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Our Ref: 22/00285/PRELM

13 September 2022

BY EMAIL ONLY - [nayan@laister.co.uk](mailto:nayan@laister.co.uk)

Dear Mr Gandhi,

**Reference: 22/00285/PRELM**

**Site address: Medmerry Park, Stoney Lane, Earnley, Chichester, West Sussex PO20 7JP**

**Proposal: Redevelopment of Medmerry Park Holiday Village for holiday chalets, various ancillary facilities, including restaurants/bars/cafes, indoor/outdoor recreation and leisure facilities, health spa, and associated operational/central services/maintenance facilities, infrastructure, landscaping and land regrading works.**

I write with regards to your client's pre-application enquiry relating to the above site. This letter follows the round table meeting on 12 May 2022 and accompanied site visit on 25 May 2022. Apologies for the delay in issuing this formal response. As previously discussed, this has been due to competing work pressures. However, I am now in the position to provide formal comments.

## **Background**

### The Site and Surroundings

The application site is a 33.15ha existing and well-established holiday park within the parish of Earnley, close to Bracklesham and the Witterings. The holiday park is currently positioned close to the beach at East Wittering/Bracklesham Bay. The site is not located within a designated landscape. It is surrounded by fields as well as a series of 'silt ponds' to the south-east, which form part of the Medmerry Compensatory Habitat which is functionally linked to the Chichester Harbour Special Protection Area (SPA). The site is also within proximity to Pagham Harbour SPA and Bracklesham Barn SSSI.

The site itself currently comprises 308 holiday homes, most of which are owned on long leases, with others being used as short-term holiday lets. A small proportion of the units have been refurbished to allow for the continuation of the holiday lets, but many of the units are dated, weathered, and tired looking. On the site visit I was shown an example of an uninhabitable unit which had a roof leak, damp problems, and a broken access door. The site also includes a facilities area which includes a pub/restaurant and a children's play area. This area has been refurbished.

### Planning History

A planning application (19/02840/FULEIA) was submitted to the Local Planning Authority in 2019 for the redevelopment of the site with 518 static holiday caravans and lodges to replace the existing 308 holiday bungalows, along with associated works relating to drainage, landscape, access,

habitats enhancement and flood defence. This formed the 'full' element of the hybrid application, with outline permission also sought for the extension and refurbishment of the existing facility building and the erection of new additional facility buildings. The proposed development would have covered almost the entire area within the land ownership in holiday units.

The application was refused in January 2021 on five grounds, summarised as follows:

1. Adverse Effect on the Integrity of multiple European protected sites and associated ecology
2. Increased numbers of people occupying an area at high risk of flooding
3. Significant undermining of the open and rural character of the area
4. Insufficient evidence to demonstrate a particular tourism need to justify the proposals
5. No s106 agreement to secure the necessary mitigation required (due to being refused)

### Current Proposals

The site is under new ownership since the 2019 application and the new applicant proposes an alternative scheme for the site. The revised scheme does not propose to increase the overall number of units within the holiday park but comprises the replacement and relocation of the existing 308 holiday units, within the northern parts of Fields A and E and all of fields B and C. This differs from the refused application in that it proposes that existing units within the southern part of field A closest to the beach and associated protected sites and flooding source would be removed/relocated. In addition, the previously proposed development of field E would be reduced to the northern section only and would omit development from field D to the south-east of the site entirely. This effectively results in the removal of development from approximately the southern third of the developable area proposed under the previous application.

### **Key Considerations**

The key considerations for this proposal relate to overcoming the reasons for refusal of the previous application. As such, detailed advice is set out below in relation to the principle of development; ecology and Habitat Regulations; landscape; and drainage and flooding.

### Principle of Development

Policy 3 of the Chichester Local Plan 2014-2029 (CLP) encourages tourism development and policies 30 and 31 set out the detailed criteria.

Policy 30 deals with Built Tourist and Leisure Development. It states that proposals for tourism and leisure development, including tourist accommodation, will be granted where it can be demonstrated all the following criteria have been considered:

1. It is sensitively designed to maintain the tranquillity and character of the area;
2. Is located so as to minimise impact on the natural and historic environment, including that of visitors or users of the facility, particularly avoiding increasing recreational pressures on Chichester Harbour AONB and Pagham Harbour and other designated sites;
3. It provides a high quality attraction or accommodation; and
4. Encourages an extended tourist season.

The site falls outside of a settlement boundary under policy 2 of the CLP and therefore the second part of policy 30 applies which states that in the countryside planning permission will be granted for new tourism buildings where the above and following criteria have been met:

1. Be of a scale appropriate to the location and demonstrate they require a rural location and cannot be accommodated elsewhere, or the proposal is associated with the expansion of an existing facility; and
2. Support the objectives of rural regeneration/diversification.

This demonstrates the in-principle support given to the development and improvement of tourist facilities in the district by the CLP. The detailed criteria on design quality, character, landscape, impact on designated sites are matters discussed below and ones which must be met in order to achieve compliance with Policy 30. Likewise, the applicant will need to explore and provide evidence on encouraging an extended tourist season and supporting the objectives of rural regeneration and diversification to fully comply. There is currently no evidence provided on the latter two criteria. In addition to policy 30, the supporting text at paragraph 16.27 sets out that proposals should fully assess the potential to re-use existing buildings and extend current businesses, in preference to new build. If there are no alternative sites or buildings, new sensitively designed tourism buildings may be permitted. As such, details of how the re-use of the existing buildings has been considered should be submitted as part of any future planning application.

Policy 31 is also relevant, which deals with Caravan and Camping Sites. It states that proposals for alterations to existing caravan/chalet sites will be granted, where it can be demonstrated that all the following criteria are met:

1. They meet a demonstrable need and require a rural location;
2. They are of an appropriate scale in relation to their setting and would not diminish local amenity;
3. They are sensitively sited and designed to maintain the tranquillity and character of the area;
4. They are sited to be visually unobtrusive and can be assimilated so as to conserve and enhance the surrounding landscape; and
5. The road network and the site's access can safely accommodate any additional traffic generated.

This again supports the provision of static caravan/chalet style holiday accommodation in the District in principle, subject to detailed criteria to be explored below. However, criterion 1 and the need to provide evidence of need for the proposed use and location is key to establishing the principle of development.

Under the 2019 application, the principle of upgrading existing stock to improve the site and the experience for visitors as well as moving towards a tourism (short term lets) other than a holiday camp (owners) model was acceptable in principle. However, it was considered to be insufficient evidence to demonstrate the sufficient demand to justify the proposed expansion of another 210 units.

However, the revised proposals submitted under this pre-application enquiry seeks to maintain the same overall number of units at 308, albeit in a different layout, unit design and operational model. This means that the requirement under policy 31 to demonstrate tourism need is no longer required, with the focus more towards the need for redevelopment/enhancements. As such, it remains the case that the proposed upgrading and improvement of the existing stock can be supported by officers in principle, subject to the other detailed considerations as set out later in this report. The ability to support the principle of development is also supported by the Council's Planning Policy and Economic Development officers, as demonstrated in their consultation responses (enclosed). In particular, the economic development officer supports the betterment of tourism opportunities in this area due to the beneficial impact on the local economy.

It should be noted that permission for caravans and chalet sites will usually be subject to a condition restricting the type of occupation to holiday use in order to retain the tourist accommodation and

ensure it is not used for permanent residential use. The period of occupation will be dependent on flood risk and the degree of protection considered desirable in order to avoid disturbance to sensitive sites of ecological value or to protect the tranquillity and character of the countryside.

### Flood Risk

The pre-application submission states that the proposals would involve moving development into areas of lowest flood, in line with sequential test. This would be partially achieved by raising the land, which has the potential to make some of the new chalets passively resistant to significant flood risk. The principle of moving chalets into areas of lower flood risk was supported under the 2019 application and could be seen as a betterment. Under this pre-application enquiry, the Council's Drainage Engineer states that as per the NPPF the Council must allocate new development sequentially (areas at lowest risk). The proposal to replace the existing number of accommodation units in areas at lower risk is something they have no objection to in principle and would in fact support.

Based on Environment Agency (EA) Flood Risk Mapping for Planning at the time of writing this report, the proposed would only result in the units proposed for Field B and the north-eastern strip of Field C into Flood Zone 1 amounting to approximately 45 units. This means that approximately 268 units would remain within Flood Zones 2 and 3. In accordance with the NPPF and policy 42 of the CLP, a sequential test is required as part of the Flood Risk Assessment to clearly set out what work has been undertaken in selecting the parts of the site that have been chosen for redevelopment and what alternatives have been considered. Please be aware that as of 25 August, the National Planning Practice Guidance was updated, requiring all types of flooding to be taken into account and for a sequential test to be undertaken if there is a high risk of flooding of any type. This may include areas within Flood Zone 1.

As the site is immediately adjacent to the coast, the southern area of the site is predominantly at risk from flooding, but it is also under significant pressure from erosion. Notwithstanding the proposal to remove existing units from the southern end of field A and relocate them further from the coastline, the Drainage Engineer states that they would still expect the applicant to model any flood risk in the absence of the beach (undefended) when determining appropriate levels for the site.

Please note that as significant areas of the site fall within flood zones 2 and 3 (significant risk) the EA would be consulted as part of any future planning application to provide a detailed response with respect to the acceptability of the proposal based on the risk. CDC drainage officer also raises matters for consideration in terms of fluvial flood water storage and advised that this would also be a matter for the EA to comment on under any future planning application. The applicant is advised to seek advice from EA at the earliest opportunity.

In terms of surface water, there is limited detail at this stage. However, the Drainage Engineer states that the surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If following site investigations, it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

### Landscape

Reason for refusal 3 centred around the harm to the open and rural character of the area under policy 31 along with policies 44, 45 47 and 48 of the CLP. As discussed during our recent meetings, the Council does not currently employ a landscape officer and so under the 2019 application, advice was sought externally. The landscape advice for the previous scheme was provided by Hampshire County Council. The advice set out in this pre-application report will cover landscape insofar as the revised proposals have considered and implemented the comments and recommendations of the previous landscape advice. However, there has been no expert landscape input at this pre-application stage and rather is the comment of planning officers. As part of any future planning application, the Council would again seek expert landscape advice.

Under the 2019 application, the overall view was that the growth of the holiday park would have an effect of changing the landscape of the Manhood peninsula, reducing long open views, and replacing fields with development. The considerations for landscape were broadly divided into the impacts of different fields, or parts of fields. The fields are allocated letters as per the enclosed plan. The main areas of concern were the development of accommodation in southern parts of field E and all of field D, as well as the use of field G for recreation purposes. The advice of the landscape adviser is enclosed for further reading.

Whilst we welcome the removal of development in the locations which were identified as harmful to the open and rural character of the area, there are matters which officers have initial concerns about with the revised proposals.

Firstly, the development to the western side of the site, namely the northern part of field E would bring the development of the site close to the existing caravan site at Bracklesham to the west of the site. This could be perceived as coalescence between the holiday park and the neighbouring village of Bracklesham. Under the 2019 application the landscape adviser made the same point, stating that "the close proximity of Field E to the edge of Bracklesham, specifically to the edge of the Bracklesham Caravan and Boat Club has the potential to make this development appear to coalesce with Bracklesham and form a continuous urban development along the coast. This is a rare undeveloped part of the Coastline and should be valued as such." When visiting the site myself, the gap between the two sites was visible when viewed from the beach directly to the south of the gap. However, expert advice is needed to understand how this would be viewed from the ground when development is erected and from different viewpoints.

Secondly, the development of field B was identified as potentially harmful to the landscape character of the area under the 2019 application. The landscape adviser states that the proposed development of field B would intrude into the flat open landscape and will need to be well screened, as this will have an impact on the landscape character and long views across the area. It would be preferable not to develop this field, but it is accepted that in the long-term mitigation planting will help it blend into the landscape.

The pre-application proposals include the development of this field with the field boundaries being reinforced to screen the development from the open countryside beyond. At present, the existing northern boundary of the holiday park is very well established and provides good quality screening to the extent that little development can be seen behind it when driving along Drove Lane towards the entrance to the Holiday Park. This is in part due to the eye being drawn to the existing caravan

park at Bracklesham and the roofline of existing residential development beyond. That said, the impact of developing beyond the existing northern boundary of the holiday park would need careful consideration in terms of the impact on the open and rural character as it has the potential to be far more visible within the landscape than the existing northern edge of the park. Again, this is something that will require expert advice at planning application stage.

An element of the proposals which differs from the 2019 application is the proposed raising of land to reduce the risk of flooding. Whilst this is supported in principle in relation to flood risk, the impact of the raised levels needs to be fully assessed in landscape terms. At the time of writing, the Council does not have the expertise to provide advice on this at pre-application stage. Instead, you are advised that this is something that will be sought from the appointed landscape expert at planning application stage.

The previous landscape adviser also noted that the design and internal layout of the proposals would have an impact on character and should avoid "suburban streets" with uniform lines of buildings/accommodation units. This will be explored further in the design section of this report.

#### Habitat Regulations and other ecology considerations

The application site is heavily constrained by its proximity to European and other protected sites including the Chichester Harbour SPA, Pagham Harbour SPA, Bracklesham Bay SSSI and the Medmerry Compensatory Habitat.

As part of any future planning application, the applicant will need to provide us with all the details necessary to undertake a Habitats Regulation Assessment (HRA). This will involve the Council undertaking an Appropriate Assessment (AA) as the competent authority in consultation with Natural England (NE).

As part of this pre-application enquiry, the Council's Environment Officer has been consulted. They state that, as per their previous comments made for the application 19/02840/FULEIA, they still have serious concerns regarding the loss of the existing buffer between the holiday units and the Silt Ponds, the loss of Brent geese feeding habitat and the insufficient consideration of the recreational disturbance issues. These HRA issues along with the other HRA issues including Over Wintering Birds, Nesting Birds, will need to be addresses as part of any future application. It is advised that you review the comments of the Environment officer as well as NE made under application 19/02840/FULEIA. However, any future application will be assessed in line with the most up-to-date policy, guidance and legislation which could be subject to change since the 2019 application comments.

There are also constraints in terms of protected species and important habitats. Though details for protected species mitigation and surveys have been summarised in the Biodiversity Technical Note, full details including all survey data will need to be included within any subsequent planning application. Whilst the Environment Officer notes that a lot of survey work has been previously undertaken on this site, the applicant should be aware that we are only able to accept survey data following NE guidelines which is a maximum of two years old on the date the planning application is made. Any surveys older than this will need to be updated. These include surveys for bats, badgers, nesting birds, water voles, reptiles, invasive species, and hedgerows.

The surveys will also need to assess the green infrastructure across the site and ensure that this is retained and enhanced as part of the scheme. We require that enhancements to improve biodiversity across the site are incorporated into any future planning application and these should be discussed within the ecological surveys and shown within the landscaping plans.

The site sits in both the recreational disturbance buffer zones for both Chichester Harbour SPA and Pagham Harbour SPAs. Policies 50 and 51 of the CLP set out how new residential development in the Local Plan area has an in-combination effect on the protected bird species of these protected sites. This is due to recreational disturbance whereby a growing population in the area increases use of the coastline and harbour for recreation – e.g. walking, dog walking, boating and other water sports. This is usually mitigated via a financial contribution.

In this context, 'dwelling' includes net new dwellings to be used as holiday accommodation. However, as the proposal does not seek to increase the number of units proposed at the site (unlikely the previous proposal), there is not net increase that required mitigation payments to be made.

### **Other matters**

Other matters to be discussed which do not directly relate to covering the previous reasons for refusal but are nonetheless important material considerations for any future planning application are set out below:

### Design

During the pre-application meetings, it was made clear that you sought some feedback on the design proposals put forward. At this stage the primary focus of the advice has been on the principle and environmental matters to be established if the redevelopment of the site is going to be able to be afforded any support. However, consultation with the Council's Conservation and Design Officer has been undertaken to give high level comments of the proposed design and appearance of the proposals at this early stage, as shown below:

“The proposals are successful in trying to insert more variety into the built form. This will be an improvement on the current situation. There are several types of chalets proposed which could give a more interesting and varied visual outlook across the site.

The use of thematic areas is less successful. Whilst the influences on the Wetlands and Orchard types are clear and coherent, the beach type development is the least successful of the three partly due to its relatively contrived character. The use of coloured elevations is bound to age quite quickly, especially if rendered. Whilst it is clear that this approach is probably quite acceptable in holiday park terms, the focus of the design should be shifted towards building types arranged in a way that makes sense in the landscape and relate well to their surroundings. The Wetland and Orchard building types are the most successful and it is clear that thought has been given to the use of suitable materials and forms. The variety of building types could be arranged more coherently with a focus on the planting, wide streets and water features being complimented by appropriate and contextual chalet types. The use of timber weatherboarding, contemporary detailing and zinc standing seam roof types is encouraged. Some variety in roof forms across the longer stretches of chalets would also be beneficial.

It is likely that a simple redesign along the lines of the above comments would yield a successful scheme that could be fully supported in design terms.”

In addition to these comments, it should be noted that the previous landscape adviser made comment about the layout of the scheme to ensure that the scheme wouldn't harm the character of the area. It was their view that the 'attractiveness' of the accommodation lies not just in the individual appearance of the buildings, but also in their layout and spacing. It was advised that the

use of 'suburban streets' with uniform lines of tightly packed units would have a negative effect on the landscape character where this can be seen or perceived from the wider landscape. The revised proposals are more open in layout generally but detailed consideration needs to be given to how the layout of each area will be perceived within the landscape.

It is also noted from a planning perspective that the initial layouts and design appear to give more consideration to amenity space, privacy, and overall quality of the environment for people occupying the holiday units. If the application is to be submitted in full rather than in outline, further details should be included in the planning application including elevations, floorplans, plot sizes and layouts and sections/streetscenes as necessary.

### Facilities and recreation space

The improvement of the facilities on the site is welcomed in principle. However, it is noted that the new recreation space is proposed within the southern part of field A. Consideration needs to be given to the implications of this on both the wider landscape and on ecology. In terms of the former, the Council will seek advice from the appointed landscape advisor. On the latter, it is noted that the applicant believes this part of the site is not directly used by overwintering or nesting birds. However, there is potential for indirect impact on neighbouring fields/sites which needs to be given due consideration.

### Economic Development

It is recognised that the redevelopment of the holiday park could have economic benefits through increased tourism and job opportunities. It would be helpful for full details of the expected benefits to be set out in any future planning application to help officers assess this as part of the overall planning balance. It is noted that the Council's Economic Development team are supportive of the proposals.

### Traffic and highways

Given the scale of the proposals, WSCC Highways recommend a formal pre-application discussion with them directly via [Pre-application advice for roads and transport - West Sussex County Council](#). Notwithstanding this, the below commentary can be provided at this stage.

Under the previous application, WSCC Highways did not object to the proposals. Given that the revised proposals would not result in an increase in unit numbers, the impact of the proposals on the local highways network is likely to be less than previously considered. Nonetheless, full details in should be provided as part of the planning application. WSCC recommend the following is provided:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history with reference numbers
- Description, including site layout plans, of the proposed development and schedule of uses
- Summary of reasons supporting the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays indicated
- A 'Transport Statement', including location plan of key services, availability of sustainable modes of transport and existing/future vehicular generation
- Reference to supporting national, regional, and local planning documents and policies
- Parking strategy, including provision of parking for all modes of transport

- Relevant data collected to date
- Proposed trip rates supported with TRICS outputs and site selection methodology

It should also be noted that the landscape adviser on the 2019 application considered that additional traffic through the Conservation Area of Earnley could have a negative impact on the tranquillity of the village. This is something that we know is a sensitive issue locally and so should be considered as part of any future planning application.

### Environmental Protection

The Council's Environmental Protection team were consulted as part of this pre-application request. A summary of their comments is provided below with full details set out within the enclosed consultation comments.

#### i) Noise

Any future planning application will need to demonstrate that any neighbouring sensitive receptors shall not be adversely impacted as a result of the development. The noise sources could be from general site activities, traffic movements or external mechanical plant. Likewise, it shall have to be demonstrated that the proposed development site shall not be significantly adversely impacted by any neighbouring noise sources, for example the industrial units to the east of the proposed development.

#### ii) Contaminated Land

Due to the scale of the proposed development and the agricultural setting, consideration of contaminated land needs to be given. It is recommended that an initial site assessment was conducted and submitted as part of any application.

#### iii) Lighting

Any potentially disturbing light spill, on to neighbouring sensitive receptors needs to be identified as part of any future application.

#### iv) Air Quality

You are advised to give consideration to the Institute of Air Quality Management "Land-Use Planning and Development Control: Planning for Air Quality" document (Jan 2017). If the criteria for an air quality assessment is met, one will need to be provided. Even if it is determined that there shall be a modest increase in road traffic as a result of the proposed development measures should be provided that will mitigate and minimise any detriment in terms of air quality. Such measures would be the submission of a Travel Plan for approval and adequate provision of electric vehicle charge points.

#### v) Ventilation

In relation to the proposed restaurant/bar/café facilities, appropriate cooking extraction equipment shall have to be approved to protect amenity around the site. This could be secured via condition as necessary.

### Archaeology

An updated desk-based assessment should be provided with any future application. The Councils' Archaeology Officer states that the potential impact of the proposal on below-ground deposits of interest would be best mitigated through a staged process of phased and adaptive investigations in advance of construction. This can be secured via condition.

### Sustainability

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will:

- Protect and enhance the environment
- Achieve a maximum consumption of 110l of water per day per person
- Complies with building for life standards or equivalent replacement
- Sustainable design including the use of re-used or recycled materials
- Minimise energy consumption through renewable resources
- Adapt to climate change
- Historic and built environment protected and enhanced
- Improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provision of electric vehicle charging points

The applicants should be aware that the updated Building Regulations have now been published. We will be expecting to see an improvement of 30% on Building Regulations for applications to meet the requirements of Policy 40.

### Environmental Impact Assessment (EIA)

The previous application was considered to be EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Whilst the proposed development under this pre-application enquiry is significantly reduced, we would still advise that a screening opinion is sought to understand whether any future application would also be considered EIA development. I understand that this is something you are planning to submit to us in due course.

### Local List

When preparing and submitted any future planning application, please note the local list of requirement plans and documents to be submitted: [Planning application forms and guidance notes: Chichester District Council](#).

### **Conclusion**

It is considered that the proposals could be supportable in principle. However, there are significant considerations that must be fully assessed and agreed for any future planning application to be successful. The key issues relate to the previous reasons for refusal on landscape, habitat regulations and flood risk.

This advice is given by an officer of the Council and is not necessarily binding on the Council for any future planning application you may submit. You should note that the proposal has not been given any third party publicity and as such the views of all statutory consultees have not been sought.

I trust this information is helpful but if you require any clarification, please do not hesitate to contact me.

Yours sincerely,

*Joanne Prichard*

**Joanne Prichard**

Senior Planning Officer (Development Management: Business and Majors)

Encs.

Decision notice 19/02840/FULEIA

Field map

Pre-app consultation responses

Previous Environmental Officer comments.

Previous Landscape adviser comments