within the Settlement Boundary of Hermitage and the Chichester Harbour Area of Outstanding Natural Beauty (AONB), a designated National Landscape.

2.2 The site comprises an outbuilding associated with the Sussex Brewery Public House. The Sussex Brewery is a Grade II listed building; however, the outbuilding subject to this application is modern, dating approximately from the 1970's. The current outbuilding, which includes modern construction features (a damp-proof course, internal block work and RSJ), was built upon the site of an historic outbuilding, likely of similar age to the Public House. As such, the outbuilding is neither listed nor curtilage listed.

2.3 The outbuilding is separated from the Public House by the vehicular access, which runs north to south within the site and provides access to the rear (south) parking court.

2.4 The wider surroundings are characterised by mostly residential dwellings, with the Mill Pond and Emsworth Yacht Harbour to the west. The village of Emsworth, lies outside of the Chichester District but provides low key services for the area.

3.0 The Proposal

3.1 The proposal seeks the partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.

3.2 The proposal would result in the demolition of part of the rear of the existing building to create a smaller 1.5 storey bungalow. The demolition of part of the structure would allow for the creation of an enclosed rear garden within the remaining footprint of the site.

3.3 The rear garden would be enclosed by way of 1.8m timber fencing, and includes details of a 1.8m hedge along the west and eastern boundaries. Within the garden, located at the

southern section, would be the provision of a bin and cycle store, which would be a flat roof structure measuring approximately 1.8m high x 3.6m wide.

- 3.4 The front of the property would retain a grassed area as a small front garden, which would step the property back from the highway. Within this garden, block paving would be constructed to connect the front door to the highway. The trees on site along this boundary would be retained, and are protected under a Tree Preservation Order (22/00327/TPO).
- 3.5 The proposal would raise the height of the ridge of the roof, whilst maintaining the original hipped roof style of the original structure. The height would increase from approximately 3.8m to 6.2m.
- 3.6 The proposal would maintain much of the same materials as existing, with red multi stock brick to match existing, clay roof tiles, white painted timber windows, grey painted composite door, and a timber canopy above the front door.
- 3.7 The property would comprise of a kitchen, living room, bathroom and one bedroom to the ground floor, and two additional bedrooms, one with an ensuite, to the first floor. The roof would have three rooflights on the western elevation. One would serve bedroom 2, one would serve the landing, and one would serve the master bedroom.
- 3.8 The proposal outlines two parking spaces to the rear of the property. One would be situated within the space between the rear garden of the property and the parking for the Sussex Brewery, whilst the other would occupy an existing space within the private parking for The Sussex Brewery to the rear. This would result in the reduction of one space overall for The Sussex Brewery.
- 3.9 Access to the site is via the existing access to the side of The Sussex Brewery south of the A259 (Main Road). This access remains unchanged.

4.0 History

07/01067/LBC	WDN	Fix 1 no. parasol at the rear of the property. The parasol consists of a white powder coated aluminium frame with an acrylic fabric. 6m x 3m in size. The purpose is to provide a covered outdoor space for customers.
07/01068/FUL	PER	Fix 1 no. parasol at the rear of the property. The parasol consists of a white powder coated aluminium frame with an acrylic fabric. 6m x 3m in size. The purpose is to provide a covered outdoor space for customers.
12/01085/LBC	PER	Alterations and extensions to form ladies toilet, disabled toilet and court yard cover. Internal alterations to form gents toilet.

12/01086/FUL	PER	Alterations and extensions to form Ladies toilet, disabled toilet and court yard cover. Internal alterations to form Gents toilet.
12/02566/LBC	REF	Installation of external cowl to proposed kitchen extraction system.
13/00903/LBC	PER	Demolition and reduction in height of internal wall between bar area and snug.
15/02786/FUL	PER	External lighting to existing car-park area.
15/03866/LBC	PER	Replacement clay tiles and repair roof battens and insulation.
16/00089/FUL	PER	Installation of external gas meter and timber housing.
16/00090/LBC	PER	Installation of external gas meter and timber housing.
22/01005/FUL	REF	Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.

APPEAL

23/00050/REF	LODGED	Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping.
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5.0 Constraints

Listed Building	Yes (The Sussex Brewery) No (Outbuilding)
Conservation Area	NO
Rural Area	NO
National Landscape	YES
Strategic Gap	NO
Tree Preservation Order	YES
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The application is contrary to Neighbourhood Plan 3 Policy SB11. Proposals involving the loss of facilities will not be supported unless it can be demonstrated that they are no longer financially viable in line with the provisions of the relevant Local plan policies.

In addition, proposals to change the use of a facility or part of a facility that is surplus to requirements MUST demonstrate that all reasonable steps have been taken to retain its present use, and community value as a viable concern, including compliance with the general requirements of marketing as set out in Appendix E of the Local Plan. Paragraph 5.51-5.55 inclusive. Clause C recommends "that if facilities are expanded that car parking in accordance with the adopted car parking standards is available"... the reverse would be created for the existing pub at the loss of spaces not just upon completion of the proposed change of use but also would most likely be removed altogether during construction.

Effect on listed building - The main building, The Sussex Brewery, is a grade II Listed building, the sub-plot is in the curtilage of the main building and, as such, should have the same protected status. Members would like to see, at the very minimum, an application for listed building consent.

Highway safety/traffic/parking - Members disagree with the Highways statement regarding the proposed level of parking being sufficient. This development would not leave sufficient parking spaces for customers to the pub. The loss of two car parking spaces to this site would be significant given that this would leave only eight parking spaces for customers. Members also feel that the development would amount to more than a reduction of just 2 spaces as additional spaces would be lost to the garden area.

Parking - Members despite the matter of overspill parking being accommodated by parking on Main road. Parking is already an issue here for local residents and visitors to the area.

Parking and access - there are 4 dwellings behind the Sussex Brewery that require permanent access through the car park to the main road as this forms access point to their homes.

Safety - Members are concerned that the reduction in parking for the Sussex Brewery will increase safety concerns. The loss of spaces in the carpark will result in an increase in parking on Main Road which Members are extremely concerned about given that this area of Main Road is already an accident hot spot. The Sussex Brewery is located at a bend in a narrower part of Main road. A recent collision outside the Sussex Brewery caused near fatal injuries to two persons.

Members also object to the loss of a community asset. The building has previously been used as a venue for the Art Trail.

The proposed developments would see a loss of storage for the Sussex Brewery which is detrimental to the viability of the business.

Members are also aware of a previous application which was refused in 1986 due to safety concerns.

6.2 Chichester Harbour Conservancy

No objection provided planning obligations are entered into to secure nitrate/nutrient mitigation and mitigation of recreational disturbance and also subject to: -

- Agreement of external building materials, including re-use of salvaged matching brickwork/plain clay tiles;
- Safeguarding of 2 existing street trees
- Implementation and subsequent retention of the specified biodiversity enhancements
- Remove permitted development rights in respect of further extensions, outbuildings and roof alterations
- Details of measures to be built into the dwellings creation to comply with Policy 40 of the local plan to be submitted/approved/built-out and retained.

6.3 Economic Development Service

Our comments remain the same as those given for the previous application on this site 22/01005/FUL.

The Economic Development Service neither support nor objects to this application. This application proposes the conversion of a detached outbuilding to residential use which is currently being occupied by a public house. The Sussex Brewery is a listed building, the oldest pub in Emsworth and has been trading for over 250 years.

We understand that the detached outbuilding is not part of the listing. It is currently being used for storage, wheelies bins, stock and over spill furniture. This will need to be accommodated in the pub and storage space for the bins will be required outside. Our main concern is how this development could impact on the viability of a historic community pub. Car parking for the pub is a major attraction for customers and the loss of the two car parking spaces may reduce the viability of the pub. Furthermore, there is likely to be significant disruption during construction, the car park may have restricted access or closed, being used by contractors, skips, materials etc... this could also significantly affect trade at the pub and have a detrimental effect on turnover.

Should this property be permitted for residential use, we would draw attention to NPPF, 2023 paragraph 193. This application will need to ensure that the residential "development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".

The responsibility should be on the applicant to ensure there is no disturbance to either residents, business occupiers or surrounding businesses. This applies to when the site is operational as residential dwelling, not during the build phase. This includes, but not limited to, noise, smells, inhibiting deliveries, Sunday Trading, late night trading and parking issues, even if they are not occurring at present.

6.4 WSSC Highways

Comments received 15th March 2024:

The revised swept path diagrams appear acceptable.

Comments received 7th March 2024:

Our previous comments regarding accident data still stands. As stated previously, whilst any accident is of course regrettable, the data does not show any collisions caused by road defect, road layout or cars parked on-street. The addition of a single dwelling is not anticipated to give rise to a significant material intensification of movements on the local highway network. This is further justified by the supporting TRICS data included in the Technical Note, which actually suggests an overall reduction in movements. Therefore, it is difficult to justify that such proposals would give rise to an adverse impact in this regard.

I do acknowledge the comments regarding the construction of the development. Whilst construction is not a material consideration at this stage, I would advise that a condition requiring a construction management plan be provided to mitigate the impact of this upon the local highway network.

One thing I would note is that the swept path diagram – the plans appears to show the refuse vehicle mounting the kerb and going over a wall at the access point? This should be redrawn to show that this would not occur.

Correspondence with WSSC Highways regarding third party/parish council highways concerns outlined the following (received 28.11.2023):

Much of the local objection appears to relate to loss of parking and increase in overspill on-street parking as a result. I did undertake a site visit for the previous application at this site so am familiar.

We are aware that there are no parking restrictions in place on this section of the A259 and acknowledge that when cars park on the A259 it will effectively narrow the useable carriageway width - however, this is the existing situation and whilst any traffic accident is regrettable, no recorded accidents have resulted from cars being parked on-street or road layout. Therefore, there is no evidence that the proposals will exacerbate or cause a detrimental impact upon highway safety and the Highway Authority's earlier comments still stand. As I have stated previously, the Local Planning Authority could consider the potential for the loss of existing residents parking amenity as a result of overspill car parking from the development. As Highway Authority we can only consider the road safety implications of overspill car parking.

Comments received 10th October 2023

The proposal is for the partial demolition, conversion, and alteration of existing outbuilding to form a three-bedroom chalet bungalow. The site is located on Main Road, an A-classified road subject to a speed restriction of 30 mph in this location.

This application is supported by a Transport Statement prepared by Transport Planning Associates. Following an inspection of the submitted application documents, WSCC in its role as Local Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for similar application 22/01005/FUL, raising no highways safety concerns. The Local Planning Authority (LPA) refused the application.

Access and Visibility

The applicant proposes to utilise the existing vehicular access on Main Road, with no alterations to this arrangement proposed. From inspection of WSCC mapping, there are no apparent visibility issues with the existing point of access on to Main Road. In addition, the proposed conversion to a single dwelling is not anticipated to give rise to a significant material intensification of movements to or from the site.

Parking and Turning

The applicant proposes to allocate two existing car parking spaces for use by the proposed dwelling. The proposed level of parking provision is suitable for a dwelling of this size and location. From inspection of the plans, the proposed parking bays are suitably sized and on-site turning appears achievable.

Any overspill parking that may occur as a result of the loss of two parking spaces for the Public House can be accommodated on-street. There are comprehensive parking restrictions in place on nearby roads that prohibit parking in places that would be detrimental to highway safety. The LHA does not anticipate that this development would give rise to an adverse highway safety impact, but the LPA may wish to consider potential impacts on on-street parking from an amenity point of view.

Regarding cycles, the applicant proposes a secure cycle store, which appears of suitable size to provide cycle parking provision in accordance with WSCC Parking Standards.

Sustainability

The site is situated just outside of Emsworth, with Southbourne village also nearby to the east. The site itself is within walking distance of local services and amenities - cycling is a viable option in the area. The site is well connected by public transport, with regular Coastliner bus services available from the A259. Emsworth Train Station is located approximately 1km northwest of the site.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle Parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

6.5 Environmental Protection

With respect to matters Environmental Protection would comment on, this revised application appears broadly the same as 22/01005/FUL, and the noise assessment submitted is identical to that submitted in support of 22/01005/FUL. Our comments are therefore the same as those submitted by my colleague Kate Simons on October 2022 which I reproduce below:

The EP team has reviewed the information submitted and our comments are as follows. Paragraph 193 of NPPF is applicable to this application and it includes the following 'where the operation of an existing business or community facility could have a significant adverse effect on new development (including change of use) in its vicinity, the applicant (or agent of change) should be required to provide suitable mitigation before the development has been completed" the applicant has submitted a noise assessment which has taken account of the relevant sources of noise in making the assessment and it includes mitigation suggestions.

We recommend the following condition is applied:

No development shall commence until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that appropriate standards are met for the approved use. Any approved noise mitigation measures shall be implemented prior to occupation and maintained thereafter.

The applicant's attention is drawn to the attached informative which offers clarification with regards to the specific requirements of this condition:

The Noise Mitigation Scheme can draw from the submitted Noise Assessment. It would be expected the scheme outlines mitigation details such as layout of rooms, glazing and ventilation specifications etc... The scheme would also offer predicted sound levels that are deemed acceptable to relevant guidance. During construction works it is recommended that a construction management plan is adhered to in order to control noise, dust, waste, traffic, lighting and other environmental impacts. The CMP should be secured by condition.

I would add that the applicant could have taken the opportunity of the revised application to submit their noise mitigation scheme, rather than leave this as a matter that would require a subsequent application to discharge condition. However suitable noise mitigation is achievable for this proposal, so I would not recommend refusal on noise grounds.

6.6 WSSC Education

Many thanks for the opportunity to comment on the above application, we can confirm that:-

We have no education comments to make in relation to this application.

6.7 Environmental Strategy

Nutrient Neutrality

Due to the impacts of nutrients on Chichester and Langstone Harbour SPA and guidance from Natural England relating to the requirement for nutrient neutrality, a nitrogen assessment for the site will be required as part of this planning application. Current maps of Chichester show that this site will discharge to Thornham which goes into Chichester and Langstone Harbour SPA. The assessment will need to calculate the nitrogen budget for the new development that would result in a net increase in population served by the wastewater system. This assessment will need to demonstrate that either the new development will avoid harm to Chichester and Langstone SPA or provide the level of mitigation require to ensure that there is no adverse effect. Though a nutrient calculator has been provided we require that the Nutrient Budget Calculator V2.3 is completed along with a Nutrient Neutrality report detailing how any increase in nitrates will be mitigated. The applicant will need to follow the NE - approved methodology and more information relating to this can be found here: <https://www.chichester.gov.uk/nutrientneutrality>

Bats

Following submission of the Bat Survey Report (Aug 2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like a bird box to be installed on the extension and/or tree within the garden of the property.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive, the piles must undergo soft demolition.

A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

6.8 Natural England

No Objection subject to appropriate mitigation being secured.

6.9 Third party objection comments

21 third party representations of objection have been received concerning the following matters:

- a) Not in keeping with the area
- b) Restrict parking
- c) Dangerous Road
- d) Disruption to residents during construction
- e) Location of commercial bins
- f) Harm to Listed Building
- g) Outbuilding should have Listed status
- h) Access for residents using the carpark
- i) Not enough space for a dwelling
- j) Outbuilding is of great value to the pub
- k) Threat to operation of pub

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. ~~Southbourne Parish Council has prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan has passed examination and the public referendum was 25 January 2024, the outcome of which is awaited at the time of writing. At this stage, the Neighbourhood Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2023). An update as to the weight of this plan will be provided in the update sheet for the Planning Committee.~~

Southbourne Parish Council has prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan was made on Tuesday 27 February 2024 and forms part of the Development plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone

7.3 Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19)

~~Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2023).~~

~~At this stage, the Neighbourhood Plan review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF.~~

The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now early 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

7.4 Southbourne Neighbourhood Plan

The Southbourne Modified Neighbourhood Plan was 'made' by Council on Tuesday 27th February 2024. This Modified Neighbourhood Plan is now a material consideration but it does not alter the LPA's position on this application.

Relevant policies from the published Southbourne Parish Neighbourhood Plan pre-submission modified plan 2014-2029 are:

- Policy SB1: Development within Settlement Boundaries
- Policy SB3: Local Housing Needs
- Policy SB4: Design in Southbourne Parish
- Policy SB6: Design and Heritage in Hermitage
- Policy SB11: Community Facilities and Local Shops
- Policy SB13: Green and Blue Infrastructure Network
- Policy SB14: Biodiversity
- Policy SB15: Trees, Woodland, and Hedgerows
- Policy SB17: Achieving Dark Skies
- Policy SB18: International Nature Sites
- Policy SB20: Water Infrastructure and Flood Risk
- Policy SB21: Sustainable Travel

7.5 National Policy and Guidance

Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. 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.

7.6 Consideration should also be given to the following paragraph and sections: 1, 2, 6, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.7 Other Local Policy and Guidance

The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- CHC Chichester Harbour AONB Management Plan (2014-2029)

7.8 Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. ~~The Council's most recent assessment of its Five Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.~~

7.10 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. In the absence of a 5YHLS new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries. The IPS is not formally adopted 'policy' and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

7.10a The Council has recently issued its Updated Position Statement on its 5YHLS housing supply (as of 1 April 2023). The current assessment for the Chichester Local Plan area identifies a potential housing supply of 2,661 net dwellings over the period 2023-2028. This compares with an identified housing requirement, over 4 years of 2,542 net dwellings. This results in a surplus of 121 net dwellings, equivalent to 4.19 years of housing supply.

7.11 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- 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. Planning appeal APP/23/00050/REF
- iii. Impact upon the Character of the National Landscape and the setting of the Listed Building
- iv. Impact upon the amenity of neighbouring properties/future occupiers
- v. Highways
- vi. Ecology
- vii. Drainage
- viii. Nutrient Neutrality
- ix. Recreational Disturbance
- x. Infrastructure
- xi. **Policy SB11: Community Facilities and Local Shops**
- xii. Other Matters
- xiii. Conclusion

Assessment

i. Principle of development

8.2 The site is located within the defined Settlement Boundary of Hermitage, which is identified by Policy 2 as a Service Village, capable of accommodating small housing developments, in accordance with Policy 5 of the Local Plan.

8.3 Policy 4 confirms there is an identified need for additional housing within the Plan period and sites within the settlement boundary, are sustainable locations for new residential development, subject to the further material considerations set out below.

8.4 The proposal is unlikely to be of detriment to the viability of the Sussex Brewery Public House (PH) as the applicants have advised the current outbuilding has been in limited storage use. They have also adequately demonstrated there is sufficient storage within the PH to meet the needs and demands of the PH. There is likely to be a degree of disruption that results during the construction works; however, this should be minimal and a Construction and Environmental Management Plan, would help to minimise these impacts. As it is the brewery applying for this application, it is unlikely they would wish to adversely impact the operations of the PH during the building works. In any event, the disruption would be relatively short-term given the modest nature of the building works. Consequently, it is considered unlikely the proposal would adversely impact the viability of the PH.

ii. Planning appeal APP/23/00050/REF

8.5 In August 2022 Planning Permission was sought for the 'Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping'. The application was

refused in June 2023 under delegated powers due to the lack of contribution towards the Strategic Road Network (SRN) and is currently subject to Appeal.

- 8.6 This application is identical to the Appeal scheme, with the exception being that the applicant is now agreeable to paying the contribution to the SRN. The purpose of this application is twofold. Firstly, the applicant in submitting this application is seeking to obtain planning permission, in advance of a decision issued by the Inspector. Secondly, it allows the applicant to address the second reason for refusal, which relates to the contribution towards Recreational disturbance, which was not sought on the original planning permission due to the refusal. **The applicant has now agreed to pay the A27 and Recreational Disturbance contribution for this appeal. If both of these contributions are paid, then the applicant has addressed both reasons for refusal on the application subject to Appeal.**
- 8.7 Consequently, whilst officers and the Planning Committee are considering a new planning application, it is noteworthy that it would be likely to constitute unreasonable behaviour if the Planning Committee was to raise new issues with this application, over and above the contributions required towards the Strategic Road Network and Recreational Disturbance.
- iii. Impacts Upon the character of the National Landscape and the setting of the Listed Building
- 8.8 Policy 33 of the Local Plan, seeks to ensure that new development provides for an appropriate density of development and respects and, where possible, enhances the character of the surrounding area and site and its setting in terms of its proportion, form, massing, siting, layout, density, height, size, scale. Policy 43 concerns development within the Chichester Harbour National Landscape and requires proposals to meet the five criteria listed within the policy, whilst also ensuring proposals protect the natural beauty and distinctive features of the National Landscape and limiting development to that which reinforced and response to, rather than detracts for the special qualities of the National Landscape.
- 8.8a Paragraph 182, Section 15 of the NPPF outlines how great weight should be given to conserving and enhancing landscape and scenic beauty in AONB. Development within these areas should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.**
- 8.9 Policy 47 of the Local Plan refers to both heritage and design; setting out that new development should recognise, respect, and enhance the local distinctiveness and character of the area. NPPF Paragraphs 131 and 135, seek to ensure that development is high quality, creates better places to live, adds to the overall quality of the area and is visually attractive as a result of good layout.
- 8.10 Policy SB1 of the Southbourne Neighbourhood Plan outlines how development within the Settlement Boundaries will be supported if they respect their setting, form and character of each settlement as defined in their respective design policies in the neighbourhood plan and ensure good accessibility to local services and facilities. Policy SB6 outlines design and heritage in Hermitage and states that proposals will be supported if the nature and location of the proposal has regard to: The significance of Slipper Mill Pond and Peter Pond in providing visual amenity on the western edge of the area, the views towards

Emsworth Conservation Area, importance of retaining established trees and public open spaces at Mill End, use of brick, flint and clay tiles in the early cottages and terraces either side of Main road, and finally, the openness of the south of the area and the uninterrupted views towards Chichester Harbour. SB4 makes reference to Design in Southbourne, with development being supported where their scale, density, massing, height, landscape design, layout and materials reflect and enhance the architectural and historic character of the area. Specific reference to the Chichester Harbour National Landscape highlights how consideration should be given to the distinctive character and qualities of the National Landscape.

- 8.11 The proposals seek to largely retain the existing building, which the Council's Principal Conservation and Design Officers considered to be of reasonable quality and bearing some similarity to the historic brickwork of the main listed building. The existing brick walls are to be retained with the existing roof to be removed and replacing with a taller, half hipped roof with barge boards. The building will be shortened through the removal of the southern end of the building. A new entrance will be introduced to the northern elevation, utilising an existing window. The western elevation will see the timber doors removed and bricked up, with new painted timber windows introduced. The existing boundary wall would be retained, save for a small pedestrian entrance.
- 8.12 The resultant dwelling would be appropriate in its form, size and scale when compared with the traditional context of the site and its surrounding. The overall domestic appearance of the building has been restrained which serves to accentuate the character of the dwelling as the site of a former historic outbuilding. It would remain subservient to the larger Sussex Brewery PH, despite the increase in height. The hierarchy of built development within the site remains respectful of the former, ancillary function of the store building. The dwelling would be more assertive within the streetscene; however, this is balanced against the improvements to the form of the building. It is therefore not considered to result in an overly assertive or harmful form of development.
- 8.13 The alterations will see a more sympathetic and appropriate appearance for this building, which has been subject to some unsympathetic alterations and materials. The use of quality, traditional materials, which are reflective and in keeping with the character of the area, will be key to the success of the dwelling. Officers would wish to obtain details and samples of the materials before construction commences, including a sample panel of brickwork. The applicant has indicated their desire to use traditional materials, including clay tiles and painted timber windows and would be agreeable to such conditions.
- 8.14 The concerns relating to the loss of a Community Asset raised by the Parish Council and third parties has been assessed as part of the application. The outbuilding is currently used as storage for the public house. Despite historic use of the site for hosting the art trail, the conversion of this outbuilding would not result in the loss of an important economic site, Community Asset or other use class which would be of detriment to the wider community. **This is further assessed under section xi.**
- 8.15 Under the original application 22/01005/FUL the conservation and design officer assessed the heritage significance of the existing outbuilding. The senior officer noted that the outbuilding fails to meet the test to be considered a Non-Designated Heritage Asset which would be the strongest argument against demolition. Overall, subject to high quality materials, the conservation officer deemed that there would be no compelling reason to refuse the application in conservation and design terms.

- 8.15a The Chichester Harbour AONB SPD outlines how development should complement the surrounding character, with the use of traditional, natural materials generally being more appropriate. It outlines how windows should be complementary size, scale and style to the original dwelling, and focuses on how development should be assessed on its impact as viewed from the wider landscape. Policy 2 of the Chichester Harbour AONB Management plan highlights how all development in Chichester Harbour should continue to conserve and enhance the AONB.**
- 8.15b The development would sit within an area characterised by a mix of residential built form. Properties in this area are generally two storey with a mix of detached, semi-detached and terrace with a range of materials including brick, flintwork and render. As discussed in the paragraphs above, the proposal would result in a reduction in built form to create a dwellinghouse which would be comprised of traditional materials including clay tiles and timber windows. The proposed dwellinghouse would sit below the ridge of the immediate neighbouring properties to the east, and would result in the appearance of a traditional chalet bungalow. Due to the development remaining in keeping with the guidance from the AONB SPD with regards to the form, appearance and materials, it is considered that the proposal would not detract from the character of the National Landscape, and would not appear out of keeping with the character of the area. Furthermore, the property is not widely visible from public vantage points within the National Landscape. As such, the proposed development would not impede or impact on any wider views from the Harbour, and would not be considered harmful to the rural character of the National Landscape.**
- 8.16 Consequently, the proposal would result in an acceptable form of development, which would improve the quality of an existing building. It would result in a somewhat more assertive building within the streetscene; however, this is not considered to be adversely harmful to the streetscene, setting of the listed building or the National Landscape. The impacts upon the setting of the listed building and on the immediate streetscene, would be neutral. Finally, as the building lies within an existing cluster of development, it is not widely visible from public vantage points, or key views from within the wider National Landscape. The proposal would therefore comply with Policies 33, 43 and 47 of the Local Plan and NPPF Paragraphs 131, 135 and 182, which seek to ensure that development is high quality, creates better places to live, adds to the overall quality of the area and is visually attractive as a result of good layout, and Policies 1, 4 and 6 of the Southbourne Neighbourhood Plan.
- iv. Impact upon the amenity of neighbouring properties/future occupiers
- 8.17 The National Planning Policy Framework in paragraph 135 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.18 The proposal would result in the conversion of an existing building, albeit with a modest increase in height into a dwellinghouse. The heightened building, which retains its current footprint would result in an acceptable relationship with neighbouring properties, in respects of outlook, privacy and available light. The proposal incorporates of fairly modest enclosed rear garden space, which is below what the Council would typically expect to

see. However, in considering the context of the site, and its surroundings, the size of garden would not be dissimilar to neighbouring properties within the area. Similarly, the dwelling itself is modest, and likely to be occupied by a smaller household, rather than a larger family, and consequently Officers are satisfied, on balance, with the level of amenity space provided.

- 8.19 The applicant has submitted a noise assessment which has taken account of relevant sources of noise in making the assessment and it includes mitigation suggestions. The report includes necessary mitigation measures to protect the future occupiers from adverse noise impacts from the neighbouring PH. The noise report has been reviewed by the Council's Environmental Protection Officer (EPO), who is satisfied with its conclusions. The Council's EPO has suggested a condition to secure a suitable noise mitigation scheme, which would be required to be submitted to the LPA for approval, prior to implementation. Therefore, subject to compliance with this condition, the proposal would be acceptable in respects of noise.
- 8.20 The proposal therefore complies with Policy 33 Local Plan and Paragraph 135 of the NPPF which seek to promote a high standard of amenity for existing and future users and ensure suitable mitigation is provided when existing business currently operates.

v. Highways

- 8.21 Paragraph 114 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation and ensure adequate access to the public highway and one-site parking needs which meet the current West Sussex County Council guidance.
- 8.22 The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways, who have raised no objection to the proposed development. The proposal would allocate two of the existing parking spaces, associated with the Public House (PH) to the proposed development, with any shortfall in parking to the PH capable of being accommodated within the highways network. This has raised particular concern; however, given the robust parking restrictions within the area, it is considered there are adequate protections in place to prevent unlawful or dangerous parking practices.
- 8.23 The Chem Route was previously put on hold by National Highways as West Sussex County Council (WSCC) were due to review their speed limit policy and the speed limit along the A259. As such, it has not yet been provided or developed to a stage which would necessitate weight being attributed to it within the planning balance.
- 8.23a In light of the concerns raised in the previous committee, the applicant has supplied a Highways technical note to address the concerns relating to refuse vehicles including a swept path analysis. The swept path analysis shows that a refuse vehicle would still be able to adequately access the site and turn appropriately. This would maintain the existing method of collection.**

- 8.23b** In light of the concerns raised due to accidents along Main Road, WSCC Highways have been consulted on the proposal with regards to highways safety, and they have raised no objection. The site would be utilising the existing access which is used for patrons of the pub, as well as the properties to the rear. Sufficient swept path analysis and visibility splays have been provided. There is no new access being proposed onto the road, and as the highways officers do not raise objection to the use of this access, it would seem unreasonable to refuse the application on highways safety concerns. The most recent comments dated 07.03.2024 highlight that “the data does not show any collisions caused by road defect, road layout or cars parked on-street...it is difficult to justify that such proposals would give rise to an adverse impact in this regard”.
- 8.23c** Officers note the comments from WSCC Highways outlines an error in the swept path diagram appearing to show the refuse vehicle mounting the kerb and going over a wall. The applicant submitted revised drawings correcting this error, and the Highways officer was reconsulted. It was confirmed that the swept path plans submitted are acceptable. Officers wish to stress that the original access point onto the Main road remains unchanged, and that the original agreement is for refuse vehicles to access the site at present, there would be no concerns in relation to the future access as the vehicles are at present accessing the site with seemingly no issues.
- 8.23d** As well as the swept path analysis for refuse vehicles, the applicant has provided swept path plans to show the access for the neighbouring property, to show that there would still be sufficient turning and access for a transit type van in light of the new development.
- 8.23e** In considering the above, the proposal is considered to result in an acceptable impact upon the highways network, with the proposal having been robustly considered by the Highways Offices. Consequently, the Officers are satisfied in respects of highways safety, turning and parking.

vi. Ecology

- 8.24** Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded.
- 8.25** The proposal has been reviewed in consultation with the Council's Environmental Strategy Officer, who is satisfied with the mitigation proposed by the Bat Survey Report (Aug 2022). The imposition of a planning condition to ensure compliance with the Bat Survey Report, its findings and the other suggested mitigation and enhancements measures will ensure the biodiversity of the site is retained and enhanced. Consequently, the proposal can be considered to comply with Policy 49 of the Local Plan and Paragraph 186 of the NPPF.
- 8.26** There are two trees to the north of the site, which lie within the control of the application. These trees are to be retained. As the walls of the existing building are to be retained, it is unlikely the proposal would result in any adverse impacts upon the rooting systems of these trees. However, given the proximity of the trees to the existing façade of the

building, and the tight confines of the site, it is considered preferable for tree protection measures, likely ground protection measures to be provided. Officers are satisfied these could be adequately secured via condition.

8.26a Policy SB14 of the Southbourne Modified Neighbourhood Plan outlines how development proposals should take account of the protected and other notable biodiversity species, with criteria B outlining how development proposals should contribute to, increase and enhance the natural environment by providing additional habitat resources for wildlife and demonstrate that any potential impacts upon priority species and habitats have been fully assessed and mitigated to deliver at least 10% net gain in biodiversity.

8.26b Biodiversity Net Gain is also required for development under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Planning Practice Guidance dated February 2024, however this is currently in force for all major applications, with BNG not being a requirement for minor planning applications until 2nd April 2024. Biodiversity Net Gain is also required for development under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). We are currently in a transitional period with relation to National BNG, and as such, weight can be given to Policy SB14 of the SBNP.

8.26c The proposal would not result in the net loss of any important biodiversity habitats, with the proposal being sited within a paved carpark. Under the biodiversity metric, impermeable hard landscape is described as being urban developed land with sealed surface, with a very low distinctiveness. The proposal would include the removal of part of the built form on site, and the fencing of the existing car park which would be replaced with grass and hedges. Along with this would be the provision of bird nesting boxes and insect boxes on site. These all contribute to an increase in biodiversity for the site. Further to this, the application would be conditioned in line with the bat survey to ensure it provides a reduced level of lighting, bat boxes and further ecological enhancements which help to contribute towards the 10% net gain in biodiversity by creating and enhancing the habitats on site.

vii. Drainage

8.27 The proposal indicated surface water would be disposed of via the public sewer, which is likely how the existing surface water is disposed of. Given the scale of the development, Officers are satisfied Building Regulations will adequately secure the most appropriate surface water disposal for the site.

viii. Nutrient Neutrality

8.28 The site is served by a WwTW that discharges into a Solent European Protected Sites. In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the by the LPA via an 'Appropriate Assessment' to assess the impact on the designated sites in accordance

with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.

8.29 The scheme proposes to off-set the increase nutrients arising from the development by means of an agricultural reversion scheme in which land is left as nil-input land following the cessation of arable farming. Natural England have confirmed agreement to this approach and an overarching S106 agreement has been produced to secure the proposed mitigation. The overarching agreement has enabled a third-party credit system to be developed, whereby developers can purchase credits, which equate to an identifiable parcel of land within the off-site mitigation scheme at Droke Farm. The purchasing of the relevant number of credits, is secured via planning condition, and developers are required to submit evidence of credits having been purchased, prior to the commencing of works. However, in this instance the applicant has already purchased the necessary credits and provided evidence of this to the LPA. Consequently, the LPA are satisfied the development can achieve nutrient neutrality and would not have an adverse impact upon European designated sites. The proposal would therefore comply with Section 15 of the NPPF 2023 and regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended).

ix. Recreational Disturbance

8.30 The site falls within the 'Zone of Influence' for the Chichester and Langstone Harbour Special Protection Area whereby Policy 50 of the Local Plan advises development resulting in an increase in residential development is likely to have significant environmental impacts on this internationally important designation, in respects of Recreational Disturbance.

8.31 An appropriate assessment relating to the impacts of the development has been carried out and it is considered that the entering of a legal agreement to secure a financial contribution to offset the impact provides adequate mitigation. The contribution would be made towards the Bird Aware Scheme, which is a strategic mitigation package derives to mitigate the impacts. Due to this contribution, the proposal would comply with Policy 50 of the Local Plan.

x. Infrastructure

8.32 At the time of writing, it is considered that the emerging Local Plan is at an advanced stage of preparation and its weight as a material consideration in the determination of planning applications has increased. The Chichester Local Plan Review (LPR) will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the strategic road network (A27).

8.33 The LPR sets out a strategy to provide long term mitigation of these impacts, up to 2039, which requires all new housing development (net increase) to contribute towards identified improvements. In the absence of any such contribution the proposals would lead to an unsustainable increase in impacts upon these networks and would undermine the ability of the emerging LPR to deliver an appropriate mitigation strategy to see further growth of up to 3,600 dwellings beyond existing commitments.

8.34 The applicants have agreed to pay the financial contribution towards the A27, and this will be secured via S106.

8.35 The proposal therefore meets Policy 9 of the Chichester Local Plan 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission and Paragraphs 8, 108, 110 and 114 of the National Planning Policy Framework.

xi. **Policy SB11: Community Facilities and Local Shops**

8.36 Policy SB11 of the Southbourne Modified Neighbourhood Plan seeks to protect community facilities and local shops in the Parish from a change of use to a non-commercial use. The criteria outlined in the policy highlights that proposals involving the loss of facilities will not be supported unless it can be demonstrated that they are no longer financially viable in line with the provisions of the relevant Local Plan policies, Criteria B outlines how proposals to change the use of a facility, or part of a facility that is surplus to requirements must demonstrate that all reasonable steps have been taken to retain its present use and community value as a viable concern. Paragraph 5.53 of the Modified Neighbourhood Plan highlights how this policy is intended to afford protection for community facilities and local shops to ensure their long term community or retail value is not lost without good reason. Its intent is broadly in line with CLPKP Policy 38 on community facilities and operates alongside the guidance of CLPKP Appendix E on marketing.

8.37 Officers are aware of the concerns raised from consultees and third parties relating to the threat to the operation of the pub, with references being made to Policy SB11 of the Neighbourhood Plan. It is well understood that those parties feel that the conversion of this outbuilding could eventually result in the loss and closure of the pub, which is considered to be an important part of the community. It is important to note that the assessment of the current application cannot be decided on speculation or the potential future applications on the site.

8.38 The assessment at present is for the works outlined in the proposal and it would be unreasonable to refuse the application on the basis of how the site may be perceived to change in the future. The application is for the conversion of an outbuilding which was used as additional storage to The Sussex Brewery. This storage space has been moved internally within the pub, and as such the outbuilding is not being used in connection with the pub.

8.39 When considering paragraph 5.53 of the SBNP, it states that it runs broadly in line with policy 38 of the CLP. Policy 38 of the CLP relates to the loss of an existing community facility. The proposal would not result in the loss of a community facility. It will result in the loss of a storage building in connection with a community facility, however the storage building is not required for the functioning of the community facility, as the function it provides has been facilitated within the pub as outlined in the design and access statement.

xii. **Other Matters**

- 8.40 Officers note the reference the Parish Council has made to the refused application in 1986. Officers would like to make the Committee aware that the determination of an application in 1986 was made under different policy context and is therefore not a material consideration when assessing the current application. The proposal must be assessed on the merits and context of the current time and location, and determined under the most recent and relevant constraints and issues that affect the site.
- 8.41 Officers note the third-party concerns relating to disruption to residents during construction. As with all development, necessary building works and contractors would be required to facilitate the works. To control and manage the disruption during this time, a suitable condition requiring the applicant to submit a CEMP would be included to ensure that the details of construction are discharged prior to implementation of the scheme to safeguard neighbouring amenity and safety.
- ~~8.42 Officers are aware of the concerns raised from consultees and third parties relating to the threat to the operation of the pub, with references being made to Policy SB11 of the Neighbourhood Plan. It is well understood that those parties feel that the conversion of this outbuilding could eventually result in the loss and closure of the pub, which is considered to be an important part of the community. It is important to note that the assessment of the current application cannot be decided on speculation or the potential future applications on the site. The assessment at present is for the works outlined in the proposal and it would be unreasonable to refuse the application on the basis of how the site may be perceived to change in the future. The conversion of the outbuilding would be removing an outbuilding in connection with the pub. The application is not for the removal of the pub and so cannot be considered on the basis of this.~~

xiii. Conclusion

- 8.43 The proposal would result in the provision of an additional dwellinghouse, within the Hermitage Settlement Boundary, which is designated as a Service Village within the Local Plan. The proposal would be appropriate in its form, size and scale when compared with the traditional context of the site and its surrounding and improve the quality and appearance of the existing store building. It would result in a slightly more assertive building within the streetscene; however, it would remain a modest structure respectful of the hierarchy of development within the site. The sensitivity of the design, together with the use of appropriate traditional materials, which could be secured via condition, ensures the proposal has an acceptable impact upon the setting of the listed building and the character of the National Landscape.
- 8.44 The proposal is considered to result in an acceptable impact upon the highways network, provides adequate parking and an appropriate level of amenity for future occupiers and neighbouring properties.
- 8.45 The scheme is acceptable in terms of its ecological impacts, subject to securing the mitigation set out within the bat report, and the scheme can demonstrate nutrient neutrality.
- 8.46 The applicant would contribute to the Strategic Road Network (SRN) due to its likely unacceptable impact on the safety and function of both the SRN and Local Highway Network (LHN). This contribution would meet the requirements of Policy 9 of the

Chichester Local Plan 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission and Paragraphs 8, 108, 110 and 114 of the National Planning Policy Framework.

- 8.47 The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increase recreational disturbance. The applicant has agreed to pay contribution to the proposal which would meet Policy 50 of the Chichester Local Plan Key Policies 2014-2029 and would also meet the Conservation of Habitats and Species Regulations 2017 and the advice in the NPPF.
- 8.48 Due to the above, and having regard to all other material considerations, it is recommended that, subject to a S106 to secure the A27 contribution and Recreational Disturbance mitigation, and the conditions set out below, permission is granted.

Human Rights

- 8.49 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

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,

- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including management of litter and construction waste, including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

4) No development shall commence until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that appropriate standards are met for the approved use. Any approved noise mitigation measures shall be implemented prior to occupation and maintained thereafter.

Reason: In order to maintain reasonable living conditions for the future occupants of the proposed dwellings. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

5) No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left un severed. All in accordance with BS 5837:2012.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

6) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

7) Notwithstanding any details submitted no development/works shall commence above slab level until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) and all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality

8) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

9) No part of the development shall be first occupied until the car parking has been constructed in accordance with the Proposed site plan (10.00 REV E). These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

10) Prior to first use of the proposal hereby approved, the rooflights hereby approved shall have installed automatic dusk till dawn blinds (to block all internal light emissions) which shall be retained and maintained to an operational manner in perpetuity.

Reason: In accordance with dark skies policy, and to preserve the special character of the National Landscape and tranquil character of the countryside.

11) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- b) To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.
- c) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- d) A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.
- e) Bird boxes should be installed on each of the dwellings.

Reason: In the interests of protecting biodiversity and wildlife.

12) The development hereby permitted shall not be carried out other than in full accordance with the Preliminary Ecological Appraisal (May 2022) and subsequent Bat Survey Report (August 2022) prepared by Hampshire Ecological Services Ltd.

Reason: In the interest of conserving and enhancing biodiversity

13) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

14) 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.

15) Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order **other than** as specified on the submitted application documents.

Reason: To clarify the extent of this permission.

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 - PROPOSED SITE PLAN	10.00	E	21.08.2023	Approved
PLAN - PROPOSED FLOOR PLAN	10.01	C	21.08.2023	Approved
PLAN - ELEVATION (FRONT) - PROPOSED	10.02	B	21.08.2023	Approved
PLAN - PROPOSED LANDSCAPING DETAILS	10.03	D	21.08.2023	Approved
PLAN - STREET SCENE / CONTEXT PLAN - PROPOSED	10.04	B	21.08.2023	Approved
PLAN - DEMOLITION PLAN	10.05	B	21.08.2023	Approved
PLAN - SWEEP PATH ANALYSIS OF AN 11M REFUSE VEHICLE	SP04		08.03.2024	Approved
PLAN - SWEEP PATH ANALYSIS OF A TRANSIT TYPE VEHICLE	SP05		08.03.2024	Approved
PLAN - SWEEP PATH ANALYSIS OF A TRANSIT TYPE VEHICLE	SP06		08.03.2024	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.

2) 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).

3) The Noise Mitigation Scheme can draw from the submitted Noise Assessment. It would be expected the scheme outlines mitigation details such as layout of rooms, glazing and ventilation specifications etc... The scheme would also offer predicted sound levels that are deemed acceptable to relevant guidance. During construction works it is recommended that a construction management plan is adhered to in order to control noise, dust, waste, traffic, lighting and other environmental impacts. The CMP should be secured by condition.

For further information on this application please contact Freya Divey on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZQXVPERM6D00>