



For questions regarding this agenda please contact Pasha Delahunty: pasha.delahunty@conservancy.co.uk

CHICHESTER HARBOUR CONSERVANCY – PLANNING COMMITTEE

A meeting of the Conservancy's Planning Committee will be held at 10.30am on Monday 15 May 2023 at Eames Farm, Thorney Road, Thorney Island.

Matt Briers CBE, CEO

AGENDA

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

Members and officers are reminded to make declarations of pecuniary or personal interests they may have in relation to items on the agenda and to make any declarations at any stage during the meeting if it then becomes apparent that this may be required when a particular item or issue is considered. Members are also reminded to declare if they have been lobbied in relation to items on the agenda.

3. MINUTES

Minutes of the Planning Committee meeting held on 6 March 2023 (Page 1).

4. DEVELOPMENT APPLICATIONS

- a. SB/00700/FUL – Sandhead, Rookwood Lane, West Wittering (page 11)
- b. BI/23/00067/FUL - Russells Garden Centre (page 21)

5. CHICHESTER HARBOUR AONB PLANNING PRINCIPLES

To discuss and review a report on PP11, PP12 and PP13 (page 48)

6. TABLE OF DELEGATED DECISIONS

To consider the report from the Principal Planning Officers (page 53).

7. QUARTERLY REPORT

To consider the report from the Principal Planning Officers (page 64).

8. DATE OF NEXT MEETING

Monday 12 June 2023 at Eames Farm, Thorney Road, Thorney Islands from 10.30am.

Planning Committee members: *Heather Baker, Jackie Branson, Jane Dodsworth, John Goodspeed, Pieter Montyn, Adrian Moss, Nicolette Pike (Vice-Chairman), Lance Quantrill, Sarah Payne, and Alison Wakelin (Chairman). Two Conservancy Board vacancies.*

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CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE

Minutes of the meeting held on Monday 6 March 2023 at Eames Farm, Thorney Road, Thorney Island.

Present

Alison Wakelin (Chairman), Pieter Montyn, Adrian Moss, Lance Quantrill, Heather Baker, Sarah Payne.

In attendance

Christopher Snell (Observer), **Euan O’Sullivan (Observer), Harriet O’Sullivan (Observer).**

Officers

Richard Craven, David Rothery (DR), Linda Park (LP), Steve Lawrence (SL), Pasha Delahunty (Minutes).

The meeting started at 10:30am

1.0 WELCOME AND APOLOGIES FOR ABSENCE

1.1 The Chairman welcomed Christopher Snell, Euan **O’Sullivan and Harriet O’Sullivan** to the meeting as observers. Sarah Payne and Pasha Delahunty were welcomed to their first planning meeting. Richard Craven was also welcomed to the meeting.

1.2 Apologies for absence were received from Jackie Branson, Jane Dodsworth, John Goodspeed, Nicolette Pike and Richard Austin.

1.3 The Chairman shared that after 4.5 years with the Conservancy, this would be David **Rothery’s last meeting as will be retiring. The Members expressed much appreciation and thanks for David’s hard work and diligence.**

2.0 DECLARATIONS OF INTEREST

2.1 Adrian Moss disclosed that he has met with the owners of Apuldram House (item 4b) on ward business.

2.2 Lance Quantrill declared an interest in Tournerbury Woods (item 4a) as he has supported the application via a deputation made to Havant Borough Council at its 1 December 2022 Planning Committee meeting and will withdraw from the meeting when the application is discussed.

2.3 Pieter Montyn clarified that while Chichester Marina (item 4c) is in his division, he has had no contact with the owners of the property.

2.4 The Chairman reminded Members that declarations can be made during the meeting as well, if it becomes apparent that an interest does need declaring.

3.0 MINUTES

3.1 Resolved – That the minutes of the meeting of Committee held on 23 January 2023 be approved as a correct record and that they be signed by the Chairman.

4.0 DEVELOPMENT APPLICATIONS

4a. AP/23/00076 - Tournerbury Woods, Tournerbury Lane, Hayling Island

(Lance Quantrill withdrew from the meeting)

- 4.1 The Principal Planning Officer (SL) presented his report to members on the application for a change of use of land and woodland (retrospective) as a wedding and event venue with associated buildings, structures and campsite. The application proposes an alternative vehicular track to the venue, which has largely been constructed under an earlier planning permission. This is the major difference between the still undetermined application APP/21/01310, seeking to address reasons why Havant Borough Council deferred determination on 1 December 2022. Much of the documentation submitted is the same as the initial application with the principal changes relating to the red-line route into the woods.
- 4.2 The Planning Officer also shared that a material change now being relied on by the applicant are the views of Natural England, which were only received the day the Conservancy Planning Committee considered APP/21/01310 (31 January 2022). It was noted, that the Chichester Harbour SSSI condition review conducted by Natural England in November 2022, focuses on Unit 3 of the SSSI which mostly washes over the whole red-line area of application APP/23/00076.
- 4.3 Members were reminded that previous applications relating to this alternative route into Tournerbury Woods were presented in 2012, again in 2013 and renewed in 2018. It appears that the Applicant has tried to be prudent and observe the Havant Borough Council (HBC) resolution defer consideration of APP/21/01310, in order to investigate the feasibility of the alternative route with that land owner, with application APP/23/00076.
- 4.4 Maps highlighting the differences between the red-line of the previous application and the current one were shown. While the initial application APP/18/00943 included a substantial part of the foreshore, this area is now much more reduced but still includes the area by which brides and grooms occasionally arrive by boat to the site. The main difference to the red line was the alternative route into Tournerbury Woods.
- 4.5 Chichester Harbour Conservancy (CHC) is concerned with the Visitor Management Strategy proposed. Hundreds of guests could attend events where only a rope barrier is being used to ensure people do not stray into off-limit areas, there is no practical way to ensure that the strategy itself would be followed.
- 4.6 There is some disagreement with the newly constructed road, however CHC has not previously objected to the alternative route. Removal of vehicular traffic from the current route which passes through the heronry was welcomed, and was a concern raised with applications APP/18/00943 and APP/21/01310.
- 4.7 While Natural England do not feel that the structure of Unit 3 of the SSSI has changed in some time, Conservancy Officers consider they did not review historic **erial photos. The Google Earth photos included in the Planning Officer's** slide presentation do show some tree loss from the wedding area and car park. The CHC Ecologist considers the Natural England review to be a high level examination of the site, without considering the impact of the SSSI prohibited operations thus far carried out without a Natural England licence or relevant planning permission.
- 4.8 A series of pictures showing the surface of the road, without the final wearing course of tarmac and the fork in the road where the new road finishes short of Tournerbury Woods, were shown to the Committee. These also show that where

car parking areas have been formed the ground layer is highly modified where stone chippings have been used.

- 4.9 Slides of arial photos taken over time show the main wedding pavilion first appearing in 2015, although it might have been there earlier as it is believed to have been used but taken down after events in the earlier days.
- 4.10 **Included in the Officer's report** was a slide, now part of the application, which includes a number of statements made by the Tournerbury Woods Estate about how visitors using the site are supporting the enhancement of the AONB and woodlands; there are no examples of how this is happening. Members were also shown a slide, previously presented by the Applicant 31 January 2022, which shows Unit 3 of the Chichester Harbour SSSI as being in a favourable condition.
- 4.11 The undetermined Applications APP/21/01310 and APP/23/00076 do not include Woods Cottage within the red-line and the presenting Officer continued to query the lawfulness of using that building as part of the overall use of the site.
- 4.12 Plans of the wedding marquee show the structure stands 8.5 metres above ground level at the conical peaks. There are some views of the facility from **My Lord's Pond**. Also noted in the sectional drawing was the zone array system and double door lobby both used to curtail noise escaping the marquee.
- 4.13 **The Phase One habitat survey was shared in the Planning Officer's report** and presentation. The foreshore is shown in the application line of that survey.
- 4.14 The Holbury shadow habitats regulations assessment reports no significant impact to the SSSI or adjacent SPA and SAC. Natural England have made a holding objection to the red line of application APP/23/00076, as no ecological impact assessment of where the alternative route passes through Tournerbury Woods has been undertaken. Natural England had not objected to APP/21/01310 though.
- 4.15 The Planning Officer recommends that as an enforcement notice has already been served at the site, a stop notice should also now be issued. The suggested position of CHC is to continue to object to the planning application as the Visitor Management Plan proposed would be practically unenforceable by the Council as local planning authority.
- 4.16 **The Chairman suggested that questions be held until the Applicant's deputation** was heard.

Deputation by Applicant - Christopher Snell

- 4.17 **The following were highlights from Mr Snell's deputation to the Committee:**
- Unsure why CHC is fighting itself, when he asserted that the ecologists and legal representatives at the initial pre-inquiry meeting relating to the Appeal against the refusal of APP/18/00943 agreed a stop notice would not be put on the site.
 - It makes CHC look foolish as they agreed with Havant Borough Council, but do not now like the situation so are pursuing a stop notice.
 - Even if APP/21/01310 and/or APP/23/00076 are refused and Tournerbury Woods lose at the appeal, the estate has been in our family since 1931 and pursuits on the land will continue.
 - The space is bright green all the time and still is a great place.
 - Mr Snell confirmed that he would continue to fight CHC, the local council and the **Phillips' (which he acknowledged was a different matter) and if his application** was not successful, the estate would continue to host 28 weddings a year under the permitted development rights. He stated that he would simply pursue larger scale events from a different market.

- Mr Snell expressed concerns that a conflict of interest was not declared at the last meeting as the AONB Manager did not disclose that CHC had purchased Tournerbury Farm.
 - **Mr Snell advised discussions with the Phillips' in respect of being able to use the alternative route and therefore not have to travel though the Phillips' farmyard** were currently faltering over other covenant matters. These particularly related to those preventing redeveloping part of the farm with housing.
 - Mr Snell queried CHC ecologist Peter Hughes' **professional standing**. Tournerbury Estate employs six ecologists being members of the ecological society and Graham Stephens of Natural England who had carried out the recent SSSI condition review is a senior site assessor with many years of experience.
 - The Applicant regretted that Nicolette Pike was not in attendance at the meeting as she would be able to advise on the statutory legal duty of CHC to facilitate recreation in the harbour, which he stated had not been raised.
 - Mr Snell concluded his deputation by stating that he did not expect to convince Members.
- 4.18 Members expressed concern with what was presented by the Applicant. They came to the meeting ready to listen to both sides and would have welcomed new information to allow them to support the application.
- 4.19 Members highlighted a shared passion for Chichester Harbour and uniting the need to help restore it to what it used to be. Additional activity on the border of the harbour will not help in this regard.
- 4.20 A Member stated that they wanted to hear about progress and instead have heard threats. They further corrected that it was not CHC that had acquired Tournerbury Farm, but the Chichester Harbour Trust.
- 4.21 The Director and Harbour Master reminded the group that the main reasons why the condition of the SSSI in the main part of the harbour was in decline was due to climate change, costal squeeze, recreational use and nitrites.
- 4.22 Mr Snell responded by saying that despite the allegations of recreational disturbances in Tournerbury Woods, in 2010, 2015 and now 2022, Natural England believe the site to be in excellent condition.
- 4.23 The Chairman reminded the group that the focus of the discussion today was on the details of the new application. The new road does help to protect the heronry and is an improvement. She questioned if the other previous concerns were being addressed. The status of the road was unclear and there are no benefits going forward presented to conserve the AONB.
- 4.24 Mr Snell commented on the existing stretch of track through Tournerbury Woods which would link to the new route into the woods. He also highlighted that Natural England objected on the basis that the northern track was a virgin woodland track. Holbury consultants note that it is a hard road and not virgin woodland.
- 4.25 The Chairman noted that it would have benefitted the application to show that the use of the old track would cease, which could have been done with the addition of a locked gate.
- 4.26 A Member stated that as the group had not yet heard how their concerns would be addressed, the concerns themselves still existed.
- 4.27 The Chairman asked the Planning Officer for his final thoughts. He highlighted the following:

- He does not recall that an agreement not to pursue a stop order was agreed in the pre -**inquiry meeting referenced in the Applicant's deputation.**
 - The 28 day permitted development rights may not exist. Where such land was within the curtilage of a building (e.g. the marquee and/or covered deck) building, then the rights do not exist and no formal legal determination had been made on this.
 - He asked if members wished for him to contact Havant Borough Council to disclose that Tournerbury Farm was purchased by Chichester Harbour Trust.
 - **He refuted Mr Snell's claim against Peter Hughes, as he is a well-respected ecologist especially with regard to birds and would defend his opinion at Appeal if called upon to do so.**
 - Whilst the statutory need to support recreation is set out in the Chichester Harbour Management Plan, this is where it is shown to be consistent with conserving and enhancing the natural beauty of the area.
- 4.28 The Director and Harbour Master reiterated that while there was a duty to facilitate recreation, this was to be balanced with the environment.
- 4.29 The Chairman reminded the Committee that the permitted development rights should not be considered as they are not currently at issue. The members were advised to only consider what is being presented currently.
- 4.30 Action Point - The Committee asked SL to seek advice on if there is a conflict of interest to declared with regards to the purchase of Tournerbury Farm by the Chichester Harbour Trust .
- 4.31 Action Point - The Committee also asked that SL look into what was discussed at the pre-inquiry meeting.
- 4.32 Action point – SL to ask Havant Borough Council about its opinion on whether permitted development rights could be enjoyed by Mr Snell to hold events of any size for 28 days in each calendar year.

Recommendation

- 4.32 That Havant Borough Council, as Local Planning Authority (LPA), be advised that Chichester Harbour Conservancy supports the Planning Officers recommendation set out in the report and objects to the proposed application. The decision was unanimous.
- 4.b. AP/22/03196/FUL - Apuldram House, Dell Quay Road, Dell Quay, Apuldram, Chichester, West Sussex, PO20 7EE
- 4.33 The Principal Planning Officer (DR) presented his report to the members on the application for the construction of a replacement dwelling and garage with associated landscaping. While a number of material considerations were set out in the report, the recommendation is to raise no objection to the local planning authority.
- 4.34 Included in the report and highlighted to the group were a site outline and arial view of the current property. The proposed dwelling will be set slightly further away from harbour but in generally the same place on the plot. It is a typical two-storey mixed dwelling house. Pictures of the proposed and existing elevation and silhouette were shown to the Committee.
- (Lance Quantrill returned to the meeting)*
- 4.35 The building as submitted, would increase the envelope silhouette by 25%, which is permitted under PP03. The ground floor footprint has increased 67% which is

beyond the 50% allowed, however when the garage is taken into account this lowers to overall percentage to a permitted 48%.

- 4.36 A key criteria to consider is the impact on the character of the harbour visually and this application is not detrimental.
- 4.37 The Victorian Society commented to the LPA and raised concerns about the historical value of the property. This was brought to members attention for completeness of consideration. Their comments do not raise any additional concerns from an AONB landscape appraisal as the building is not Listed.
- 4.38 The Officer has found that neither the spatial pattern of the property or the use have changed. There are no significant change on potential impact on night skies. There is no significant impact on the AONB.
- 4.39 Members questioned if one benefit of the current building versus the proposed. It was confirmed that there is a net benefit to recede the building further away from the view of the harbour. Members asked about the aspect that would be seen from the water as all agreed that the current house was quite visible from the footpath. No new level of harm would be created by using sustainable materials which would make the building better for the environment. It was confirmed that pre-planning advice was sought for this project and the application have built on what was discussed.

Recommendation

- 4.40 The Chichester District Council, as Local Planning Authority (LPA), be advised that Chichester Harbour Conservancy raises no objection to the proposed development subject to the conditions as outlined in the Committee paper and those subsequently discussed. The decision was unanimous.

(Euan O'Sullivan and Harriet O'Sullivan left the meeting)

- 4.c BI/22/03026/FUL - Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ
- 4.41 The Principal Planning Officer (DR) presented his report to members on the variation of planning condition 3 to allow greater flexibility in the use of the existing business units. The Use Class of buildings A and D (Units A2 and D7) currently require marine based uses; however, the variation seeks flexibility on the usage to enable retention and creation of employment opportunities.
- 4.42 The objections set out in the report are that the variation could result in the loss of marine based employment. It was also suggested that a more flexible approach would effectively undermine the key waterside location of the units.
- 4.43 The Principle Planning Officer set out the proposed changes with reference to location plans and floorplans of the units included in his report. Under the proposal application units A2 and D7 would allow existing uses as well as non-marine based uses. He acknowledged that there has been some marketing of the site, however the feedback from both marine and non-marine businesses was that the units were too expensive or remote.
- 4.44 AONB PPO2 requires the safeguarding of marine enterprises. The applicant is seeking a wider economic base to use the floor space. In their arguments, the applicant operates ten other marine based properties and claim that no such restrictions apply to other sites. These other sites are effectively in urban settings with commercial or residential activities in the area. None of the other properties they operate are akin to the CHC site.

- 4.45 While the original appeal from July 2022 sought to remove all restrictions, the inspector acknowledged that CHC was a unique harbour and required a different approach to what other locations might warrant.
- 4.46 Chichester Harbour Policy 13 does speak to maintaining a prosperous economy in the area, however as demonstrated by the applicant there are both marine based activities as well as non-marine tenants being put off by the rental price being sought. Members supported the objections set out in the report. They were concerned that creeping conurbation could result in the area being a tourist attraction. They also found that if the marketing of the site was unaffordable for both marine and non-marine tenants, the issue might be with the rental price itself.

Recommendation

- 4.47 That Havant Borough Council, as Local Planning Authority (LPA), be advised that Chichester Harbour Conservancy supports the Planning Officers recommendation set out in the report and objects to the proposed application. The decision was unanimous.
- 4.d PP/22/01136 - Fiscal House, 2 Havant Road, Emsworth, PO10 7JE
- 4.48 The Principal Planning Officer (LP) presented her report to members on the alterations, extensions and change of use to the single storey offices from B1a to residential. Alterations to APP/21/01120 at Fiscal House to allow for pedestrian access and the reallocation of parking. Erection of 1no. dwelling to the rear.
- 4.49 **The Officer commented the site is currently used as a solicitor's office and** outbuilding. It is close to Emsworth Mill Pond and just outside the AONB. Site photos and representations show that much of the site is already hard surfaced with planning permission already in place to convert the villa at the top of the site to a 3 bedroom house. There is a clear view from across the site to Mill Pond.
- 4.50 It was highlighted that the proposal involves strikingly modern designs including a tall asymmetric pitched roof which would effectively make the southernmost new dwelling three storeys tall with two living floors above. The roof would be higher than the church. Being on the edge of the AONB, the Officers feel that the design is too tall and is not in keeping with the character of the surrounding buildings. Havant Borough Council's **landscape adviser has** also raised an objection on similar grounds. The recommendation is to object on these grounds. It was noted that the applicant did not seek pre-application advice from the CHC prior to their first application.
- 4.51 Members did not believe that the proposed application was suitable, attractive or in character with the surrounding area.
- 4.52 Action Point – Members asked that the recommendation to the Council include the proviso that the Committee would be mindful to support a suitable plan if presented and that the applicant should contact the CHC Planning Officer for advice.

Recommendation

- 4.53 That Havant Borough Council, as Local Planning Authority (LPA), be advised that Chichester Harbour Conservancy supports the Planning Officers recommendation set out in the report and objects to the proposed application. The decision was unanimous.
- 4.e SB/23/00024/OUT - Land to the north of Penny Lane, Hermitage, PO10 8HE

- 4.54 The Principal Planning Officer (LP) presented her report on the erection of up to 84 dwellings with associated parking, public open space, drainage and alterations to access. The Officer noted that while the application was outside of the AONB it is in close proximity and various footpaths run around the site. The application is outline in form and reserves all matters other than access, but does give some indication of the layout of the proposed dwellings and the landscape plans.
- 4.55 The Chichester District Council gap assessment does include part of the site and the gap is an important feature in terms of protecting the setting of the AONB. This gap is maintained within the application by restricting the development of the eastern part of the site. There is also a strategic wildlife corridor identified in the emerging Local Plan which includes an area of woodland to the west of the site. The proposed plan suggests this area would be retained and enhanced.
- 4.56 The Officer recommends that no objection is raised to the application subject to; (a) the buildings being restricted to two storeys so that they are not visible from the AONB, (b) a financial contribution to the Bird Aware scheme being secured, (c) the bat survey shortcomings being rectified, and (d) the wildlife corridor being safeguarded and suitable enhancements being secured through conditions.
- 4.57 A Member questioned if the waste water concerns would be examined at the next stage of the application. Members expected that the waste water would connected to Thornham Waste Water Treatment Works. The removal of the crop and the associated nitrites had been suggested as an improvement but this was debatable and not something for the Committee to consider.
- 4.58 A Member expressed concerns and was unhappy with the timing of the application as they felt it was premature given the stages of the CDC Local Plan and Southbourne Neighbourhood Plan.
- 4.59 Members agreed that there was a need to have a larger and more adequate wildlife corridor and therefore it was recommended that the comments on this aspect in the response be strengthened.

Recommendation

- 4.60 That Chichester District Council, as Local Planning Authority (LPA), be advised that Chichester Harbour Conservancy raises no objection to the proposed development subject to conditions as outlined in the Committee paper and those subsequently discussed. The decision was not unanimous. One member objected to the application.

5.0 CDC LOCAL PLAN CONSULTATION 2023

- 5.1 A proposed submission to the CDC Local Plan Consultation was distributed to Members prior to the meeting. The Planning Officer (SL) highlighted that the proposed dwellings located closest to the AONB were A11 – Highgrove Fam, Bosham, A12 – Chidham and A13 – Southbourne. While the Southbourne neighbourhood plan gives some detail on the development area, this information is not available for Bosham or Chidham. Projected housing numbers at these sites had reduced in aggregate by 405 dwellings, which was positive, although still a real threat to the setting of the AONB.
- 5.2 In general, the importance of the AONB was acknowledged in the plan and there are policies which support the nature and landscape of the AONB, which should be welcomed. While DM19 sets the AONB as part of the development management policy the general sentiment is that it would be better placed as part of the strategic management policy. The Planning Officer confirmed to Members that the CHC response would need to be made in a way that fit the criteria of the consultation.

- 5.3 **Members suggested that including the wording 'seriously concerned' could help** strengthen the CHC position. The suggestion was also made to highlight the NPPF as an impact on the AONB.
- 5.4 Members also commented on the duty to co-operate and noted that although suggestions were being made in the reverse (Waverley Borough Council being the only adjoining local authority asking Chichester District to absorb some of its objectively assessed housing need), no adjoining authorities are looking at taking **some of Chichester's allocated numbers.**
- 5.5 Resolved - Members were happy to support the report and thanked the AONB Manager and Planning Officers.
- 6.0 SB/21/02238/FULEIA – LAND AT GOSDEN GREEN NURSERY, 112 MAIN ROAD, GOSDEN GREEN, SOUTHBOURNE
- 6.1 A verbal update was given by the Principal Planning Officer (DR) on the Appeal Hearing attended by the AONB Manager and DR earlier in the week on the Land at Gosden Green Nursery. The application was for the 29 dwellings, with 8 being affordable. This application was originally refused by the Council in October 2021.
- 6.2 The Planning Officer (DR) reminded the Committee that this application has been presented prior and that a CHC submitted a letter supporting the refusal of the appeal format in June 2022. While originally intended to be heard through written representations, it became a much more formal hearing with legal advocates and witnesses in attendance. The Parish Council were also represented.
- 6.3 A key question of whether the development of 29 dwellings a major development was not on the agenda. The Principle Planning Officer (DR) submitted that it was for CHC and shared evidence to support this conclusion. At one point, the Officer used the submission of the applicant as a justification against their case.
- 6.4 Another essential area highlighted was that landscape details in their scheme might not be in their ownership and that the 2-3 metre boundary suggested was already deemed insufficient by the inspectors. Significant changes to the layout of the site would be required to satisfy the boundary issue.
- 6.5 The Officer confirmed that the hearing was kept open for two weeks to allow a technicality of housing numbers to be dealt with. The LPA will be asked to comment.
- 6.6 From feedback from the LPA and others, the Members were very thankful to David Rothery for the skills used during the hearing. They expressed gratitude for his commitment to the CHC and acknowledged that this was his final submission to the Committee.
- 7.0 TABLE OF DELEGATED DECISIONS
- 7.1 Members considered the Delegated report as submitted with the agenda documents. The Planning Officer (SL) shared that said Officers had made 8 objections since the last meeting. No questions were asked by Members.
- 8.0 QUARTERLY REPORT
- 8.1 Members considered the Quarterly report as submitted with the Agenda documents. The Planning Officer (SL) apologized that there was no statistical analysis of the rates included with the report. Members noted that there were a few conflicting decisions, but not many.

9.0 DATE OF NEXT MEETING

9.1 The next Planning Committee meeting is scheduled for Monday 17 April 2023 at County Hall, West Sussex County Council from 10.30am.

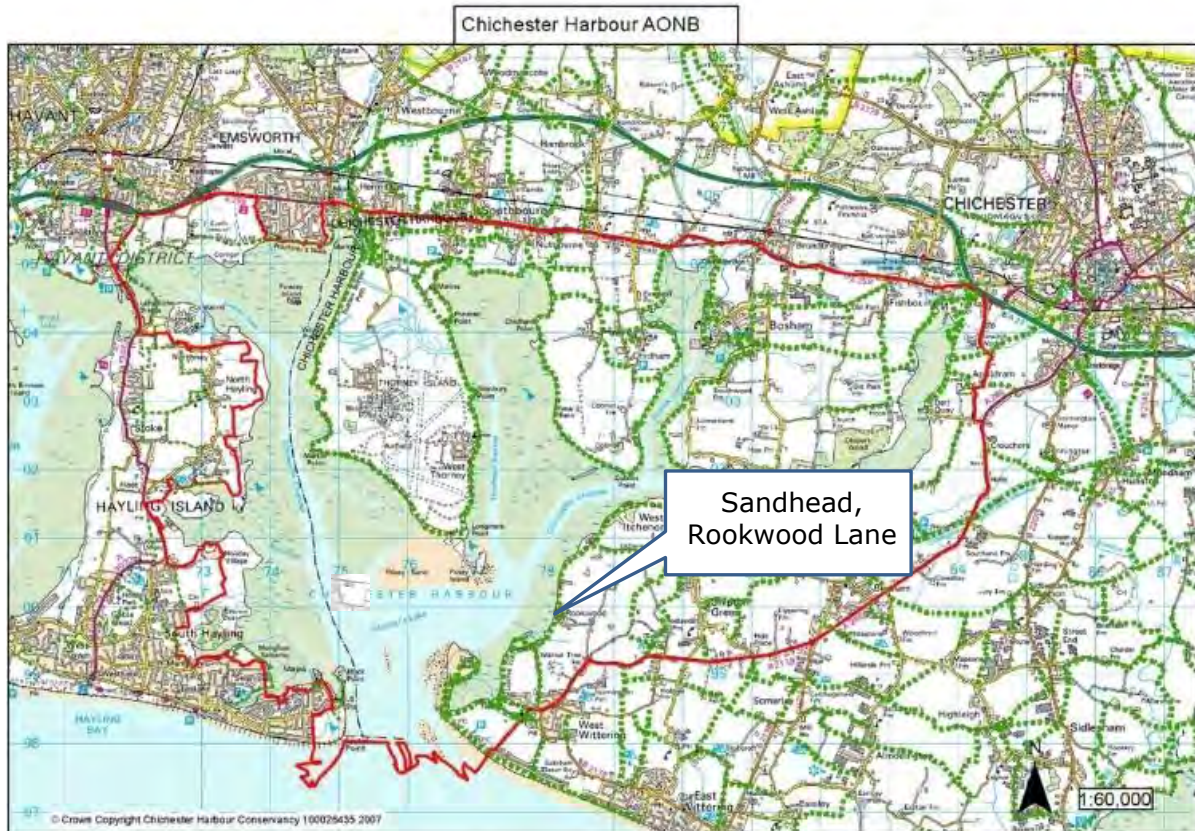
Meeting closed at 12.25pm

Chairman

Local Planning Authority planning application reference: 23/00700/FUL

Site: Sandhead Rookwood Lane West Wittering Chichester West Sussex PO20 8QH
Proposals: Renewal of existing sea defence wall to boundary with harbour.
Conservancy case officer: Linda Park

Application details on LPA webpage – <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RRX2M9ERJOC00>



RECOMMENDATION

- (a) That Chichester District Council, as Local Planning Authority (LPA) be advised that Chichester Harbour Conservancy raises an objection to the proposed development for the following reason(s): -

The proposed new sea defence, due to its increased height and materials, would fail to conserve and enhance the natural beauty of the AONB landscape, contrary to National Planning Policy Framework paragraph 176, Local Plan Policy 43, AONB Management Plan Policies 1 and 2, and Planning Principle PP10.

The application lacks sufficient information to demonstrate that the proposed sea wall would not have a detrimental impact on the adjacent designated intertidal habitats sites or on protected species, contrary to National Planning Policy Framework paragraphs 180-182, Local Plan Policy 49 and AONB Management Plan Policy 3.

Conservancy Officers' comments and reasoned justification

- 1.0 Site description
- 1.1 **'Sandhead'** is a detached chalet-style Harbour-fronting dwelling located within a cluster of dwellings within a rural setting off Rookwood Lane (a private road), to the north of West Wittering. The site lies within AONB.
- 1.2 The property is clearly visible from the water, being set closest to the shoreline of the surrounding group of dwellings and raised 2-3 metres above the level of the shore. It is well screened from the public footpath because the path diverts behind the houses (from the shoreline) at this point, and the surrounding trees prevent views of the dwelling from this angle.
- 1.3 The existing building is set in a well tree plot and its shoreline has a relatively natural appearance currently, being made up of a combination of old timber posts with gabion cages behind. The house is raised up on a bank which sits behind and above the gabion cages. Parts of this bank are vegetated, including Tamarisks, some of which lean over the existing gabions onto the shore.



03



Application site as seen from harbour edge





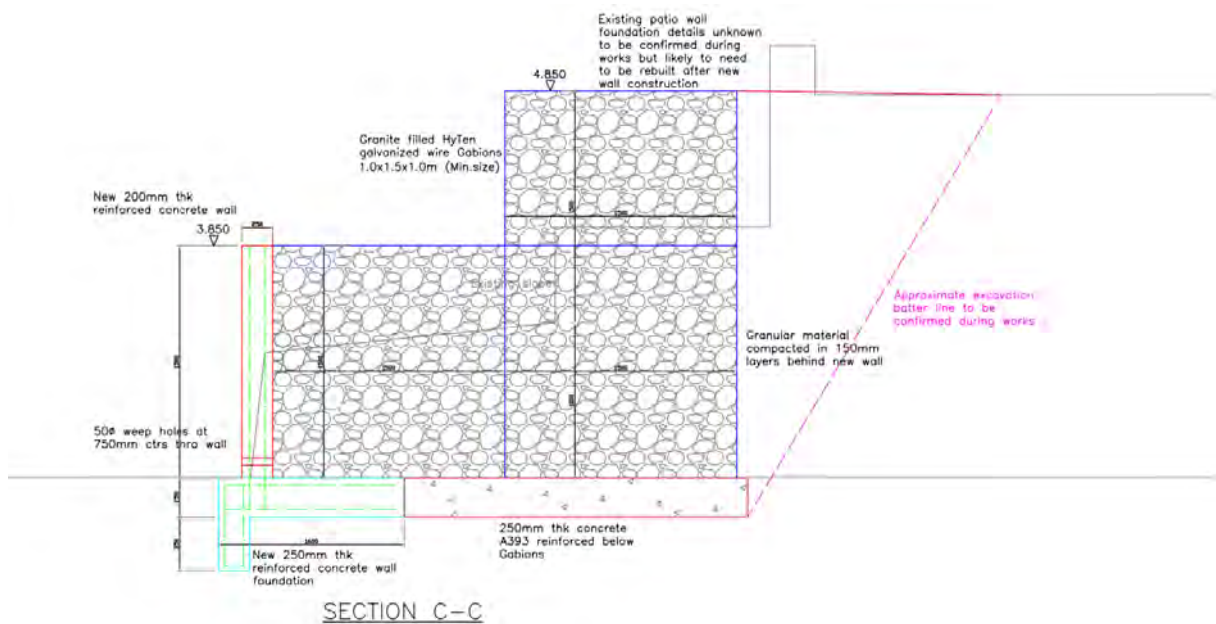
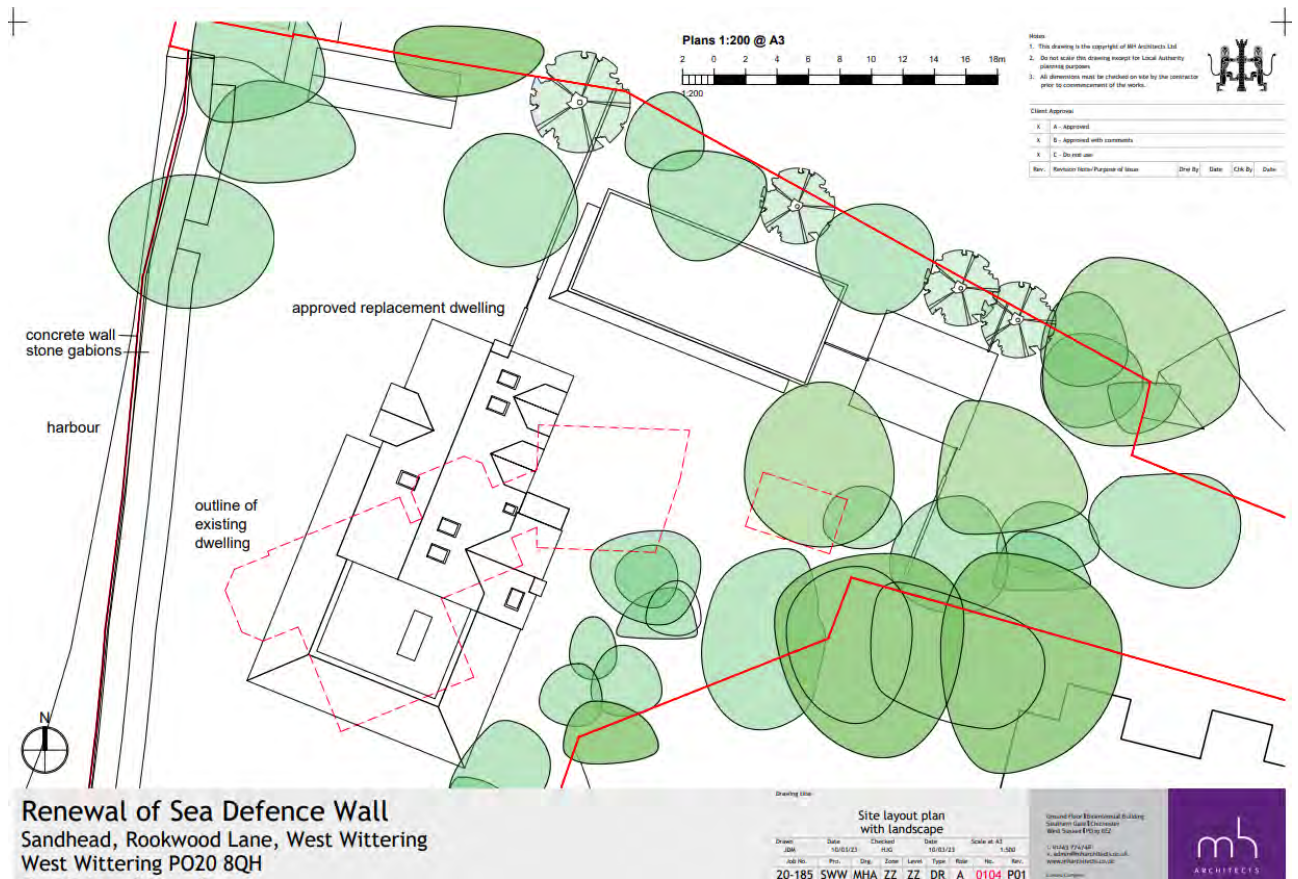
2.0 Site history

2.1 Permission has been granted for a replacement dwelling in December 2022 (22/01647/FUL). The Conservancy raised no objection to this application, but asked for suitable conditions to control materials, new planting, tree protection measures and ecological mitigation measures.

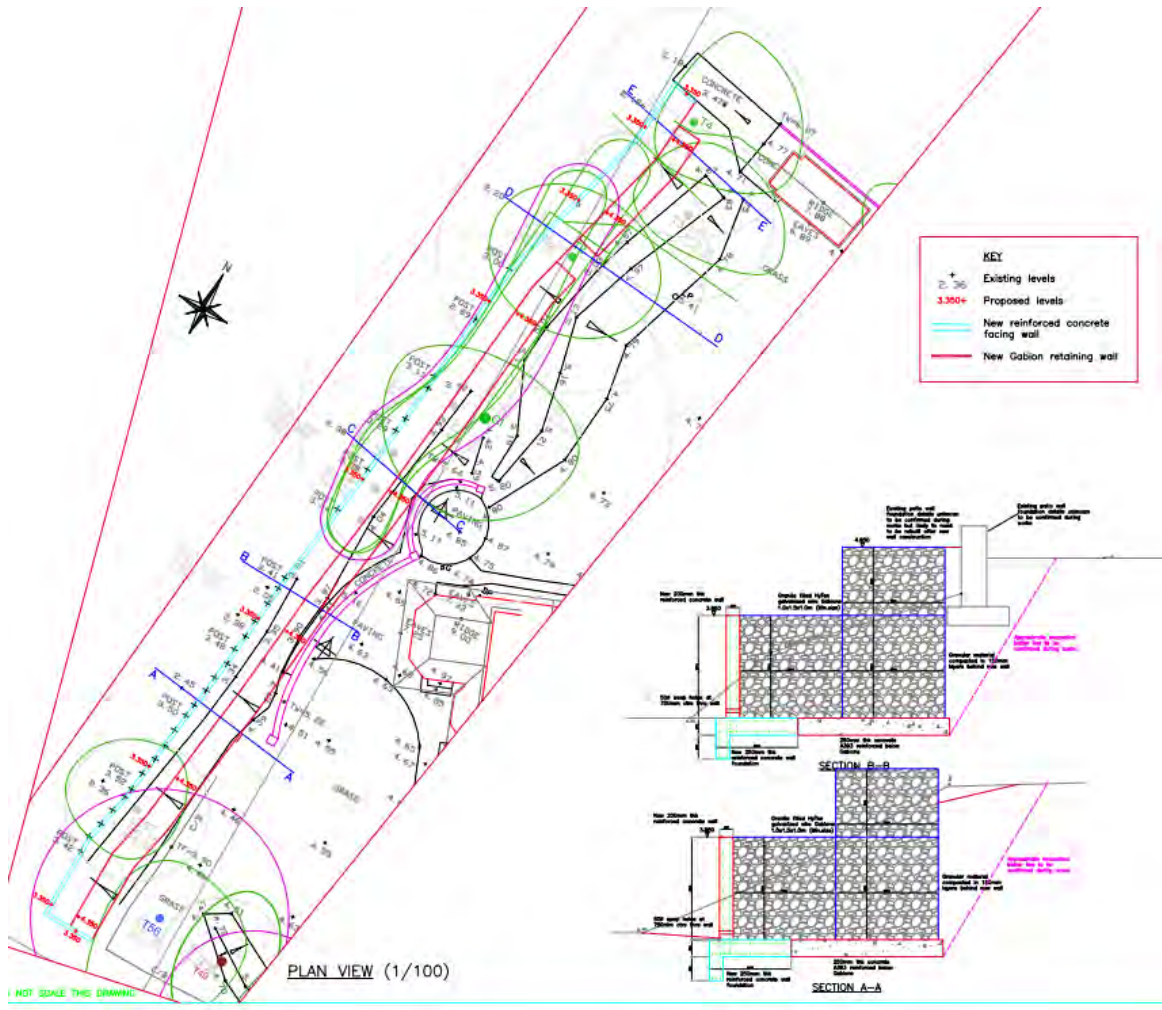
2.2 The replacement dwelling would be taller and would be re-oriented within the site so that it faces the entrance from Rookwood Lane. Although the replacement dwelling would be larger, the Conservancy considered that the more sympathetic palette of materials and higher quality, more coherent design would offer an improvement over the appearance of the existing dwelling within the landscape. Pre-application advice from both the Conservancy and the Local Planning Authority had been taken on board in the formation of the design.

3.0 Proposed development

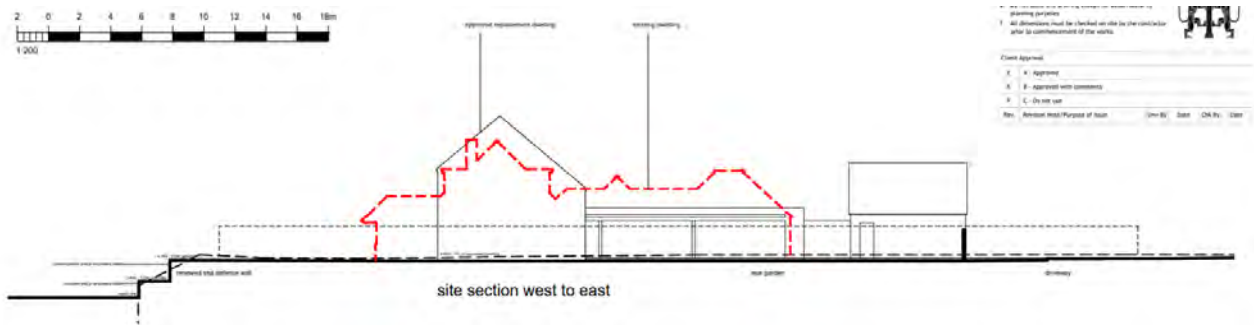
3.1 The current application proposes to replace the existing timber post and gabion sea defences, with a new 250mm thick reinforced concrete wall 1.5m high, with 2 sets of granite filled wire gabions behind, with the first set immediately behind being the same height as the concrete wall and 1.5m deep, and a second set behind this being at another 1.5m deep, and a total of 2.5m high, coming to just below the level of an existing patio wall within the garden at the top of the bank.



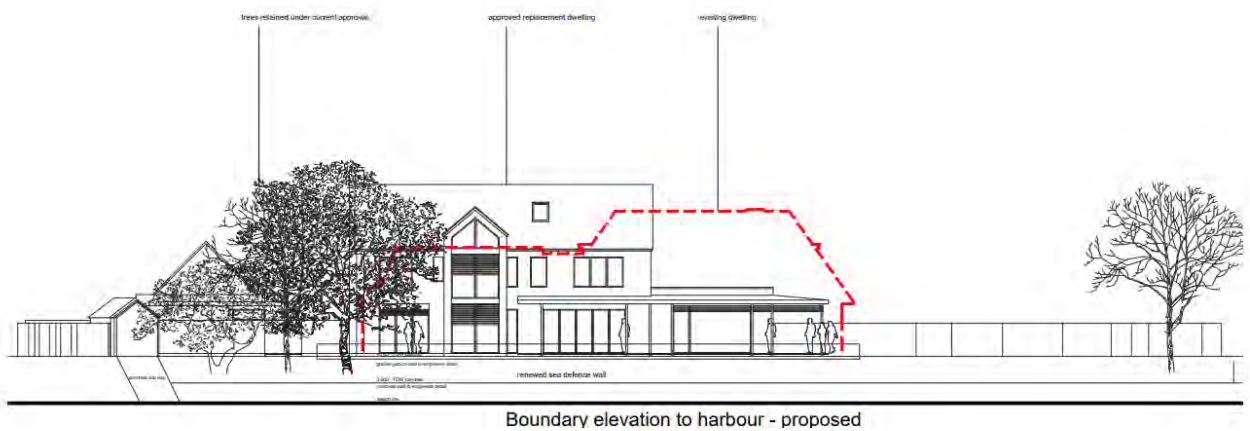
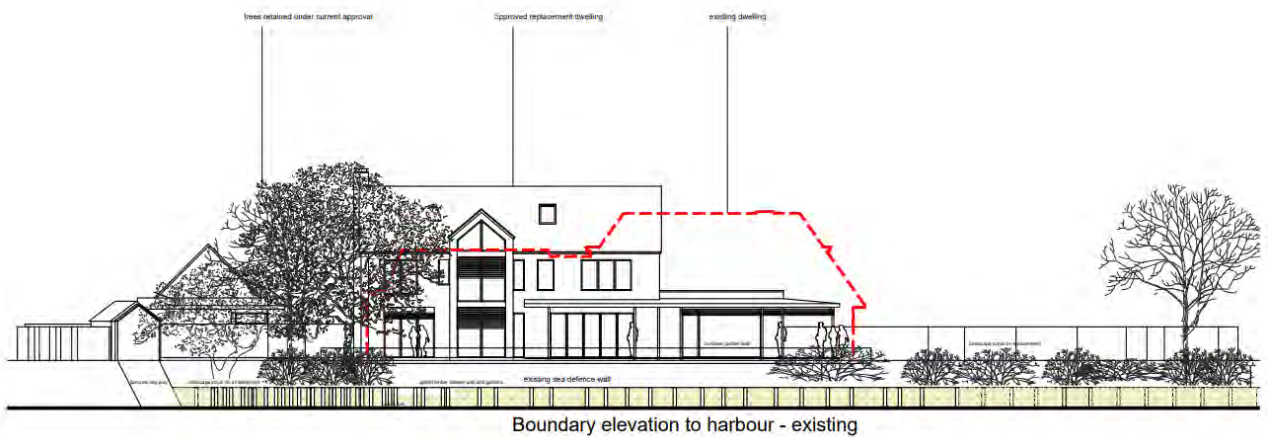
Above: one of the cross-section drawings showing the proposed defence. A faint grey line shows the outline of the existing bank/defence.



Above: Plan view of the proposed replacement defence and further cross-section drawings



Above: Proposed site section showing new sea wall outline to LHS



Above: Existing and proposed elevation to the Harbour



Above: Existing and proposed computer images as viewed from Harbour to northwest

- 3.2 The application includes an AONB Statement, which states that the proposal is for the replacement of the badly eroded timber sleepers with a more robust concrete panel wall and stone gabion retaining element, which will prolong the protection afforded to the embankment which it fronts.
- 3.3 The application states that the current sea defence wall is in a state of dilapidation and extension erosion has taken place to the coastline at both the higher and lower levels of the site. The current sleepers and gabions have been undercut by wave action and are leading to slippage of the embankment. With no intervention, future slippage of the site into the foreshore will inevitably happen as the current weather and climate conditions worsen. The proposed concrete

wall and gabion retaining line will stabilise the existing embankment and slow down future erosion, with selective planting to the top of the embankment and within the gabions providing further ground stabilisation.

- 3.4 It states that the materials are in context with the sea defence wall on the adjacent property to the north, and that the materials will be natural and will weather with time and exposure to the elements.
- 3.5 **The statement suggests that the proposals accord with the 'Hold the Line'** principles under section 25 of the Sustainable Shorelines section of the AONB SPD, with the existing sea defence wall height to be raised and strengthened so as to sustain the site as sea levels rise, keeping the level of flood risk the same as it is now.
- 3.6 The statement suggests that the renewal of the sea defence wall will allow for new native flora and fauna to be planted along the top edge of the garden area and foreshore line, which will enrich the visual qualities of the site as seen from the Harbour, and a positive gain for biodiversity. It is suggested that the proposal will have no material impact upon the setting of the AONB.

4.0 Related Planning Policy framework

National Planning Policy Framework (NPPF) (Revised July 2021), paragraphs 11, 176

National Planning Practice Guidance (NPPG) (2014 onwards)

Chichester Local Plan: Key Policies (2014-2029), Policies 42, 43, 44, 45, 48, 49, 50

Chichester Harbour Management Plan 2019-2024

Chichester Harbour Landscape Character Assessment (CBA update 2019)

CHC Planning Principles (adopted by CHC 17.10.16 onwards), PP01, PP10

Joint CH AONB Supplementary Planning Document (SPD) (2017)

West Wittering Village Design Statement (2006)

5 Key issues: Principle of the proposed works

- 5.1 **The Conservancy's Planning Principle** PP10 (Shoreline Defences) explains that the Conservancy has a hierarchy of preferred approaches to shoreline defences, as detailed in the Sustainable Shorelines: General Guidance document. The Conservancy is unlikely to object to proposals that entail:

- Removing and not replacing existing defences; or
- Managed realignment, where appropriate, or
- Adaptive management, where appropriate.

In locations where existing defences are present, the Conservancy is unlikely to **object to a 'like for like' replacement providing that the applicant demonstrates** that the defences are still required. The Conservancy prefers the use of materials that naturally degrade (i.e. timber rather than rock or concrete).

The Conservancy is likely to object to the installation of new, strengthened, or improved defences if they will have an adverse impact on habitats, species or safety of navigation.

- 5.2 In this case, the proposed sea defence is needed to protect a residential property, **which sits close to the shoreline. As such, the applicant's proposal to strengthen** and increase the height of the existing defence is understandable. However, the impacts of the proposals on both the landscape and nature conservation of the AONB must be considered in accordance with the relevant policies.

6 Impact on the AONB landscape

- 6.1 The proposed replacement sea defence would be a relatively heavy-duty solution – particularly with the use of a concrete facing wall 1.5 metres high. There is significant concern regarding the landscape impacts of such a hard, man-made material, in combination with the proposed overall increase in height and size of the structure over and above the existing gabions and timber posts. Currently, the bank has a natural appearance, whereby the existing gabions and timber posts are a relatively low structure, allowing the bank behind/above to be colonised by plants, including Tamarisk bushes which lean onto the shore at the northern end of the site and create a soft, natural appearance to the shoreline.
- 6.2 The proposed new defence would inevitably have a greater landscape impact, by virtue of its harder, more stark materials and design, and its greater height.
- 6.3 Whilst the need to replace the sea defence to protect the residential property (which has a recent permission for a high-quality replacement building) is accepted, it is disappointing that no pre-application advice was sought from the Conservancy. From a landscape perspective, a more natural material would be preferable, and in this regard a timber revetment would be preferable, particularly as there are examples of this type of defence in the immediate area, including the property immediately to the south, and a further property to the south, both of which have timber revetment defences which are sympathetic to the natural landscape setting within the AONB.

7 Impact on nature conservation

- 7.1 **The Conservancy's Ecologist has made the following comments:-**

"There is insufficient ecological information accompanying this proposal. I would expect there to be a protected species search (many of these habitats hold reptile populations) and if a population found, the plans to include a suitable mitigation strategy.

The proposed new seawall should ideally be constructed of sustainable materials.

The method statement for the proposed works states that excavated materials are to be both stored and spread on the beach, within the Chichester Harbour SSSI/SPA/SAC – we would expect more details to be supplied about this aspect of the works to ensure no negative impacts or damage to the designated intertidal habitats."

- 7.2 **The Council's Environment Officer has also raised similar concerns**, due to the fact that the site lies adjacent to the designated nature conservation sites (SPA, SAC, Ramsar, SSSI), and has stated that an extended phase one habitat survey should be undertaken to determine the impact on the protected site and species.
- 7.3 **As previously stated, whilst the desire to protect the property's frontage is** understandable, it is unknown what impacts the use of a concrete wall for this limited stretch of shoreline may have on adjacent parts of the shoreline. There is no information within the application which suggests that this has been properly considered.
- 7.4 Given the above, there is clearly a lack of sufficient information to demonstrate that the proposals would not have a detrimental impact on the nature conservation sites and the protected species which they support, and unfortunately this is a further reason to raise an objection to the application.

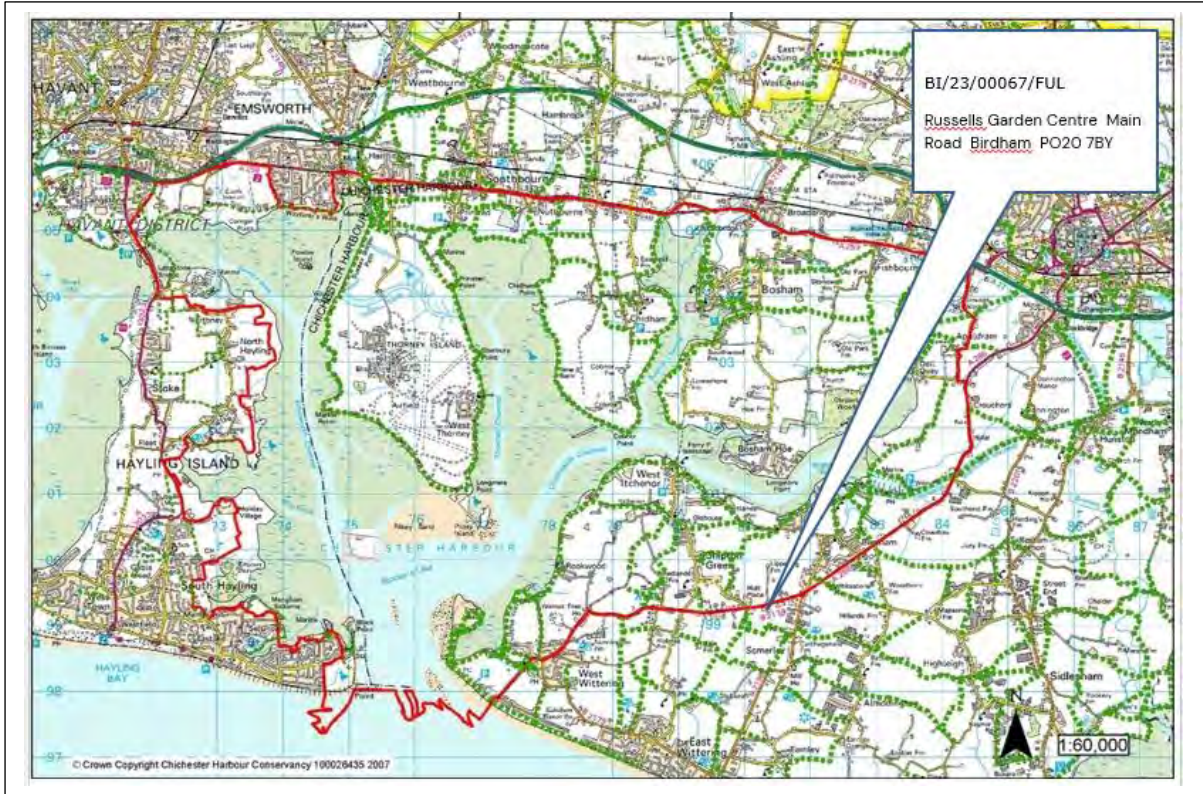
8 Conclusion

- 8.1 Unfortunately we have no option but to object to the current application as presented – on the grounds of a detrimental impact on the natural beauty of the AONB landscape, and insufficient information to demonstrate that there would not also be detrimental impacts on nature conservation.
- 8.2 We would encourage the applicant to consider a softer, more natural style of defence, such as the timber revetments which have been used at neighbouring properties, in combination with additional planting if possible. Timber is a much more sustainable, natural material which would have less impact on both the landscape and nature conservation interests of the AONB.

Local Planning Authority planning application reference: BI/23/00067/FUL

Site: Russells Garden Centre Main Road Birdham PO20 7BY

Proposals: 14 no. dwellings (4 x affordable 10 x market), replacement commercial (Class E) building, new and altered access and associated works



Recommendation – Objection: Outside of defined settlement boundary, contrary to **Chichester District Council’s Development Strategy**, as set out in the adopted and emerging local plan and the ‘made’ **Birdham Neighbourhood Plan**. **Notwithstanding** existing stretched built form at the site, the proposed development is considered harmful to the setting of the Chichester Harbour AONB.

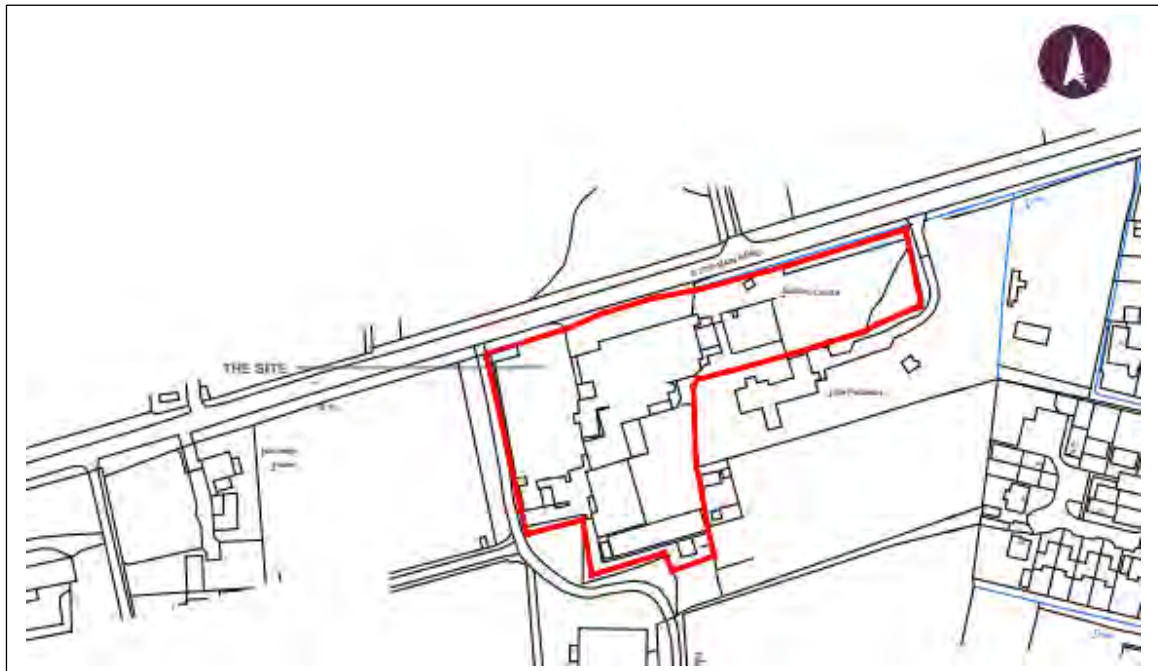
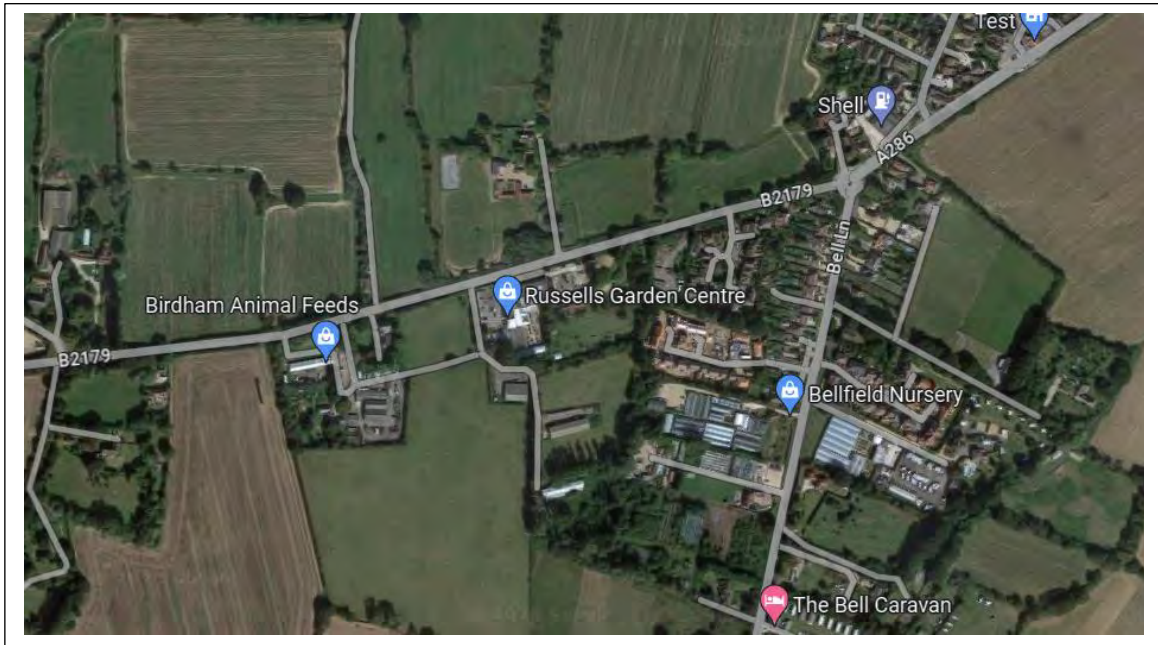
However, where the Council may be minded to grant planning permission, The Conservancy suggests this should be subject to –

- (a) securing the appropriate SDMP financial contribution to mitigate recreational disturbance within the Chichester Harbour SPA/contribution towards open space provision or improvement of existing open space locally/substantial completion of the Class E unit before occupation of the 8th dwelling; and,
- (b) planning conditions –
 - (i) safeguarding trees/planting during the build;
 - (ii) agreeing external material samples and implementing the development with them;
 - (iii) securing sustainable construction measures, including the provision of bicycle parking and an electric vehicle charging points;
 - (iv) providing and retaining the vehicle parking/turning spaces; and,

- (v) securing and maintaining a good quality hard and soft landscape design, including provision of its future maintenance.

Conservancy Officers' comments and reasoned justification

1.0 Site and its context



1.1 This 'L'-shaped, 0.8577ha of previously developed land, is occupied by a single storey garden centre (3700 sq.m floorspace, including external display areas) with areas of hard-surfaced car parking to the west and east ends of the site (55 marked and 30-40 unmarked respectively), located on the south side of and accessed from the heavily trafficked Main Road (B2179). The site frontage is some 160m long and the site depth varies from some 28m to some 85m. It is

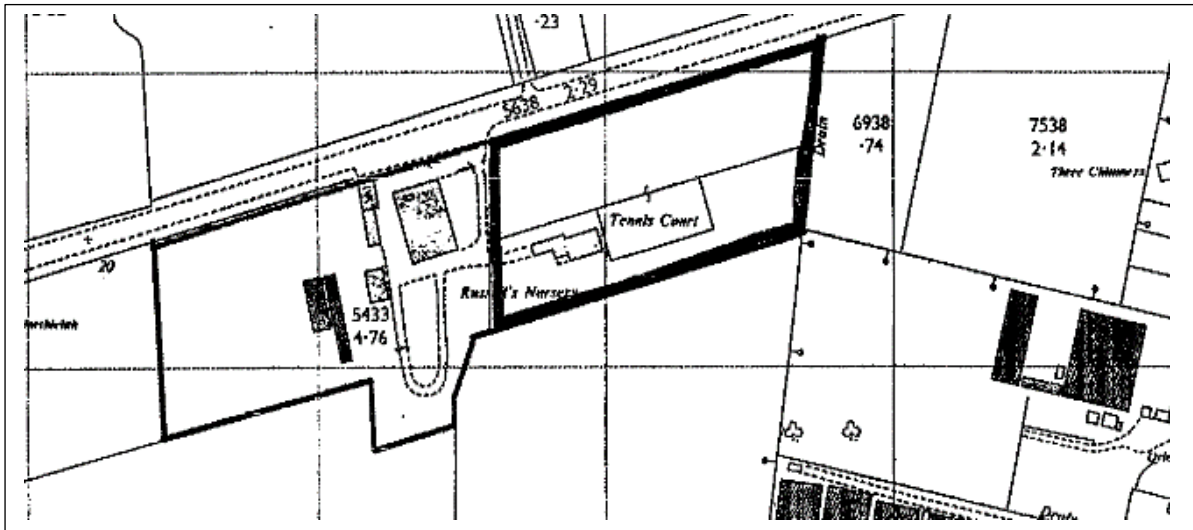
stated that the business employs 6 full time and 2 part time employees. The application form also states that this level of employment would not change if the development proceeded.

- 1.2 The site is outside and not contiguous with the defined settlement boundary for Birdham and lies outside but immediately opposite the Area of Outstanding Natural Beauty.
- 1.3 The site falls wholly within Environment Agency flood zone 1 (least risk of flooding) with a pronounced drainage ditch alongside the site frontage, culverted where the vehicular access exists.
- 1.4 Open farmland exists to the north. A gated farm track adjoins to the west with **another field beyond it. 'Little Paddocks' (a chalet bungalow) and its verdant** curtilage wraps around the eastern end of the site, with further farmland south of that, wrapping around the southern part of the site.
- 1.5 Main Road has a 50 mph speed limit by the site (altering to 40 mph 110m east of the existing site access) and bus stops exist either side of the highway, some 40m west of the western site boundary. There have been 2 x recorded injury accidents on B2179 both east and west of the site. However, from an inspection of accident data and locations these were not due to any defect with the road layout nor associated with the existing site access.
- 1.6 A petrol filling station with recently replaced retail kiosk, local convenience goods store/post office, the village hall, playing fields, primary school and church are all within walking proximity to the application site, albeit there is no footway to the B2179 until the residential cul-de-sac, at Pipers Mead, some ***180m to the east is reached.
- 1.7 Within The Conservancy's own landscape character assessment the site lies area I1 (West Manhood Peninsula), which exhibits the following (relevant to this site) key characteristics –
 - Broadly flat land overlying brickearths, intersected by small streams or rithes;
 - Predominantly open arable farmland with medium to large scale field patterns;
 - Small scale hedged paddocks, concentrated around the villages, have an intimate character;
 - Distinctive clusters of flint and brick cottages at Itchenor, Birdham and Dell Quay;
 - Overall, the area retains a largely rural undeveloped character.
- 1.8 Within the **Council's** 2009 landscape capacity study, the site lies within sub-area 101 (Birdham – Somerley Settled Coastal Plain), which is said to have moderate landscape value and medium landscape capacity for change.
- 1.9 The site appears in the 2021 HELAA, identified as site HBI0026 and coded **'developable'**. **An estimate of 25 dwellings was listed in the assessment.**
- 1.10 Some photographs of the site, taken 25.4.2023 are shown below.

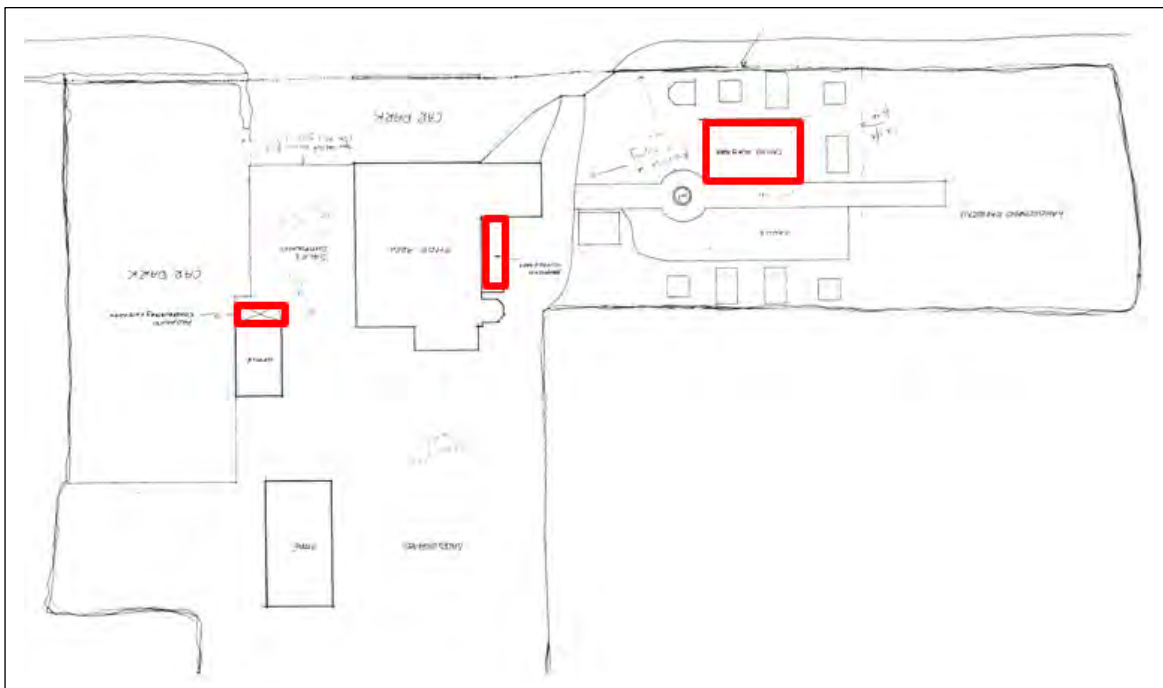


2.0 Planning History of the site and other notable applications in the immediate vicinity

- 2.1 A plant nursery appears to have existed at the site for a long time, probably since the appointed day (1.7.1948), with the first outline planning permission seemingly made at the site in 1955 (BI/23/50A refers for one dwelling with detailed permission then given for one dwelling and a domestic garage BI/23/50B in 1956. It is not clear to your Officers whether this permission was implemented, but certainly no dwelling exists at the site now). The site has evolved incrementally since, with the following notable submissions, including one refusal.
- 2.2 BI/94/00240/ELD - Use as a nursery including sale by retail of produce and products from the nursery, imported goods and products but only those directly related to the main use (Certificate of Lawfulness of existing use granted 28.6.1995 see bold line below).



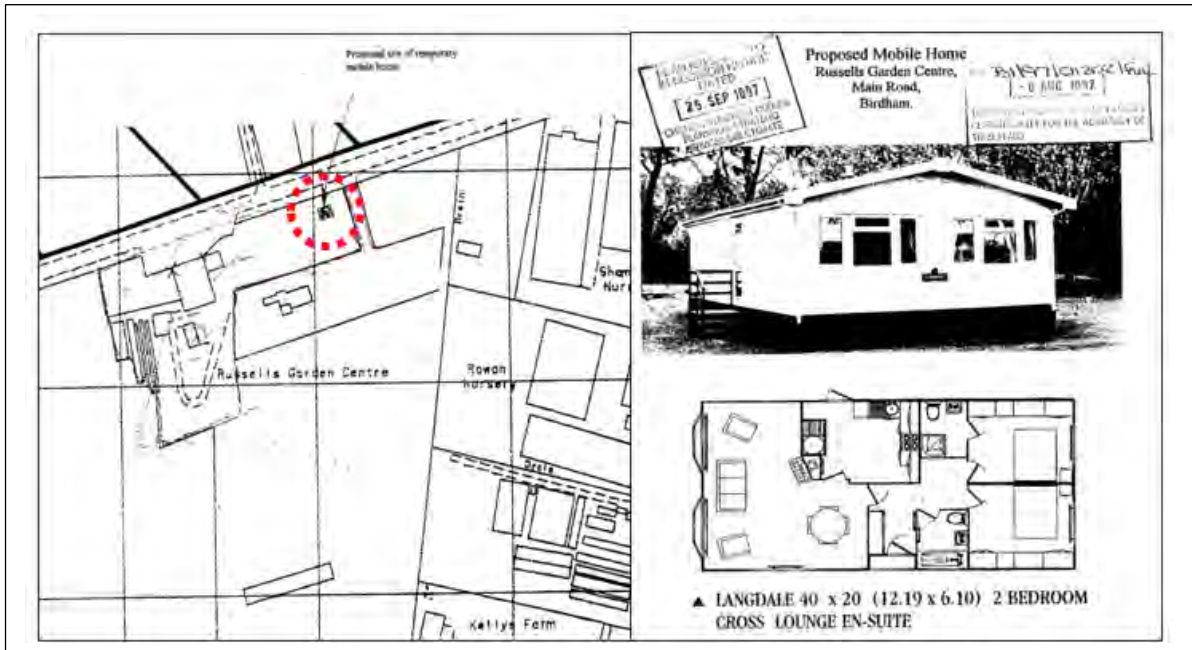
- 2.3 BI/95/01913/FUL - Part change of use of existing nursery to coffee shop with new toilets and covered area. Re-siting of existing office & addition of new conservatory. Childs play area. (Conditional permission 28.11.1995 see red line areas below, that to right is the children's play area – this is now an overflow parking area).



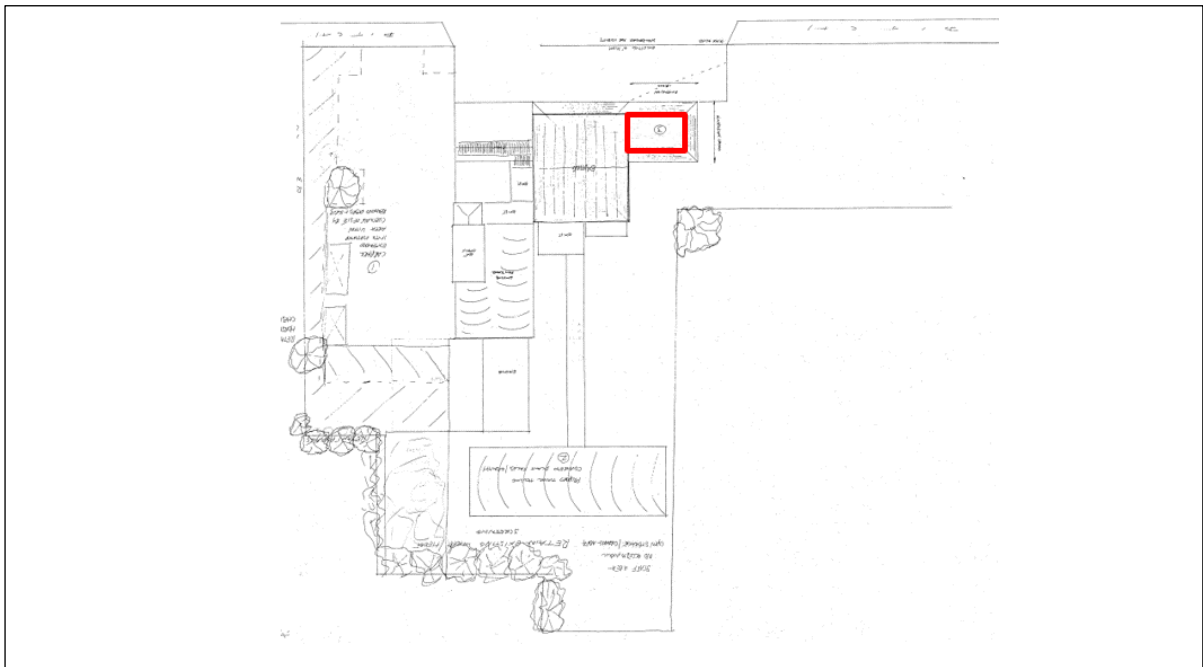
- 2.4 BI/97/01202/FUL - To station a temporary mobile home (see submitted block plan below) on site for managers' accommodation for security to be used approximately nine months per year. (Refused - 30.9.1997). The reason for refusal stated –

"This site is located within a rural area where all forms of new residential development are strictly controlled in accordance with National and Development Plan policies. New dwellings are not therefore permitted unless to meet the essential needs of agriculture. It is not considered that the proposed mobile

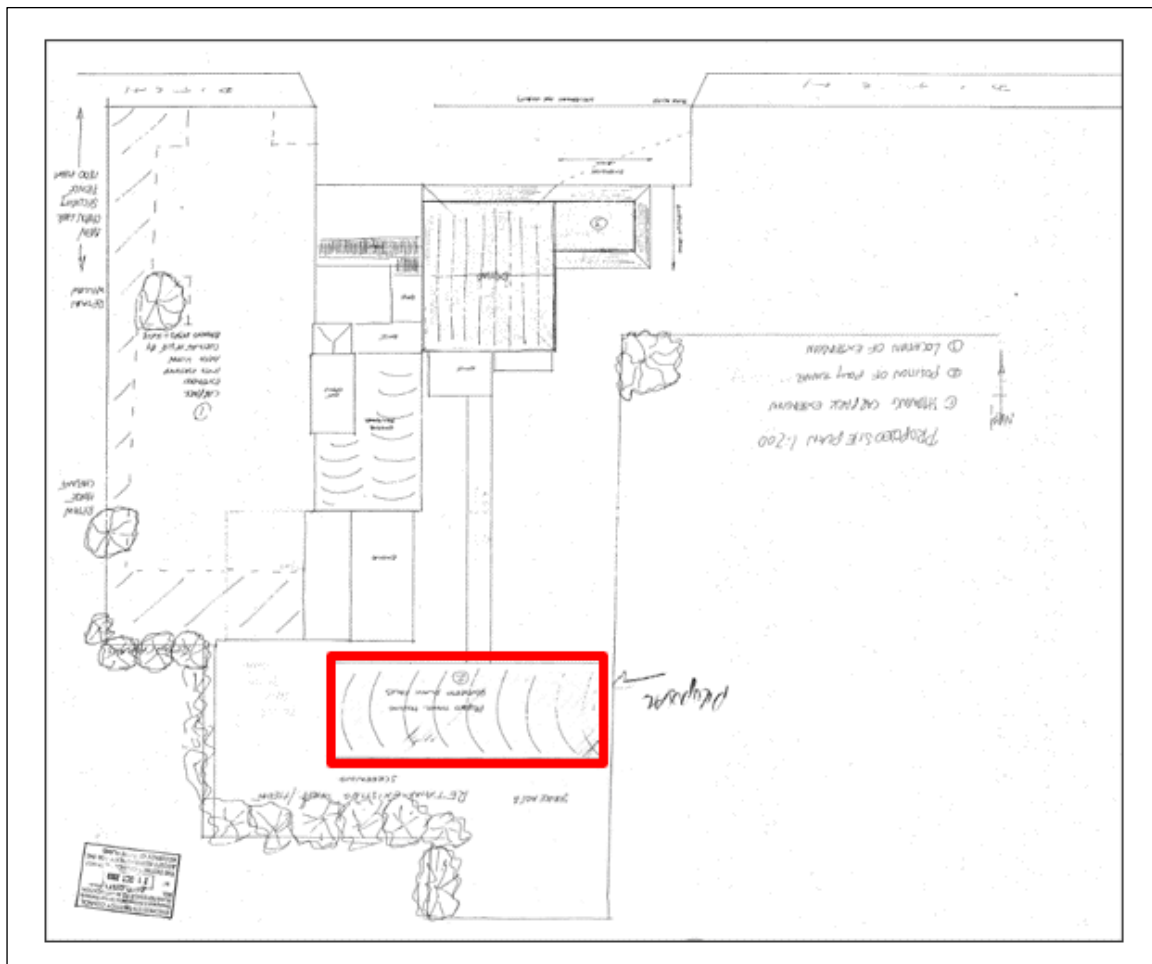
home on this site is thus justified, and therefore the proposal conflicts with the provisions of National and Development Plan policies. Furthermore, the mobile home and the activity and residential paraphernalia associated with its occupation would be seriously detrimental to the amenities of the rural area."



2.5 BI /03/02563/FUL - Single storey extension. (Conditional permission 13.1.2004).



2.6 BI /03/02873/FUL - Polytunnel. (Conditional permission 11.12.2003).



- 2.7 BI/21/00953/PRELM – The Council’s written advice was sought as to redevelopment of the whole site with 29 dwellings including 30% provided on an **affordable basis** (see illustrative layout plan below). The applicant’s agent describes the Council’s response in the following way in the Planning, Design and Access Statement –

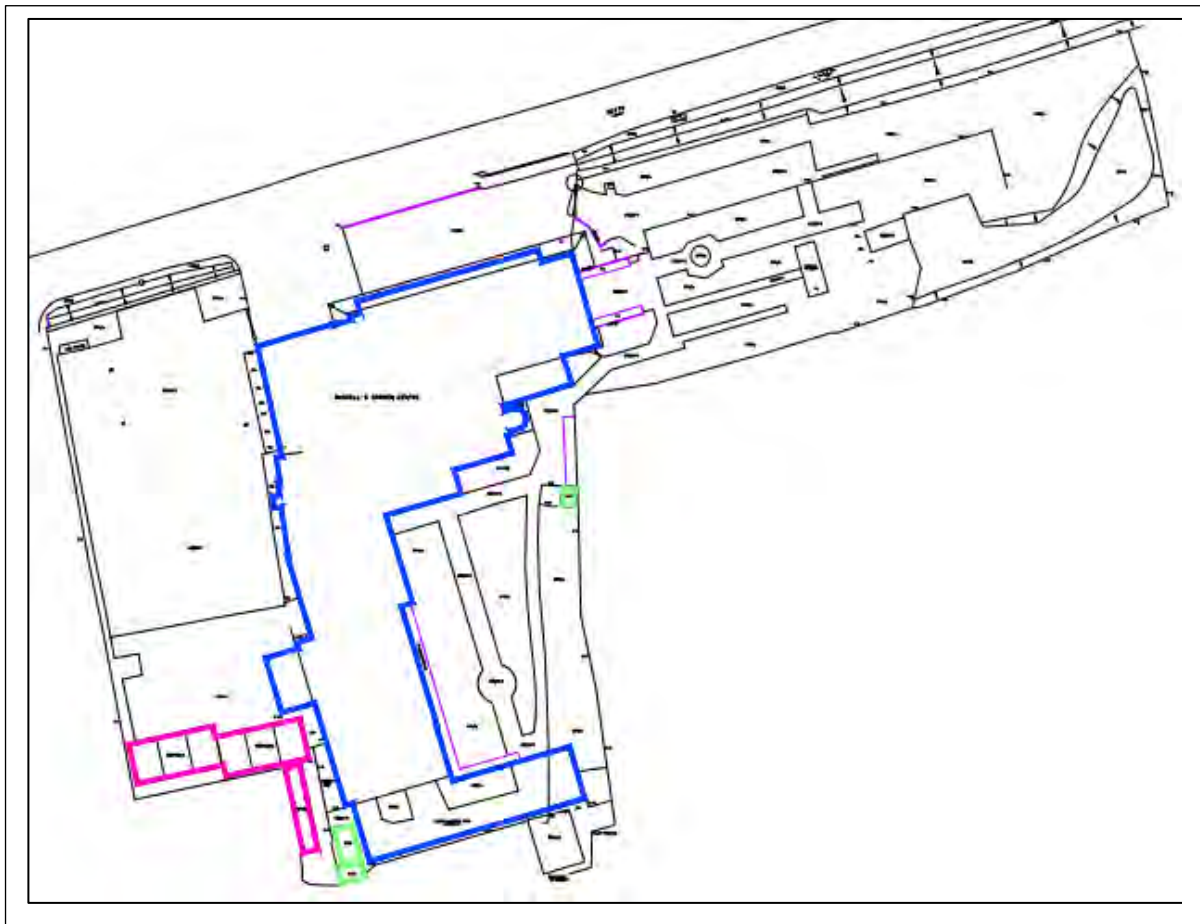
“...the officer concluded the site is sustainably located however fails the first test of the IPS and would need to undergo a marketing exercise to justify the loss of the commercial premises. The officer suggested it may be the case that the Council considers the brownfield nature of the site would outweigh the lack of connection with the existing settlement boundary. Further it was suggested there may be a middle ground whereby the site is developed for a mixed-use scheme accommodating both residential and business uses.”

- 2.8 Nearby, other notable decisions in recent years have included an allowed Appeal at Tawny (see *Appendix A* to this report) and permission granted Rowan Nurseries (12/04147/OUT and 13/00284/FUL refer respectively), reflected in the settlement boundary being extended in the Neighbourhood Plan, providing a net gain of 55 dwellings to Birdham.
- 2.9 Outline planning permission was refused for 81 dwellings at the Koolbergen nursery site in Bell Lane on 4.3.2015. A further application at the same site sought 77 dwellings under reference 16/00933/OUT. This was refused on 17.2.2017 and subsequently dismissed at Appeal on 2.11.2018. A more recent application at the same site sought 73 dwellings under reference 20/02066/OUT. This was refused on 10.12.2021 and subsequently dismissed at Appeal on 2.11.2018. for the reasoning set out in *Appendix B* to this report. Paragraphs

thought most relevant to your Officer recommendation in these Appeal decisions have been marked with an asterisk for ease of reference. An Appeal was lodged **against the Council's decision on 9.6.2022** and is yet to be determined.

3.0 Proposed development

- 3.1 This application seeks the approval of development of 14 dwellings (representing a density of 22 dwellings/ha) and a smaller (360 sq.m) commercial unit within Class E, following demolition/removal of all buildings at the site. The existing and proposed site layouts are shown below. The Class E unit would be located at the eastern end of the site and accessed via a separate entrance to the site. The coloured lines on the existing represent built form footprints. 4 of the dwellings would be provided on an affordable basis (the Council suggesting 1 x first time buyer and 3 for social rent). Those buildings marked with a red star and garages in the proposed layout would be single storey in scale, with the rest having a 2 storey eaves line.
- 3.2 2 moderate quality trees are proposed to be felled, with 28 new trees to be replanted and soft curtilage garden spaces shown on the proposed layout to compensate. Some examples of the intended appearance of the new built form are shown below the layout plans. The Class E unit would be 360 sq.m (compared to existing 2188 sq.m gross internal specified on the application form) and be served by 28 parking spaces. The total amount of parking for the dwellings would be 34 spaces, including 8 unallocated visitor spaces. Electric vehicle charging would be provided for 1 space/dwelling.





COMMERCIAL UNIT

EAST ELEVATION

WEST ELEVATION

SOUTH ELEVATION

FLOOR PLAN

NORTH ELEVATION

KEY

- WALLS MIX OF RED FACING BRICKWORK AND WEATHERBOARDING
- ROOF SLATE or CLAY TILES
- WINDOWS GREY FRAMES
- DOORS INDIVIDUAL COLOURS

PLOT 9, 11 & 14 **PLOT 10** **PLOT 12 & 13** **PLOT 1 & 2** **PLOT 7 & 8**

rear **front** **front** **front** **side**

Side entry **rear** **front** **front**

rear **side**

WALLS MIX OF RED FACING BRICKWORK AND WEATHERBOARDING
ROOF SLATE or CLAY TILES
WINDOWS GREY FRAMES
DOORS INDIVIDUAL COLOURS

Proposed

Existing

- 3.3 Closer inspection of all documents including the elevations and floor plans can be obtained by going to –

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ROBUIGERIOGO>

- 3.4 The preliminary Ecological assessment recommends the following biodiversity enhancements to be incorporated at the site: -

- **The use of flowering plants as listed within the RHS 'Plants for Pollinators' plant list** within the soft landscape scheme to provide year round interest for invertebrates.
- **The use of seed and fruit bearing species such as cherry, rowan, birch and crab apple** within the scheme to provide a foraging resource for birds and invertebrates.
- Planting of new species-rich native hedging to the site boundaries. Species could include hazel, blackthorn, crab apple, dogwood, oak, spindle, and guelder rose.
- **Creation of an area of wildflower meadow within public open space and** the base of hedges and trees.
- **The use of log piles within habitat creation areas to provide refugia for** reptiles and amphibians.
- **Bat boxes suitable for a range of species to be incorporated into the** southern aspect of new buildings.
- **The provision of nesting boxes** for a variety of bird species within trees / the northern aspects of the buildings.
- **Installation of invertebrate boxes to a south-facing wall, tree or fence** to provide habitat for solitary bees.
- **The use of a flowering lawn mix in areas which require** regular mowing rather than a standard amenity mix.
- **SuDS scheme to include permanent shallow waterbodies.**
- **The use of biodiverse green roofs wherever possible within the scheme.**
- **All new closed board fencing should incorporate 'hedgehog friendly' gravel boards** which include a 13x13cm gap to allow movement of hedgehogs between the site and the wider environment.

- 3.5 The sustainable aspects of the development being promoted include –

- Water use reduced to 110 litres/person/day (including external water use);
- Excellent fabric insulation standards (fabric first approach);
- On-Site renewables/LZSs incorporated (air source heat pumps);
- Building for Life Standards;
- Sustainable building techniques and technology;
- Impacts of traffic and pollution minimised.

4.0 Key issues and related Policy framework*

*Policy framework

NPPF - paragraphs 1-3, 6-12, 15-17, 20, 28, 34 38-43, 47-50, 54-58, 60-72,74-81, 84-89, 92, 104, 106-108, 110-112, 119-120, 122-124, 126-127, 130-131, 134, 152-154, 159-162, 167, 174, 176, 179-180, 182-184, 187, 218-219;

NPPG **ID's** – 2a, 3, 4, 6-8, 9, 11-12, 20, 21a, 21b 23b, 26-27, 31, 33-34, 36-37, 41-42, 50, 56;

CLP – 1-5, 8-9, 22, 26, 33-35, 39-40, 43, 45, 48-50, 54;

POCLP - S1-S6, S8, S12, S18, S20, S23-S24, S26-S28, S31, DM2-DM4, DM8-DM9, DM16, DM18-DM19, DM22, DM25-DM26, DM28-DM31, DM34;

BNP – 5-7, 9, 11, 13-14, 16-17, 19-24;

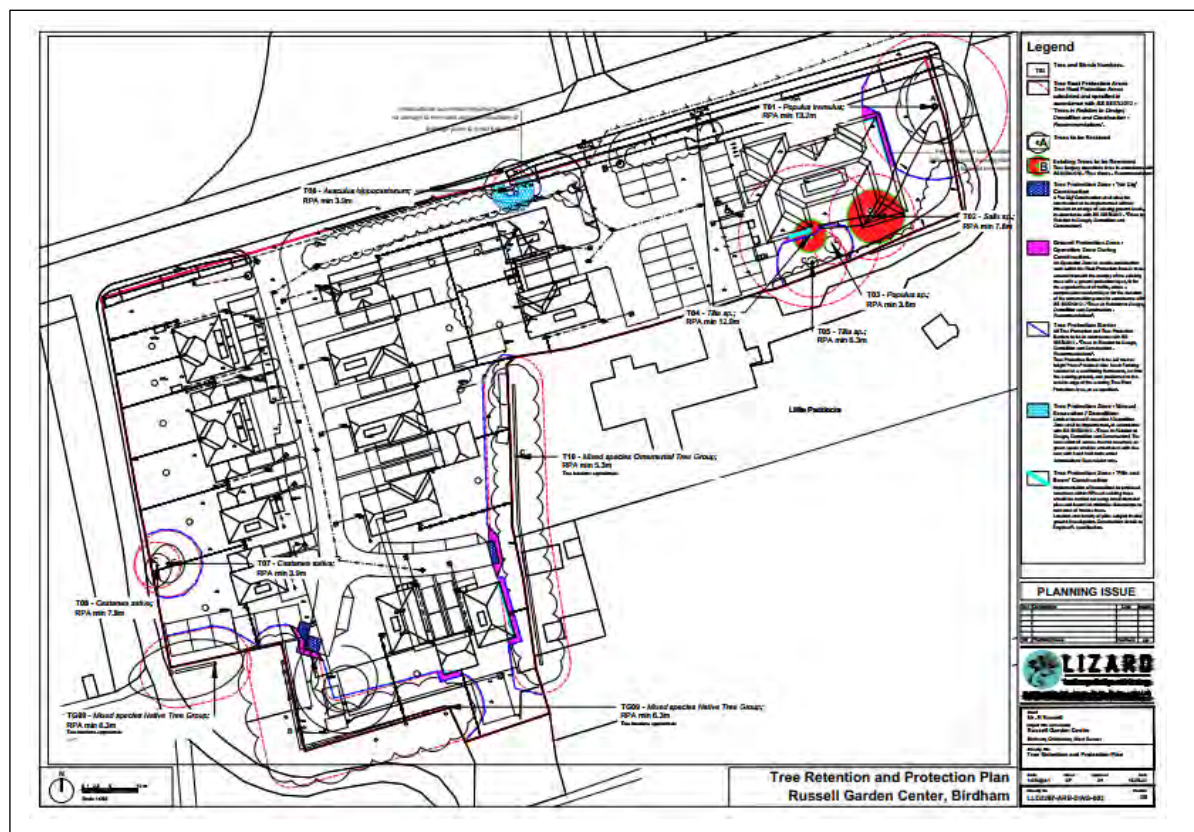
CHMP – 1-2, 13;

SPG/SPD.

4.1 Safeguarding the setting/beauty of AONB/biodiversity from inappropriate development -

4.1.1 The site falls outside the AONB but has an impact on its setting. It is not clear from any comparative exercise by the agent whether there would be any increase in built form silhouette at the street frontage, but it is clear that currently open parts of the site would be built upon. Also, there currently is not any two storey built form at the site.

4.1.2 Ecologically speaking, conditions and opportunities for biodiversity could increase at the site and hard surfaced areas become more permeable with the introduction of soft curtilage garden spaces. New soft planting could give opportunities for wildlife including 28 new trees - (tree retention plan shown below, with 2 existing being felled shaded red) - providing nesting opportunities for birds. The fate of the drainage ditch is not known at this time, but culverting it could reduce habitat for certain species – for example bats foraging along its length. Bat emergence surveys were carried out in May and June 2022 and no bats were seen to emerge from the built form, but some (by common and soprano pipistrelle) were noted foraging the tree belts around the site.



4.1.3 **No evidence was recorded on site which would suggest that the current development proposals are likely to have a major adverse effect upon biodiversity and section 6.1 of the Preliminary Ecological Assessment recommends a number of biodiversity enhancements for the site.**

4.1.4 A geotechnical survey carried out in terms of ground conditions concludes the risks of impact to the proposed development from soil contamination have therefore been assessed to be low/moderate, but with a recommendation of further analysis around one trial borehole.

4.2 Heritage -

4.2.1 There would be no harm to heritage assets in this part of Birdham (Chaffinch Farmhouse and cart shed being some distance to the north), but the potential for archaeological remains ought to be properly investigated if the development is **approved and appropriately archived in the council's Historic Environment Record**, explicitly required under Policy 2 of the BNP. However, it is noted that the County **Archaeologist has not requested relevant conditions. He considers the site's ground conditions have been so disturbed during the life-cycle of the site's development that any finds would have been discovered by now.**

4.3 Flood risk and foul/surface water drainage -

4.3.1 Being in flood zone 1, no risk is predicted, although your Officer is aware of the Highways Authority wishing to provide a footway to bus stops to the west and to Pipers Mead to the east. At this stage it is not clear if this would mean culverting the ditch along the site frontage, whether the Environment Agency could accept that and some anecdotal evidence of the ditch being overwhelmed on occasions. The site is largely hard surfaced.

4.3.2 The Surface Water will discharge to an existing watercourse at a collective discharge rate of 10 l/s, with both proposed discharges being reduced to 5l/s. This restricted discharge rate provides a significant betterment over the existing discharge which was calculated to be 100l/s for the 1 in 1 year storm. All surface water runoff is to be collected within the tanked porous sub-base of the permeable access road before being discharged into the existing watercourse at a restricted rate. The sub-base of the access road will be wrapped in an impermeable geomembrane which will allow it to act as a blanket attenuation tank and will have sufficient storage to cater for the 1 in 100 year storm return period.

4.4 Economic and social needs -

4.4.1 **The Government's** key imperative for the town and country planning system is sustainable economic growth to provide for housing needs and it is acknowledged that construction jobs would be created, having the potential to create short term local employment opportunities. Furthermore, those who would come to live at the site could help sustain local businesses in Birdham, including the business to be retained at the site. **Whereas the Council's retail policies are to concentrate new shopping in established defined centres**, it is acknowledged that retailing already takes place at the site and has done so for a very long time. The agent states that the business has struggled in recent years, exacerbated by the Covid 19 pandemic,

when the business had to close, only recently having re-opened Monday-Friday. The application form sets out that there would be a net loss of 1822 sq.m of internal floorspace, yet employment levels are not predicted to drop. Having met the owner on site, she explained that a modular building was sought divided up into district spaces, including a café, representing the various different elements/departments of the existing garden centre. Conservancy Officers have no objection to the shrinkage of the business at the site, where this would continue to offer employment opportunities in the rural area in a more energy efficient, fit for purpose building.

4.4.2 The normal 25% increase in built form silhouette principle does not apply, because the site lies outside the AONB boundary, but a character judgement still needs to be made in terms of overall impact to the setting of the AONB. One also has to be **mindful of 'Little Paddocks' which sits behind the site and contributes to overall visual presence opposite the AONB.** However, it is clear that currently open parts of the site would become developed and built form would become two-storeyed in character at the western end. This might have been tempered somewhat if all the bungalows had been placed close to the site frontage. Whilst improvements in the soft planted areas of the site could be improved, the site would clearly become more urbanised in character and in conclusion is considered harmful to the setting of the AONB.

4.4.3 In the up-coming Chidham Public Inquiry into the refusal of 200 houses, the Council states it can demonstrate a 4.72 years worth supply of housing land. Paragraph **11 (d) of the NPPF therefore sets out the 'tilted balance' applies, unless –**

"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"

4.5 High quality, low carbon design –

4.5.1 It is clear that the applicant is committed to incorporating sustainable measures as part of the build. At least one parking space per dwelling would be equipped with an electric vehicle charging point and it would be feasible to install solar panels on certain roof surfaces – indicated on the submitted proposed elevations. Air source heat pumps are also to be employed.

4.5.2 The submitted transport statement concludes –

"The proposed development will result in an increase of 44 vehicle trips in the AM peak and an increase of 23 vehicle trips in the PM peak. However, across the day, a reduction of 60 trips is expected compared to the site's existing use. This equates to approximately 5 fewer vehicle trips every hour on average across a 12-hour day."

5.0 Conclusion

5.1 The development is outside the defined settlement boundary and although offering opportunities to enhance biodiversity, being designed in terms of materials to blend in well with neighbouring built form and help sustain a **business that has struggled, does not 'fit' with the adopted and** emerging

Development Plan strategy. Although the Council adopted its IPS in November **2020, this site fails at the first hurdle as the site is not contiguous with Birdham's** settlement boundary. Indeed, it is some 100m away from it. As such, no further analysis of IPS tests has been undertaken by your Officers.

- 5.2 An overall adverse visual impact to the AONB landscape's **setting is predicted**, especially from the two storeyed built form in proximity to Main Road.
- 5.3 Access and highways matters also fall to the County Council to comment upon as Highway Authority and I note the applicant has used a Highways Consultant to prepare a transport note to support the application, demonstrating visibility splays and vehicle tracking. On-line comments from the County conclude a request for additional information at this time and have asked the applicant to demonstrate provision of a footway linking to nearby bus stops and also the next nearest piece of footway at the junction with Pipers Mead, to ensure those who may come to live at the site could safely access other amenities in Birdham village on foot, as required under Policy 11 of the Neighbourhood Plan.

SRL – for 15.5.23 Planning Committee

Comments requested by: 27 April 2023: extension of time to comment requested.

*Abbreviations used:

NPPF – National Planning Policy Framework (July 2021)

NPPG – National Planning Practice Guidance (2014 onwards)

CLP – Chichester Local Plan (2015)

POCLP – Preferred option Chichester Local Plan 2035 (2018)

BNP – Birdham Neighbourhood Plan ('made' version 2016)

CHMP – Chichester Harbour Management Plan (2019-2024)

SPG/SPD –

- WSCC parking standards (September 2020)

HELAA – Housing and economic land availability assessment

SUDS – Sustainable urban drainage system



Appeal Decision

Hearing held on 21 November 2013

by **C Thorby MRTPI IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2014

Appeal Ref: APP/L3815/A/13/2199668

Land at Tawny Nursery, Bell Lane, Birdham, Chichester, PO20 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Rydon Homes Limited against the decision of Chichester District Council.
- The application Ref BI/12/04147/OUT, dated 25 October 2012, was refused by notice dated 1 February 2013.
- The development proposed is residential development up to 30 dwellings including new access road, parking and associated garaging, open space and play area (incorporates 12 affordable dwellings).

Decision

1. The appeal is allowed and planning permission is granted for residential development up to 30 dwellings including new access road, parking and associated garaging, open space and play area (incorporates 12 affordable dwellings) at land at Tawny Nursery, Bell Lane, Birdham, Chichester, PO20 7HY in accordance with the terms of the application, Ref BI/12/04147/OUT, dated 25 October 2012, subject to the conditions set out in Annex A.

Preliminary matters

2. During the appeal process, a planning obligation was submitted by the appellant, and discussions took place between the Council and appellant. As a result, at the Hearing, the Council did not defend reasons for refusal 2 and 4 relating to affordable housing, the provision of infrastructure and the conservation of the Special Protection Area. Also they did not defend the elements of reason for refusal 1 relating to sustainability and access to facilities and public transport.
3. At the Hearing I was unable to accept an extensive number of background documents from interested parties as this would have been prejudicial to the appellant. However, extracts of a number of the documents were set out in the Council's and interested parties' evidence and as they were not in dispute I have taken them into account where appropriate in my decision.

Main Issues

4. The main issues in this case are:
 - (i) The effect on the character and appearance of Birdham;

- * (ii) The effect on highway safety having regard to access to services and facilities; *
- (iii) Whether there are any harmful consequences from sub-division of the site;
- (iv) The effect on the tourism sector and its role in the district's economy, and,
- * (v) Whether there are adverse impacts that would significantly and demonstrably outweigh any benefits of the scheme when assessed against the NPPF as a whole. *

Reasons

5. Background. The Council cannot demonstrate a 5 year housing land supply. Therefore, Policy RE1, which seeks to restrict development in the countryside, cannot be considered up to date as far as it impinges on the promotion of housing as the National Planning Policy Framework (NPPF) intends. In the light of this, the Council has produced Facilitating Appropriate Development (FAD), a document that sets out recent guidance for housing development. This document is not part of the development plan, was not subject to consultation and carries little weight. However, I have had regard to its content as a starting point and as guidance only. *
6. Character and appearance. The appeal site is adjacent to the settlement of Birdham and is part of its semi-rural setting typified by nurseries, open land, sporadic housing and the touring caravan park. There would be a change in character from a semi-rural caravan park to one of urban development. However, in terms of harm to the character, the change is minimised by the row of houses opposite the site and planning permission for houses behind these, which means that there is less of a demarcation between the village and the countryside at this point along Bell Lane. *
7. I am satisfied that an appropriate design and layout of the houses could be secured through the submission of reserved matters and the boundary would not appear artificial as it is similar to others which divide open land and housing in the area. Nevertheless, there would be some erosion to the setting of Birdham from the loss of open caravan park which is part of its countryside setting. This is contrary to Chichester District Local Plan 1999 (LP) policy BE11 and FAD 2 which seek to protect local character. Their aims are consistent with a core planning principle of the NPPF to take account of character, including that of the countryside. Whilst there would be some conflict with LP policy, for the reasons given, the harm arising is considered to be minor. *
8. Access and pedestrian safety. Local facilities are within reasonable walking distance of the site and there are some bus services to the nearby towns, accessed along established pedestrian routes. A planning obligation will ensure that there is a continuous footpath to Pinks Lane and a pedestrian crossing along Bell Lane so that this part of the route is safe. Pedestrians would have to cross a busy road (A286) to get to services and facilities; however, this is not an uncommon circumstance in settlements. There is no evidence that the introduction of more people or cars in the village would, in itself, increase the risk of accidents, particularly as there is a crossing (albeit unprotected) at the nearby roundabout junction with the main road, where, as would normally be expected, pedestrians should cross with care. Therefore, I am satisfied that the future residents would have safe access to facilities and services and it *

APPENDIX 'A' to case BI/23/00067/FUL

- * would be successfully integrated into the existing settlement (as sought by FAD 8). There would be no conflict with an NPPF aim to ensure development will function well.
9. *Subdivision of the site.* At the hearing the Council indicated that their concerns related to character which is addressed above, and to FAD criteria 12 (relating to criteria 17) which aims to prevent sub-division to ensure appropriate development around smaller settlements. As stated, the guidance has not been subject to consultation and/or examination to justify the numbers given for development sites. Additionally, there is no evidence of any reasonable prospect of development of the remainder of the site which accommodates a house, garden and a certified site for 5 caravans, from the Council, the landowner or any other party, and it is not clear to me that this would be a potential housing development site. In any event, if a planning application came forward to the adjacent land it would be dealt with on its own merits. Furthermore, there is no reason why the proposed scheme would prejudice development of the rear part of the site if this did come forward as the existing access to the rear could still be available alongside the site. Therefore, there is no evidence of harm arising from the sub-division of the site and the appeal should not fail in this respect. *
10. *Tourism and the economy.* The appeal site and adjoining land have planning permission for 25 touring caravans and a site certified for 5 caravans. The site to be developed would occupy most of the touring caravan site. Including the appeal site, there are 6 small sites offering around some 177 pitches in the locality and caravan accommodation contributes significantly to the visitor economy on the Manhood Peninsula and the wider district.
11. However, the information presented at the hearing indicated that it is improvement in quality rather than quantity of accommodation that will be important in boosting tourism in the area, particularly catering for a potential increase in tourism from nearby tourist attractions such as Medmerry Nature Reserve. The applicant indicates that the site has not been fully occupied for the last two years aligning with their submissions that caravan sites run in the area with spare capacity even in the summer season. While there will be a loss of spaces, the likely spare capacity reduces the weight to be attached to any harmful effect on the local economy, as there could be space elsewhere to take the touring caravans and I am not convinced that the business to the district or to the Manhood Peninsula would be lost. For these reasons I see no conflict with the extracts of the Coastal Management Plan and the Destination Management Plan and other documents that have been referred to.
12. The remaining caravan park site and new housing would be close to each other. While some noise and disturbance may occur, the caravan site is relatively small and noise levels are unlikely to cause any significant disruption. Moreover, there would be new fencing and landscaping along the boundary to reduce any impact. Businesses in the village catering for caravans would be unlikely to rely solely on the occupiers of one caravan park. In any event, the new residents would bring increased business to the village all year round on a more permanent basis which could be of economic benefit to the area.
13. There would be some conflict with policy T3 which seeks to prevent tourist sites changing to permanent residences, but the weight to be attached to this is reduced as I am not convinced that any significant harm would arise to the tourism sector or the local economy. Although the NPPF supports tourism it does not restrict change of use to tourist sites. There would be no conflict with paragraph 28 of the NPPF which seeks a positive approach to development which supports the rural economy.
14. *Other matters.* I appreciate the local concern about flooding in the area which has been severe in the past from surface water run-off and the worry that the appeal scheme will make things worse. However, through the imposition of conditions and by way of a legal agreement the appeal scheme makes provision for dealing with surface water entering and leaving the site which would ensure that it there would be no greater effect on the surrounding area than exists already. It is not for the appeal scheme to remedy existing problems elsewhere in the village, even on adjoining land and, as there would be no adverse effect, the appeal would not fail in this matter. Similarly, foul water drainage would be effectively disposed of, secured by condition and there would be no adverse effect from the proposal in this regard.
15. Local residents indicate that they are preparing a neighbourhood plan. However, this is at an early stage of preparation and it cannot carry any weight as local policy at the present time.
16. *Planning Obligation.* Through the provision of the planning obligation, 12 affordable housing units would be secured, the type, tenure and amount of which would comply with the Council's guidance on this matter. The planning obligation also includes contributions towards community infrastructure, sports and leisure facilities, library, highways infrastructure (Total Access Demand), education, fire and rescue, and highway works. The undertaking accords with the national and local policies and is necessary to make the development acceptable in planning terms and to meet its demands. It is directly related to the development and is fairly and reasonably related to it in scale and kind. It therefore meets the statutory tests and I have taken it into account.
17. Chichester Harbour Special Protection Area lies reasonably close to the appeal site. The planning obligation provides for mitigation including a contribution for measures to be identified through the Solent Mitigation and Disturbance Project, an on-site circular walk, and information packs to all residents. The level of contribution has been agreed with Natural England who has no objection subject to the aforementioned mitigation measures. On this basis, I agree with Natural England that there will not be a likely significant effect on the SPA and there would be no adverse effect in this regard.
18. *Conditions.* In addition to conditions relating to the submission and timing of the reserved matters, I impose conditions to ensure that access road, cycle and car parking, footways and pedestrian areas are in place before occupation. This will protect highway safety and allow safe access to public transport. A construction management plan will minimise disruption during construction. Conditions relating to foul and surface water drainage, floor levels, site levels and sustainable drainage would be necessary to minimise the risk of flooding and protect the environment. Protective fencing conditions will ensure that retained trees and hedges would not be harmed.
19. Conditions for the achievement of code for sustainable homes level 3, the travel plan, on-site renewable energy will ensure that the scheme meets the Council's climate change objectives. Bird and bat boxes and an educational pack relating to the SPA would protect biodiversity. Lighting and materials

conditions will ensure a satisfactory appearance. For the avoidance of doubt, a condition is necessary specifying the plans showing access to which this permission relates – it is not necessary to specify plan reference 01A as it shows tracking only and otherwise duplicates 02A. Conditions relating to these matters are necessary and are imposed.

20. An expert archaeologist's report has been submitted including a desktop report which indicates that the potential for finding archaeological deposits is low to moderate. On this basis there is little justification for trial pits to be dug. Therefore, as the desktop study has been undertaken a watching condition is imposed.
21. The layout of the site including boundary fences, bin stores and the landscaping of the scheme would be covered by the submission of reserved matters conditions. Logically, implementation conditions following on from the submission of these details can be attached to the reserved matters decisions. Conditions for these matters would not be necessary.
22. *Adverse effect/benefits.* The Council is unable to demonstrate a 5-year supply of deliverable housing land. In these circumstances the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
23. There would be some minor harm to the character and appearance of the area and some additional harm from conflict with policy seeking to retain tourist sites. However, in the absence of the 5 year housing supply, the site would provide a deliverable supply of much needed land for housing in an accessible location would be a considerable benefit of the scheme.
24. The adverse effects of granting planning permission would not, therefore, significantly and demonstrably outweigh the benefits which are considerable when assessed against the policies of the NPPF when taken as a whole.

Christine Thorby

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Hough	Sigma Planning
Mr Mepham	Rydon Homes
Mr Sampson	Rydon Homes
Mr Hall	Savills

FOR THE LOCAL PLANNING AUTHORITY:

Mr Bushell	Principle Planning Officer
Mr Oates	Economic Development Manager
Mr Davidson	Principle Planner Policy

INTERESTED PERSONS:

Mr Slack	Somerley Residents' Association
Ms Cobbold	Verdon Parish Council
Ms Backhouse	Verdon Village Residents' Association
Mr Carey	Chair of Verdant and Earnley Flood Prevention Group
Mr Pocock	Chair of Birdham Village Residents' Association
Mr Adams	Local resident
Mr Wright	Local Resident

DOCUMENTS

- 1 Attendance list
- 2 Letter of Notification
- 3 Planning Agreement
- 4 File note – Merebrook Consulting
- 5 Note from West Sussex relating to education
- 6 Council's statement of compliance with CIL regulations
- 7 Council's statement on the status of the development plan documents
- 8 Council's updated position on the 5 year housing land supply
- 9 Interested parties' photographs and letters

Annex 1 Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted in so far as they relate to access shall be carried out in accordance with the following plans submitted with the application: 10452-0A-01; 0407/GA/02/A.
- 5) No development shall take place until a schedule of materials and finishes, including samples of materials and finishes to be used for external walls and roofs of the proposed building(s) have been submitted to and approved by the Local Planning Authority.
- 6) No part of the development in respect of the construction of the dwellings hereby permitted shall be begun until the vehicular access has been constructed in accordance with additional plan 0407/GA/02/A including the provision of visibility splays from the vehicular access onto Bell Lane, set back 2.4 metres from the edge of the carriageway and extending 120 metres to the north and south. Once provided the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metres above the adjoining carriageway level.
- 7) 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 submitted to and approved by the Local Planning Authority. Once provided these spaces shall be retained.
- 8) No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
- 9) No part of the development shall be occupied until the vehicle parking and turning spaces including parking spaces within garages or carports for that part of the development have been constructed in accordance with a layout plan to be submitted to and approved in writing by the Local Planning Authority. The development shall provide 66 car parking spaces in total (including 6 visitor spaces). Once provided these spaces shall thereafter be retained in perpetuity for their designated use unless otherwise first approved in writing by the Local Planning Authority.
- 10) No dwelling hereby permitted shall be occupied unless and until a Travel Plan Statement is submitted to and approved in writing by the Local Planning Authority.
- 11) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily restricted to the following matters,
 - the anticipated number, frequency and types of vehicles,
 - the method of access and routing of vehicles during construction,
 - the provision of parking within the site for vehicles of site operatives and visitors,
 - the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
 - details of public engagement both prior to and during construction works.
- 12) No development shall take place until details of the proposed means of foul water sewerage disposal have been submitted to and been approved in writing by the Local Planning Authority.
 - 13) Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring between October and March to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, shall be carried out to support the design of any Infiltration drainage. No dwelling shall be occupied until the surface water drainage system serving that part of the development has been implemented in accordance with the agreed details. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.
 - 14) The development hereby permitted shall be constructed with minimum finished floor levels to be submitted to and agreed by the Local Planning Authority but these levels shall be above the lowest manhole or open channel in the surface water system and shall be above the roads outside the dwellings.
 - 15) No development shall commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual to be submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
 - 16) 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 carried out in accordance with BS 5837:2012.

- 17) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.
- 18) The development hereby permitted, in accordance with the Interim Statement on Planning and Climate Change, shall be constructed to achieve the water efficiency standard within Code for Sustainable Homes Level 3 (105litres/person/day)/BREEAM 'very good' for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation.
- 19) The development hereby permitted, in accordance with the Interim Statement on Planning and Climate Change, shall be designed and constructed to achieve Code for Sustainable Homes Level 3/ BREEAM 'very good' for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation.
- 20) The development hereby permitted shall be constructed so as to achieve 10% of the DER/BER from on-site renewable energy in accordance with the Energy Statement submitted as part of the application.
- 21) Prior to any of the dwellings hereby approved being occupied details of bat and bird boxes to be installed on dwellings and/or trees shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the boxes shall first be installed prior to the final unit being occupied and shall remain in perpetuity.
- 22) Prior to first occupation of any of the dwellings on site the applicant shall prepare a residents educational pack to be distributed to all new residents explaining the importance and sensitivity of the SPA and suggesting ways in which residents can reduce their impact on it. This pack shall be submitted to and agreed in writing by the Local Planning Authority.
- 23) Details of any proposed street lighting shall be submitted to and be approved in writing by the Local Planning Authority before first occupation of the dwellings hereby permitted.
- 24) No development shall take place until details of site levels and longitudinal and latitudinal sections through the site of the dwellings and through the proposed surface water storage pond shall be submitted for the approval of the Local Planning Authority.

Appeal Decision

Inquiry Held on 2-4 October 2018

Site visit made on 2 October 2018

by **John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 2 November 2018

Appeal Ref: APP/L3815/W/17/3182355

Land at Koolbergen, Kelly's and Bellfield Nurseries, Bell Lane, Birdham, West Sussex PO20 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr and Mrs Paul Knappett against the decision of Chichester District Council.
- The application Ref BI/16/00933/OUT, dated 4 March 2016, was refused by notice dated 17 February 2017.
- The development proposed is "the erection of 77 houses, B1 floorspace, retail and open space, with the retention of one dwelling".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks outline permission with all matters reserved except access. In all other respects it is agreed that the submitted plans are illustrative.
3. The appeal was made in August 2017, and an inquiry was originally scheduled for March 2018, but was postponed at the appellants' request due to illness. For the present inquiry, updated evidence was accepted, reflecting various changes in the relevant planning circumstances. I have dealt with the appeal on the basis of the situation as it exists now.
4. In the Council's decision, Refusal Reason No 2 (RR2) related to highway safety and traffic impact. Since then however, the appellants have entered into a Section 106 agreement, which requires the developer to provide a shared pedestrian/cycle path along part of Bell Lane, with street lighting, plus two new bus lay-bys and a commuted sum for their future maintenance. The agreement also provides for an agreed contribution towards junction improvement works by Highways England at the A27 Stockbridge roundabout. In the light of these agreed provisions, the Council confirmed at the inquiry that RR2 is now withdrawn.
5. The Council's RR4 related to lack of provision for affordable housing, open space, children's play, and mitigation for the impacts on the Chichester and Langstone Harbours Special Protection Area (SPA). These matters are now also addressed in the S.106 agreement, and again the Council confirmed at the inquiry that it no longer wished to pursue these objections.

<https://www.gov.uk/planning-inspectorate>

6. In addition, the S.106 agreement makes various commitments relating to the proposed Class B1 and retail elements. In particular, the B1 building is to be a light industrial unit with a minimum floorspace of 700 sq m, and the retail unit is to have at least 150 sq m. Both are to be provided prior to the occupation of the 40th open market dwelling.

Main Issues

7. In the light of all the submissions made, the main issues in the appeal are:
 - whether the appeal proposals would accord with the relevant development plan policies, for the location of new housing and the protection of the countryside;
 - whether there is a need for more housing land in the District;
 - the proposed development's effects on the local horticultural industry;
 - and the effects on the character and appearance of the countryside.

Reasons for Decision

Accordance with housing location and countryside policies

8. The development plan for the area comprises the Chichester Local Plan¹ (the CLP), adopted in July 2015, and the Birdham Parish Neighbourhood Plan (the BPNP), which became 'made' in June 2016. The settlement boundary for Birdham is defined in the BPNP. The appeal site lies outside this boundary, and is therefore to be treated, for the purposes of the relevant planning policies, as part of the countryside.
9. In the CLP, Policy 2 sets out the District's development strategy and settlement hierarchy. Most housing and other development is to be focussed on the city of Chichester itself and the four largest villages, termed 'Settlement Hubs'. Birdham is identified as one of the 'Service Villages', which form the third and lowest tier of the hierarchy, where provision is to be made for small-scale development consistent with the indicative housing numbers set out in Policy 5. In the rest of the plan area, outside the identified settlements, Policy 2 restricts development to that which requires a countryside location, or meets essential local rural needs, or supports rural diversification.
10. In the present case, by virtue of its location outside the village boundary, the appeal site lies within this latter area. The proposed development does not fall within the types of development normally regarded as needing a location in the countryside, and nor is there any evidence that it is locally needed. Although 23 of the dwellings would be affordable, and subject to Council nomination rights, there is no evidence that local needs in this regard cannot be met through other existing provisions. In any event, the remaining 54 units would be for open market sale, and thus would not be tied to any particular needs. Whilst the proposed Class B1 building and retail unit might be argued to support rural diversification, these are only minor elements of the scheme. Consequently, viewed as a whole, the appeal proposals do not meet any of the criteria in Policy 2. The scheme therefore conflicts with that policy, and with the overall strategy which it embodies.

¹ The full title is the 'Chichester Local Plan: Key Policies (2014-2029)'

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- * 11. CLP Policy 45 complements this strategy by confirming the types of development that may be permitted outside settlements. These include cases where the development requires a countryside location, and meets essential, small-scale local needs which cannot be met within or immediately adjacent to existing settlements. For the same reasons as above, none of these applies to the present appeal scheme. Whilst there is nothing in Policy 45 that expressly prohibits other types of development, such as open-market housing, neither does the policy give any support to development outside of its stated criteria. Although the policy suggests a preference for sites adjacent to settlements, compared to more remote locations, this is relevant only where the other criteria are met. It follows that the development now proposed does not accord with Policy 45. *
- * 12. In the BPNP, Policy 13 permits development outside the settlement boundary only where it complies either with CLP Policy 45 or with BPNP Policy 15; and Policy 15 itself restricts development in the rural area to that which accords with CLP Policy 45, or with paragraph 55 of the 2012 version of the NPPF, or with the General Permitted Development Order (the GPDO). For the reasons explained above, development that accords with CLP Policy 45 does not include the appeal scheme. With regard to the NPPF and GPDO references, it is made clear in the BPNP's supporting text, that what is intended in Policy 15 is mainly to provide scope for local businesses and farmworkers' dwellings. The appeal proposals therefore find no support from Policy 15, and as a consequence of this, it also conflicts with Policy 13. *
- * 13. I have had regard to the various other policies that have been referred to, but in the light of the above, I conclude that the most relevant locational policies in this appeal are those that I have identified, namely CLP Policies 2 and 45, and BPNP Policies 13 and 15. For the reasons explained, the appeal proposals would be contrary to the adopted planning strategy for the distribution of new housing, and for the protection of the countryside, as contained within these policies. The proposed scheme therefore fails to accord with these relevant locational policies, and as such would conflict with the development plan. ↗

Housing need and land supply

14. During the inquiry, the parties reached agreement on a good many elements of the 5-year land supply calculation. For the purposes of this appeal, it is agreed that the relevant 5-year period is April 2017 – March 2022, and that the housing requirement should be based on 435 dwellings per annum, from the adopted CLP, plus a shortfall of 369 units since 2012, with a 5% buffer, and using the 'Sedgefield' method. This gives an agreed 5-year requirement of 2,671 dwellings.
15. Against this requirement, it is agreed that the deliverable supply lies somewhere between the appellants' figure of 2,624 units and the Council's 3,274 units, equating to a range of between 4.91 - 6.13 years' supply. The differences between the parties centre on six disputed sites. To be counted as part of the supply, the sites must fall within the definition of 'deliverable' as set out in the National Planning Policy Framework (the NPPF).
16. The site known as North of Shopwhycke Road (Site 34) is already under construction, with full reserved matters approval for 398 dwellings. The Council's supply figures anticipate 250 of these being completed by March 2022, at an average of 50 p.a. This implies a slightly faster building rate than

- the average achieved by the developer, Cala Homes, across all of its sites in 2017, and also faster than the same company's own forecast for another local site, at Kirdford. There is also some uncertainty as to whether the completions achieved so far at site 34 have kept pace with the rate that is required. But none of these matters proves that the Council's figure of 250 units is unachievable. The original outline permission imposes a limit on the number of dwellings that can be occupied before a pedestrian/cycle bridge over the A27 has been provided, but Highways England now supports increasing this limit to 250. Consequently there is now no reason why the timing of the new bridge should delay the delivery of any of the dwellings needed for the 5-year supply. The NPPF now makes it clear that where a site has detailed planning permission, it should be considered deliverable unless there is clear evidence to the contrary. In this case there is no persuasive evidence that 250 completions cannot be achieved within the relevant period on Site 34.
17. Similar considerations apply to the land at North of Stane Street, Madgwick (Site 52). This site has planning permission, and almost all of the reserved matters have now been approved. Access works are well advanced, and materials for house construction have been delivered to the site. Nothing appears to prevent an imminent start on house-building, and there is every sign that this is what is intended by the developers, Barratt David Wilson (BDW). The Council relies on 90 completions per annum in each year from 2019/20 onwards, giving a total of 270 units within the remainder of the 5-year period. As with the previous site, this is higher than BDW's published average rate. But an average is not a ceiling; by definition, the range will include some sites where the average is exceeded. The Council's figure also exceeds the same developer's expected rate on another local site, at Selsey. But, as far as that goes, the same could be said of the appellants' own estimate for Site 52, which is only slightly lower than the Council's. Again, having regard for the NPPF's advice, there is no evidence to suggest that 270 units is an unrealistic figure for this site.
18. Neither the Kirdford Growers site (Site 59), nor Highgrove Farm (Site 68) yet has planning permission, and thus they can only be considered deliverable if there is clear evidence that completions will begin within the 5-year period. However, both of these sites are allocated for housing in the adopted CLP, both appear to be under option to house builders, and both have current full applications under consideration. In the case of Site 59, the Council has resolved to grant permission, and a S.106 agreement is apparently close to completion. Some infrastructure works are required, and the developer's suggested programme envisages construction extending beyond the relevant 5-year period. But given the relatively small size of this scheme, the Council's estimate of 25 units by March 2022 is not unrealistic. On Site 68, discussions on all technical matters are reportedly at an advanced stage. Although the site forms part of a larger parcel which may also come forward at a later date, this need not prevent the 50 units now proposed from becoming deliverable in the meantime. On both these sites, there will still be some further matters to attend to after planning permission is granted, possibly including further financial negotiations. But having regard to the advice in the NPPF, and also the Planning Policy Guidance (PPG)², it seems to me that the above matters amount to clear evidence of a realistic prospect of housing completions on these sites, within the 5-year period. Although there cannot be absolute

² PPG: 'What constitutes a deliverable site in the context of housing policy?' (ID: 3-036-20180913)

certainly as to the numbers that will be delivered in that time, the Council's assumptions are reasonable, and are supported by evidence. I see no reason to depart from these figures of 25 and 50 dwellings respectively.

19. The other disputed sites are at West of Centurion Way (Site 16) and South of Oving Road (Site 35). Both of these have only outline permission. On Site 16, applications have been submitted for some of the reserved matters and the discharge of conditions, but the development as a whole is a large one, and the infrastructure and community facilities required are substantial. Although two major house builders are involved, it appears that they have not yet indicated any intended start date or programme. At Site 35, matters are even less well advanced, and although a pre-application meeting has been held with one prospective developer, it is not yet known whether they have a contractual interest in the site as yet. The conditions of the outline permission include a requirement for a phase 2 contamination study and remediation scheme. No progress has yet been made with the discharge of this or any other conditions or reserved matters. Consequently, I find that on neither of Sites 16 or 35 is there clear evidence that housing completions are likely to be achieved within the relevant 5-year period. Accordingly, these sites cannot currently be regarded as deliverable. In terms of the Council's land supply figures, this means that 400 units must be deducted in respect of Site 16, and a further 100 units deducted for Site 35.
20. I therefore find that Sites 34, 52, 59 and 68 should remain included in the 5-year supply, but Sites 16 and 35 should be deleted. The net effect of these deductions is that, based on the evidence at this inquiry, the deliverable supply currently stands at 2,774 dwellings. Compared to the agreed requirement for 2,671 dwellings, this figure equates to approximately 5.2 years' supply.
21. I accept that the 5-year supply exercise has some limitations. The calculation can only reflect the situation at a single point in time, and had this appeal been heard earlier in the year, as originally scheduled, it is possible that the figures might have worked out differently. Alternatively, had it been possible to have a calculation based on completions figures for April 2018, the assessment could have been more forward-looking, rather than addressing a 5-year period that is now already half-way through. But I must base my decision on the current circumstances, and the evidence actually available.
22. I appreciate also the wider issues relating to housing need. It is not disputed that the CLP's housing targets were set below the full objectively assessed need (OAN), partly because of infrastructure constraints, and partly because a review of the CLP was to follow within 5 years. Since then, the timescale for that review has slipped, so that it may not now be completed within the required timescale; and in the present appeal, no insuperable infrastructure constraints have been identified. In the meantime, the housing need represented by the OAN is unlikely to have gone away. I note that significant weight was given to these matters in a previous local appeal³.
23. In addition, the forthcoming local plan review will also have to take into account the NPPF's new standard methodology, the 2016-based household projections, and the recent request by the South Downs National Park Authority to export a share of its housing needs into Chichester. It is therefore

³ APP/L3815/W/14/3000690, land at Clappers Lane, Bracklesham

quite likely that the District's housing requirement will increase, possibly beyond the present OAN.

24. There is some force in all these arguments, and I agree that the benefit of boosting the supply of housing land is an important consideration, irrespective of the 5-year supply position. But nevertheless, I am satisfied that the calculations set out above properly reflect the relevant guidance in the NPPF and PPG. Although the other housing-related considerations may be material, they do not negate or outweigh the results of that exercise.
25. Accordingly, for the reasons set out above, I conclude that a 5-year supply of deliverable housing land has been demonstrated. It follows that, for the present at least, the proposed development is not needed to make up any shortfall in the supply of housing.

Effects on the horticultural industry

26. Policy 23 of the BPNP seeks amongst other things to support and to avoid adverse impacts on local businesses in certain specific sectors, one of which is the horticultural industry, together with the farming, tourism and marine sectors. The development now proposed would mean the loss of a currently active horticultural business, at Bellfield Nursery. Although there is some evidence of adverse trading conditions in plant nurseries generally, there is no suggestion that Bellfield Nursery is no longer viable. To this extent the appeal scheme would conflict with Policy 23.
27. As far as the rest of the appeal site is concerned, the former Koolbergen site is now so derelict and overgrown that to bring it back into horticultural use would clearly require a considerable amount of investment in site clearance and restoration. There is nothing to suggest that this is a realistic scenario. But in the case of Kelly's Nurseries, although the horticultural business has ceased, the glasshouses and the site itself appear generally in good condition; on the face of it, there is nothing to prevent the same or a similar use being recommenced here. Although it was argued that the business had become unviable, no detailed evidence was produced to justify the site's loss from horticultural use.
28. In terms of job numbers, the employment capacity that would be lost could well be exceeded by the new B1 and retail buildings which are proposed within the development. But Policy 23 is targeted specifically at the four sectors identified above, and the new facilities now proposed are unrelated to those types of activity. The development would therefore not support or protect the particular local industries that Policy 23 is concerned with. Consequently, whilst the proposed new employment provision is a material consideration, to which I shall return later in this decision, it would not directly overcome the inherent conflict with Policy 23 in terms of the loss to the local horticultural industry.
29. In the recent past, two other nursery sites at Bell Lane were given permission for housing. However, these permissions were granted prior to the emergence of Policy 23, and also in the context of a shortfall in the district's 5-year land supply. Circumstances have therefore changed since those decisions were made.
30. I accept that the reasoning behind Policy 23 is not made clear in the BPNP, and although the CLP contains policies relating to horticulture, none of these

provides a clear basis for the level of protection that Policy 23 requires in Birdham. But it is in the nature of neighbourhood planning that policies may sometimes simply reflect local preferences and priorities. In any event, it is not disputed that the BPNP was prepared in accordance with the relevant procedural requirements, and forms part of the development plan.

31. I conclude that the proposed development would have a significant adverse impact on the local horticultural industry, due to the loss of the existing business at Bellfield Nursery, and the loss of any prospects for the resumption of horticultural use at Kelly's Nurseries. These adverse impacts bring the appeal proposals into conflict with BPNP Policy 23.

Effects on the area's character and appearance

32. The appeal site lies at the very end of Birdham's built-up area, beyond the extended village boundary that was redrawn in the BPNP to include the former Rowan Nurseries site. The development now proposed would extend the village even further into the countryside, and into the narrow gap between Birdham and Somerley.

33. The proposed new houses, B1 building and retail unit would be far more permanent, more solid, and more visually dominant than the existing structures on the site. The character of the land would thus be significantly changed, from semi-rural to urban. This change would be seen along the whole length of the site frontage, and indeed from a considerable length of Bell Lane in either direction. There is no reason why the development could not be designed to achieve a high quality of design and landscaping, but nonetheless, it is probable that the loss of its present relative openness would be perceived by many as a change for the worse. The development would therefore cause some harm to the area's character and appearance.

34. But on the other hand, notwithstanding its policy designation as countryside, the site is part of a village fringe area which is visually distinct from the more open country surrounding it. This part of Bell Lane is characterised mainly by plant nurseries, caravan sites, scattered dwellings and small-scale employment uses. On the appeal site itself, although the extensive glasshouses, poly-tunnels and covered growing areas are recognisably agricultural or horticultural in nature, visually they give much of the site at least a partly developed appearance. This impression is further reinforced by the two existing dwellings, and by the brick-built garage/office building at Kelly's Nursery, and the former barns and mobile home to the rear. Consequently, irrespective of how much of the site is 'previously developed land' (to which question I again return later), in terms of its visual appearance, most of the site cannot properly be described as either open or undeveloped.

35. The site's southern and western boundaries are well screened, by dense trees and hedgerows, preventing any intervisibility with the countryside beyond. The development would therefore not be seen other than from Bell Lane or from Birdham's built-up area.

36. Neither the site nor its surroundings are within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), or any other landscape designation. There is no suggestion that the site is part of any valued landscape.

37. Overall therefore, the harm that the proposed development would cause to the area's character and appearance would be quite limited. Whilst the protection of landscape character is one of the aims behind the CLP's countryside policies, none of those policies seeks to insulate the whole of the District outside settlement boundaries from any change at all. NPPF paragraph 170 advocates that the countryside's intrinsic character and natural beauty should be recognised, but this does not necessarily mean protecting sites where those qualities are lacking.

38. I conclude that, on its own, the limited harm that the proposed development would cause to the area's character and appearance does not add any further significant weight to the case against the proposal. In the overall planning balance therefore, the effect in this regard is neutral.

Other Matters

Previously developed land

39. The NPPF advocates the effective use of land, with particular emphasis on previously developed land (PDL)⁴. Substantial weight should be given to the use of suitable brownfield land within settlements, and elsewhere decisions should support the development of under-used land to meet identified housing needs. However, nothing in the NPPF requires that these considerations should outweigh development plan policies.

40. In the case of the appeal site, there is no dispute that the existing dwelling at Bellfield Nursery, and its curtilage are PDL. In addition, the former barns and mobile home on the rear part of Kelly's Nurseries could possibly fall within the definition, depending on how long the existing non-agricultural uses have been established; and the footprint of the partially-constructed farm shop, to the front of Kelly's Nursery, might also be PDL, depending on whether condition 12 of the permission for that development makes the use ancillary or freestanding. On all of these questions, the evidence is inconclusive, but for the purposes of this appeal I propose to give the benefit of the doubt to the appellants. I have therefore assumed that all of these areas are, or might be, PDL.

41. On the other hand, all of the areas currently or last used for horticulture seem to me to be excluded from being PDL, because they are essentially agricultural in nature. There is no clear evidence that any of the retail, cafe or car parking facilities associated with these nurseries are, or ever were, anything more than ancillary to the main horticultural use. These areas are therefore part of the respective horticultural uses, rather than part of any mixed use. The derelict structures and roadways on the Koolbergen site have not yet fully blended into the landscape, but even so, that part of the appeal site is not PDL, because of its previous use. The existing house and garden at Kelly's Nursery are PDL, but since these are to be retained, they have no bearing on this issue.

42. Consequently, even on the most favourable assessment, the areas of actual or possible PDL at the appeal site are, in total, no more than a small proportion of the site as a whole. In the circumstances, the opportunity to make more effective use of this small amount of PDL carries only limited weight in favour of the appeal.

⁴ NPPF paragraphs 117 and 118

The B1 building

43. The proposed Class B1 building would provide 700 sq m of light industrial space, in one or more units. A building of this size and type would have the potential to accommodate a variety of small enterprises, possibly including start-ups or existing small firms seeking to expand. It might also be suitable for the relocation of some of the businesses currently operating from the former barns on the appeal site.
44. General support for the provision of new business space is provided in CLP Policy 3, which encourages a flexible supply of employment land and premises, to meet the District's varying needs, including a wider range of opportunities in the rural areas. Policy 22 of the BPNP also welcomes small-scale development for business use, albeit this is directed to sites within the village boundary. The NPPF seeks to support a prosperous rural economy, through sustainable growth and expansion of businesses in rural areas, including well-designed new buildings⁵.
45. I accept that in some cases the Council might be justified in asking for marketing evidence, to show a local need in relation to Policies 2 and 45. But that is more likely to arise where commercial space is the sole or main purpose of the development, whereas here it is only a minor element. Aside from those policies, there is no general requirement for a need or demand to be demonstrated, and CLP Appendix E has no bearing in such cases. In the present case, if evidence had been produced to show a local demand for B1 space, that could possibly have helped the appellants' case. But the lack of such evidence does not undermine the potential for the B1 building to count as a benefit.
46. I also note the Council's doubts regarding the B1 building's financial viability. However, the provision of the building is secured by the Section 106 agreement.
47. I conclude that the inclusion of the proposed B1 space represents a potential benefit to the local economy, to be set against the adverse effects on the horticultural industry, identified earlier. In the overall balance, this benefit carries some weight, albeit limited because of the building's minor role in the scheme as a whole.

The proposed retail unit

48. The S.106 agreement provides for the retail unit to have a minimum floorspace of 150 sq m. No maximum is stated, but if necessary, the size could also be limited by condition. A unit of around this size would be sufficient to provide a small convenience store or similar type of local retail business.
49. CLP Policy 45 requires retail development in the countryside to be subject to sequential and/or retail impact testing where appropriate. However, the NPPF makes it clear that these are not appropriate for small scale rural development of the type and size now proposed⁶.
50. There is no evidence that the proposed unit would adversely affect Birdham's existing small supermarket, or that it would be unable to attract an operator.

⁵ NPPF paragraph 83⁶ NPPF paragraphs 88 and 89

Not only are these arguments contradictory, but in any event, in the absence of any relevant policy requirements in either regard, neither is a relevant planning consideration.

51. In the context of the appeal scheme as a whole, it seems to me that the proposed retail unit could potentially provide a useful, small-scale local service, not only for future occupiers of the proposed development itself, but also for other residents of Birdham. As such, it would help to sustain the local community and add to its vitality. Given the small size of the proposed unit, the benefit that it would bring would be quite modest, but nevertheless, this adds a further consideration to the overall planning balance.

Local housing needs in Birdham

52. Policy 5 of the CLP sets the indicative requirement for Birdham, for the period 2012-29, at 50 dwellings. The permissions subsequently granted on four sites in the village allow for a total of 79 dwellings, which is more than sufficient to meet this requirement. Although one of these sites, at Crooked Lane, is now expected to be delayed until 2023 or later, there is no evidence that this will push the development beyond the end of the plan period in 2029; and even if that did occur, the remaining three permitted sites would still more than meet the Policy 5 requirement.
53. The Policy 5 figure of 50 dwellings is not intended to be a ceiling, and there is no policy in any plan that sets an absolute limit on development in the village. However, there is equally no identified local requirement for any further additions to the sites already permitted. In any event, Policy 14 of the BPNP allows some scope for additional windfall sites within the village boundary. In terms of the village's own needs therefore, there is currently no requirement for any further development outside that boundary.

Affordable housing

54. With regard to affordable housing, the CLP's general requirement is for all sites to provide 30%. In Birdham, applying this percentage to the indicative requirement of 50 dwellings, this suggests a local need for about 15 of those dwellings to be affordable. When the BPNP was made, planning permissions for 79 units in the village had by then been granted, and based on those permissions it was expected that 37 of these units would be affordable. However, the plan makes it clear that only 15 of these would be subject to a 'local lettings policy', thus reflecting a scale of local need in Birdham itself that accorded with the original indicative target derived from CLP Policy 5. There is no evidence to suggest that the need for affordable housing in Birdham has ever been found to exceed 15 dwellings.
55. Subsequently, the number of affordable dwellings required at the Rowan Nursery site has been reduced by 3 units, and the delay to the Crooked Lane development means that the 15 affordable units proposed on that site will not be delivered as early as previously expected. But there is no evidence to suggest that the village's need for 15 affordable dwellings cannot be met, and indeed comfortably exceeded, within the plan period.
56. As regards the position across Chichester District as a whole, there is no clear evidence. In a previous local appeal⁷, heard in June 2017, it was apparently

⁷ APP/L3815/W/16/3165228, Land at the corner of Oving Road and the A27, Chichester

agreed by the Council that affordable housing had not kept pace with need. But in the present case, that point is not common ground, and no further evidence has been brought forward that would enable me to form any similar conclusion. Whereas, on the other hand, I have found that the District now has sufficient land to meet its general housing requirement, at least for the time being, and has policies in place to secure the required proportion as affordable housing. In the absence of any other evidence, I have no reason to believe that the required level of affordable housing cannot be achieved over the plan period.

57. In the development now proposed, 23 of the dwellings would be affordable, meeting the 30% required by CLP policies. There is no doubt that this affordable element is to be welcomed, and must therefore be counted as a benefit, weighing in favour of the appeal. But in view of the lack of any clear evidence of a need to increase the existing and planned provision, either at local or district level, I can give this benefit only limited weight.

The SPA and mitigation

58. The appeal site lies within the 5.6 km buffer zone around the Chichester and Langstone Harbours SPA, which is protected under the Habitats Regulations. The proposed development would have the potential to contribute, in combination with other developments in the area, to a significant indirect adverse impact on the SPA's integrity, through recreational disturbance.
59. However, the appeal is accompanied by a shadow Appropriate Assessment, carried out by the Council, in consultation with Natural England. The assessment concludes that the scheme's adverse effects could be adequately mitigated by means of a financial contribution to the Council's 'Bird Aware' scheme for the area. Having had regard to the contents of the assessment, I agree with this conclusion. The contribution provided for in the S.106 agreement meets this requirement, and would therefore fully mitigate the development's effects on the SPA.

Other considerations

60. From all the evidence before me, I am satisfied that the provisions of the S.106 agreement meet the relevant legal and policy tests for planning obligations. I have therefore taken the contents of the agreement into account in reaching my decision. In addition to the provisions discussed elsewhere in this decision, the proposed new pedestrian and cycle path, the new bus lay-bys, and the public open space and play area, would all be of some benefit to the local community, over and above the need to mitigate the development's own impacts. These add some further weight in favour of the appeal.
61. There is no dispute that the site is close to the existing facilities in Birdham. Those facilities are not very numerous, but they do include a primary school, convenience shop, village hall and recreation ground. Bell Lane is also served by existing bus services. The opinion surveys carried out for the BPNP did not appear to show any strong public objection to development in this part of the village. However, these matters do not outweigh the policy objections that I have identified.
62. I note the various matters raised by local residents relating to traffic, drainage, flood risk from surface and ground water, and waste water treatment capacity.

However, none of the relevant statutory bodies has objected. In the absence of further evidence, and in view of my conclusions on the main issues discussed above, I do not propose to pursue these matters in any further detail.

Conclusions

63. The appeal proposals would be contrary to the locational strategy for housing, and the approach to development in the countryside, jointly embodied in Policies 2 and 45 of the CLP and Policies 13 and 15 of the BPNP. It would also conflict with the aim of protecting Birdham's horticultural industry, as required by BPNP Policy 23. These are the principal relevant policies relating to the proposed development as a whole. The scheme therefore fails to accord with the development plan.
64. A 5-year supply of housing land has been demonstrated, and none of the relevant policies have been shown to be out-of-date or inconsistent with the NPPF. There is therefore no reason for me to give any of these policies less than full weight, or to apply the 'tilted balance' in NPPF paragraph 11.
65. The proposed new housing, both affordable and open-market, and the B1 and retail units, would all bring some potential social and economic benefits for the local community. So too would the S.106 provisions for the footpath/cycleway, bus lay-bys, open space and play facilities. But on the other hand, the site is not within the areas where development on this scale is permitted, and no exceptional need has been established. The scheme would therefore cause harm not only to the planning strategy for the area, but also to the principle of plan-led decision-making, which is central to the NPPF and to the whole planning system.
66. The development would cause little harm to the area's character or appearance, and would be reasonably well located for access to some local facilities. These considerations would carry some weight, if there were a need to find a suitable location for a development of this type. But in the absence of such a need, they add nothing to the matters set out above; their effect on the overall balance is therefore neutral.
67. The potential benefits arising from the proposed scheme are numerous, but nevertheless, even when these are all added together, they are not compelling. In the absence of a proven need, the considerations in favour of the development do not outweigh the harm due to the conflicts with the development plan.
68. I have taken account of all the other matters raised, but none changes these conclusions. The appeal therefore fails.

J Felgate

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Gwion Lewis	Of Counsel (instructed by Keystone Law)
He called:	
Ms Melanie Burgoyne MA(Cantab)	Economic Development Services Manager
Mr Jeremy Bushell BA(Hons) DipTP MRTPI	Principal Planning Officer
Mr Alex Roberts BSc ARTPI	DLP Planning

FOR THE APPELLANT:

Ms Jenny Wigley	Of Counsel (instructed by Ms N Golding, Principal Solicitor to the Council)
She called:	
Mr Nigel Jacobs	Intelligent Land, Chartered Surveyors and Town Planners
Mr Jonathan Jarman BA(Hons) DipTP	Bell Cornwell Chartered Town Planners

FOR THE RULE 6 PARTY:

Cllr Laurence Pocock	Chairman, Birdham Parish Council
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OTHER INTERESTED PERSONS:

Cllr Robert Carey	Chairman, Earnley Parish Council
Mr Carey McKinnon	Local resident

DOCUMENTS

JOINT DOCUMENTS

JT/1	Agreed note on Chichester Harbour SPA
JT/2	Habitat Regs Screening Matrix and Appropriate Assessment Statement
JT/3	Pins Note 05/2018: 'Consideration of avoidance and reduction measures in HRA'
JT/4	[2015] EWCA Civ 683: Friends of the Earth v Forest of Dean DC
JT/5	Revised Statement of Common Ground on 5-Year Supply of Housing Land, dated 5 October 2018
JT/6	Agreed note on Section 106 Agreement provisions
JT/7	Signed Section 106 agreement, dated 11 October 2018

THE APPELLANTS

AP/1	Marketing brochure for industrial unit at Glenmore Business Park
AP/2	Horticulture Week articles dated 28 March and 3 April 2018
AP/3	Batch of emails relating to enforcement action at Kelly's Nursery
AP/4	Officers' report re South Downs Holiday Park site
AP/5	Extracts from Chichester Housing and Economic Land Availability Assessment (HELAA), August 2018
AP/6	Land west of Chichester/Centurion way (site 16): email from M Hewitt dated 27 Sept 2018
AP/7	Land at Highgrove farm (site 68): extract from HELAA, and site layout plan
AP/8	Email from S Thixton dated 27 sept 2018, re Barratt completions rate at East Beach Walk, Selsey
AP/9	Land at Shopwhycke Road (site 34): planning permission Ref O/11/05283/OUT
AP/10	Updated versions of Mr Jacobs' Appendices 2 and 3, received 5 October 2018
AP/11	Closing submissions

THE COUNCIL

CN/1	Opening submissions
CN/2	Documents relating to enforcement matters at Kelly's Nurseries: <ul style="list-style-type: none"> o Email from J Bushell dated 28 September 2018 o Enforcement Notice (EN) against car wash, 13 December 2017 o EN against erection of a building, 11 July 2018 o EN appeal acknowledgement letter dated 3 September 2018
CN/3	Definition of 'agriculture' (TCPA 1990, S.336(1))
CN/4	Definition of 'farm shop' (Oxford Dictionary)
CN/5	Land at Shopwhycke Road (site 34): Highways England letter dated 25 July 2018
CN/6	Land at Shopwhycke Road (site 34): S.73 application for variation of conditions, dated 7 Sept 2018
CN/7	Land at Kirdford Growers (site 59): email from P White dated 4 October 2018
CN/8	Land N of Stane Street, Madgwick Lane (site 52): email dated 25 Sept 2018 from T Whitty
CN/9	Land N of Stane Street, Madgwick Lane (site 52): approval of reserved matters ref WH/18/01024/REM, and officer's note from M Bleakley dated 4 Oct 2018
CN/10	Land N of Stane Street, Madgwick Lane (site 52): S.106 agreement, 4 Oct 2018
CN/11	Closing submissions

OTHER PARTICIPANTS

OP/1	Cllr Pocock's final submission for Birdham PC
OP/2	Cllr Carey - speaking notes
OP/3	Map of main roads serving the area (tabled by Cllr Carey)
OP/4	Appeal decision APP/L3815/A/14/2219554: land S of Clappers Lane (Cllr Carey)

CHICHESTER HARBOUR CONSERVANCY

PLANNING COMMITTEE

15 MAY 2023

REVIEWING PLANNING PRINCIPLE 11, 12 AND 13

REPORT BY THE AONB MANAGER

1.0 Introduction

- 1.1 The Planning Principles were last reviewed in 2018. It was resolved at the Planning Committee meeting of 7 March 2022 that the Members would review the Planning Principles at each meeting as a standing item until complete, and in order.
- 1.2 Section 2, 3, and 4, of this report reproduce Planning Principle 11, 12 and 13, verbatim from the Management Plan, with comments from the AONB Manager in Section 5.
- 1.3 Ideally, the review of the Planning Principles needs to be completed by 17 July 2023. The revised text will go into the next iteration of the Chichester Harbour Management Plan (2024-25).
- 1.4 Members are invited to comment and make suggestions to Planning Principles 11, 12 and 13, to inform the revisions as they start to take shape.

2.0 PP11: Intertidal Structures

2.1 Planning applications for intertidal structures will be assessed for their impact on the visual land/seascape, nature conservation and navigational safety.

2.2 **The Conservancy is unlikely to object to 'like-for-like' replacements, unless the existing structure:**

- Is unauthorised and is either:
 - a) The subject of current enforcement action; or
 - b) In the Conservancy's view, should be the subject of enforcement action; or**
- Is dilapidated or collapsed and the applicant is unable to evidence its use in the last 10 years.

2.3 If alterations are proposed to an intertidal structure that would materially affect its appearance, the Conservancy is unlikely to object provided the silhouette/footprint of the structure does not materially increase and materials with dark/muted/matte colour finishes are proposed.

2.4 The Conservancy will only support new or enlarged intertidal structures where:

- It is demonstrated they are for essential public use or it is demonstrated the development is necessary to ensure the continued viability of a marine related enterprise; and
- Any nature conservation impact can be mitigated; and
- There is no adverse land/seascape or visual amenity impact; and
- Safety of navigation is maintained.

Reasoned justification

- 2.5 The Harbour is designated as internationally important for nature conservation and the 2010 Conservation of Habitats and Species Regulations require any proposals likely to have a significant effect on the designated site to be assessed by the competent authority. Natural England will assess whether any proposed development within the intertidal area will have any relevant effect on the habitats and species of interest. In all cases, applicants should discuss their proposals with Natural England, the LPA and the Conservancy to ensure that all relevant issues and consents are identified and applied for.
- 2.6 All proposals below mean-high-water springs will require a Works Licence from the Conservancy. Applications for both planning permission and a Works Licence should be accompanied by a detailed method statement, which outlines the construction process and how adverse impacts on the designated sites will be avoided.
- 2.7 In some instances an Appropriate Assessment will be required to more fully assess the potential impacts before the LPA, Natural England and the Conservancy can determine whether the development is acceptable and if so what conditions may be necessary. A licence will also be required from the Marine Management Organisation and in some cases a licence or environmental permit from the Environment Agency.
- 2.8 Where a significant impact on the designated sites would arise (for example, from an increase in footprint/shading as a result of the proposed structure), this will need to be compensated for to ensure that there is no net loss of intertidal habitat.
- 2.9 Where it has been demonstrated that a new intertidal structure is essential for public use, adequate compensation will need to be provided to offset any impacts on nature conservation interests from the introduction of a new structure. The application will also need to demonstrate that there are no adverse impacts on the landscape character or visual amenity of the AONB or the safety of navigation. Where a new structure is only for private use, the Conservancy is highly likely to object to such a structure because of the likely significant impacts upon the landscape character and visual amenity of the AONB and the impact on nature conservation interests. There are also likely to be impacts upon navigational safety.
- 2.10 Examples of compensation include the removal of equivalent existing structures or material from the intertidal area, the provision of additional intertidal habitat elsewhere, and the surrendering of existing swinging moorings or other boat storage facilities.
- 2.11 Where repairs are contemplated to an existing intertidal structure, advice should be sought from the LPA as to the need for planning permission for such work. The LPA may invite an application for a Certificate of Lawfulness of proposed development. In all cases, supplying the LPA with photographs and drawings of the existing structure and a detailed written schedule of the work contemplated will speed-up this process.
- 2.12 Significant elevational changes to existing intertidal structures are unlikely to be supported by the Conservancy - (unless they are essential for public or commercial use and any impacts can be adequately mitigated) - because of their likely long-term impact on the AONB.

- 2.13 The cumulative impact of private householders installing new structures which extend into the Harbour could be seriously damaging to this highly sensitive coastal landscape as well as to the wildlife interest of the AONB and to the safety of navigation on the water. For these reasons, the Conservancy exercises a presumption against the introduction of new intertidal structures for private use.
- 2.14 In order to support marine-related businesses, the Conservancy will not apply this presumption where it can be demonstrated that the structure is essential for the success of the business and it would not have an adverse impact on the environment.
- 2.15 Depending upon the extent of collapse and dilapidation and the timeframe, this type of application can effectively mean the introduction of a new structure. As such, adequate compensation will need to be provided to offset any impacts on nature conservation interests, weighed against the habitat benefits the existing structure may offer. The applicant should demonstrate that the new structure would not have a detrimental impact upon the landscape character or visual amenity of the AONB or navigational safety.
- 3.0 PP12: Limits on Marinas and Moorings
- 3.1 The Conservancy is unlikely to object to a proposal for a new marina in the AONB if the applicant can demonstrate that all the existing marinas cannot be extended, and any new berths are matched by a reduction in the same number of existing moorings.
- 3.2 The Conservancy is also unlikely to object to the extension of an existing marina in the AONB providing any new berths are matched by a reduction in the same number of existing moorings.
- 3.3 The Conservancy is likely to support proposals for the redistribution of moorings to established marinas. It is unlikely to support proposals which result in a net increase in the number of moorings or marina berths.

Reasoned justification

- 3.4 Since the Conservancy was established in 1971 there has been a moratorium on the number of moorings and marina berths due to congestion in the Harbour at peak periods, which can be dangerous and may detract from the value of **recreational experience. The Conservancy's vessel movement surveys show that a vessel passes the busiest transit every 6 seconds, over the peak half-hour period, and a further increase would lead to dangerous sailing conditions. Therefore, any schemes which propose to increase the number of marina berths will need to be offset by 'wasting' an appropriate number and type of moorings.**
- 4.0 PP13: Public Access to the Water and New Launch-on-Demand Facilities
- 4.1 The Conservancy will object to any new facility which will provide a net gain in public access to the water for vessels or will increase the number of vessels using the Harbour.
- 4.2 The Conservancy will support proposals for storage buildings/structures and areas of hard standing and associated means of enclosure related to the secure storage and operation of launch on-demand boat services tied to new public access points to the water, where it can be demonstrated that:

- Such facilities are required to enable the continued viability of an existing marine-related enterprise or established recreational club with existing public shoreline access to the Harbour. Where such facilities represent a consolidation of several separate areas and access points, and tidying-up a site, the Conservancy may be more favourably disposed to such proposals, if the re-instatement of abandoned areas offers an enhancement to the AONB overall; and
- Any increase in recreational activity would not harm nature conservation interests; and
- Any increase in recreational activity would not be detrimental to navigational safety.

Reasoned justification

- 4.3 The Conservancy recognises that the Harbour is very close to capacity in terms of water based recreational use, which can lead to issues of safety of navigation and detract from the recreational experience itself. Therefore, the Conservancy will continue to maintain its moratorium on the number of deep-water moorings, object to proposals for new marinas and any new facilities which will provide new public access to the water for vessels.
- 4.4 **A 'launch-on-demand' facility refers to a fixed structure to store, or mobile structure to lift boats into the water and then allow the boat to float off the supporting structure and vice versa. Very often, for reasons of security, a mobile structure may require to be housed in a building close to the shoreline and areas of hard standing, perhaps enclosed by fencing and may also be required to 'marshal' boats waiting to be launched.**
- 4.5 Where such works require planning permission, the Conservancy will require that the natural beauty of the AONB and its nature conservation interests are given priority over recreational and maritime business interests. Where the latter are not compatible with the former, the Conservancy will be likely to object to such proposals.
- 5.0 Comments
- 5.1 Planning Principles 11, 12 and 13 are seldom cited by the Principal Planning Officers because relevant planning applications are few and far between.
- 5.2 **The Conservancy's powers are limited, in terms of Works Licences, to intertidal structures that were installed after 1971. Structures that pre-date this are exempt from needing a Works Licence for like-for-like repairs or replacement but may still require planning permission.**
- 5.3 With regards to 2.2, the 10-year rule that was introduced in 2018 has been difficult to prove, with a reliance on undated old photos. Whilst the quality of satellite images has improved, the resolution is still quite low for images taken around 2010. This means that they cannot be relied upon for evidence as to whether a structure was present or not.
- 5.4 There will be some implications for Planning Principles 11, 12 and 13 because of the SSSI Condition Review (2021). For instance, water-based recreational disturbance is an increasing concern, therefore any infrastructure changes to better accommodate this growing market should consider possible implications for the birds and seals.
- 6.0 Recommendation

6.1 Members are recommended to discuss the paper and advise Officers on any changes as agreed by the Committee.

6.2 All Planning Principles will be collectively edited during the summer of 2023.

Richard Austin
AONB Manager

Steve Lawrence/ Linda Park
Principal Planning Officers

Delegated Decisions Report

From 24/02/2023 to 04/05/2023

Total Cases **37**

No Objection **31**

Pre-App Advice Given **1**

EIA Screen - No ES Sought **0**

Total CHC Delegated **33**

Objection **3**

No Comment Made **2**

EIA Screen - ES Requested **0**

Total CHC Consulted Delegated **1**

Holding Objection **0**

Clarification Requested **0**

EIA Scope - ES Content Required **0**

Total CHC Committee **3**

EIA Scope - ES Content Acceptable **0**

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
27/02/2023	BO/22/03138/DOM	Linda Park	Smugglers Haul , Smugglers Lane, Bosham, West Sussex, PO18 8QW	Single storey side extension and solar panels	Objection Over dominant visual and physical impact, Adverse impact on
	CHC Delegated				
27/02/2023	BI/23/00197/DOM	David Rothery	2 Florence Close, Birdham, West Sussex, PO20 7DX	Erection of single-storey front extension to incorporate replacement entrance porch and cloakroom with pitched roof including alterations to fenestration	No Objection Matching Materials / fenestration, Internal Blinds Appropriate planning conditions should be considered and applied by the LPA, to control the materials of construction and the finished appearance, and measures to limit light pollution within the Dark Skies protocol.
	CHC Delegated				

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
07/03/2023	APP/23/00061	David Rothery	4 Langstone High Street, Havant, PO9 1RY	Installation of replacement front door	No Objection Matching Materials / fenestration Appropriate planning conditions should be considered and applied by the LPA, to control the materials of construction and the finished appearance.
CHC Delegated					
07/03/2023	WI/23/00120/TCA	David Rothery	Church Corner Itchenor Road West Itchenor West Sussex	Notification of intention of Tree works to 1x Oak tree (G4) to crown reduce by 3m (30%)	No Objection Other Subject to the comments of the LPA Arboriculturist / Tree Officer / Landscape Architect advisor to the planning office, and appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) o
CHC Delegated					
07/03/2023	BO/22/03107/DOM	David Rothery	30 Critchfield Road, Bosham, West Sussex, PO18 8HH	Erection of single-storey rear extension with roof balcony terrace above, main roof shape alteration to incorporate gable ends dormer windows to both sides to provide for expansion of first-floor accommodation floor space, together with the conversion of	No Objection Matching Materials / fenestration, Internal Blinds -the materials of construction and the finished appearance, -measures to limit light pollution within the Dark Skies protocol. Conditions are to be read in conjunction with the overall recommendation and should not be separated.
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
13/03/2023	BO/22/02602/DOM	Linda Park	Rambles, Sunnyway, Bosham, West Sussex, PO18 8HQ	Side extension and rear single storey extension Externally insulate the walls and render, extend existing roof structure from a hip roof to a gable end, . Replace all the doors and glazing. Replace the garage with a new garden store. Add solar generating	No Objection Other suitable conditions to ensure that the proposed solar panels are all black (avoiding silver patterns, in accordance with Section 38 of the AONB SPD); the new roof lights are fitted with blinds to prevent light pollution in accordance with the AONB's Dark
	CHC Delegated				
13/03/2023	BI/23/00238/TPA	Linda Park	White Water Lock Lane Birdham Chichester	Reduce height by 8m on 1 no. Lombardy Poplar tree (quoted as T1). Reduce height by 6m on 1 no. Lombardy Poplar tree (quoted as T4). Reduce height by 6m and reduce north sector by 3m on 1 no. Lombardy Poplar tree (quoted as T5). All 3 no. trees within Grou	No Objection
	CHC Delegated				
13/03/2023	BI/23/00240/TPA	Linda Park	White Water Lock Lane Birdham Chichester	Reduce height down to 4m/part fell (to match the fourth tree/stump in the line along the rear boundary) on 2 no. Lombardy Poplar trees (quoted as T2 and T3). Both trees within Group, G subject to CC/98/00035/TPO	No Objection
	CHC Delegated				
13/03/2023	APP/23/00104	Linda Park	Cockle Point, Marine Walk, Hayling Island, PO11 9PQ	Proposed replacement access gates, garden store and summerhouse and construction of swimming pool and 2 storey garage.	No Objection Other 1. Matching materials to those presented under approval APP/22/00754 be used (as set out in the application); 2. Automated internal blinds be fitted to the proposed roof lights; 3. New garage to remain ancillary to 'Cockle Point' and not to be used as s
	CHC Delegated				

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
14/03/2023	APP/23/00109	David Rothery	Holmwood Mews, King Street, Emsworth, PO10 7AZ	Tree works to 1x tree of undisclosed species comprising the removal of a lower branch laying on party wall between nos. 14 & 16 King Street (within Emsworth Conservation Area)	<p style="text-align: center;">No Objection</p> <p>Other</p> <p>Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA.</p> <p>Conditions ar</p>
CHC Delegated					
14/03/2023	BO/23/00308/TCA				
CHC Delegated					
14/03/2023	BO/23/00329/DOM	David Rothery	Sailmakers , Shore Road, Bosham, West Sussex, PO18 8JA	Installation of new front garden walls, trellis, gate pergola and path	<p style="text-align: center;">No Objection</p> <p>Matching Materials / fenestration</p> <p>Appropriate planning conditions should be considered and applied by the LPA, to control the materials of construction and the finished appearance, and measures to limit light pollution within the Dark Skies protocol for any external light sources.</p>
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
14/03/2023	APP/23/00139	David Rothery	3 Spring Gardens, Emsworth, PO10 7AU	Tree works to 1x Bay tree comprising the felling of the single tree (within Emsworth Conservation Area)	No Objection Other Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA. Conditions ar
CHC Delegated					
15/03/2023	BI/22/03067/FUL	Steve Lawrence	Strathmore , Main Road, Birdham, West Sussex, PO20 7HU	Construction of a two storey 3 bed detached self-build dwelling - variation of condition 2 of Planning Permission BI/21/00980/FUL for alterations to fenestration including addition of 1 no. window and 1 no. rooflight to south elevation and additional ti	No Objection Other subject to – (a)securing the appropriate SDMP financial contribution to mitigate recreational disturbance within the Chichester Harbour SPA if an additional bedroom is proposed in the attic space; and, (b)planning conditions – (i)safeguarding
CHC Delegated					
15/03/2023	SB/23/00025/DOM	Steve Lawrence	Fieldside , Prinsted Lane, Prinsted, Southbourne, West Sussex, PO10 8HS	Single storey rear orangery.	No Objection Other Subject to implementation with the specified external facing/roofing materials
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
15/03/2023	CH/23/00216/DOM	Linda Park	Stonecroft , Main Road, Bosham, West Sussex, PO18 8PL	One and a half storey extension with associated roof works including 2 no. dormers. Cladding to be added to exterior of the building and composite roofing tiles to replace existing tiling. 1 no. proposed Juliet balcony to southern elevation. Proposed sola	No Objection Other 1.Materials and finishes to be carried out as shown on the plans; 2.Internal blinds be fitted to proposed roof lights to prevent light spillage; 3.Details of proposed solar panels be agreed and to be all black; 4.Garage to remain incidental to main
CHC Delegated					
15/03/2023	WI/23/00351/FUL	Linda Park	Orchard House, Orchard Lane, Itchenor, Chichester, West Sussex, PO20 7AD	Replacement dwelling, outbuildings and associated works. (Variation of condition 2 (plans condition) of permission 22/00374/FUL - amendments to lantern, windows, front canopy, and turret).	No Objection No objection, subject to the same conditions which were included on permission 22/00374 remaining applicable to any amended permission, in particular conditions 3 & 7 (ecological enhancement measures), 4 (materials and finishes), 8 and 10 (provision of pl
CHC Delegated					
15/03/2023	BO/23/00075/TPA	Linda Park	Rivendell The Drive Bosham West Sussex	Crown reduce by up to 6m, reduce southern sector to give a clearance of 2m from adjacent property (Rithe End), crown raise southern sector by up to 3m (above ground level), crown thin by 10% and reduce 4 no. surface roots on southern sector by 4m on 1 no.	No Objection
CHC Delegated					
20/03/2023	BI/23/00034/DOM	Linda Park	Sixpenny Cottage , Crooked Lane, Birdham, West Sussex, PO20 7ET	Proposed single storey outbuilding comprising of garden store/workshop, studio/garden room and gym	No Objection Other 1.Building to remain incidental to Sixpenny Cottage and not to be used as living accommodation or as a separate dwelling; 2.Materials in accordance with plans.
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
20/03/2023	APP/23/00150	Linda Park	23 Queen Street, Emsworth, PO10 7BJ	Fell 9No Leylandii. 1No Pittosporum reduce crown height and spread by 3 metres, leaving crown height of 4 metres and crown spread of 3 metres. 1No Bay reduce crown height and spread by 3 metres, leaving crown height of 4 metres and crown spread of 3 metre	<p>No Objection</p> <p>Other</p> <p>Request to replace Leylandii with suitable native trees/hedgerow.</p>
CHC Delegated					
22/03/2023	SB/23/00460/ELD				
CHC Delegated					
22/03/2023	BO/23/00587/TCA	Linda Park	Corner Cottage High Street Bosham West Sussex	Notification of intention to fell 1 no. Cherry tree (T1).	<p>No Objection</p> <p>Ask that the applicant considers replacing the tree with suitable shrubs or bushes so that there is no overall loss of planting and wildlife habitat within this location within the heart of the Bosham Conservation Area and AONB.</p>
CHC Delegated					
29/03/2023	APP/23/00190				
CHC Delegated					
29/03/2023	SB/23/00219/DOM	Linda Park	6 Frarydene, Prinsted, Southbourne, West Sussex, PO10 8HU	Replacement of existing conservatory with single storey rear extension.	No Objection
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
11/04/2023	BO/23/00729/PREHH	Linda Park	Lea Rig, 3 Elm Park, Bosham, Chichester, West Sussex, PO18 8PD	Internal and external improvements which include a loft conversion and the re-building of 2 no. single storey extensions.	Pre-App Advice given
CHC Delegated					
17/04/2023	SB/23/00434/DOM	Linda Park	Critchfield, Prinsted Lane, Prinsted, Emsworth, PO10 8HR	Single storey rear extension with pitched roof, single storey and two storey side extension with hipped roof.	No Objection Other 1. Matching materials to side extensions 2. Internal blinds to rooflights to prevent additional light spill 3. Ecological mitigation / enhancements set out in AONB impact Assessment be implemented
CHC Delegated					
17/04/2023	APP/23/00172	Linda Park	30 King Street, Emsworth, PO10 7AZ	Partial demolition and re-construction of existing brickwork boundary wall to listed dwelling.	No Objection
CHC Delegated					
17/04/2023	BO/23/00443/DOM	Linda Park	23 Westward Close, Bosham, Chichester, West Sussex, PO18 8QX	Replacement of existing conservatory with single storey side extension including changes to boundary treatment	No Objection 1. Matching materials 2. Retention of remaining hedge as shown
CHC Delegated					
17/04/2023	BI/20/02066/OUT	Linda Park	Koolbergen, Kelly's Nurseries And Bellfield Nurseries, Bell Lane, Birdham, Chichester West Sussex PO20 7HY	Outline Application with all matters reserved apart from access for the erection of up to 73 dwellings, open space and associated works, Class E(g) employment floorspace and Class E(a) retail floorspace	No comment made
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
18/04/2023	APP/23/00196	Linda Park	17 Spring Gardens, Emsworth, PO10 7AU	To erect a Summerhouse in the rear garden of my property	No Objection
CHC Delegated					
24/04/2023	FB/23/00393/DOM	Linda Park	Mill Lodge, Mill Lane, Fishbourne, Chichester, West Sussex, PO19 3JN	Proposed single storey rear extension, revised fenestration and proposed change of use of existing garage/studio for use as store/studio with alterations to fenestration and roof.	No Objection Other 1. Matching materials; 2. Internal blinds to any new roof lights to protect the AONB's dark skies; 3. Any external lighting to be downward facing / suitably shielded to protect the AONB's dark skies; 4. Converted garage to remain ancillary/incidental t
CHC Delegated					
26/04/2023	BO/23/00430/DOM	Linda Park	Eden Cottage, High Street, Bosham, Chichester, West Sussex, PO18 8LS	Replacement of sheds with storage unit and open fronted gazebo/ pergola. Erection of fence/wall. Erection of gate.	No Objection
CHC Delegated					
03/05/2023	WW/23/00752/FUL	Linda Park	Sandhead, Rookwood Lane, West Wittering, Chichester, West Sussex, PO20 8QH	Demolition of 1 no. existing dwelling and the construction of 1 no. new dwelling, covered pool, double garage, boat house and log store (Variation of condition 2 of permission 22/01647/FUL - Amendments to external envelope in relation to main house grou	No Objection Other ask that the conditions placed on permission 22/01647/FUL remain applicable and ask that the Local Planning Authority negotiate the reinstatement of louvres to the gable feature on the Harbour-facing elevation.
CHC Delegated					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
11/04/2023	WW/23/00567/FUL	Linda Park	Public Conveniences, Pound Road, West Wittering, West Sussex, PO20 8AJ	Demolition of existing WC block and associated outbuilding, demolition of lifeguard building, removal of storage containers, re-siting of 2 no. beach huts and erection of a replacement building to accommodate new toilet facilities, operational and lifegu	No Objection •Construction environment management plan including limiting timing of works to avoid overwintering bird period OR suitable mitigation be provided and agreed; •Einished materials be as presented in the application; •Retention of Tamarisk planting a
CHC Consulted Delegated					
06/03/2023	AP/22/03196/FUL	David Rothery	Apuldram House , Dell Quay Road, Dell Quay, Appledram, West Sussex, PO20 7EE	Construction of replacement detached dwelling and garage with associated landscaping	No Objection Tinted / non reflective glazing, Cowled Lighting, Internal Blinds, Schedule/samples of materials to be agreed prior to construction, use of a natural / neutral coloured timber is preferred - no light or pale colours Use of coated surface glass that is non-reflective to mitigate external reflective glare which might als
CHC Committee					
06/03/2023	BI/22/03026/FUL	David Rothery	Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ	Variation of Planning Condition 3 of planning permission BI/12/00475/FUL dated 29 June 2012 (as amended by planning permission B1/22/01742/FUL dated 11 Nov 2022) for the construction of four purpose built buildings including marine related workshops, offi	Objection Other The proposal is opposed on the following grounds - - The loss, or potential loss, of marine based employment use of buildings located within this marina and countryside setting that are provided to primarily serve marine and coastal users to the site,
CHC Committee					

Recomm Date	Reference	CHC Officer	Site	Application Details	Recommendation
06/03/2023	APP/22/01136	Linda Park	Fiscal House, 2 Havant Road, Emsworth, PO10 7JE	Change of use of existing two storey building from B1a to residential including part demolition and extension of existing building, formation of new residential garden and reallocation of parking and erection of 1No. dwelling to rear	Objection
CHC Committee					

Quarterly Report

From 01/01/2022 to 31/03/2022

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
04/01/2022	BO/21/03090/FUL	David Rothery	Sunny Haven , Bosham Lane, Bosham, PO18 8HG	New dwelling and annex following demolition of existing dwelling and garage	<p>No Objection</p> <p>Matching Materials / fenestration, Cowled Lighting, Internal Blinds, Bat Roosts, Planting & Maintenance, Other, Landscaping plan, Outbuildings for ancillary use only</p> <p>-securing other ecological enhancement measures as considered appropriate within the red-line site.</p> <p>-the garden outbuilding 'annex' should be reduced in scale, height, and bulk within one month of the decision to enable a ancillary structure in keeping</p>	Withdrawn	
04/01/2022	BO/21/03472/FUL	David Rothery	Broadbridge Business Centre, Delling Lane, Bosham, PO18 8NF	Variation of condition 2 of permission 21/02186/FUL dated 16-10-2021 to consider amendments to permitted materials, elevations and parking layout - relating to the erection of a single storey building comprising a gymnasium and offices (Use Class E), reco	<p>No Objection</p> <p>Tinted / non reflective glazing, Cowled Lighting, Internal Blinds, Other, Landscaping plan, Materials as indicated on submitted application forms / agreed by LPA</p> <p>-within one-month of any favourable decision of the LPA, the applicant should provide a suitable AONB Visual Impact Assessment Statement clearly making the application case against the AONB Management Plan advice and guidance as is required under Local P</p>	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
10/01/2022	BO/21/03436/FUL	Steve Lawrence	Cove House , Smugglers Lane, Bosham, PO18 8QP	Demolition of existing dwelling and outbuildings, erection of two storey detached dwelling including indoor swimming pool and detached garage. (variation of condition 17 of permission 20/02389/FUL -updated arboricultural report and plans).	Other Objection Poorly justified potential adverse impact to TPO trees, where no alternatives appear to have been considered.	Permit	
11/01/2022	FORESTRY LICENCE 2022-01	Steve Lawrence	Old Park Wood	Thinning licence submitted by Forestry Commission	Other No Objection Works not to be undertaken in the bird breeding/nesting season (mid-Sept to mid-Feb)		
19/01/2022	BO/21/03355/FUL	Steve Lawrence	Little Dolphin, Smugglers Lane, Bosham, PO18 8QP	Proposed demolition existing dwelling and erection of 1 no. new two-storey dwelling.	Other Objection Objection: the adjustment to the design since the pre-application stage has introduced a flat roofed design which is considered to be at odds with the pitched roof treatment of dwellings either side of the site. This is considered to be harmful to the ch	Permit	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
19/01/2022	APP/21/01320	David Rothery	Wade Tower, Wade Lane, Havant, PO9 2TB	Tree works to various trees within TPO 0467 Group A2	<p data-bbox="1518 164 1680 196">No Objection</p> <p data-bbox="1420 196 1653 228">Bird Nesting, Bat Roosts</p> <p data-bbox="1420 323 1742 499">Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA.</p>	Permit	
19/01/2022	APP/21/01324	David Rothery	Rhu House, Woodgaston Lane, Hayling Island, PO11 0RL	Tree works to various trees within TPO 1695 Group G1, G3, and TPO 567 Group 5	<p data-bbox="1518 531 1680 563">No Objection</p> <p data-bbox="1420 563 1653 595">Bird Nesting, Bat Roosts</p> <p data-bbox="1420 691 1742 866">Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA</p>	Permit	Yes
19/01/2022	APP/21/01326	David Rothery	Saxted House, 5 Tower Street, Emsworth, PO10 7BH	Installation of replacement rooflight to rear bedroom 4, replacement aluminium sliding windows to rear dining room/living room and replacement aluminium windows to library area, together with various internal alterations (Listed Building)	<p data-bbox="1518 906 1680 938">No Objection</p> <p data-bbox="1420 938 1742 994">Matching Materials / fenestration, Internal Blinds, Other</p> <p data-bbox="1420 1058 1765 1217">Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	No

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
19/01/2022	CH/21/03556/DOM	David Rothery	17 Maybush Drive, Chidham, Chichester, West Sussex, PO18 8SR	Construct single-storey side extension to west elevation, 2x bay windows to front to replace single bay, add new porch to east side, fenestration changes to rear and side elevations, provide external insulation skin to existing building, install first flo	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Yes
19/01/2022	BO/21/03247/DOM	David Rothery	Mariners Cottage , Shore Road, Bosham, PO18 8HZ	Construct single-storey flat-roof side/rear extension and replace and reposition rear vehicular access gates	No Objection Matching Materials / fenestration	Permit	Yes
19/01/2022	BI/21/03446/DOM	David Rothery	5 The Saltings, Birdham, PO20 7JA	Construct single-storey side and rear extensions with rooflights	No Objection Matching Materials / fenestration, Internal Blinds, Other	Permit	Materials con included
19/01/2022	APP/21/01377	David Rothery	6 Langstone High Street, Havant, PO9 1RY	Installation of flood defence barrier to front door	No Objection Matching Materials / fenestration Appropriate planning conditions to control the materials of construction and the finished appearance should be considered by the LPA.	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
25/01/2022	FB/21/03704/EIA	Steve Lawrence	Bethwines Farm, Blackboy Lane, Fishbourne, Chichester, West Sussex, PO18 8BL	The Screening Opinion is requested in order to identify whether an Environmental Impact Assessment (EIA) will be necessary to support the planning application for the proposed development to provide up to 230 residential dwellings and associated ancillary	<p style="text-align: center;">Objection</p> <p>Other</p> <p>Chichester Harbour Conservancy considers that the scale, nature, and composition of the development REQUIRES the submission of a comprehensive EIA Environmental Statement (ES) to support any formal planning application, specifically looking at capacity is</p>	Pending	
25/01/2022	BO/21/03586/FUL	David Rothery	Dairy And Calf Barn Buildings, Taylors Lane, Bosham, PO18 8EN	Change of Use of land and redundant agricultural buildings to form two dwelling live/work units	<p style="text-align: center;">Objection</p> <p>Adopted guidance requires clear demonstration that no harm to the AONB, Waste water arrangements not demonstrated or land drainage capacity proven. Proposal out-of-</p> <p>(a)That Chichester District Council, as local planning authority be advised that Chichester Harbour Conservancy raises OBJECTION to the proposed development.</p> <p>(b)Refusal Overview: The adopted guidance requires a clear demonstration that no harm is cau</p>	Permit with S106	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
25/01/2022	SB/21/03519/EIA	David Rothery	G And R Harris, Main Road, Nutbourne, Chichester, West Sussex, PO18 8RL	EIA Screening Opinion in response to development for approximately 120 new homes, a childrens nursery, vehicle access from the A259, pedestrian and cycle connections, associated green space and sustainable drainage solutions	Other That Chichester District Council, as local planning authority be advised that Chichester Harbour Conservancy considers that the scale, nature, and composition of the development REQUIRES the submission of a comprehensive EIA Environmental Statement (ES)	Pending	
30/01/2022	SB/21/03386/DOM	David Rothery	Millstrand , 1 Roundhouse Meadow, Southbourne, PO10 8BD	Construct single-storey rear extensions with rooflights and fenestration alterations including installation of rear window sill height juliette balconies	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con included
30/01/2022	BI/21/03332/DOM	David Rothery	20 Old Common Close, Birdham, PO20 7SE	Construct single-storey rear extension to full width of dwelling	No Objection Matching Materials / fenestration, Cowled Lighting, Internal Blinds	Permit	Materials con included

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
01/02/2022	BO/21/03626/DOM	David Rothery	Flint Barn, Southwood Farm, Shore Road, Bosham, PO18 8QL	Erection of single-storey side glazed entrance porch to side entrance door link and rear/side extension with rooflights and solar panels for use as domestic accommodation (workshop and playroom)	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Yes
02/02/2022	APP/21/01310	Steve Lawrence	Tournerbury Woods, Tournerbury Lane, Hayling Island	Change of Use of land and woodland (retrospective) as a wedding and events venue, including retention of permanent ancillary buildings and structures, the erection of removable structures (including marquees and temporary facilities), and the use of the	Other That Havant Borough Council, as local planning authority, be advised that Chichester Harbour Conservancy raises an objection to the proposed development on ecological impact grounds. These impacts do not just create impact to the venue areas, but also		
02/02/2022	APP/21/01402	David Rothery	18 Kings Terrace, Emsworth, PO10 7AA	Erection of rear roof box dormer window to enable use of loft conversion	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con included

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
02/02/2022	APP/21/01394	David Rothery	5 Stanley Road, Emsworth, PO10 7BD	Erection of single storey rear-side extension with rooflights, extension of first-floor rear extension with rooflights, box dormer window to rear roof-slope, together with replacement garage to rear with access to King Street	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con included
02/02/2022	SB/21/03517/DOM	David Rothery	Barham , 11 The Crescent, Southbourne, PO10 8JS	Construct single-storey rear extension with lantern roof-lights	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Yes
07/02/2022	APP/21/01322	David Rothery	Langstone Lodge, 1 Langstone High Street, Havant, PO9 1RY	Construct extensions and alterations including part single, part two storey extensions to NE elevation with terrace; and single storey to NW elevation; repositioning of the main entrance stone portico following demolition of existing single storey additio	No Objection Matching Materials / fenestration, Cowled Lighting, Internal Blinds, Bat Roosts, Landscaping plan Suggested considerations – - schedule/samples of materials to be agreed prior to construction / as indicated on application forms / agreed with LPA, - any and all glazed fenestration (inc. rooflights) should be fitted with working internal screen	Pending	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
07/02/2022	SB/21/03607/DOM	David Rothery	Brook Cottage, Farm Lane, Nutbourne, PO18 8SA	Erection of single-storey and two-storey side extension following demolition of existing addition together with conversion of barn/workshop outbuilding into a home office/gym with associated facilities and retention of domestic double garage	No Objection Matching Materials / fenestration, Internal Blinds, Bat Roosts, Outbuildings for ancillary use only, Bat tiles to be fitted	Permit	Materials and blind cons included
08/02/2022	APP/21/01362	David Rothery	91 Eastoke Avenue, Hayling Island, PO11 9QP	Crown reduce all sides of 1No. Holm Oak (G1 on plan) by 2.5m to leave branch lengths of 2.5m, and reduce height by 2m leaving a crown height of 7.5m, remove 2 limbs on western sector over pathway, and crown raise by 4.5m. Subject to G1 of TPO 1555	No Objection Bird Nesting, Bat Roosts No works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts)	Permit	Yes
08/02/2022	APP/22/00007	David Rothery	63 Langstone Road, Havant, PO9 1RB	Tree works to fell 1x Ash (T1 on plan) (in Langstone Conservation Area)	No Objection Bird Nesting, Bat Roosts	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
08/02/2022	BO/22/00038/DOM	David Rothery	White Lodge , Harbour Way, Bosham, PO18 8QH	Erection of single-storey replacement summerhouse and garden store	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con incl
08/02/2022	APP/21/01437	David Rothery	The Winkleshed, 5-6 Seaview Terrace, South Street, Emsworth, PO10 7EN	Erection of two-storey front extension, single storey rear extension, new porch to east and west elevations, two dormer windows, roof alteration, and alterations to fenestration	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con included
09/02/2022	WI/21/03545/FUL	Steve Lawrence	Harbour View , Itchenor Road, West Itchenor, PO20 7DH	Replacement dwelling. (Variation of condition 2 and 4 of permission 21/00654/FUL - amendments to plans and allow owners to occupy the existing dwelling during construction period).	No Objection Other, Demolition / removal of replaced construction Subject to conditions previously approved under 21/00654/FUL or re-imposition of conditions where matters are not yet approved (especially previous conditions 7 and 9 to deliver biodiversity enhancements at the site within the AONB.	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
09/02/2022	WI/21/03567/DOM	Steve Lawrence	Russett Cottage , Itchenor Road, West Itchenor, PO20 7DD	Change of use of existing outbuilding/garage into a residential annexe including alterations to fenestration.	<p>No Objection Ancillary use only, Other</p> <p>No objection subject to negotiating amended plans to delete the kitchen from the floor plan and deletion of the rooflights.</p>	Permit	Ancillary use incl
09/02/2022	FB/21/03443/DOM	David Rothery	2 Mill Close, Fishbourne, PO19 3JW	Erection of single-storey front and side extensions, rear conservatory, replacement front porch, together with fenestration changes, following demolition of side flat-roof addition and front pitched roof addition; together with front extension to existing	<p>No Objection Matching Materials / fenestration, Internal Blinds</p>	Permit	Materials con included
09/02/2022	BO/21/03689/DOM	David Rothery	1 Mariners Terrace , Shore Road, Bosham, PO18 8JA	Installation of 14 replacement windows, reskin external walls with replacement blue grey insulated render finish, and installation of new fence and gate	<p>No Objection Matching Materials / fenestration, Internal Blinds</p>	Permit	No decision notice available

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
10/02/2022	APP/21/01367	Steve Lawrence	59 & 61 Langstone Road, Havant, PO9 1RB	Variation of Condition No. 2 of Planning Permission APP/20/01079 relating to amended plans (increase to porch).	<p>No Objection</p> <p>Internal Blinds, Other, Use of specified materials</p> <p>Boundary wall to the road should be retained and any timber fence enclosure to the private garden amenity space should be set within the plot behind the retained boundary wall.</p>	Permit	No
10/02/2022	APP/21/01358	Steve Lawrence	Teal Buildings, Northney Marina, Hayling Island, PO11 0NH	Temporary variation of condition 22 of Planning Permission 97/51153/025 to extend the period of varied use as most recently amended by Temporary Planning Permission reference APP/17/01218 for a further 3 year period.	<p>No Objection</p> <p>Other</p> <p>No objection to the continued variation of Condition 22 to planning permission 97/51153/025, subject to the additional use for warehousing and distribution of marine equipment ceasing on or before 1 March 2025</p>	Permit	Use up to 1/04/2025
14/02/2022	APP/21/01383	Steve Lawrence	10 Nile Street, Emsworth, PO10 7EE	Proposed front porch, third storey extension with rear balcony, alterations and refurbishment	<p>Objection</p> <p>Other</p> <p>Awkward fenestration proportions within mansard roof, making the elevations appear top heavy.</p>	Permit	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
15/02/2022	WI/21/03672/DOM	David Rothery	Walnut Tree Cottage, Itchenor Road, West Itchenor, Chichester, West Sussex, PO20 7AB	Erection of part two-storey south-side extension, west roof-slope dormers to enable loft conversion, single storey west and north extensions, open veranda to east, with demolition of rear west extension, and construct detached triple garage with sail loft	No Objection Matching Materials / fenestration, Cowled Lighting, Internal Blinds	Permit	Materials con included
15/02/2022	FB/22/00190/ADJ	UNASSIGNED	Twyford Recycling Limited, Plot F, Appledram Business Park, A27 By Pass, Chichester	Environmental Agency consultation request to the LPA for the LPA consultee comment on an Environmental Permit application	No comment made Other no comment made	Closed	
16/02/2022	SB/22/00042/DOM	David Rothery	5 Fraydene, Prinsted, Emsworth, West Sussex, PO10 8HU	Erection of single storey rear extension with glazed bi-fold doors and with a false pitch flat-roof and large lantern light, following removal of conservatory	No Objection Matching Materials / fenestration, Internal Blinds	Permit	Materials con included

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
22/02/2022	WI/21/03705/FUL	David Rothery	Former Dairy Building, West Block, Itchenor Park Farm, Itchenor Park, Itchenor, Chichester, West Sussex	AMENDED PROPOSALS for the Change of Use of existing farm former dairy building to business uses (Use Class E(g) i, ii, & iii) as previously approved under WI/21/02083/FUL dated 9 Sept 2021 (associated LB application WI/21/03706/LBC)	<p>No Objection</p> <p>Cowled Lighting, Internal Blinds, Other, Use of specified materials</p> <p>Any replacement to be hedgerow plants and trees of a native species typical of the AONB.</p> <p>- details of the ground surface treatment should be submitted to and agreed in writing by the Local Planning Authority and such ground surface treatment should be</p>	Permit	Materials con included
23/02/2022	BI/21/03543/DOM	David Rothery	Creekside , 28 Greenacres, Birdham, PO20 7HL	Erection of single storey extension to front in addition to scheme approved under BI/20/02589/DOM dated 14 December 2021 following demolition of roofed sunroom	<p>No Objection</p> <p>Matching Materials / fenestration, Cowled Lighting, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Materials con included and external lighting to be controlled for bats
23/02/2022	FB/22/00210/DOM	David Rothery	Estoril, Main Road, Fishbourne, PO18 8AN	Formation of vehicle access and pedestrian access with electronic gates	<p>No Objection</p> <p>Matching Materials / fenestration, Cowled Lighting</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Materials con incl

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
02/03/2022	BO/22/00313/DOM	David Rothery	The Hoe , Bosham Hoe, Bosham, West Sussex, PO18 8ES	Replacement of connected outbuildings and erection of 1.5 storey extension to the front of the main dwelling (Variation of condition 2 of permission BO/19/01475/DOM dated 31 July 2021 - removal of previously proposed internal staircase and separation of	<p>No Objection</p> <p>Matching Materials / fenestration, Cowed Lighting, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Materials con included
02/03/2022	BI/22/00080/DOC	David Rothery	Bay Tree House, Westlands Estate, Birdham, PO20 7HJ	Discharge of condition 3 (materials) of planning permission BI/21/02780/DOM dated 24 November 2021	<p>Other</p> <p>An alternative finish colour to the weatherboarding cladding should be considered to ensure the finished treatment has a darker and subdued appearance.</p>	Permit	No
08/03/2022	WI/21/03533/FUL	David Rothery	Land West Of Itchenor Gate Farm, Itchenor Road, West Itchenor, West Sussex,	<p>Construction of new public accessible cycle way for the re-routing of Salterns Way Cycle Path</p> <p>Application submitted on behalf of Chichester Harbour Conservancy</p>	<p>No Objection</p> <p>Matching Materials / fenestration</p> <p>Appropriate planning conditions to control the materials of construction and the finished appearance should be considered.</p>	Pending	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
08/03/2022	BO/21/02098/FUL	Steve Lawrence	Land North Of Loafers, Bosham Lane, Bosham,	Erection of 1 no. dwelling with associated landscaping and parking.	Other Objection: Overdevelopment of the plot with shaded/enclosed garden spaces likely to lead to pressure to remove trees, and positioning of proposed dwelling resulting in the loss of at least five (5) tree from the front half of the site, the loss or potenti	Pending	
08/03/2022	SB/22/00157/REM	Steve Lawrence	Land North of Cooks Lane, Southbourne	Note this site was previously described as Land North of Four Acre Nursery, Cooks Lane, Southbourne Reserved Matters Application pursuant to outline planning application (reference SB/18/03145/OUT) for 199 dwellings and associated development for all	Other Subject to securing of ecological enhancements at the site as set out in the submitted Reptile Mitigation Strategy, securing new soft planting and swales to attenuate surface water discharge, securing a surface water drainage framework that aligns with th	Permit	Yes
08/03/2022	APP/22/00078	David Rothery	Lifeboat Station, Bracklesham Road, Hayling Island, PO11 9SJ	Erection / installation of new galvanised steel double gates and hold open posts to car park/lifeboat launch area, to replace existing.	Matching Materials / fenestration Appropriate planning conditions to control the materials of construction and the finished appearance.	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
08/03/2022	BI/22/00408/DOM	David Rothery	Bay Tree House, Westlands Estate, Birdham, West Sussex, PO20 7HJ	Single-storey side extension to enable conversion of garage to habitable space, fenestration and facing material changes, construction of replacement domestic double garage and front boundary wall / gates (Variation of con 2 of BI/21/02780/DOM 24/11/2021	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Materials con included
08/03/2022	APP/22/00112	David Rothery	33 High Street, Emsworth, PO10 7AL	Installation of roof lights to single-storey mono-pitch roof to rear and alterations to fenestration on side of rear building projection	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Materials con included
08/03/2022	APP/22/00159	David Rothery	63 Langstone Road, Havant, PO9 1RB	Tree works to pollard Ash (T1) back to main trunk to 5m; crown reduce Ash (T2) height by 5m, spread by 1m, to height 13m and spread of 8m; crown reduce Ash (T3) height by 6m, spread by 2m, to 15m and spread of 12m; remove lowest North West limb of Oak (T4	<p>No Objection</p> <p>Bird Nesting, Bat Roosts</p> <p>Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA.</p>	Permit	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
08/03/2022	APP/22/00167	David Rothery	47 Bath Road, Emsworth, PO10 7ER	Tree works to crown reduce 1x Hazel tree by 3m back to previous pruning points; and crown reduce 1x Cherry tree by 3m to previous pruning points (in Emsworth Conservation Area)	<p>No Objection</p> <p>Bird Nesting, Bat Roosts</p> <p>Appropriate planning conditions to ensure that no works should be carried out during the bird nesting season (April to September) or if there is evidence of bat roosting (hibernation or maternity roosts) should be considered by the LPA.</p>	Permit	
14/03/2022	BO/22/00219/DOM	David Rothery	September House, Taylors Lane, Bosham, Chichester, West Sussex, PO18 8QQ	Construction of single-storey rear contemporary conservatory extension	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	Yes
14/03/2022	BO/22/00344/DOM	David Rothery	Nursery Cottage , Main Road, Bosham, West Sussex, PO18 8EH	Construction of single-storey rear and side flat roof extensions	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.</p>	Permit	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
14/03/2022	BI/22/00457/DOM	David Rothery	Salthouse, Martins Lane, Birdham, West Sussex, PO20 7AU	Construction of open-air ground set domestic swimming pool and surround	No Objection Cowled Lighting Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.	Permit	Yes
15/03/2022	BO/21/03594/PNO	Steve Lawrence	Land At The Old Cart Shed Hook Lane Bosham Chichester West Sussex PO18 8EX	1 no. agricultural building.	Other Not compliant with regulations 75 to 78 of Conservation of Habitats and Species Regulations 2017	Refuse	
22/03/2022	BI/22/00060/FUL	Steve Lawrence	Harbour House , 22 Greenacres, Birdham, PO20 7HL	Amendments to BI/20/00223/FUL Demolition of existing dwelling and construction of new dwelling, detached garage with annexe accommodation, pool, boathouse and workshop (variation of con 2 of permission BI/19/01408/FUL. Retro permission for retaining wall	Other Original glazing details in winter lounge and those facing the Harbour ought to be provided in place of what has been built, as per 20/00223/FUL to mitigate glazing and artificial light spill in this more remote, rural area. Greater certainty also needs	Withdrawn	

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
22/03/2022	SB/22/00281/DOM	David Rothery	292 Main Road, Southbourne, Emsworth, West Sussex, PO10 8JL	Construction of single-storey rear contemporary conservatory glass-room extension	<p>No Objection</p> <p>Matching Materials / fenestration, Cowled Lighting, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.</p>	Permit	
22/03/2022	WI/22/00397/DOM	David Rothery	Acklam , Itchenor Road, West Itchenor, West Sussex, PO20 7DD	Construction of single-storey rear/side extension, addition of false pitch roof to single-storey flat roof with hidden rooflights, and replacement windows including patio doors	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.</p>	Permit	Materials con incl
22/03/2022	SB/22/00339/DOM	David Rothery	Prinstead Cottage, 136 Main Road, Southbourne, West Sussex, PO10 8HA	Construction of part single-storey, part two-storey front extension with installation of five roof lights to main roof flat-roof area, new window fenestration, and new entrance gate	<p>No Objection</p> <p>Matching Materials / fenestration, Internal Blinds</p> <p>Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.</p>	Permit	Yes

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
22/03/2022	WI/22/00383/DOM	David Rothery	Waterstone House , Waterstone Close, Itchenor, West Sussex, PO20 7BP	Construction of single-storey pool house/gym outbuilding following demolition of existing pool store	No Objection Matching Materials / fenestration, Internal Blinds Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered and applied by the LPA.	Permit	
22/03/2022	APP/22/00201	David Rothery	17 Queen Street, Emsworth, PO10 7BJ	Installation of electrical opening mechanism to roof lights to single-storey mono-pitch roof and first floor dormer window (alteration to that as previously approved under APP/20/01129 dated 15 February 2021) LISTED BUILDING CONSENT	No Objection Matching Materials / fenestration, Internal Blinds Appropriate planning conditions to control the materials of construction, the finished appearance, and measures to limit light pollution within the Dark Skies protocol should be considered by the LPA.	Permit	
23/03/2022	APP/22/00029	Linda Park	North Street House, 6 North Street, Emsworth, PO10 7DD	Works to convert the doctor's surgery (E) to offices (E) plus the erection of a two storey building comprising a commercial unit (E) following the demolition of the existing single storey extension. With associated parking and hard and soft landscaping,	No Objection Tree safeguarding, Landscaping plan, Bird boxes to be installed, Ecological mitigation measures, Use of specified materials		

Date Sent to LPA	Reference	CHC Officer	Site	Application Details	Recommendation	LPA Decision	CHC Conditions Included
23/03/2022	BO/22/00343/DOM	Linda Park	Saltings, Windmill Field, Bosham	Addition of fibre cement cladding to front, west and part of rear elevations at full (single storey) height of bungalow.	No Objection	Permit	