

Parish: Earnley	Ward: East Wittering
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**E/17/02910/FUL**

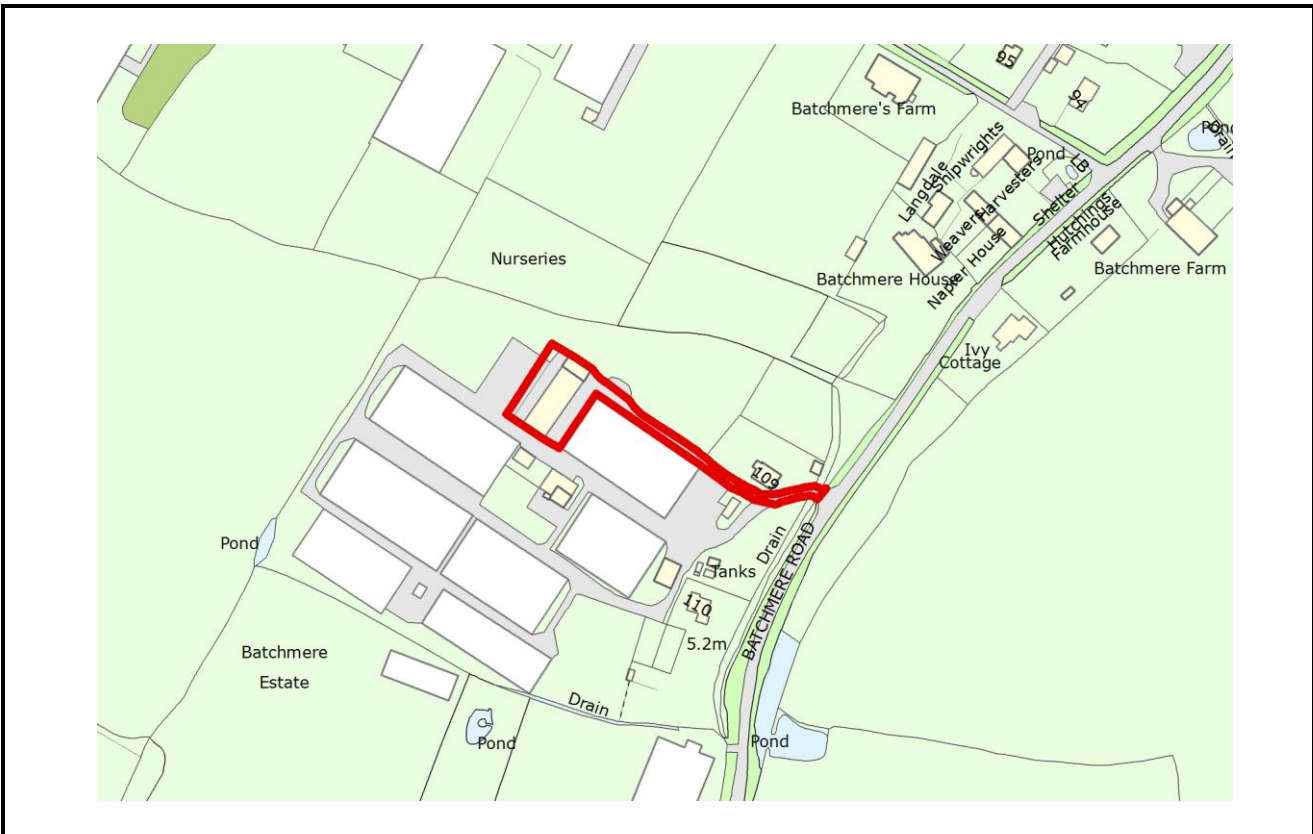
**Proposal** Proposed Change of Use of an existing agricultural building to 3 no. dwellinghouses (Use Class C3), and erection of pitched roof over flat roof lean-to part of building - Alternative to Part 3, Class Q Prior Approval E/17/01189/PA3Q.


**Site** Almodington Nurseries Batchmere Road Almodington Earnley PO20 7LG

**Map Ref** (E) 482664 (N) 98549

**Applicant** Mr C Wade (Almodington Nurseries Ltd)

**RECOMMENDATION TO PERMIT WITH S106**



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**1.0 Reason for Committee Referral**

1.1 Parish objection and officer recommendation is to permit.

## **2.0 The Site and Surroundings**

2.1 The building to which this application relates forms a part open sided barn located at the northern edge of Almodington Nurseries, which is an operational horticultural nursery business. The building is one of multiple buildings on the site, which include seven large glass houses, one of which lies adjacently to the east. The site lies to the west of Batchmere Road and is accessed by a private drive of approximately 130m in length. The drive runs along the northern edge of the site.

## **3.0 The Proposal**

3.1 This application seeks planning permission for a change of use of the building from an agricultural barn to 3 no. dwellings (C3 Use Class) and a number of small physical alterations to the building, including a small roof addition at its northern end. The application is submitted following the grant of prior approval for the change of use of the building and associated works under application 17/01189/PA3Q.

3.2 The main differences between the approved scheme (prior approval) and the application scheme now proposed are:

- the incorporation of 3 x flue's projecting from the west facing rear roof pitch; and
- raising the roof of a lean-to roof element at the northern end of the building to create a pitched roof. This alteration would increase the roof of this part of the building by 1.05m (from 1.4m to 2.45m), which would remain 0.4m lower than the main roof line of the building.

## **4.0 History**

15/01406/PA3Q	ARG106	Part 3 Class Q application for prior approval - change of use of agricultural building from agriculture to 3 no. dwellings (C3 Use Class).
17/01189/PA3Q	YESPAP	Proposed change of use from agricultural building to 3 no. dwellings (C3 Use Class).

## **5.0 Constraints**

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

## **6.0 Representations and Consultations**

### Parish Council

- 6.1 Having reviewed this application again Earnley Parish Council would like to object to this application. Irrespective of the approved PA3Q application on this site. The submission of a full planning application represents overdevelopment and a proliferation of development in a rural area.

### West Sussex County Council Highways

- 6.2 The proposal is to change the use of the existing agricultural buildings to create 3 dwellinghouses. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last three years. There have been no recorded injury accidents at either the junction with the public highway, onto Batchmere Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.
- 6.3 Taking into account the existing permitted nursery usage in terms of highway safety and level of activity of the site, it is unlikely that this proposal to change to C3 would have an adverse impact on the local highway network. The LHA would not wish to raise any highway capacity concerns to this application.
- 6.4 Parking and turning within the site is achievable and allows sufficient space in the open hard standing area for vehicles to park. And safely manoeuvre to exit onto Batchmere Road in a forward gear. The LHA advise a condition sealing cycle parking in order to promote sustainable travel in this location.
- 6.5 Based on the above considerations, the LHA raise no objections to the proposal subject to conditions.

### CDC Environmental Health

- 6.6 No objection.

### Third Party Comment

- 6.7 No public representations have been received.

## **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 Earnley 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 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:

- 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:

- 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
- vi) Drainage

### **i) Principle of Development**

8.2 The application site is located outside of the defined settlement boundaries and is within the open countryside where new development is usually restricted in accordance with policies 1 and 2 of the Chichester Local Plan (CLP), 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 fallback position for the site, which is that the existing building could be converted to 3 residential properties under the prior approval which has been granted. The building is structurally sound and capable of conversion without significant alteration, and there is no reason to consider that the existing building could not be converted in situ to provide 3 dwellings on the site. The Parish Council has objected, stating that the proposal would represent overdevelopment of the site, but the fallback of the possibility that three dwellings could be created on the site in a very similar form is a material consideration that carries significant weight in this instance.

8.3 The prior approval granted for the dwellings on the site establishes the principle of the conversion of this building to 3 dwellings. As such it would be unreasonable to resist the application to change the use of the building despite the rural and relatively remote location of the site. Therefore the principle of the development is acceptable in this instance.

ii) Impact upon character of surrounding area

8.4 The proposed dwellings would be of the same footprint and overall scale to that of the existing building on the site, and the use of slate roof tiles and cedar boarding for the elevations would be in keeping with the local vernacular for rural buildings. The application site is screened from the public realm and wider area, with long ranging views being screened by hedgerows aligning the northern and western boundaries of the site and existing greenhouses lying to the east and south. The building is also in somewhat of a state of disrepair so it is considered that the proposed works would have a positive impact on the character and aesthetics of the locality, particularly as the only proposed addition is the raising of the roof of a small portion to a level that would remain subservient to, but more in keeping with, the main ridge line of the building. The proposal therefore complies with section 7 of the NPPF and policy 33 that requires new development to respect the character of the site and its surroundings.

iii) Impact upon amenity of neighbouring properties

8.5 The proposed dwelling would be sufficiently distanced from the closest neighbouring dwellings, which lie in excess of 160m to the north-east. These dwellings are not visible from the site and as such it is considered that there are no amenity concerns that would warrant refusal of the application. The proposal therefore accords with the requirements of policy 33 that establishes that new development should protect the amenities of neighbouring properties.

iv) Ecological Considerations

8.6 The application site falls within the zone of influence for the Chichester and Langstone Harbours and Pagham Harbour Special Protection Areas (SPAs). In accordance with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 the applicant is required to fulfil the tests for derogations in Regulation 62. To mitigate against environmental impacts on these internationally important designations, the applicant is required to provide a signed S106 Unilateral Undertaking and make a financial contribution of £2,430.

8.7 With respect to protected species, an preliminary ecological assessment has been submitted which concludes that the site contains negligible ecological value, although there is potential to support a number of species of birds nest during the bird breeding season through incorporating a planting scheme of native shrub and flowering species known to encourage insect diversity. It is also recommended that bat roosting opportunities such as wall mounted bat shelters should be incorporated to the external fabric of the building to provide refuge close to known existing commuting routes.

8.8 It is therefore considered that subject to agreement of this undertaking and payment of contributions, as well as compliance with an ecological mitigation condition, the proposal complies with the provisions of Policies 50 and 51 of the CLP and the proposal would not have an adverse impact upon local habitats or the SPA's.

v) Highway 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 its fall-back position should the building be converted to dwellings. It is therefore considered that the proposed development would not have a significant impact upon the highway network.

8.10 The proposed scheme includes 2 parking spaces to the front of each dwelling with room for turning so that vehicles could enter and exit in the same gear. The arrangements are identical to those approved as part of the prior approval application.

8.11 The local highway authority has raised no objection subject to conditions being attached to any condition requiring parking and turning provisions as well as cycle parking to be installed prior to first occupation. It is therefore considered that the parking provision and arrangement would be sufficient to serve the proposed dwelling and to ensure vehicles to enter and exit the site in a forward gear and that the proposed development would be afforded adequate and safe access arrangements. For the reasons stated, and subject to compliance with conditions, the proposal would meet the requirements of policy 39 of the CLP in respect of highway safety.

vi) Drainage

8.12 Surface water run-off from the building will continue to be dealt with by the existing soakaways, and a foul sewage assessment has been submitted which states that waste will be discharged to a package treatment plant, the size of which should be agreed through a pre-commencement condition. Having regard to the location of the site, in excess of 160m of a mains sewage pipe, it is acceptable to seek to manage waste through this method.

8.13 Subject to compliance with conditions, the proposal is deemed to be acceptable in terms of drainage.

Conclusion

8.14 Based on the above it is considered that the prior approval which has been granted to convert the existing building from an agricultural use to 3 residential dwellings represents a fall-back position for the site, which is a material consideration that carries weight. Given this, the site could be developed to provide 3 dwellings on the site without further permission from the Council. The alterations to the development compared to the previously approved scheme are minimal and are considered to be acceptable in respect of their 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

8.15 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, 6, CDC/10/15-5A

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

- 3) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. 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 part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for 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.

- 10) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the 'Enhancement Opportunities' section of the submitted Preliminary Ecological Appraisal produced by The Ecology Co-op.

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

#### 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.

For further information on this application please contact Fjola Stevens