

Parish: Sidlesham	Ward: Sidlesham
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SI/17/01059/FUL



Proposal Erection of 2 no. dwellings.

Site 63 Street End Lane Sidlesham PO20 7RG

Map Ref (E) 485373 (N) 99296

Applicant Mr & Mrs Cawte

RECOMMENDATION TO PERMIT WITH S106

		
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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 to the west of Street End Lane, Sidlesham, outside any settlement boundary. The application site is surrounded by Land Share Association (LSA) plots that were established in the early 1950's and generally comprise a dwellinghouse with outbuildings and associated horticultural land; forming a small holding. Some of the LSA plots have changed over time; however the rural and horticultural character of the area remains strong in the locality.
- 2.2 The site is situated between the access point to an established nursery to the south and west of the application site, and the access serving a dwelling to the north of the site. The site comprises two agricultural buildings, the Battery, which is located at the eastern end of the site adjacent to Street End Lane, and the Piggery, which is located behind the Battery in the western half of the site. The buildings are set back from the road, however they are very prominent within the streetscene due to the lack of screening around the edge of the site. The buildings were previously in agricultural use and they both benefit from prior approval to convert the buildings to dwellings. To date the prior approval which was secured to convert both buildings into dwellings has not been implemented.
- 2.3 The existing buildings on the site are constructed of blockwork and timber with a relatively low pitched roof of profiled fibre cement sheeting. The Battery building measures approximately 8.6m in depth and 4.9m in width, providing 42.14 sqm of floor area, with an eaves height of 2.2m and a ridge height of 3.5m. The building has 6 windows on each side and double doors to the front and rear of the building. The Piggery building measures approximately 12.9m in depth and 6.15m in width, providing 79.33 sqm of floor area, with an eaves height of 2.3m and a ridge height of 3.65m. The building has 3 windows on each side and a single door to the front and rear of the building.

3.0 The Proposal

- 3.1 The application seeks planning permission to erect two dwellings to replace the existing buildings on the site. The proposed dwelling to replace the Battery would be 8.8m (d) x 5.1m (w) x 3.5m (h) with eaves at 2.1m high. The proposed dwelling to replace the Piggery would be 10.15m (d) x 6.35m (w) x 3.7m (h) with eaves at 2.25m high.
- 3.2 The proposed dwellings would each have 1 bedroom with an open plan kitchen and living area. The proposed design and appearance of the buildings would be very similar to the scheme which was granted prior approval, however each dwelling would be re-sited slightly within the plot.

4.0 History

14/04222/COUPMB	YESPAR	Part 3, Class MB: Proposed change of use from agricultural building to single dwelling (C3 Use class).
15/00281/COUPMB	YESPAP	Part 3, Class MB Proposed change of use from agricultural building to 1no. dwelling. (C3 Use Class).
15/02094/PA3R	YESPAP	Part 3, Class PA3R: Change of use of agricultural building to flexible commercial use (B1 Officers - Photographic Studio).
16/00472/PA3Q	YESPAP	Change of use of agricultural building to 1 no. dwelling (C3 Use Class).

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 17th May 2017. The PC objects to this Application. It considers the buildings inappropriate for conversion. The PC referred to the recent High Court judgement defining the convertibility of a building. The ruling defined convertibility by the work required and restricted what is necessary for the building to function as a dwelling. Partial demolition and reconstruction must be limited to the extent reasonably necessary to carry out the permitted building operations. In addition, 3 dwellings on this site would be an overdevelopment of the property

6.3 CDC Coastal and Drainage Engineer (summarised)

No objection.

6.4 CDC Environment Officer (summarised)

Due to the location of the site, the proposed demolition works and the records of bats within close proximity there is a moderate likelihood of bats roosting with the building. A bat survey must be undertaken prior to determination of the application.

Any lighting scheme will need to take into consideration the presence of bats in the local area and should minimise potential impacts to any bats by avoiding unnecessary artificial light spill.

6.5 1third party letter of support has been received stating:

Comments

- a) In this age of mega growers the smallholdings are not commercial viable,
- b) The Government is strongly supporting house building for working people.

6.6 Applicant/Agent's Supporting Information

In support of the application, the agent has advised:

- The proposed new dwellings have been designed to mirror as closely as possible the design established under the PNO approvals but improve with additional detailing,
- Proposal follows the principle established on other agricultural conversions that have been allowed - principally with the use of Cedral boarding for cladding the external walls and slate for the roofs.
- The overall scale is identical to that permitted under the PNO procedure.
- If the PNO approvals were implemented the applicants would have 2no dwellings of 57sq m and 47sq m.
- This proposed dwelling has exactly the same footprint and is identical to the fall-back position.
- The application is for 2no new build properties which will have significantly higher insulation levels; will provide full disabled access and will meet 'Build of Life' criteria.

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. There is no made neighbourhood plan for Sidlesham at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

National Policy and Guidance

7.3 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.

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and sections 5, 7 and 11 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local

communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

7.7 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:

- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Impact upon character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Highway safety

Assessment

i. Principle of Development

8.2 The application site is located outside of any defined settlement boundary and is within the open countryside where new development is usually restricted in accordance with policies 1 and 2 of the Chichester Local Plan, unless otherwise permitted within policies contained in the plan. The development plan seeks to ensure that new development is directed to the most sustainable locations. Although the site lies in a rural area where new dwellings are not usually permitted, regard must be had to the 'fall-back position' for the site, which is that the existing buildings could be converted to two residential properties under the prior approval which has been granted.

- 8.3 The Parish Council has raised concerns regarding the convertibility of the existing building and this matter has been carefully considered by officers. Part Q of the GPDO allows for the installation of replacement windows, doors, roofs, exterior walls and the provision of services, however these must only be works that are reasonably required for the building to function as a dwellinghouse. There have been cases where the works exceeded those permitted by the GPDO because the building was not capable of building converted.

For example in the case of *Hibbit v SSCLG* (2016) the judge agreed with a planning inspector that a barn could not be converted under Class Q of the GPDO because the works went beyond the parameters of a conversion, and instead constituted a rebuild to create a dwelling. The building was a Steel Framed Pole Barn, situated above a concrete slab, which was open on 3 sides and the closed side was not attached the slab upon which the barn was sited. The poles were to be retained, however all other elements of the building would have been fresh building works. The court therefore agreed that the works necessary to create a dwelling on the site did not fall within the provisions of the GPDO to convert an existing building.

- 8.4 It is considered that the works proposed as part of the prior approval for the buildings on the application are not comparable to those required to convert the building in the case of *Hibbit v SSCLG*. The buildings are structurally sound and capable of conversion without significant alteration, and there is no reason to conclude that the existing buildings could not be converted in situ to provide dwellings on the site should the applicant wish to do so. The works would include cladding the building, replacing the roofing materials and altering fenestration, however these are all works that would fall within the limitations of Class Q of the GPDO.

Therefore the fall-back position of the possibility that two dwellings could be created on the site is a material consideration that carries significant weight in the determination of this application. As such, it would be unreasonable to resist the application to 'replace' the permitted dwellings despite the rural location of the site as a matter of principle.

ii. Impact upon character of surrounding area

- 8.5 The proposed dwellings would be of a similar size and scale to the existing buildings on the site, and the use of dark boarding above a brick plinth combined with a slate roof would be in keeping with the local vernacular for rural buildings. The application site can be seen from Street End Lane, however due to the scale and appearance of the proposed dwellings it is considered that they would not represent a harmful form of development that would detract from the rural character of the locality. The proposal therefore complies with section 7 of the NPPF policy 33 of the CLP that requires new development to respect the character of the site and its surroundings.

iii. Impact upon amenity of neighbouring properties

- 8.6 The proposed dwellings would be sufficiently distanced from the neighbouring dwelling to the north, which is situated in excess of 25m away and would not result in any significant impacts upon the amenity of neighbouring properties. The proposal therefore accords with the requirements of policy 33 that requires new development to safeguard the reasonable amenities of neighbouring properties.

iv. Ecological Considerations

- 8.7 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area (SPA) and the 3.6km zone of influence of the Pagham Harbour SPA, where new development is likely to have significant environmental impacts on this internationally important designation. The applicant has made a financial contribution of £1570 and provided a signed S106 Unilateral Undertaking to ensure the contribution is used to mitigate the impact of the proposal upon the SPA. It is therefore considered that the proposal complies with the provisions of Policies 50 and 51 of the CLP, and the proposal would not have an adverse impact upon the SPA's.
- 8.8 The Council's Environment Officer has requested that a bat survey be carried out prior to the determination of the application. The survey has been carried out and the report is currently awaited. An update will be provided at the committee.

v. Highways Safety

- 8.9 The proposed development would not give rise to an increase in vehicle movements beyond the level which would be expected from the authorised use of the existing buildings, or the fall-back position should they be converted to dwellings. It is therefore considered that the proposed development would not have a significant impact upon the local highway network.
- 8.10 The proposed development includes 1 parking space for the dwelling to the east of the site and 2 parking spaces, arranged in tandem, to serve the dwelling to the west of the site. There would be no on site turning provided, however the access would serve a total of 3 dwellings and it is considered that turning on the driveway would not cause significant detriment to highway safety.
- 8.11 It is therefore considered that the parking provision and turning arrangements would be sufficient to serve the proposed dwellings and ensure vehicles can enter and exit the site in a forward gear. It is therefore considered that the proposed development would be afforded with adequate and safe access arrangements. For the reasons stated the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

Conclusion

- 8.12 Based on the above it is considered the prior approval which has been granted to convert the existing buildings from an agricultural use to residential represents a fall-back position for the site which is a material consideration that carries weight. Given the fall-back position that means the site could be developed to provide two dwellings on the site, the proposed 'replacement' dwellings comply with the development plan,

which would otherwise restrict the provision of new dwellings in this rural location. The proposal would be acceptable in respect of its impact upon the character of the area, the amenity of neighbouring properties, highway safety, drainage and ecology and therefore the proposal complies with development plan policies 1, 2, 33, 39, 49, 50 and 51 in addition to the NPPF and therefore the application is recommended for approval.

Human Rights

8.13 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 WITH S106 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: 1, 2, 3, 26A and 27A

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

3) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

4) **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.

5) **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.

6) 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.

7) **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.

8) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Fjola Stevens on 01243 534734