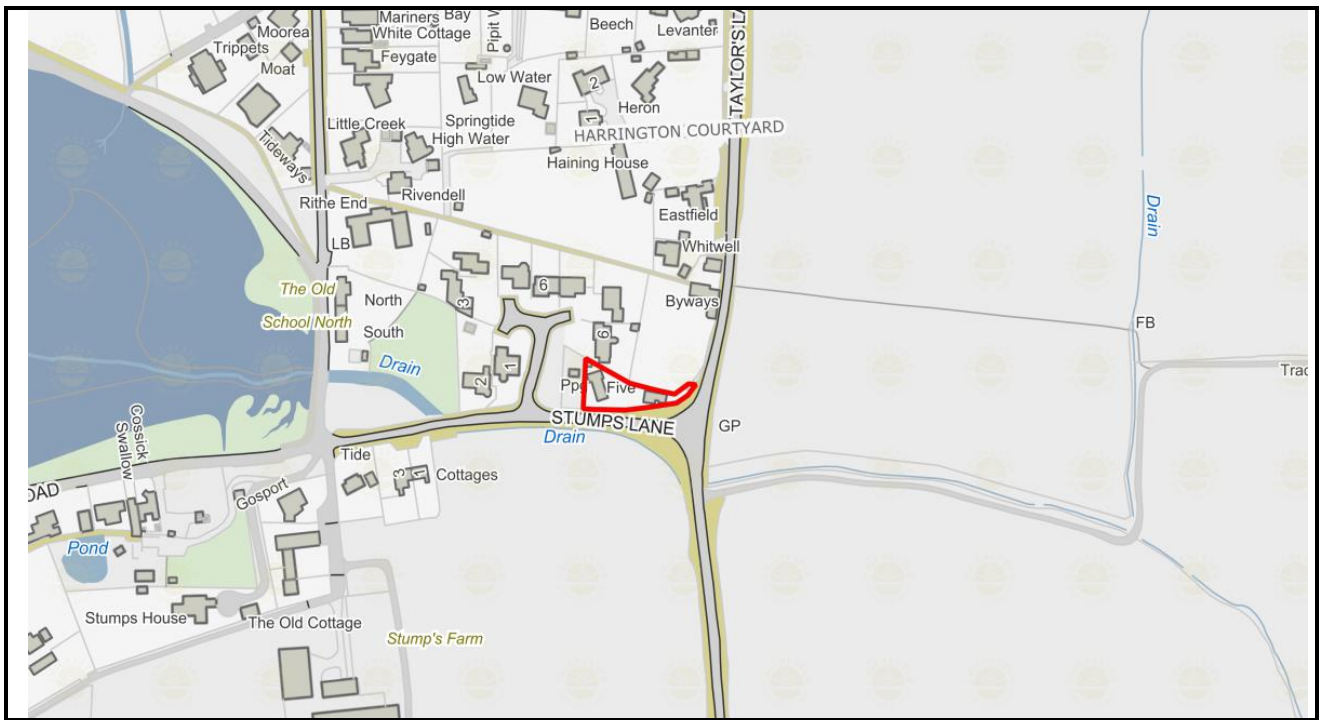



Parish: Bosham	Ward: Harbour Villages
-------------------	---------------------------

**BO/23/00595/FUL**

<b>Proposal</b>	Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling and garage and amendments to site levels and additional planting. (Variation of conditions 2 and 16 of permission 22/02531/FUL).		
<b>Site</b>	Five Elms Stumps Lane Bosham Chichester West Sussex PO18 8QJ		
<b>Map Ref</b>	(E) 481161 (N) 103764		
<b>Applicant</b>	Mr and Mrs Mark Hayman	<b>Agent</b>	Mr Andrew Black

**RECOMMENDATION TO PERMIT**



	<b>NOT TO SCALE</b>	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
---	---------------------	---

**1.0 Reason for Committee Referral**

1.1 Parish Objection – Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site forms a corner plot located within the defined settlement boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site is located to the north of Stumps Lane, east of Stumps End, and to the west of Taylors Lane. There is a small parcel of land immediately to the west of the site (east of Taylors Lane) that falls outside of the application site and this land is not within the applicant's ownership. The site lies on the edge of the settlement, where there is a transition from the built-up settlement into the rural open landscape. The site lies within Flood Zones 2 and 3.
- 2.2 There is an existing two-storey dwelling at the east of the site and an outbuilding to the west. There are two extant permissions for replacement dwellings, application reference 20/03326/FUL, granted permission in December 2021, and application 22/02531/FUL, granted permission in January 2023.
- 2.3 There is hedging to the roadside to the northern boundary and fronting the roads to south and east. There are detached dwellings to the north and north-west of the site and a pumping station to the immediate west of the site.

## **3.0 The Proposal**

- 3.1 Planning permission was granted in January 2023 for the “Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling and garage and amendments to site levels and additional planting.” This application seeks a minor material amendment to that permission, applying to vary Conditions 2 and 16. An application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.
- 3.2 The application seeks to vary Condition 2, the ‘approved plans’ condition and Condition 16, which secured compliance in accordance with the Flood Risk Assessment and mitigation measures, and also directly referenced the approved plan numbers.
- 3.3 Information submitted by the agent as part of the application sets out that as part of the detailed design process and winter ground water monitoring, it was proving very difficult to meet the requirements of the Flood Risk Assessment (FRA) and deal with the high groundwater levels found over the winter. The application states that the proposed lower ground floor level of 1.85m Above Ordnance Datum (AOD) is below the highest established groundwater levels of 2.05m AOD which therefore requires further tanking and consequent increase in water displacement in a high groundwater event or flood event. This also increases the complexity and time taken to establish foundations and therefore increases the risk to the build, as does the FRA requirement to waterproof above the ground floor level.
- 3.4 The application originally proposed a minor material amendment to the consented scheme to raise the floor levels of the build by 0.6m to lift the lower ground floor out of the groundwater and the ground floor out of the 1 in 200 year and climate change flood level zone.

- 3.5 During the course of the application revised plans have been received which revise the proposed levels and the associated FRA to reduce the overall height of the current proposal when compared to the approved permission. The current application now proposes an increase of the garage and ground floor level by 0.6m, the first floor by 0.5m and the overall height by 0.25m. This has been achieved by proposing altered ceiling heights in the main floors.
- 3.6 The proposed floor plans would remain the same as already approved and the application was submitted with only the proposed plans to be varied, to be read in conjunction with the approved plans of application 22/02531/FUL. In the interests of clarity, the approved plans which are not changing have also been added to this application.

#### 4.0 History

99/01627/DOM	REF	Proposed garage/workshop with en-suite guest room over to replace existing garage.
99/02109/DOM	PER	Demolish existing sub standard garage and erect single storey garage with attached guest accommodation under a pitched roof.
00/00845/DOM	WDN	Proposed detached garage with guest suite over.
00/01297/DOM	PER	Proposed rebuilt garage with guest suite over.
02/03148/PLD	PER	Construct new vehicular access.
07/01809/DOM	REF	Alterations to and use of existing garage as enlarged annexe in connection with Fire Elms
09/02333/ELD	PER	Use of part of outbuilding as a single dwellinghouse.
10/01615/COU	REF	Change of use of garage part of building to residential to combine with lawful dwelling in rear part of building to create enlarged 1 no. one bed dwelling.
10/05678/FUL	REF	Change of use of integral garage to provide additional living accommodation and garden store. (appeal dismissed)
14/02419/FUL	WDN	Demolition of 2 no. dwellings and the construction of 2 no. replacement houses.

14/04280/FUL	REF	Demolition of 2 dwellings and the construction of 2 replacement dwellings.
15/01543/FUL	PER	Demolition of 2 dwellings and the construction of 2 replacement houses.
18/00806/FUL	PER	Replacement dwelling and garage.
18/01017/FUL	PER	Demolition and replacement of 2 no dwellings.
20/03326/FUL	PER	Demolition of existing house and garage and the construction of new house and garage. Amendments to site levels and additional planting.
22/00610/PRERD	ADVGIV	Replacement dwelling and demolish 2 no. existing dwellings.
22/02531/FUL	PER	Demolition of existing 1 no. dwelling and garage and erection of replacement dwelling and garage and amendments to site levels and additional planting.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Bosham Parish Council

*Comments received 10.05.2023*

Bosham Parish Council maintain their objection to this application.

*Comments received 21.04.2023*

Bosham Parish Council objects to this application. The site is situated on the edge of the settlement boundary in a sensitive location adjacent to the harbour, overlooking open fields to south and east. Being a three-storey flat block design an increase of 60 cm in height will increase the silhouette and mass of the house significantly. We are concerned that this will have a negative impact on Stumps Lane. To which it is very close, and the wider rural area. Unfortunately, no illustration has been provided to show how this amendment will relate with the neighbouring properties.

## 6.2 Environment Agency (summarised)

*Comments received 31.05.2023*

Comments received clarifying that they continue to maintain no objection providing that it is carried out in accordance with the updated Flood Risk Assessment showing revised first floor and roof levels, subject to the mitigation measures referred to in the previous comments.

*Comments received 11.04.2023 & 22.05.2023*

We have no objection to the proposed development, providing that it is conditioned that:

The development shall be carried out in accordance with the submitted flood risk assessment (dated March 2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5 metres above Ordnance Datum (AOD)
- All sleeping accommodation shall be set at Ground Floor level and above, at least 5m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

*Comments received 05.04.2023*

We have no objection to the proposed development, providing that it is conditioned that:

The development shall be carried out in accordance with the submitted flood risk assessment (dated March 2023) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD)
- All sleeping accommodation shall be set at Ground Floor level and above, at least 5m AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

### 6.3 Chichester Harbour Conservancy (summarised)

No objection subject to the Council as the Local Planning Authority being satisfied with the accuracy of the submitted plans and subject to the re-imposition of conditions.

Ultimately, the increase in height of the top of the building by 25cm, would not be so materially different within the AONB landscape, set away from the more open eastern part of the site to the junction with Taylors Lane to warrant an objection.

### 6.4 CDC Coast Protection & Land Drainage Officer

*Comments received 11.05.2023*

The most recent changes should not have a significant impact on flood risk / surface water drainage and as a result we have no further comments to make on the application.

*Comments received 05.04.2023*

The proposal to raise the level of the building by 60cm will improve the properties passive resistance to flooding, and therefore we can confirm that we support the proposed variation.

### 6.5 CDC Environmental Protection

We are satisfied that our comments made as part of the previous application in November 2022 are still valid and should be applied to this application.

### 6.6 Third party objection comments

*Amended scheme consultation period*

Two third party representations raising objections have been received concerning the following matters:

- a) The proposed building would still be a high building out of character with the area and the entrance to Bosham Harbour.
- b) The impact on neighbouring amenity from the increased massing from a wall screening the roof terrace
- c) The proposal would result in overlooking from the deck area
- d) Raised amenity space is not necessary
- e) Welcoming the reduction in proposed increase from 60cm to 25cm
- f) The proposed changes make little difference to the problems of size, bulk and overlooking
- g) Querying the need for a garage space under the house and the resulting extent of the height of the proposal.

### *Original scheme consultation period*

Four third party representations raising objections have been received concerning the following matters:

- a) The size and height of the proposed dwelling
- b) The proposal would be out of character in this location
- c) The submitted plans do not show how they relate to the approved elevations and existing dwellings
- d) The raised deck area on the eastern roof would overshadow the neighbouring property due to the screening wall
- f) The proposal would result in overlooking and be overbearing to neighbouring properties
- g) The demolition of an existing dwelling would be contrary to the Council's position on climate change
- h) The proposal should be redesigned and ought to be a single storey dwelling
- k) Querying whether other flood prevention methods could be used

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and the made Bosham Neighbourhood Plan.
- 7.2 The principal 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 8: Transport and Accessibility  
Policy 30: Built Tourist and Leisure Development  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 40: Sustainable Design and Construction  
Policy 42: Flood Risk and Water Management  
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### Bosham Neighbourhood Plan

Policy 1: The settlement boundary  
Policy 2: Criteria for housing development  
Policy 6: Landscape and the Environment  
Policy 7: Ecology, wildlife and biodiversity  
Policy 8: Flooding and Drainage

## National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should be given to Sections 2 (Achieving Sustainable Development), 4 (Decision-making), 5 (Delivering a sufficient Supply of Homes), 9 (Promoting Sustainable Transport), 11 (Making Effective Use of Land), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

## Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

- 7.5 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3<sup>rd</sup> February to 17<sup>th</sup> March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late Summer/early Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).



The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty
- Policy NE15 Flood Risk and Water Management
- Policy NE21 Lighting
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy T4 Parking Provision

#### Other Local Policy and Guidance

7.6 The following documents are also material to the determination of this planning application:

- Chichester Harbour AONB Joint SPD (May 2017)
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- The Chichester Harbour Planning Principles (Management Plan version April 2019)
- Surface Water and Foul Drainage Supplementary Planning Document (SPD)
- Bosham Village Design Statement

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
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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 application are considered to be:

- i. Principle of development
- ii. Design and impact on the character of the area and character and appearance of the Area of Outstanding Natural Beauty
- iii. Residential amenity
- iv. Flood Risk
- v. Other matters

### i. Principle of development

8.2 The application site is located within the defined settlement boundary of Bosham as set out in Policy 2 of the Local Plan Key Policies. The application seeks to vary Conditions 2 and 16 of the recently approved application (22/02531/FUL).

8.3 The changes proposed would not be of a scale or nature that would result in a development which would be substantially different from the one which has been approved and the alterations proposed fall within what can be considered acceptable under a Section 73 (variation of condition) application and therefore the principle of development and this application is acceptable.

8.4 Procedurally, permission was granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. A new permission would sit alongside the original permission, which would remain intact and unamended. It would be open to the applicant to decide whether to implement a new permission or the one originally granted. As such the consented scheme is a material consideration of significant weight.

8.5 The principle of the proposed alterations are considered acceptable and comply with policy.

### ii. Design and impact on the character of the area and character and appearance of the Area of Outstanding Natural Beauty

8.6 The application site is located in a prominent position at the corner of Stumps Lane and Taylors Lane. The site is located on the edge of the Settlement Boundary of Bosham and within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). Given the edge-of-settlement location and topography of the area, the site is in a prominent location where there is a clear transition from the built form of the settlement to the open countryside.

8.7 Policy 33 of the Chichester Local Plan (CLP) and Policies 1 and 6 of the Bosham Neighbourhood Plan establish that new residential development proposals must meet the highest standards of design and respects and/or enhances the character of the site and surrounding area, taking into consideration its proportions, form, massing, siting, layout, height, scale and overall design. Policy 43 of the CLP further establishes that within the Chichester Harbour AONB, development should reinforce and respond to (and not detract

from) the natural beauty, distinctive character and special qualities of the AONB. Paragraph 176 within Section 15 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

- 8.8 The existing dwelling is of a traditional design, with a main two-storey rectangular hipped roof element, flanked by a single-storey chalet bungalow style addition to its southern elevation. The building is orientated from south to north which reduces its perceived bulk and mass when viewed from the highway and is constructed with traditional materials that reflect the local vernacular of both rural and settlement buildings, including clay roof tiles clay hanging tiles and painted brickwork.
- 8.9 The site lies within 'Character Area D' (rest of Bosham) as outlined within the Bosham Village Design Statement (VDS) (which also informs the Bosham Neighbourhood Plan). Taylors Lane is described within the VDS as having 'a number of large slate roof houses, whitewashed and set well back from the road.' Stumps End is referred to as 'another coherent development as a self-contained housing estate with a 1970 "executive home" feel. Half hipped and hipped flat tiled roofs sit on mellow brick houses and bungalows.'
- 8.10 In considering this case, the planning history is a material consideration which carries significant weight. The siting, appearance of the elevations and floor plans all remain the same as the approved scheme under application 22/02531/FUL, with the only change being that the building proposed under the current Section 73 application would have raised floor levels, resulting in an increased height of the proposal. The current application originally proposed raising the floor levels by 0.6m, which would have increased the height of the building by 0.6m. Revisions have been received which now propose an increase of the garage and ground floor level by 0.6m, the first floor by 0.5m and the overall height by 0.25m. This has been achieved by proposing altered ceiling heights in the main floors.
- 8.11 The resultant building would be slightly more prominent than the approved scheme from this increase, however officers consider that such an increase, particularly when considering that the overall height increase of the first floor element has been reduced to 25cm over that of the consented scheme, would have a minimal visual impact compared to the approved scheme. With a roof level of 10.60 AOD, the proposal would still be lower than the ridge height of the nearest property at no. 9 Stumps End (11.73 AOD).
- 8.12 Chichester Harbour Conservancy comment that the increase in height of the building by 25cm would not be so materially different within the AONB landscape to warrant an objection.
- 8.13 The design approach is not changing from the approved scheme and therefore previous conclusions on this remain relevant. It is considered that the design approach would help to break up the massing when compared to the other extant scheme 20/03326/FUL. The dwelling would be visible within the streetscene but would be seen in the context of other residential properties. To the north of the site are dwellings so there would not be an adverse impact on wider public views. There is a pumping station to the immediate west of the site and the proposed dwelling would be visible beyond this within the streetscene, but wider views from the west would be softened by existing trees and the existing dwelling is already prominent from this vantage point.

- 8.14 The set-back elements and angled design assists with breaking up the massing of the dwelling. The proposed materials of dark facing brick work to the ground and larch cladding to the first floor would appear muted. The amount of glazing is considered to be appropriate and proportionate to the dwelling.
- 8.15 The design approach would deviate from the half-hipped roofs and mellow brick houses at Stumps End to the immediate west and north of the site, this is a 'self-contained housing estate' and it is not considered essential to replicate given that the application site addresses Stumps Lane and Taylors Lane
- 8.16 The height changes proposed over the extant permission is still considered to result in a proposed dwelling which would not appear dominant in the landscape and would complement the special character of the AONB within which it sits. Conditions to secure a detailed levels plan and schedule of materials will be imposed to ensure the combined landscaping bank and chosen materials enable the development to relate sympathetically to the character and appearance of the area.
- 8.17 As a result the proposed development is considered to comply with Policies 33, 43 and 48 of the Chichester Local Plan, Policies 1 and 6 of the Bosham Neighbourhood Plan and the NPPF.

iii. Residential Amenity

- 8.18 The NPPF states in paragraph 130 that planning should ensure a high standard of amenity for all existing and future users of land and buildings, and Policy 33 of the CLP includes requirements to protect the amenities of neighbouring properties. The extant permissions are also a material consideration that is of significant weight in the consideration of the impact on neighbouring amenity.
- 8.19 The proposed siting, floor plans and elevations, with the exception of the proposed floor levels, remain as approved under application reference 22/02531/FUL.
- 8.20 Concerns have been raised during the consultation period regarding the introduction of roof terraces/balconies, however, these formed part of the extant permission and conditions secured that only designated areas would form roof terraces/balconies, and that privacy screening would be provided to prevent overlooking to neighbouring properties to the north. The position of the terrace areas which would form amenity space and the proposed privacy screens would ensure that the primary outlook would be to the south, away from neighbouring properties. If the current application is permitted, it is proposed to repeat these conditions to secure neighbouring amenity. As with the extant scheme, it will be necessary to remove permitted development rights for openings in the northern elevation if the scheme is permitted, to protect neighbouring amenity.
- 8.21 The nature of the application means that the proposed dwelling would increase in height, however officers consider that this would not significantly alter the impact on neighbouring amenity, particularly when considering that the extant scheme approved under 20/03326/FUL, featured a layout where the longest and highest element of the building ran in a north-west to south-east direction, parallel to the northern boundary of the site and adjacent to the closest neighbouring property.

The revised design of the scheme approved under application 22/02531/FUL and the current application means that the highest part of the scheme is orientated in a north to south direction, reducing the amount of the highest point which would be located adjacent to the neighbouring boundary compared to application proposal 20/03326/FUL. The current proposal would increase the height of the development, and reference has been made to the increase that would result from the privacy screen being raised due to the change in floor levels at first floor. Although this would increase by 0.5m compared to the approved scheme, this would still be below the height of the two-storey element sited parallel to the boundary under application 20/03326/FUL and given the position, separation and plot size of the neighbouring property, it is not considered that this would give rise to an adverse impact on neighbouring amenity to warrant refusal of permission.

8.22 For the reasons set out above, the proposal is therefore deemed to be in accordance with Policy 33 of the CLP and Paragraph 130 of the NPPF in terms of impacts upon residential amenity.

iv. Flood Risk

8.23 The site is located within Flood Zones 1, 2 and 3. The application proposes to vary Condition 16 of permission 22/02531/FUL, which referred to the approved plans and the Flood Risk Assessment.

8.24 An updated Flood Risk Assessment has been submitted reflecting the revised proposals, which proposes the following mitigation measures:

- No intensification of site usage (i.e. no additional dwelling);
- Raised Finished Floor Level at 5.00mAOD;
- Floodable lower ground floor level;
- Provision of safe refuge within the ground floor and upper floor levels; and
- Sign up to EA's Early Flood Warning System.

8.25 The Environment Agency has been consulted on the application and has commented that it has no objection, subject to a condition to ensure the development is carried out in accordance with the FRA, with finished floor levels set no lower than 5m above Ordnance Datum (AOD), and all sleeping accommodation being set at ground floor level and above, at least 5m AOD. On this basis, and subject to compliance with the appropriate conditions set out by the Environment Agency, the proposal accords with Policy 42 of the CLP in respect of flood risk.

v. Other Matters

8.26 The proposal does not materially impact other aspects of the approved scheme. The previously imposed conditions shall be amended where necessary in accordance with submitted details and re-imposed upon this recommendation.

8.27 Some representations have called for the scheme to be redesigned or to explore other alternatives in terms of flood mitigation. This is not within the scope of a Section 73 application and there is also no policy requirement for this. A new permission under Section 73 would sit alongside the original permission, which would remain intact and unamended.

## Conclusion

8.28 Based on the above, it is considered the principle of the minor material amendment would be acceptable, and the scale and form of the proposal is acceptable in terms of the character of the area, AONB and impact to neighbouring amenity. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore, the application is recommended for approval.

## Human Rights

8.29 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 carried out in accordance with the plans listed below under the heading "Decided Plans"

Reason: For the avoidance of doubt and in the interests of proper planning.

2) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) turning on site of vehicles;
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

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 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.

5) No development shall commence until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in full 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 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 and to conserve and enhance biodiversity.

6) The implementation of this planning permission shall be carried out strictly in accordance with the method of works, mitigation measures, and ecological enhancements detailed in the submitted Bat Activity Survey Report produced by Elite Ecology dated August 2022 with application 22/02531/FUL and the Sustainable Construction Statement within the Planning Statement with application 22/02531/FUL dated October 2022 . Full details of the enhancements and a timetable for the implementation shall be submitted to and agreed in writing by the Local Planning Authority before works commence, and shall be implemented and retained in accordance with the agreed details.

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 and in the interest of conserving and enhancing biodiversity.



7) Notwithstanding any details submitted no development/works shall commence above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, roofs (including any capping, fascias and other details for the connection with walls), balcony balustrades, access ramps and hard surfacing areas 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

8) Notwithstanding the details submitted, prior to installation of any external windows and doors details of the proposed windows and doors, including the proposed material, colour and finish, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details, and the windows and doors shall be maintained as approved in perpetuity.

Reason: In the interests of ensuring a high quality design that is sensitive to the character and appearance of the locality.

9) Notwithstanding the details submitted, prior to installation of the garage door, full details, including the opening mechanism, proposed material, colour and finish, shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details, and the garage door shall be maintained as approved in perpetuity.

Reason: In the interests of highway safety and ensuring a high quality design that is sensitive to the character and appearance of the locality.

10) Prior to the occupation of the dwelling hereby permitted, the existing outbuilding to the east of the site, shown on "Existing Site Plan" drawing number 002 B with a ridge height of 7.15 AOD, shall cease to be occupied, and within three months of that day, the outbuilding shall be demolished, the resultant materials cleared from the site and the land reinstated in accordance with the agreed landscaping details.

Reason: In order to secure the removal of the existing dwelling, to accord with the terms of the application, and in order to protect the character of the area.

11) Before first use of the balcony hereby approved, details of a privacy screen, annotated as PS on approved plan 102 E to serve the terrace shall be submitted and approved in writing by the Local Planning Authority, and the terrace shall not be brought into use until the privacy screen has been erected in complete accordance with the approved details. Thereafter the privacy screen shall be maintained as approved in perpetuity.

Reason: In order to reduce the additional overlooking to an acceptable level.

12) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved plan 100 F. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

13) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Thereafter the cycle parking spaces shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority.

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

14) 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.

15) The development shall be carried out in accordance with the submitted Flood Risk assessment (May 2023 [Issue 5]), approved plans reference 300 G, 301 G, 302 F, 303 E and 304 F including the following mitigation measures:

- Provision of safe refuge within the ground floor and upper floor levels within a structurally robust and flood resilient design;
- Signing up to EA's Early Flood Warning System.
- Floodable lower ground floor level;
- Provision of safe refuge within the ground floor and upper floor levels
- Finished floor levels shall be set no lower than 5.0m above Ordnance Datum (AOD).
- All sleeping accommodation shall be set at Ground Floor level and above, at least 5m AOD
- The lower ground floor shall only be used as a garage, store and WC in association with the dwelling as shown on the approved plan and for no other purposes.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

16) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

17) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

19) 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 or structure permitted by Class 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 and to provide sufficient amenity space.

20) Notwithstanding the provisions of Part 1 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 window(s), door(s) or other openings shall be inserted into the north elevation of the dwelling hereby permitted without a grant of planning permission.

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

21) 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 gates shall be installed to the eastern vehicular access without a grant of planning permission.

Reason: To ensure that adequate parking provision is provided, in the interests of highway safety and to protect the character of the surrounding area.

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than 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 details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

23) With the exception of the two areas annotated as "08" "Terrace" on approved plan 102 E and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the roof areas of the development hereby permitted shall not be used as a balcony, terrace or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

## Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN – PROPOSED SECTIONS	300	G	05.06.2023	Approved
PLAN - PROPOSED SOUTH ELEVATION	301	G	05.06.2023	Approved
PLAN - PROPOSED EAST ELEVATION	302	F	05.06.2023	Approved
PLAN - PROPOSED WEST ELEVATION	303	E	05.06.2023	Approved
PLAN - PROPOSED NORTH ELEVATION	304	F	05.06.2023	Approved
PLAN - PROPOSED SITE PLAN WITH LEVELS	404	B	31.03.2023	Approved
PLAN - AS APPROVED - LOCATION PLAN	001		07.06.2023	Approved

Details	Reference	Version	Date Received	Status
PLAN - AS APPROVED - EXISTING SITE PLAN	002	B	07.06.2023	Approved
PLAN - AS APPROVED - PROPOSED GARAGE PLAN	100	F	07.06.2023	Approved
PLAN - AS APPROVED - PROPOSED GROUND PLAN	101	F	07.06.2023	Approved
PLAN - AS APPROVED - PROPOSED FIRST FLOOR PLAN	102	E	07.06.2023	Approved
PLAN - AS APPROVED - EXISTING BUILDING PLANS	103		07.06.2023	Approved
PLAN - AS APPROVED - PROPOSED ROOF PLAN	403	C	07.06.2023	Approved
PLAN - AS APPROVED - EXISTING ELEVATIONS	7057/01		07.06.2023	Approved
PLAN - Proposed Site Sections	600		26.04.2023	Approved

## 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) 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](mailto: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 Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RR8UGXERJHI00>