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| Parish:<br>Westbourne | Ward:<br>Westbourne |
|-----------------------|---------------------|

**WE/16/00721/FUL**

**Proposal** Creation of a part two storey house with basement and separate carport/garden store.


**Site** Land North Of Book Barn, Whitechimney Row, Westbourne, West Sussex, PO10 8RS

**Map Ref** (E) 475757 (N) 107150

**Applicant** Mr Alistair Sperring

**RECOMMENDATION TO PERMIT**



|   |                            |  |
|---|----------------------------|--|
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**1.0 Reason for Committee Referral**

Parish Objection in the event suggested conditions are not applied - Officer recommends Permit but is unable to agree to all elements of the request.

## **2.0 The Site and Surroundings**

2.1 The application site is located on the west side of Whitechimney Row some 300m south of the centre of Westbourne. The northern boundary of the site adjoins the southern edge of both the Settlement Policy Area for Westbourne and also the Westbourne Conservation Area. Lying outside the settlement boundary area, the site falls within the 'rural area' and is outside of Flood Zone 2, directly to the east. Directly north of the application site is a drive and outbuilding serving Homelands, a Grade II listed building, which is the last in a row of detached dwellings on the west side of Whitechimney Row. To the south, across a gravelled driveway and parking area, is a range of former agricultural buildings which have been converted to residential and office use. Directly adjacent the site, on the opposite side of Whitechimney Row, is open countryside. To the west is garden land, beyond which are open fields.

2.2 The site itself is irregular in shape including a frontage onto Whitechimney Row of some 22m and a depth of approximately 75m. The site widens at its western boundary to 35m. The application site is empty of any structure (bar a temporary storage container) and is relatively flat. Historically, the site accommodated three buildings - the largest of which was a 15m by 6m ridged roof timber hut set about 18m west of the road frontage.

2.3 The eastern and northern boundaries of the site are defined by a 1.2m high flint wall. The west boundary comprises post and rail with a variety of complementary hedging. The southern boundary, which separates the development area from a gravelled access and car park, is defined by a mix of mature shrub planting.

2.4 Access to the site is from an existing vehicular crossover from Whitechimney Row located in the sites south east corner. This access is just north of a 90 degree bend in the road where Whitechimney Row merges with Old Farm Lane. A gravelled access separates the site from a collection of former agricultural buildings that have been converted to residential and office uses. In 2015, permission was granted allowing access through the existing 1.2m high flint wall, adjacent to the access to Homelands to the north.

## **3.0 The Proposal**

3.1 Planning permission is sought for the erection of a new four bedroom, 2 storey detached dwelling with basement. The dwelling is a two storey gable ended house set parallel to White Chimney Row with a central entrance facing the road. The dwelling has a two storey rear extension which links to the block to the rear. The rear elements have a ridge height less than the main house. The development includes a single storey garage on the northern boundary, a single storey element to the southern boundary and a separate car port on the western boundary.

3.2 The materials proposed include red brick, slate roofs, timber sash windows, rolled lead roofs to the main house, use of oak framing throughout ( including the front porch, utility room overhanging, roof structure and rear balcony) and stone lintels over the larger openings. The car port is proposed to be constructed of oak panelling with a clay tile hipped roof.

3.3 Since being submitted, amended plans and further information has been provided in order to address the concerns of the Parish Council and the comments of the Conservation and Design Team. The revised drawings now include a garage on the northern side of the property which replaced a proposed ramp and access to a basement. A previously proposed

underground carpark has been deleted from the scheme. The rear element of the proposal has also been significantly reduced; reducing the height of this element to below that of the main house and affording it a design reflective of the main house. The balcony to the master bedroom and lantern to the snug have also been removed from the proposal.

#### **4.0 History**

|              |     |   |
|--------------|-----|---|
| 12/03211/OUT | WDN | Outline planning application with all matters reserved (except access) for demolition of wood framed barn and Nissen huts and erection of up to 2 dwellings and parking at land at Book Barn, Whitechimney Row, Westbourne. |
| 13/02254/OUT | PER | Demolition of wood framed barn and Nissen huts and erection of up to 2 no. dwellings with access and parking.   |
| 15/00234/FUL | PER | Adapt the existing eastern boundary wall to provide a private vehicular access to the site from White Chimney Row.  |

#### **5.0 Constraints**

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

#### **6.0 Representations and Consultations**

##### Parish Council

6.1 The Parish Council objects to the planning application unless the following mandatory conditions are applied:

1. All construction and contractor traffic to use the new access off Whitechimney Row, rather than using the shared drive which already serves six residences. The development is very large and will generate a great deal of construction and contractor traffic. Using the new entrance will limit the impact on other residents.
2. The work is restricted to 8am - 5pm Monday to Friday, and 8am -12.30pm on Saturday.

3. A new land drain to be laid on the western boundary of the plot to run behind the new garage/workshop running south to north to the boundary with Homelands, and then turn ninety degrees to run east to west down the field. This drain is to be installed to the satisfaction of Chichester District Council's flood officer before the house foundation construction phase is started. The sheer size of the foundations required for the whole building will displace a lot of the water that is usually held there, and it is highly likely that this will result in the flooding of Mr Mason's lower garden as well as Homelands' lower garden from time to time. The situation is exacerbated by the garage/workshop that is proposed very close to Mr Mason's boundary and that will also require extensive foundations. The possibility also exists that, as currently proposed, it will also threaten the foundations of the two new cottages that have just been completed.

4. The applicant should provide a full landscape scheme with detailed specifications of materials, dimensions and colours of the hard landscape, and a plan of the proposed planting to replace the hedges that were removed at the outset.

If approved, the Parish Council would like Chichester District Council to ensure these mandatory conditions are applied. The Council has requested conditions for previous applications which have been ignored by the District Council. The Parish Council seeks to represent the views of its residents and aims to protect the village of Westbourne.

#### CDC Conservation and Design Team (CDT)

6.2 While outline consent has previously been granted in 2013 for up to two dwellings on this site, all matters were reserved apart from access and parking (subsequently access appears to have been dealt with separately under 15/00234/FUL). In terms of the historic environment here, the undeveloped nature of the site is meaningful with respect to the setting of both Homelands and the Westbourne Conservation Area, as has been detailed in the two previous consultation responses (see WE/13/02254/OUT).

The introduction of built form on this site is likely to pose a level of harm to the setting of these designated heritage assets. Given the recent outline approval it would appear that this has been favorably balanced against the public benefits (as defined by the PPG) arising from provision of housing. In this event, the harm should be minimized as far as possible through careful consideration of the scale, design and position of the dwelling(s) in line with Paragraph 129 which seeks to minimize or avoid conflict between a heritage asset's conservation and any aspect of the proposal.

This scheme has not responded to the advice given previously under WE/13/02254/OUT and WE/15/01655/PE, and I share many of the concerns of the Parish Council in respect of the design. As such, there is significant concern with this proposal with regard to Sections 7 and 12 of the NPPF. Furthermore, the approach to development, referencing the two nearby farmhouses (Homelands and Lumbey), appears particularly contrived in relation to these two historic buildings, especially filling the width of this small plot. This is exacerbated by the attached caricatured barn (with a balcony), sitting over an underground parking structure. The basement car access, with the metal door is particularly incongruous, right on the site boundary to the listed building (which features a curtilage listed wall) and would introduce a very urban feature into the rural environment. This is likely to be perceptible from the public realm within the street scene.

Due to its scale and design, this scheme represents considerable harm to the setting of Homelands and the Conservation Area. The proposal impacts on views of the grade I listed church spire which are appreciable along Old Farm Lane at least as far as the bus stop, with

direct correlation to the rural farmland that meaningfully provides the setting of the heritage assets here. This farmland is identified in the Sussex HLC as having a surviving late-post-medieval character which informs the historic core of the medieval market village of Westbourne.

Due regard should be given to Section 66 of The Planning (Listed Buildings and Conservation Areas Act) 1990 which sets forth the statutory duty to have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses', and section 72 of the same act in respect of preserving or enhancing the character or appearance of the Conservation Area

### CDC Drainage Officer

6.3 We have reviewed the submitted report which provides the details I required at this stage, as requested in our comments 26/08/2016. The proposed drainage scheme, which incorporates shallow soakaways and permeable surfaces for the driveways is acceptable in principle. If the application is approved we would recommend the following condition is applied:

*“Development shall not commence until full details of the proposed surface water drainage scheme have 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 systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater 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. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. “*

### Third Party Representations

6.4 Three objections have been received and are summarised below:

- Concern regarding the size of the dwelling and its dominance
- Too large across the frontage
- Not incorporated any previous CDC advice
- Concerns about the impact the underground car park would have on the water table and subsequent flooding issues
- Lack of landscaping detail
- Unsympathetic design and visual impact
- Adverse impact regarding overlooking and loss of privacy.
- Car barn is too large at the rear
- Direct views into neighbours' properties from the balconies
- Increased light pollution

One member of the public has outlined some concerns, but has no objection in principle. The concerns refer to the balconies and the flooding implications arising from the basement garage, although in general they believe the scheme to be sympathetic

Two member of the public has written in support of the application and is summarised as follows:

- The building wouldn't dominate either the barn complex to the south or Homelands.
- The site should be appropriately surveyed with regards to the water environment
- No concerns regarding number of car spaces, lighting or overlooking

## **7.0 Planning Policy**

### **The Development Plan**

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Westbourne Neighbourhood Plan is at a revised Pre Submission stage, and is currently out for consultation. In this regard, whilst it is a material consideration and some weight may be afforded to the neighbourhood plan, this is limited by virtue of its status early in the plan making process.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 42: Flood Risk and Water Management

Policy 47: Heritage and Design

### **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 7, 14, 17 (Core Planning Principles), Sections 7, 10 and 12 generally.

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of house-building 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 aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 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) Design and effect on the character of the area
- iii) Neighbouring Amenity
- iv) Drainage Impact
- v) Other Matters

### Assessment

#### i) Principle of development

8.2 The site is not within the designated Settlement Boundary and therefore falls within the countryside for planning purposes. However, the site benefits from an outline planning permission for the erection of two dwellings at a time when CDC lacked a 5 year housing supply and was assessed against the now superseded 'Facilitating Appropriate Development' interim planning statement. The previous application sought approval of the access to the site with all other matters (i.e. appearance, landscaping, layout and scale) for consideration at the reserved matters stage. The outline application indicated access to the site as being from the gravel drive to the south. A subsequent application granted permission for access to the site from Whitechimney Row direct in a very similar manner to the current application.

8.3 In conclusion, the site has benefits from an extant planning permission and therefore has a credible fall-back position for residential development of 2 dwelling-houses. This is an important material consideration in the assessment of the current application.

#### ii) Design and effect on the character of the area

8.4 The application site adjoins the boundary for both the Settlement Policy Area for Westbourne and the Westbourne Conservation Area and therefore lies within a sensitive location. To the north of the site is Homelands, a two storey grade II listed building, beyond which is a row of detached houses. Together, these dwellings provide a consistent building line fronting onto Whitechimney Row. Directly to the south of the application site are a range of converted former farm buildings which are predominantly residential in use. These buildings are mainly single storey in height, rising to two storeys to the west. Opposite the

site on the east side of Whitechimney Row are open fields. The access serving the application site is some 20m north of a 90 degree bend in the 'C' class road, at the point where Whitechimney Row meets Old Farm Lane. Consequently, any development should be carefully designed, of an appropriate scale and laid out in a manner that is not harmful to the surrounding environment.

8.5 The application site, being outside of the Westbourne SPA, is within a transitional part of the Rural Area, which rather than being 'open countryside' is partially developed with a mix of former agricultural buildings and detached dwellings. The application site and the converted residential buildings to the south are shown to be within a proposed revised settlement boundary area within the draft Neighbourhood Plan.

8.6 The submission follows pre-application advice with the Conservation and Design Team which highlighted (amongst other things) that any proposal should be diminutive to the Homelands Listed Building, be of a high-quality design, should not be a contrived style and that it should respect the historic grain of the area. In addition, prior to the submission of the outline application referred to in para 8.2 above, advice was given that it was likely that Officers could support the redevelopment of the site by no more than 2 dwellings. Again, this guidance also advised that any development should respect the surrounding area and the established building line to the north.

8.7 In response to the officer advice, the design was amended to address the issues raised. Consequently, the building line is set back into the site by 20m from Whitechimney Row and behind the building line of Homelands. This thereby preserves the Listed Building's sense of space and allows it to retain its own identity. With a ridge height of 7.5m and an eaves height of 5.8m, the proposed dwelling would have a lower ridgeline and eaves than Homelands by 0.85m. The width across the principle elevation of the dwelling, at 11m, is also less than Homelands (13.5m). The proposal is therefore considered to be subservient to the scale of the Listed Building.

8.8 Following further comments during consideration of the application by officers, the Conservation and Design Team and the Parish Council, there were features which were considered unacceptable. The applicant has responded to the further comments and altered the proposals, removing many of these aspects of the development. For example, the underground car parking area, along with the ramp and metal access door have been removed, and have been replaced with a more appropriate single storey, pitched roof garage, set back and to the side of the house. The barn element which was seen to be contrived has also been removed, replaced with a design to reflect the house vernacular.

8.9 Other alterations include omission of the balcony to the master bedroom, omission of the lantern to the snug and a reduction of the floor to ceiling height of 0.2m. Overall the changes have meant a significant reduction in the bulk of the development to the rear, resulting in a decrease in floorspace from 643sqm to 538sqm; a reduction of 105sqm.

8.10 Careful consideration has been given to the massing and scale of the proposal in order to ensure the site retains an open feel and that the proposed development does not adversely affect the setting of the adjacent listed building and Conservation Area. It is considered that the proposed house has been carefully considered to provide a new dwelling that sits comfortably within the context of the street scene and the size of plot in which it is located. The scale of the proposal and its configuration ensures that it is both diminutive to Homelands and does not compete for dominance in the street scene.



8.11 Therefore, with the alterations to the scheme, it is now considered that the proposal has responded to the sensitive nature of the location, being sympathetic to the importance Listed Building to the north. In light of the above, the development does not adversely impact upon the historic setting of the adjacent grade II Listed Building. The siting of the building ensures the historical residential setting is maintained. Therefore, the proposals accord with the contents of Policy 47 (Heritage and Design) of the Chichester District Council Local Plan Key Policies (2014-2029).

### iii) Neighbouring amenity

8.12 Comments have been received regarding the impact of overlooking, particularly from the balconies at the rear of the property. With regards to the balcony on the original 'barn' element, amended plans have resulted in the removal of this element, improving the relationship between this elevation of the proposal and the surrounding properties.

8.13 The other balcony, linked to a day room on the first floor has also generated some concern from neighbouring properties. However, the balcony is screened on the northern sides by the master bedroom element of the dwelling, affording only limited views to the private garden of Homelands. In addition, it is approximately 40m away from the western boundary, which also benefits from a 2m hedgerow and the converted residential properties to the south are, in the main, single storey, and set at an angle from the balcony.

8.14 In conclusion, the proposal would not have any significant adverse effect on the amenities of surrounding neighbours and is therefore considered to be acceptable in this regard.

8.15 The Parish Council has requested a condition that all construction and contractor traffic associated with the construction of the development use the new access off Whitechimney Row only, rather than using the shared drive which serves six residences. Although there is some merit in limiting use of this access to mitigate the impact on neighbouring properties as far as possible, it would not be practical to exclude all access for the purpose of construction as access to the rear via the existing access is likely to be necessary at some point during the construction of the building. The applicant is willing to use the new access as the primary access to the site, but also has concerns with a full restriction of use of the existing access. Furthermore, the applicant already has rights of access across this land and a level of disturbance should be expected.

8.16 In conclusion, a condition securing a construction management plan is recommended prior to the commencement of development. This would seek to minimise the use of the existing access for construction traffic. Furthermore, a condition requiring the new access to be constructed before any other works is recommended.

### iv) Drainage Matters

8.17 Concerns regarding drainage and flooding aspects of the development have been highlighted during the consultation period. Information was supplied during the application process regarding the impact of the development on surface water run-off.

8.18 Chichester District Council's Drainage Engineers have reviewed the proposal and have indicated that a basement in this location should not be problematic given that it is located within an area at a low risk, identified by the Environment Agency Flood Maps.

8.19 In conclusion, the Drainage Engineers view the proposal as being acceptable in principle subject to full details of the proposed drainage strategy prior to the commencement of the development.

8.20 In its final response, the Parish Council requested a specific layout for the drainage scheme. However, it is not appropriate at this stage to specify where the drains should or should not run, as the request may not be an appropriate solution.

8.21 During further correspondence between the Parish Council and officers, the Parish Council requested additional wording in the Drainage Engineers recommended condition instead for monitoring and testing of groundwater on sites adjacent to the application site. However, such a request is considered unnecessary to produce a suitable surface water drainage scheme for the development and would require access to third party land beyond the control of the applicant.

8.22 Further comment was sought from the Drainage Engineers regarding off-site works to which they replied:

*“The purpose of the monitoring is to ensure that any infiltration devices can be sized appropriately, we would look for monitoring as close to the location and depth of the proposed structures as possible. Therefore data from an adjacent plot would be of little or no benefit from the drainage design perspective.”*

8.23 The condition requested by Chichester District Council's Drainage Engineers is sufficient to ensure that the proposal would not exacerbate any on-site or off-site surface water flooding. Off-site groundwater monitoring would therefore be unnecessary and would not meet the tests in relation to the imposition of conditions set out in the National Planning Practice Guidance.

#### v) Other Matters

8.24 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate any adverse impact, the applicant has agreed to enter into a Unilateral Undertaking and made a financial contribution to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.

#### Significant Conditions

8.25 It is recommended that conditions be imposed regarding the following matters:

- Materials to be submitted to, and agreed with, the Local Planning Authority, in writing, prior to the commencement of development
- A Construction Management Plan to ensure appropriate limitation of the existing access
- A drainage scheme to be submitted to and agreed with, the Local Planning Authority in liaison with CDC Drainage Engineers, in writing, prior to the commencement of development.
- A landscaping scheme that details vegetation to be retained, and any new vegetation to be planted, including the size and species, shall be submitted to, and approved by, the Local Planning Authority, in writing
- Removal of Class E permitted development rights (outbuildings)

## Conclusion

8.26 The application proposes residential development within an approved residential curtilage. The development achieves a high quality design that takes into account the adjacent heritage assets and Conservation Area designation and is considered to have no adverse impacts on neighbouring amenity. The use of appropriate conditions ensures that potential impacts are mitigated and the proposal is considered to be in compliance with the policies contained within the development plan. Therefore, planning permission is recommended for approved.

## Human Rights

8.27 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 SECTION 106**

- 1 A01F - Time Limit - Full
- 2 U07662 - Plans
- 3 U07663 – Materials & Finishes
- 4 U07664 - Landscaping
- 5 U07677 – Bins & Cycle Storage
- 6 U07679 – Vehicle parking and turning
- 7 U07680 – Landscaping replacement
- 8 U09082 – PD restrictions
- 9 U09083 – Hours of work
- 10 U09084 – Surface Water Drainage Scheme
- 11 U09085 – Construction Management Plan

## INFORMATIVES

- 12 U09086 – TCPA only
- 13 W45F - Application Approved Following Revisions

For further information on this application please contact Chris Bartlett