

Parish:
East Wittering And Bracklesham

Ward:
East Wittering

EWB/16/02337/FUL

Propo Demolition of existing dwelling and outbuildings and erection of 2 no. detached dwellings.

Site Halcyon, Charlmead, East Wittering, West Sussex, PO20 8DN

Map R (E) 479967 (N) 96724

Applic Company Director

RECOMMENDATION TO PERMIT with s106



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

2.0 The Site and Surroundings

2.1 The application site lies to the west of Charlmead, a private road, also a Public Right of Way (PROW) within the settlement of East Wittering. The road is lined with grass verges and properties set back from the street, with off road parking.

2.2 The site comprises an existing detached property, set to the rear of the plot, with a large front garden, laid to grass with off road parking to the north. There is a detached garage to the north and a small overgrown courtyard garden to the rear, beyond this is a rife. Charlmead is residential in character, with predominately detached dwellings comprising a mix of architectural styles and ages on each side of the road.

3.0 The Proposal

3.1 The application seeks full planning permission for the demolition of the existing property and the subdivision of the plot to construct two residential properties in its place. The site boundary is staggered, measuring 19.5m-20.5m in width, and it would be divided almost equally, with plot 1 having a frontage of 10m and plot 2 a frontage of 9.5m.

3.2 The proposed dwellings would be 1.5 storey's in nature, with low eaves and feature glazing to the rear. Internally the properties would have a similar layout, with a bedroom at first floor and two at ground floor to the front of the property. To the rear there would be a large open plan kitchen/diner/living room, leading out into the garden.

3.3 To the front of each property there would be provision for two parking spaces, with a new access formed and the existing access widened. A grassed lawn area would remain, with some additional landscaping.

4.0 History

13/03207/FUL	REF	Demolition of sub standard single bungalow and erection of two chalet bungalows on the site.
14/02414/FUL	REF	Demolition of sub standard single bungalow and erection of two chalet bungalows.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

OBJECTION: This is overbuild of this site there is not sufficient space to accommodate 2 dwellings with the necessary amenity within the site i.e. parking and storage. There is no on street parking in this vicinity. The street has no footways and is a designated public footpath. Storage is insufficient especially for a beach side property. One property would be appropriate.

On substitute plans:

OBJECTION TO REVISED PLANS: The Committee maintains its objection to this proposal. There is not enough room for two dwellings with the necessary amenity within this site, particularly regarding parking and storage.

6.2 Environment Agency

We consider that planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. We recommend that the following measure(s) as detailed in the Flood Risk Assessment (Ambiental 9.7 - Finished Floor Levels) and Planning Support Statement (5.3.1 Finished Floor Levels) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 4.22mAOD above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or

within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

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

Informatives

As identified within the FRA consideration may wish to be given to incorporating Flood Resilience measures (Ambiental FRA 7.2) and registering with the Agency's Flood warning service.

Matters relating to safe evacuation are a matter for determination by the local Authorities Emergency Planning Officer

Your councils own drainage engineers should be satisfied that soakaways will be effective at this location for surface water disposal purposes

6.3 Natural England

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Subject to the financial contribution as required through Chichester District Council's interim policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

6.4 Third Party Representations

Fourteen objections have been received and are summarised below:

- i) Drainage (Surface water)
- ii) Overdevelopment
- iii) No storage facilities
- iv) Cramped
- v) Highway Safety, pedestrian

On substitute plans 1 further comment has been received.

- i) Overlooking

One member of the public has written requesting a construction method statement condition be secured.

6.5 Applicant/Agent's Supporting Information

In summary;

- The Council have accepted the principle of subdivision through two previous applications.
- The sole reasons for refusal were on flooding grounds.
- Members should be aware that decisions need to be consistent and the ramifications for the Council should they chose to make inconsistent decisions where no material changes in circumstances have arisen.
- There is no change to car-parking layout which was previously seen to be acceptable.

- The amendments result in a number of benefits; including removal of dormer windows ;greater space around the site, lower eaves, staggered elevations, varied fenestration and enhanced opportunities for landscaping.
- If the committee rejects officer recommendations, to avoid further delay, clients have instructed us to re-submit the 2014 scheme, which was refused solely on flooding grounds.

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 East Wittering and Bracklesham at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 29: Settlement Hubs and Village Centres

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 44: Development around the Coast

Policy 47: Heritage

Policy 49: Biodiversity

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

7.3 East Wittering and Bracklesham Neighbourhood Plan:

The Neighbourhood Plan has not reached pre-submission plan and is on hold as the housing allocation has been met for the parish. Subsequently the neighbourhood plan does not carry any weight in the decision making process.

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

*- Approving development proposals that accord with the development plan without delay;
and*

*- Where the development plan is absent, silent or relevant policies are out-of-date,
granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework*

taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), sections 6, 7, 10 and 11 generally.

7.6 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

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

Planning Obligations and Affordable Housing SPD

7.8 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:

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) The principle of the development
- ii) Impact upon visual amenity and character of the area
- iii) Impact on amenity of neighbouring occupiers
- iv) Flood Risk
- v) Highway Safety
- vi) Biodiversity

Assessment

- i) Principle of development

8.2 The application site lies within the East Wittering Settlement Boundary as defined by policy 2 of the Local Plan, where new development will be permitted provided it is otherwise in accordance with the Local Plan. East Wittering benefits from a range of services and facilities and is designated as a service village in Policy 2 of the Local Plan. The principle of development in the settlement boundary is acceptable, depending upon its integration and visual relationship with the character and appearance of the area.

ii) Impact upon visual amenity and character of the area

8.3 Prior to the submission of this application, there were two applications prior, EWB/13/03207/FUL and EWB/14/02414/FUL, whereby officers raised no objections other than on flood risk grounds, with the failure to provide an adequate sequential test. Such a test is no longer required for this application due to the change to the flood zone boundaries. The two previous dwellings proposed were similar in architectural style to the current proposal, but with bulky dormers and higher eaves heights than that currently proposed. The reason for refusal on the previous applications does carry weight in this decision making process.

8.4 The proposed dwellings would be 1.5 storey's in height, with a double frontage and plot 1 with an open porch providing some architectural difference between the two. The scheme uses a mix of materials, cladding and tiled roof, which are comparable to other properties in the local area.

8.5 There would be a separation distance of 1.5m to the southern boundary, 1.7m to the northern with a gap of 1.7m between the two proposed properties. The plot sizes would measure 10m and 9.5m in width at the narrowest point to plot 2. These plot sizes are comparable to other residential properties on the street (10m +). For comparison, the existing properties to the south of the street are also set within close proximity to each other, with limited spacing between (1m approx.). The east and west of the street have varied spacing between. It is considered the low eaves heights of the proposed dwellings, combined with the spacing, allows for them to sit comfortably within the proposed plots and remain in keeping with the character of the street scene.

8.6 The east and west of the street have driveways, low level walls and garden areas to the front of the properties. A grass verge between the front boundary and the private road is also a clear character of the street. These features would be maintained through the provision of off-road parking, grassed areas and picket fencing to the front boundary.

8.7 Due to the separation distances and the size of the properties, it is considered appropriate and proportionate to remove permitted development rights for future extensions and outbuildings, in the interests of neighbour amenity.

8.8 Overall it considered the design of the proposed dwellings would be sympathetic to the mixed character of other residential properties in the street scene. Furthermore, the subdivision of the existing plot allows for adequate size frontages of 10m and 9.5m-10m, which would be in keeping with the overriding character of the street scene. The proposal would therefore comply with the provisions of policy 33 of the CLP.

iii) Impact on amenity of neighbouring occupiers

8.9 The NPPF states in paragraph 17 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings and policy 33 of the Local Plan seeks to protect the amenities of neighbouring properties.

8.10 With regard to the separation distances between the neighbouring property to the rear, although the rear gable ends would have full height glazing, there is no first floor level at the rear. Furthermore, the separation distance would be in excess of 25m to the rear of number 8 Coney Six. There would be a first floor window the front gable end, providing light into a bedroom, but again a separation distance of 20m to Dunmor (opposite) would ensure the privacy of the occupiers of the property to the front would be uncompromised.

8.11 There would be roof-lights to each dwelling, providing additional light into the void and to a landing. These would all be high level, negating overlooking impacts. The first floor bedroom in each dwelling would be served by a roof-light facing inwards, between the proposed units. These would be staggered to negate overlooking between the two properties.

8.12 The neighbouring property Brambles End has a clear glazed dormer window which would face directly onto the proposed properties, however due the ridge height and placement of windows it is not considered there would be any overlooking, loss of privacy or overbearing impacts. There would be a separation distance of 1.5-1.7m between the existing neighbouring properties, which would provide an adequate separation buffer between properties. Overall therefore, it is not considered that there would be any unreasonable impacts on the amenities of neighbouring occupiers.

iv) Flood Risk

8.13 Historically the site has been located in Flood Zones 2 and 3 and therefore at high risk of flooding. The consequence of this was that new development would have had to demonstrate that there were no sequentially preferable sites in flood risk terms to the application site (the 'sequential test' as set out in the National Planning Policy Framework). This was the reason for refusal of previous applications EWB/14/02414/FUL and EWB/13/03207/FUL.

8.14 Due to the Medmerry realignment, the site no longer falls within Flood Zones 2 and 3. This accords with the Environment Agency Flood Maps. As such the proposed development would be within flood zone 1 and is not now at risk of flooding. A sequential test is not now therefore required.. The Environment Agency have been consulted and raise no objection, subject to the development being carried out in accordance with the accompanying flood risk assessment.

8.15 Third parties have raised concern about the provision of surface water drainage and the increase in built form on the site, with the subsequent loss of garden land. However, the application, if permitted, would be subject to a condition regarding surface water drainage, details of which would be required by the LPA for approval.. It would also be a requirement for any hardstanding to the front of the property to be porous to allow for surface water run-off. A landscaping plan would also be the subject of a condition to ensure the provision of soft landscaping.

v) Highway Safety

8.16 To the front of the properties there would be provision for 2 off road parking spaces per property. The WSCC Parking Demand calculator identifies that this would be acceptable provision for parking for the properties. The road is a private road and a public right of way, with no footpaths, so there is potential for pedestrian conflict. There would however be adequate visibility splays and the cars able to exit without immediately joining the highway.

8.17 Provision of cycle parking has not been included in the application. However, there would be adequate provision for cycle parking to the rear of the property and this would be secured by planning condition.

vi) Biodiversity

8.18 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 against this, the applicant has provided a signed and completed S106 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. It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

vii) Other Matters

8.19 Third parties and the Parish Council have raised concerns about there being inadequate storage facilities for the properties, particularly having regard to their location close to the beach. Whilst at this stage there is no details regarding sheds, there would be adequate space to the rear gardens and internally the space could be used to provide this, if the occupiers so wished.

Significant Conditions

8.20 In addition to the conditions discussed above, important conditions also recommended include removing permitted development rights for extensions/alterations to the dwellinghouse and removing rights to lay hardstanding and insertion of windows.

Infrastructure

8.21 As this proposal results in the formation of new residential development, it would be liable to pay the Council's CIL charge

Conclusion

8.22 Based on the above assessment it is considered the proposal complies with development plan policies which seek to ensure that new development respects and enhances the character of the surrounding area and the site. Therefore, the application is recommended for approval subject to conditions and section 106.

Human Rights

8.23 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

Officers Recommendation is to: **PERMIT with S106** subject to the following Conditions and Informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the approved plans:

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

3) Prior to the construction of the dwellings hereby approved a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and surfacing materials have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

4) Prior to first occupation a landscape plan shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to the agreed details. 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 include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development.

6) Before the development hereby permitted is begun, a scheme showing the proposed means of surface water disposal including all necessary on-site and off-site works shall be submitted to and approved by the Local Planning Authority. Before the development hereby permitted is brought into use the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme.

The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

Reason: To ensure that the proposed development is satisfactorily drained.

7) Prior to first occupation, details of screen walls and/or fences shall first be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected. Once erected they should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

8) The existing hedge along the north and south boundary shall be retained and any part of the hedge which is removed without consent or dies or becomes severely damaged or diseased during a period of five years from the date of the completion of the development shall be replaced in the next planting season with a hedge of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

9) 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 and the restrictions of the site.

10) 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 building, or shed, greenhouse or other structure, shall be erected anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area and the restrictions of the site.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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.

12) At no time shall a first floor or mezzanine be inserted into the roof void created above the living room hereby permitted without a grant of planning permission.

Reason: To accord with the terms of the permission and in the interests of neighbouring amenity.

13) 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.

14) Prior to first occupation, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing:

- i) refuse bin storage (sufficient for 2 no. 240 litre wheeled bins);
- ii) secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

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

15) The driveway shall be constructed of porous materials and shall be retained in that condition.

Reason: To ensure adjacent trees are not adversely affected by the driveway.

16) 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.

17) The development hereby approved shall be carried out in accordance with the accompanying Flood Risk Assessment and finished floor levels must be set no lower than 4.22m AOD above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.

Reason: In the interests of protection of occupiers from flood risk.

18) INFORMATIVE

This permission is granted under the Town and Country Planning Act 1990 and does not purport to grant any other consent, approval or agreement by the Council.

19) INFORMATIVE

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat;
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

