

Parish: Bosham	Ward: Bosham
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BO/17/00664/FUL

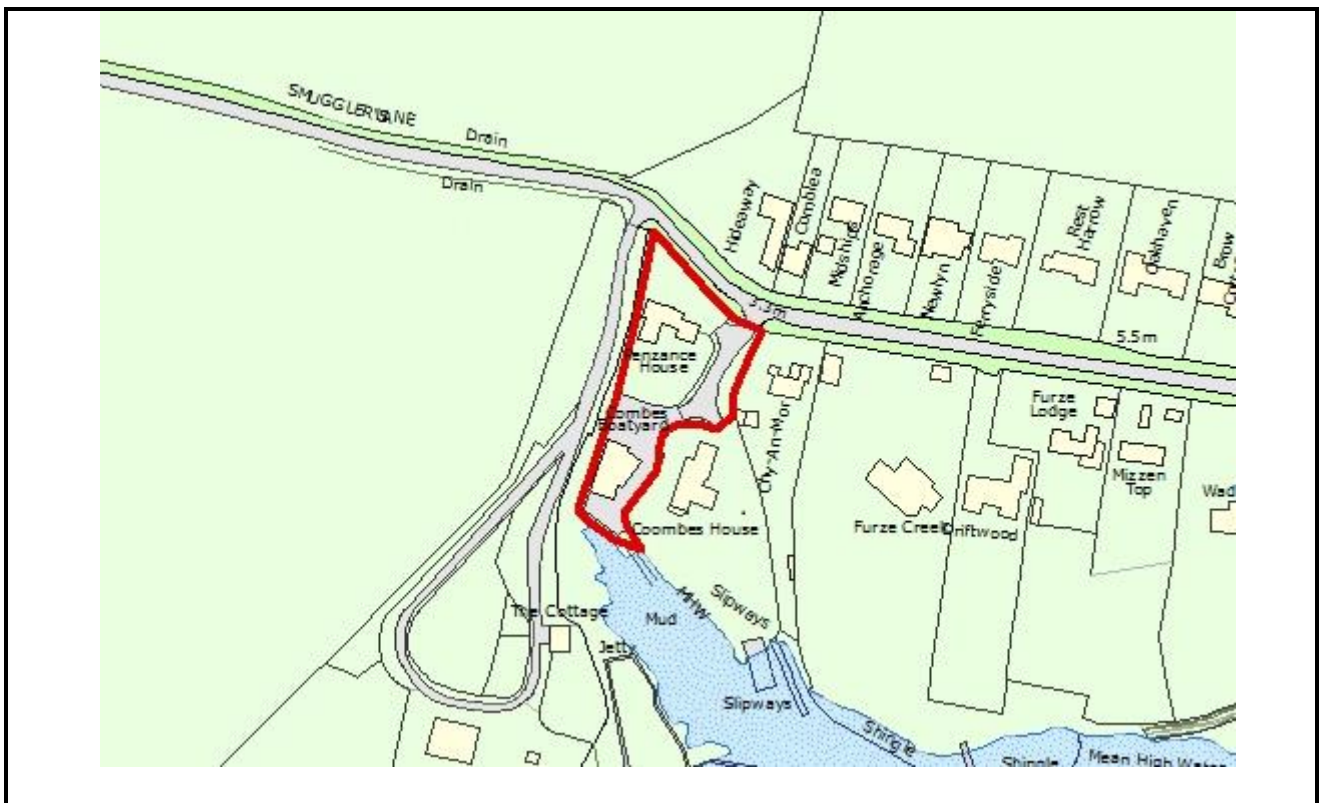
Proposal Variation of condition 32 from planning permission BO/06/05595/FUL - Alterations to escape path.


Site Combes Boatyard Smugglers Lane Bosham Chichester West Sussex PO18 8C

Map Ref (E) 480664 (N) 102068

Applicant c/o Icen Projects Ltd

RECOMMENDATION TO PERMIT



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1.0 Reason for Committee Referral

Parish Objection

2.0 The Site and Surroundings

- 2.1 The application site is located on the southern side of Smugglers Lane, a predominantly rural lane outside of the settlement of Bosham directly adjacent to Chichester Harbour and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The application site forms part of a former boat yard site which was sub-divided into 3 plots to provide 2 dwellings and a boat storage/repair building all served by a single access off Smugglers Lane. Only plots 2 (Penzance House) and plot 3 (Combes Boatyard) fall within the red line of the application site. The third dwelling identified as plot 1 within the application (Combes House) adjoins the application site.
- 2.2 Plots 1 & 2 provide for the two dwellings. Plot 1, located in the south east corner of the development adjacent to Chichester Harbour, is occupied by a 2 storey detached dwelling (Combes House) constructed on solid concrete stilts to raise the floor level 1.2m above the existing ground level. Plot 2, located adjacent to Smugglers Lane at the northern end of the site, is occupied by a 2 storey detached dwelling (Penzance House) which was constructed on an area of raised land to ensure that the floor levels would be of a sufficient height to prevent flooding. The garden of plot 2 is approximately 1m lower than the level of the dwelling on the plot, however there is a raised walkway around the western and northern boundary of the plot. The raised walkway comprises part of an escape path which leads from the edge of plot 1 to Smugglers Lane.
- 2.3 Plot 3 is located in the south west corner of the site and comprises a boat shed building (Combes Boat Yard) with space for the storage of boats a car park area and access to a slipway into the harbour. The access to plot 3 is located between plots 1 and 2.
- 2.4 The site lies in Flood Zone 3 and the permitted development included a range of measures to manage flood risk, including the provision of raised floor levels and provision and retention of the escape path from the dwelling on plot 1 to Smugglers Lane. The escape path comprises a section of raised ground within plot 1 and the raised ground around the west and north edges of plot 2. The raised areas of ground are divorced from each other separated by the lower ground which comprises the access into plot 3. The lower ground at the access to plot 3 was previously bridged by a wooden platform attached to a gate which spanned the width of the access. The platform has subsequently fallen into disrepair and it has been removed from the gate.

3.0 The Proposal

- 3.1 The application seeks planning permission to vary condition 32 of BO/06/05595/FUL.
- 3.2 Condition 32 of BO/06/05595/FUL requires:
Prior to the occupation of the dwelling hereby approved the escape path to Smugglers Lane shall be provided in accordance with the details shown on Drawing No. 2302/216 and 2302/301 Rev C and shall thereafter be retained and maintained as approved.
Reason: In the interests of public safety in the event of a flood.
- 3.3 The application seeks to vary condition 32 of the original permission to alter the approved escape path. The revised proposals would comprise the removal of the raised platform that is attached to the gate spanning the access into plot 3. The change would result in the removal of an escape path from plot 1 to Smugglers Lane, however the remainder of the path around the edge of plot 2 would remain in situ. In addition, it is proposed that the

amended condition would require provision of an Emergency Plan as an alternative means of managing safety in the event of a flood. The proposed strategy includes the following measures:

1. Use of the Environment Agency Flood Alert System so that the dwelling can be evacuated prior to a flood event, and if this is not possible;
2. To take refuge within the dwellinghouse if for any reason the dwelling is not evacuated.

4.0 History

01/00399/OUT	WDN	Redevelopment of boatyard comprising replacement boat building shed and yard, rationalisation of boat slips, demolition of existing dwelling and erection of 4 no. detached houses.
01/01894/OUT	REF	Redevelopment of boatyard comprising replacement boat building shed and yard, rationalisation of boat slipways, demolition of existing dwelling and erection of 4 no. houses.
02/00267/OUT	PER	Construction of two detached dwellings houses and boat storage/maintenance building (including an extension of the site boundary to permit the removal of redundant slips and remediation) following the demolition of existing buildings.
72/00050/BO	PER	Renewal of outline permission BO/31/64 - erection of one dwelling - Land adjoining Furzecreek Smugglers Lane Bosham.
74/00032/BO	PER	Erection of 2 buildings (amendment to BO/52/72) - Land adjoining Penzance Smugglers Lane Bosham.
78/00110/BO	PER	Resisting of approved dwelling - Land adjoining Penzance Smugglers Lane Bosham.
72/00007/BO	PER	Proposed dwelling.
74/00034/BO	PER	Improvements to existing Yacht filling out and repair basin.
77/00096/BO	PER	Alterations and extensions.
85/00012/BO	PER	Demolish existing dilapidated timber office and replace with modern portacabin.
04/02457/REM	WDN	Demolition of boat shed and detached house. Construction of new boat storage and

		maintenance building. Construction of 2 no. detached two storey houses.
04/04302/REM	REF	Demolition of boat shed and detached house. Construction of new boat storage and maintenance building. Construction of 2 no. detached two storey houses.
05/00816/FUL	PER	Removal of Condition No.6 (provision of public access to foreshore) from outline permission BO/02/00267/OUT dated 26/06/02.
05/01863/REM	PER	Demolition of boat shed and detached house. Construction of new boat storage and maintenance building and construction of 1 no. detached two storey house.
05/02425/REM	PER	Construction of 1 no. detached two storey house with attached double garage (house 1).
06/05595/FUL	PER	Retention of near complete boat storage and maintenance building and 1 no. detached two storey house (house 2) including shared access road.
06/05773/FUL	PER	Construction of 1 no. detached two storey house with attached double garage (House 1).
05/02425/REM	PER	Construction of 1 no. detached two storey house with attached double garage (house 1).
06/05773/FUL	PER	Construction of 1 no. detached two storey house with attached double garage (House 1).
05/00093/REF	DISMIS	Demolition of boat shed and detached house. Construction of new boat storage and maintenance building. Construction of 2 no. detached two storey houses.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	YES
EA Flood Zone	
- Flood Zone 2	YES
- Flood Zone 3	YES

6.0 Representations and Consultations

6.1 Parish Council

17.09.2017

The parish maintain an objection to the proposal until a relevant authority is satisfied that any alternative escape arrangement ensures the safety of the public.

29.03.2017

Bosham Parish Council do not believe that it is in the interests of public safety in the event of a flood to remove the wording and shall thereafter be retained and maintained as approved from condition 32 of consented planning application 0605595/FUL. In the absence of any alternative plan being put forward to ensure the safety of the public, we object to this application.

6.2 Chichester Harbour Conservancy

The Conservancy raise no comment and would expect the Environment Agency to comment and advise on the alternative proposed strategy to deal with a flood event.

6.3 Environment Agency

According to the records we did not request this condition therefore we will not be providing comments.

6.4 CDC Coastal Protection & Land Drainage Officer

30.08.2017

The Officers have received an alternative mitigation strategy, and it is considered that receiving and responding (evacuating) to flood warnings is the best response. The provision of safe refuge in the event of a flood event is a positive.

The escape route as per the submitted plan should however, be set at a 4m minimum AOD thus matching the FFLs of the property and allowing an escape as a last resort. It is the opinion that the removal of the escape path will still have a negative impact. We would suggest consultation with Emergency Planning/Environment Agency to determine whether this is sufficiently negligible to still be acceptable.

22.03.2017

The application appears to want to cease maintaining an emergency access which was required to gain the original planning permission in Flood Zone 3 (High Risk) and which was deemed to be required for emergency exit during a flood event. In our opinion removing this access and not replacing it will increase the risk to the property holders in the event of extreme tidal flooding. They raise the issue that the gates could be open, perhaps instead of removing the condition anew engineering solution which deals with this could have been submitted. This condition will almost certainly have originated from the Environment Agency and therefore they should be consulted on this application for a

variation. We would expect them to provide comments on the acceptability of the alternative strategy to deal with a flood event.

6.5 CDC Emergency Planner

Referring to the *Adopted Chichester Local Plan: Key Policies 2014-2009* Policy 42 which requires certain criteria are met for development in areas at risk of flooding as identified by the Environment Agency, point 6 requires the criteria: '*Appropriate flood warning and evacuation plans are in place*': Taking the information provided at face value it seems to me that the raised walkway is not a reliable means of escape from flooding and a plan to evacuate before flooding occurs seems more appropriate, with staying put being the absolute last resort. This obviously requires residents signing up to the Environment Agency Flood Warning Service and ensuring that they are effectively receiving warnings. Guidance for personal flood plans is available at: <https://www.gov.uk/government/publications/personal-flood-plan>. I recommend that they review their plans annually, after a change in circumstances, or after a flood event.

6.6 Natural England

No objection.

6.7 Third Party Comments

Three letters (from two objectors) have been received objecting on the following grounds:

- a) In the interests of public safety, any alternation path variation needs to consider mooring holders
- b) The provision of the walkway is not considered solely for the benefit of Combes House (Plot 1) it is also for the benefit Penzance House (Plot 2), users of combes Boatyard and those trapped in Furzefield Creek.

6.8 Applicant's/Agent's Supporting Information (summarised)

Additional information in support of the application was received on 18 January 2018;

- The escape path is under the control of the Combes Boatyard Management Company, of which the applicants are the majority shareholders
- The raised escape walkway as marked / coloured on the Transfer Deeds is solely for use of Plot 1. The occupants of Plot 2 have direct access to the escape path to the west of the raised walkway on the gate. The occupants of Plot 3 (of which there are none) have no access to the gate raised walkway and in fact exit from the boatyard via this entrance gate containing the raised walkway, thereby breaching the escape path for Plot 1 once the gate is opened.
- Due to the location of the site next to the harbour flood events occur at high tide as a result of prolonged rainfall coinciding with an exceptionally high spring tide, and the flood water disappears as the tide ebbs
- The floor levels of Combes House are above the flood event level
- The household Emergency Plan would be to observe the Met Office and Media announcements and the EA flood alerts and to evacuate if a storm surge was imminent
- Disabled occupants would be able to take refuge within the house, the level of which is higher than the escape path

- It would not be possible for wheelchair bound residents to escape via the pathway
- The present occupiers of plots 1 and 2 have 9 boats available for escape purposes if required.

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Bosham Neighbourhood Plan was made on the 22 November 2016 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:
 Policy 1: Presumption in Favour of Sustainable Development
 Policy 42: Flood Risk
 Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- 7.3 The relevant Bosham Neighbourhood Plan policies are:
 Policy 9 – Flood and Drainage

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) and sections 7, 10 and 11 generally.

8.0 Planning Comments

- 8.1 The main issue arising from this proposal is whether the proposed removal of the existing escape path would result in an unacceptable risk to the occupiers of the buildings on the site from the impacts of flooding, having regard to alternative proposals within the applicant's supporting information and Emergency Plan.

Assessment

- 8.2 Policy 42 of the Chichester Local Plan and Policy 9 of the Bosham Neighbourhood Plan require flood and erosion risks to be taken into account at all stages in the planning

process to avoid inappropriate development in areas at current or future risk. Further, development will only be permitted if a number of criterion are met, including; demonstration that the development would be safe, including the access and egress, the proposal incorporates specific requirements of the site, and protection, resilience and resistance measures appropriate to the character and biodiversity of the area; the scheme identifies adaptation and mitigation measures; and appropriate flood warning and evacuation plans are in place. The NPPF requires local planning authorities to adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

- 8.3 The provision of an escape path was not required by the Environment Agency (EA) to manage the flood risk, and the EA have advised that they have no comments to make in respect of the current application. The Council's drainage engineer has however expressed concern during the course of the application that the escape route would be removed, thereby rendering the residents of the dwelling on Plot.1 more vulnerable in a flood event, which should be avoided and advised that the Council's Emergency Planner should consider the proposed amendment to the flood mitigation measures on the development. The Council's Emergency Planner has advised that the existing escape path is not a reliable means of escape from flooding, and a plan to evacuate before flooding occurs seems more appropriate. The Emergency Planner has also advised that 'staying put' should be an absolute last resort, and therefore to ensure the building is evacuated in good time the residents must sign up to the Environment Agency Flood Warning Service and ensuring that they are effectively receiving warnings.
- 8.4 The applicant has submitted additional information including an Emergency Plan which prioritises the need to evacuate the dwelling before a flood event occurs, and confirms that the occupiers of plot 1 and 3 are signed up to the Environment Agency Flood Warning System, details of the safe refuge and points of escape if required, and also provides clarification on the utilities serving the dwelling which may be operational in the event of a flood.
- 8.5 The dwelling on plot 1 has been designed to mitigate the flood risk, with a floor level at 1200mm above the ground level. The finished ground floor level of the property is at 4.30 AOD, above the 1 in 100 year flood event level as required by the original planning permission. Supporting information submitted with the application explains that during flood events in 2012 and 2014 the dwelling did not flood. During these flood events Smugglers Lane, and other roads in Bosham were flooded, and using the escape path would not have led the occupiers to safety. Rather the supporting information states that it was safer for the occupiers of the dwelling to remain within the property until the flood subsided.
- 8.6 The highest internal ground floor room level of the building on plot 1 is the bedroom at first floor level. This is 3 metres above ground level and substantially higher than the height of the escape path. The applicant has therefore suggested that even if an extreme flood event occurred and the ground floor of the dwelling on plot 1 was subject to flooding there would still be an area for safe refuge within the building. The property is served by an independent buried gas tank supplying energy for heating and cooking which would operate during a flood event, however mains electricity may be affected.
- 8.7 The supporting information submitted with the application includes an Emergency Plan which confirms that the occupiers of the dwelling would be signed up to all levels of the

EA's flood alert system and therefore alerts would be received by phone, text and email for all levels of potential threat. As a result the dwelling could be evacuated in advance of a flood event. Whilst the revised proposed approach would be to evacuate the building before a flood event the information submitted with the application demonstrates that it would be possible to take safe refuge within the building in the event this became necessary. The information also demonstrates that it would be possible to rescue occupiers of the dwelling from the first floor balconies. Whilst this would be an unlikely event given the emergency plan to evacuate the dwelling prior to a flood event, it is important that it would be possible for a rescue to be carried out should this be necessary.

- 8.8 The supporting information submitted with the application also clarifies that the escape path over the access serving plot 3 is for the use of plot 1 only. Plot 2 (the dwelling next to Smugglers Lane) could maintain direct access to the escape path from their garden should they wish to use it, however given the direction of travel would be onto Smugglers Lane they would not need to cross the platform that is currently required between plot 1 and plot 2, whilst access/egress from plot 3 would be via the main access. Given that Plot 3 would be in use during the day time only for commercial purposes it is very unlikely that a flood event would be a risk to the users of this plot as workers would respond to the flood alerts and leave the premises without delay. The use of the main access for Plot 3 would result in its access gate being open and the escape path platform which would be attached to the gate would be out of position which may impede the occupiers of Plot 1 from using the escape path.
- 8.9 Officers consider that sufficient information has been submitted to demonstrate that;
- a) the existing escape path is not devoid of problems; the platform is not accessible to less able occupiers of the dwelling on plot 1 and in order for anyone to exit plot 3 (the boat storage/repair site) they would need to open their access gate, which would prevent the platform from spanning the 2 sections of the escape path serving the occupiers of plot 1,
 - b) by implementing alternative mitigation measures it would be possible for occupiers of the dwelling on plot 1 to evacuate in the event of a flood, namely by using the EA alert systems,
 - c) the occupiers could revert to a 'stay put' strategy within a part of the dwelling with safe refuge if the alert/evacuation plan failed for any reason (i.e. the alerts were not broadcast by the EA or the occupiers did not receive them, understand them or ignored them), and
 - d) it would be possible to be rescued during a flood event should the occupiers of the dwelling become vulnerable at such a time.
- 8.10 On balance, it is considered that the variation of condition 32 to alter the existing escape path and to secure the proposed alternative means of mitigating the risk of flood would not result in an increased risk to the occupiers of the dwelling from a flood event. Rather, the proposed measures would provide a preferable solution due to the limitations of the existing escape path, such as the onus on the occupiers of plot 1 to maintain and upkeep the platform which is attached to plot 3's gate, the lack of safe access/egress for less mobile individuals who are unlikely to be able to cross the platform or traverse the escape path, and also the concerns that the platform could not be used if the gate is opened during a flood event. It is therefore recommended that the application be permitted with condition 32 varied to alter the escape path and to secure the Emergency Plan as detailed within the submitted information.

Conclusion

8.11 Based on the above it is considered the proposal complies with development plan policies 42 of the Local Plan, Policy 9 of the Neighbourhood Plan and paragraph 94 of the NPPF and therefore the application is recommended for approval.

Human Rights

8.12 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 approved shall not be carried out otherwise than in complete accordance with the approved plans: 2302/207 Rev B, 2302/301 rev C, 2302/304, 2302/305, 2302/306, 2302/307, 2302/310, 2302/312, 2302/313 Rev A, 2302/314, 2302/316, letter dated 29/11/07 and supporting information.

Reason: To accord with the terms of the application and in the interests of the amenities and character of the area.

2) The raised walkway section of the escape path attached to the access gate to Plot 3 (Combes Boatyard) shall not be permanently removed unless and until the approved emergency plan for Combes House (referred to as Plot 1) which includes the following measures as detailed within the email dated 18 January 2018;

- a. Use of the Environment Agency Flood Alert System to ensure that the dwelling can be evacuated prior to a flood event; and
- b. To take refuge within the dwellinghouse if for any reason the dwelling is not evacuated prior to a flood event;

has been implemented in full accordance with the approved details.

The remainder of the escape path as shown on drawing no. 2302/216 and 2302/301 Rev. C shall be retained and maintained as approved in perpetuity.

Thereafter the emergency plan shall be maintained by the owner of Combes House (plot 1) and shall be reviewed annually, after a change in circumstances, or after a flood event, and the emergency plan should be kept up to date and available for inspection if requested by the Local Planning Authority at all reasonable hours.

Reason: In the interests of managing flood risk effectively.

3) The provision of space for the parking of 3 cars shall be retained for its stated purpose in perpetuity.

Reason: To ensure the provision of adequate car parking space in the interests of highway safety.

4) The approved refuse and cycle storage shall be retained for its stated purpose in perpetuity.

Reason: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

5) The boat storage/maintenance building shall not be occupied or used other than in accordance with the approved scheme for the insulation of the boat building against the transmission of noise and vibration from the building and the siting of machinery in perpetuity.

Reason: In order to safeguard the amenities of adjoining residential properties.

6) The turning areas, and where applicable, cycle parking areas shall be completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

7) The car parking spaces shall be implemented in full accordance with the approved plans and shall be retained thereafter. The parking area shall include two spaces for mooring holders and such spaces shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure there is adequate parking within the site of the boat storage and maintenance building.

8) The provision of access through the site to the foreshore area for those persons holding a licence mooring in Furzefield Creek shall be retained as approved and such unencumbered access retained in perpetuity.

Reason: In order to ensure access can be gained to the harbour area by those persons with a genuine need to reach the moorings in Furzefield Creek and in the interest of preserving and retaining the character of the area.

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the Town and Country Planning Use Classes Order, 1987 (as amended) the boat storage/maintenance building shall be used only for the storage, manufacture, repair and maintenance of boats and other water craft and/or sail-making and for no other purpose whatsoever (including any other purpose in Class B2 (General Industrial) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order).

Reason: To ensure the use of the boat storage/maintenance building does not have a harmful environmental effect in the interests of amenity.

10) Other than at times when boats and water craft are being moved into and out of the building all doors, windows and external openings of the boat storage and

maintenance building hereby permitted shall remain closed whilst power tools are being operated within the building.

Reason: In order to avoid noise pollution and a consequent loss of amenity.

11) No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site at any time except within the buildings or storage areas hereby permitted unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties.

12) No public address or other amplification system shall be installed within the boundaries of the boat storage and maintenance building part of the site without the prior written permission of the Local Planning Authority

Reason: To safeguard the amenities of the occupiers of neighbouring residential property.

13) Any maintenance of boats within the site which involves the use of power tools shall not be permitted on Sundays or Public Holidays or any time otherwise than between the hours of 08.00 and 18.00 Mondays to Fridays and 08.00 and 13.00 on Saturdays.

Reason: To safeguard the amenities of the adjoining properties.

14) At all times during the use of the boat storage/maintenance building precautions shall be taken by way of operating, maintenance and security arrangement to ensure that any risk of contamination of land or water is effectively prevented or where prevention is not practicable minimised, measures are taken to prevent, contain and/or remove any accidental spillage that may lead to contamination of land or water in accordance with a written contingency scheme that shall be updated as often as necessary for this purpose, subject to the written acceptance of the Local Planning Authority.

Reason: To control pollution of land or water.

15) No external lighting shall be installed within the boat storage/maintenance building part of the site. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

16) Any facilities for the storage of oils, fuels, or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. 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 site 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 onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment.

17) No power tools or machinery shall be used at the boat storage/maintenance building other than portable hand power tools unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

18) No paint spraying shall be carried out except in a purpose-built part of the building to which extraction and filtration equipment has been fitted. Details of the equipment shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of any such works.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

19) No odorous resin processes shall be carried out on the site at any time unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure the use of the site does not have a harmful environmental effect.

20) 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 Classes A-E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

21) The approved boundary treatments shall be maintained as approved in perpetuity and notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties and the surrounding area.

22) Nothing in this permission shall authorise the felling, lopping, topping or uplifting or any tree on the site protected by a Tree Preservation Order.

Reason: To clarify the extent of this permission.

23) The finished floor level of the dwelling hereby approved shall not be less than 4.0 metres AOD (garage floor level to be no less than 3.775m AOD) and the finished floor level of the boat storage/maintenance building shall not be less than 3.15 metres AOD. These floor levels shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of public safety in the event of flooding.

24) The garage building hereby permitted shall not be used for any purpose other than as a private and domestic garage incidental to the enjoyment of the associated house.

Reason: To accord with the terms of the application and to safeguard proper planning of the area.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, (or any Order revoking and re-enacting or amending that Order) no windows or other openings other than those shown on the plans hereby approved shall be formed in the walls or roofs of the development without agreement in writing from the Local Planning Authority.

Reason: In the interests of visual amenity.

26) No development or works shall occur beyond the footprint of any existing hard standing on the southern boundary of the site, where the development site abuts the nature designated site. A naturally vegetated (not lawned) buffer strip along this boundary should be retained in perpetuity.

Reason: The development site is immediately adjacent to a designated SSSI, SAC, SPA and Ramsar site, and BAP habitat. Measures must be taken to prevent any potential detrimental impact on or encroachment into this area. A naturally vegetated buffer strip will help protect the designated site from any polluted/fertiliser runoff and provide wildlife habitat.

27) Unless otherwise agreed in writing by the Local Planning Authority, an area around the boat storage/maintenance building shall be retained as approved for the storage of up to 6 mooring holders' tenders in perpetuity.

Reason: In order that access can be gained to the Harbour.

28) Other than the mezzanine floor shown on the submitted plans, no other floor shall be constructed in the boat storage/maintenance building above ground floor level (including extension of the mezzanine floor shown) without details first being submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the building retains its function for the purpose proposed.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) Guidance for personal flood plans is available at:
<https://www.gov.uk/government/publications/personal-flood-plan>

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