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Parish: Loxwood	Ward: Plaistow
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LX/17/02304/FUL

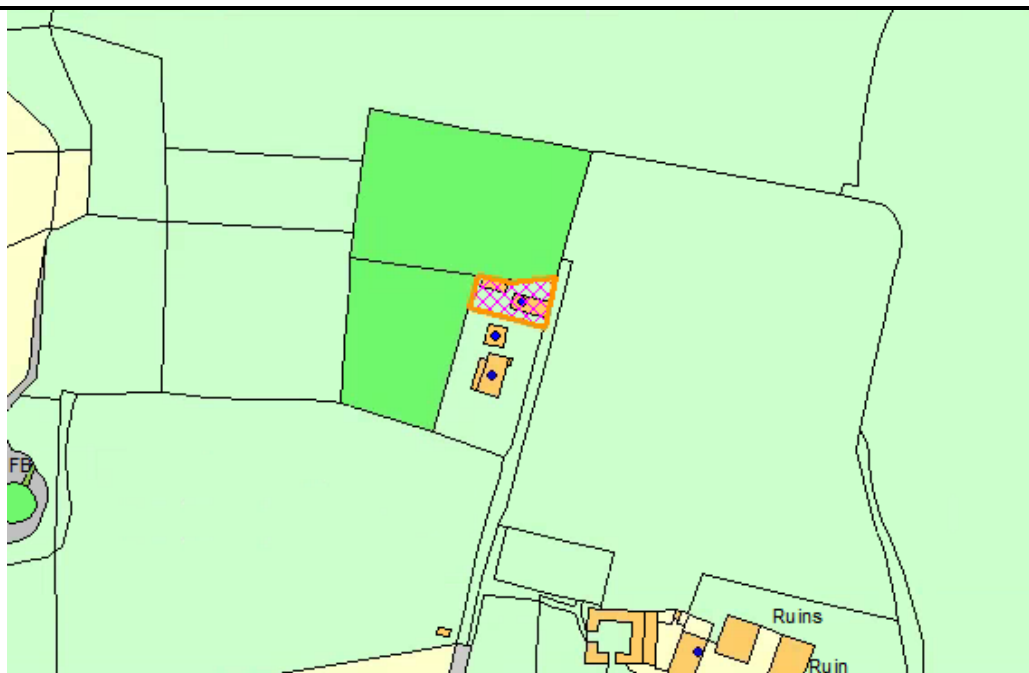
Proposal Demolition of existing temporary outbuilding and erection of replacement dwelling.

Site Buildings North Of Mallards Farm And Bluebell Cottage Guildford Road Loxwood West Sussex

Map Ref (E) 504070 (N) 133093

Applicant Mr Des Moore

RECOMMENDATION TO PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located in the rural area between the villages of Loxwood and Alfold Bars, outside of any defined settlement boundary. The site is at the northern end of a group of three residential properties, formerly a group of farm dwellings, each converted to a separate dwelling under separate consent.
- 2.2 The site is accessed via an unmetalled track running north to south to the front of the site, which joins the roundabout that leads to a private shared road before connecting to Guildford Road, approximately 350m to the west of the site. There is open farmland to the north and west of the site, including a copse of established oak trees that screen the site from wider views from the north and west. Land laid to paddock surrounds the application site to the east and south-east.
- 2.3 Previously the site contained a mobile home which was used for human habitation and for which the Council has issued a Lawful Development Certificate (14/02872/ELD), confirming its lawful use as a permanent dwelling. Since the issuing of that certificate permission has been granted for a replacement one bedroom dwelling and the static caravan has been cleared from the site. The application site is in an elevated position above the other buildings due to an incline that runs from south to north and there is an open-fronted stable/ shed building in the south-east corner of the site adjacent to the access track.

3.0 The Proposal

- 3.1 The application seeks planning permission for a replacement 2 bedroom dwelling, to replace the previous mobile home on site. The frontage of the new building would be staggered, with the front elevation level with the building line of the neighbouring properties to the south; a single-storey element would project forward of this. The dwelling would have a height of 4.75m to the ridge and 2.1m to the eaves, with a floor area of approximately 100 sq m. The footprint of the building would be 14.9 m deep by 9.5 m wide at the widest points. The proposal would include 2no parking spaces to the front of the building, with a large rear garden. The proposal seeks post-and-rail fencing with native planting to the northern and western boundaries.
- 3.2 The proposal is an alternative proposal to the permission granted under 15/03625/FUL for a 1-bedroom dwelling measuring 4.3m high to the ridge and 2.3m to the eaves, with a footprint 10.5 m deep and 4.9 m wide, but also including an attached flat roofed garage/ carport measuring 2.3 m high and 5 m wide by 13.5 m deep. This permission is extant and may still be implemented.

4.0 **History**

14/02872/ELD	PER	The annexe and mobile home at the site used as self-contained dwellings for at least 18 years both sharing an area of private garden separate from the main dwelling.
15/03554/DOM	PER	Raising roof ridge height of dwelling to provide habitable accommodation. [Application in relation to adjacent plot at Bluebell Cottage]
15/03625/FUL	PER	Replacement dwelling.
16/02700/FUL	REF	Replacement dwelling.
17/00007/REF	DISMIS	Replacement dwelling.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Parish Council**

OBJECTION - The Parish Council objected to 16/02700/FUL in email correspondence dated 12 October 2016 and considers that those comments still apply to this new application

"the replacement dwelling does not comply with LNP policy 12. The other policies in the LNP, however, still apply. These are policies 8, 10, 15, 17, and 18. However, it has to be accepted that the principle of a replacement dwelling has been accepted in accordance with planning permission 15/03625/FUL. The original dwelling was a mobile home with a lawful development certificate for full time occupation.

In this instance, LNP policy 12 refers to the NPPF policy 55 and the CDC local plan. The primary Local Plan policies which apply are 33, 45 and 46."

Additionally: This is a significant increase in the bulk of the original mobile home and the permitted dwelling. CDC LP policies 33, 45 and 46 require that the bulk of any new dwelling be acceptable and not be out of keeping with its surroundings etc.

LNP policy 10 paragraph d has a similar constraint. Paragraph (a) seeks to limit the use of white paint on wood and instead promotes the use of clay based materials. The proposed dwelling has wood finished elevations but this type of finish has already been accepted by application 15/03625/FUL."

6.2 WSCC Highways

NO OBJECTION - The site will make use of the existing access onto the B2133 (Guildford Road), No concerns are raised concerning additional trip generation.

No parking on site is shown within the plans however it appears plenty of capacity is available along the lane which is a dead end for the future resident/visitors to utilise.

6.3 Third Party correspondence

1 no Third Party letter of objection has been received raising the following concerns:

- a) the increase in scale relative to the original mobile home unit;
- b) harm to the rural character;
- c) views from Pigbush Lane, a National Long-Distance Footpath;
- d) question the location of the boundary between the site and Bluebell Cottage; and
- e) bat surveys would be required for the trees and tin-roofed outbuilding.

6.4 Applicant/Agent's Supporting Information

"The proposal aims to provide a dwelling which provides the highest standard of design, quality of living whilst maintaining character and integrating itself modestly into its surroundings.

"It is recognized that in order to achieve this level of design an adequate amount of forethought and respect is required for the countryside in which is sited.

"Access to the site will remain from the private road of Guildford Road. The orientation has given the opportunity to create a 'breathing space' around the property, whilst siting the bulk of the development into the centre therefore screening the development with the existing properties as you approach.

"We have aimed to mirror this existing locality in terms of material and architectural style ridge heights have been reduced and respectively increased to prevent overlooking and overbearing on the adjacent properties.

"A considered response to the clients brief and Chichester Borough Councils concerns regarding previous applications has provided a well thought design solution, creating a fluid space, balancing the character of the development with the locality and openness of the countryside."

7.0 **Planning Policy**

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Loxwood Neighbourhood Plan was made on the 14 July 2015 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 25: Development in the North of the Plan area
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity

7.3 Loxwood Neighbourhood Plan:

Policy 2 Presumption in favour of sustainable development
Policy 7 Street lighting
Policy 8 Connections to the Loxwood Primary Sewer Network
Policy 9 Density
Policy 10 The built environment - Vernacular Policy
Policy 12 Development within the rural area and re-use of farm buildings
Policy 15 Broadband Connectivity
Policy 17 Building standards
Policy 18 Flood Zones and Run-off

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- *Approving development proposals that accord with the development plan without delay;*
- and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly*

or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

- 7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 14, 55, 56, 58, 60, 61, and 64.

Other Local Policy and Guidance

- 7.6 The following Documents are material to the determination of this planning application:

- Loxwood Village Design Statement

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

- 8.1 The main issues arising from this proposal are:

- i. Principle of Development
- ii. Impact of the Design upon the visual amenity and rural character of the area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon the landscape
- v. Other Matters

Assessment

i) Principle of Development

- 8.2 The application follows certificate of lawful development (14/02872/ELD) which established the lawful use of the land for residential purposes. The subsequent approval for a replacement 1 bedroom dwelling (Planning permission 15/03625/FUL) is extant. Application 16/02700/FUL for an alternative design replacement dwelling was refused, and dismissed at appeal, by reason that the design, located in the south-east corner of the site, would feature fenestration that would have resulted in an unacceptable loss of privacy to the neighbouring dwellings, would relate poorly with the other dwellings in the immediate proximity, and would be unduly prominent and harmful to the open landscape.
- 8.3 Given the history of the site and the lawful use of the land for residential purposes, the principle of a replacement dwelling in the site is considered acceptable, subject to all other material planning considerations and having regard to the appropriateness of the design and the impact on the amenities of neighbouring properties.

ii) Impact of the Design upon the visual amenity and rural character of the area

- 8.4 The proposed dwellinghouse would be a single storey structure with low eaves and a deeply hipped roof that would result in a development proportionate to the size of the site and would relate well to the size and scale of the neighbouring buildings. The finish, in timber cladding with a clay tiled roof, reflects that previously granted on the site. Whilst the use of white painted timber cladding is sought to be minimised in new development by Policy 12 of the Neighbourhood Plan, the proposed material in this location would not be out of keeping and would relate well to the building's overall form in this rural setting and would not have an adverse impact on the character of the area. Clay-tiled roofs are preferred under Neighbourhood Plan Policy 12 and the proposal would be in keeping with this policy and with Local Plan policies that require new development to respond to its context.
- 8.5 Although the ground level is approximately 0.5 m higher than the ground level of the neighbouring dwellings to the south, the building to the south (Bluebell Cottage) is a two-storey chalet dwelling approximately 7.7 m high to the ridge which would be taller than the proposed dwelling. The site is wider at the front of the site and the proposed dwelling would have space around it to the north of the building, and would be set back from the track by approximately 6 m.
- 8.6 The dwelling is screened from views to the north by a significant cope of trees along the northern boundary of the site. The site is screened from the wider landscape to the east from the trees at the boundary of the paddock which are atop a slight hill, and to the north by shrubs on the boundary of Pigbush Lane, 250m away from the site. The site is screened from the south and the west by other dwellings in the wider area. Due to this screening, the scale of the proposed development in relation to the existing large dwellings, and the relative isolation of the site, it is not considered that the development would unduly detract from the wider landscape when compared to the approved replacement dwelling or the existing development.
- 8.7 Whilst the previous application for a replacement dwelling was refused, and dismissed at appeal, the design of that dwelling sought to locate the new building to the front of the other buildings in the row, away from existing screening and would have featured fenestration directly facing the neighbouring dwelling's front windows. The new proposed dwelling is considered to satisfactorily address these concerns.
- 8.8 For these reasons it is considered that the proposed new dwelling respects the character of the site and its setting as it relates to the amenity of the site and its setting in relation to the neighbouring dwellings and the wider rural landscape. As such the proposal would be considered to comply with relevant policy and to be acceptable in this regard.

iii) Impact upon amenity of neighbouring properties

- 8.9 The proposed dwelling would be located to the north of the existing neighbouring dwelling which is a chalet-style bungalow with existing north-facing fenestration and a narrow patio to the north side of the house.

- 8.10 The proposed dwelling would have no fenestration on the southern side facing the neighbouring property, in contrast to the previously approved development and the existing mobile home both of which had south-facing fenestration.

As such, the proposal would not lead to undue harm to the privacy of the neighbouring property. Due to the northerly position of the proposed development in relation to the neighbouring dwelling to the south the proposal would not lead to a loss of light to that dwelling.

- 8.11 For these reasons it is not considered that the amended development would unduly detract from the amenities of the neighbouring properties and would be acceptable in this regard.

iv) Other Matters

- 8.12 Two car parking spaces are required for this proposal. These can be provided at the front of the site, with sufficient space in the shared private lane for turning and occasional additional parking. As such the proposal would be acceptable in so far as it relates to the provision of parking.

- 8.13 It is proposed that the development would utilise existing mains sewers and drainage which would be the same arrangement as for the approved scheme and the detail of which is proposed to be secured by condition.

- 8.14 A third party has raised concern that a bat survey is required. However, the proposed development would not lead to the removal of any structures that do not already benefit from permission to be removed and the disruption to activity in the oak trees would not be considered likely to be in excess of the activity of the other dwellings, the mobile home, or the approved replacement dwellings. Works have been undertaken to reduce the trees adjacent to the site in preparation for the works approved under permission 15/03625/FUL. As such it is not considered that this development would pose a threat to the population or habitat of protected species. An informative is recommended to remind the applicant of their responsibilities in relation to the Habitats regulations.

Conclusion

- 8.15 Based on the above it is considered the proposal complies with development plan policies and other related guidance and therefore the application is recommended for approval.

Human Rights

- 8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: A16603.03.02 rev B, A16603.01.01.

Reason: To ensure the development complies with the planning permission.

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,

- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

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

5) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

6) **No development shall be carried out on site** until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission

7) **No development shall commence** until full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

8) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

9) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

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

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

11) **The development hereby permitted shall not be first brought into use** until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

12) Prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours.

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

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

14) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

For further information on this application please contact Paul Hunt on 01243 534734