

Parish: Fishbourne	Ward: Fishbourne
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FB/16/03464/FUL

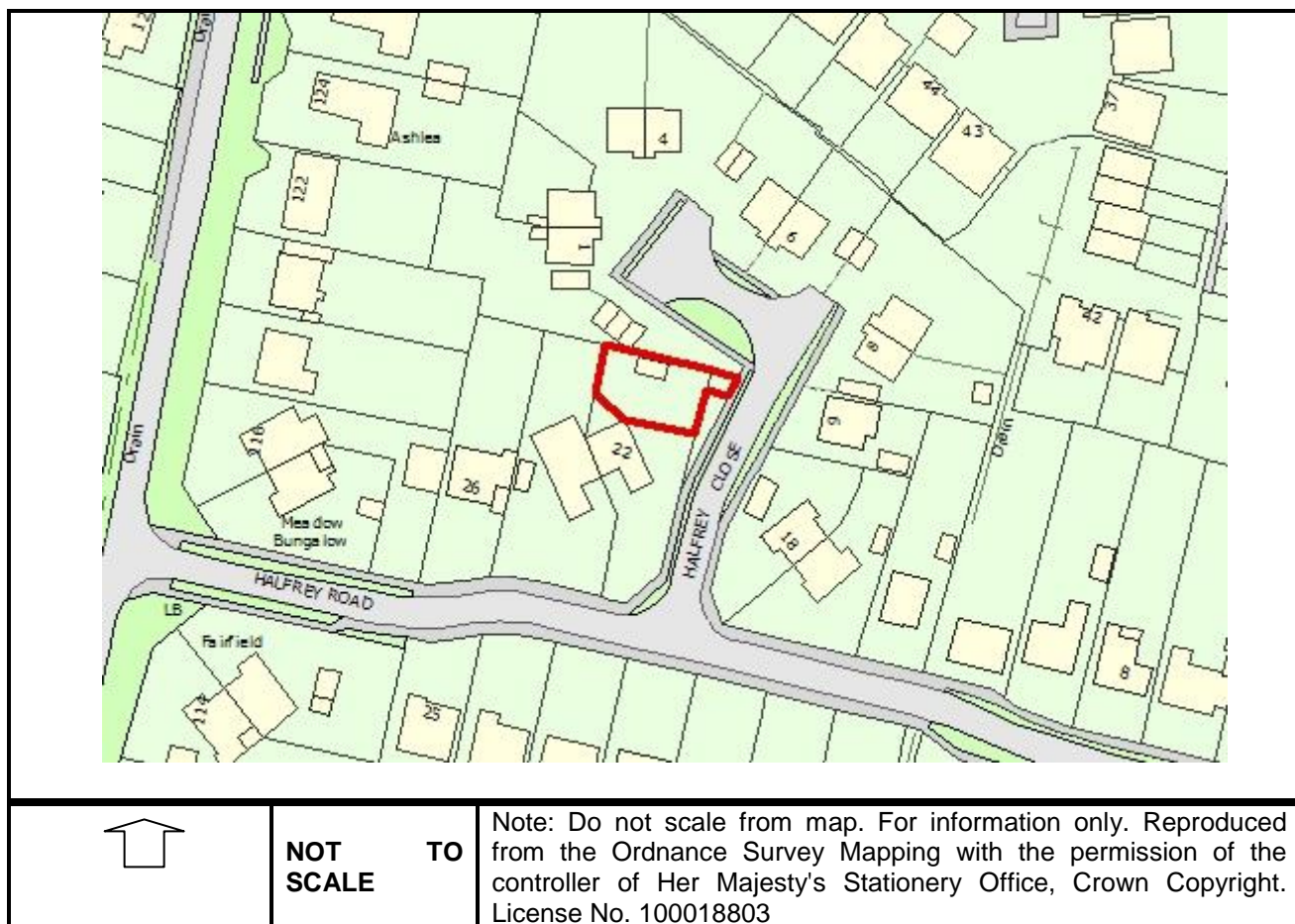
Proposal Removal of garage and construction of 1 no. detached one bedroom bungalow with soft and hard landscaping.

Site Avalon 22 Halfrey Road Fishbourne West Sussex PO18 8BU

Map Ref (E) 483474 (N) 105447

Applicant Mr J Parham

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT
SCALE** TO

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is a corner plot, which lies to the west of Halfrey Close, a private road situated to the north of Halfrey Road. It is located within the settlement boundary of Fishbourne, to the north of the south coast railway line.

2.2 The site comprises an existing semi-detached bungalow, set south east facing, with vehicular access from Halfrey Close. The amenity space associated with the property extends to the front (south), around to the side and to the rear (north). The northern most part is currently used for the parking of vehicles associated with the residential use of the property. A 1.5m close boarded fence and approximately 2m hedge form the boundary to the road to the east and to the north. Halfrey Close comprises of semi-detached two storey properties, with a single storey dwelling situated to the east, directly opposite the application site.

3.0 The Proposal

3.1 The proposal seeks to erect a single dwelling on the area of garden land to the north of the existing property. It follows refused application FB/16/00734/FUL and seeks to address the reasons for refusal, which were as follows:

1) The proposed dwelling by reason of its positioning forward in the plot, proximity to the host dwelling and boundaries would result in a cramped form of development, contrary to the prevailing form of development in the locality, appearing incongruous within the street scene, thereby harming its visual amenity and character and that of the host dwelling. The proposal would therefore fail to comply with policies 1, 33, 47 of the Chichester Local Plan Key Policies 2014-2029 and Sections 7 generally of the National Planning Policy framework.

2) The site is located within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area where it has been identified that the net increase in residential development results in significant harm to those areas of nature conservation due to increased recreational disturbance. The applicant has failed to make sufficient mitigation against such an impact and therefore the proposal is contrary to Policy 50 of the Chichester Local Plan Key Policies 2014-2029. The development would therefore contravene the Conservation of Habitats and Species Regulations 2010 and the advice in the National Planning Policy Framework.

3.2 The application plot would have a depth of 17.9m, set back from the boundary to the east by 5m and away from the newly proposed southern boundary by 1.1m. The rear garden would have an angled southern boundary between the new dwelling and the host dwelling.

3.3 The proposed new dwelling would be single storey, brick facing, with concrete interlocking tiles. It would have an eaves height of 2.2m, with a pitched roof and ridge height of 5.4m. It would have a depth of 7.6m at the deepest part and a width of 9.1m. The entrance to the property would be east facing, leading into a hallway, with separate W.C and a double bedroom and ensuite leading off, and an open plan kitchen, living and dining room, with access into the rear garden.

3.4 To the front of the property, the existing access would be retained, providing a car parking space for one vehicle. The existing boundary fence and hedge and the tree to the north of the site would be removed. These would however be replaced with a mixed native hedge to the front of the site and a replacement tree would be planted to the rear garden.

4.0 History

05/00048/DOM	REF	Single storey front extension, formation of gable and front and rear dormers in connection with loft conversion.
05/01196/DOM	PER	Single storey front extension, front dormer window and gable roof extension.
05/02932/DOM	PER	Resubmission of previous application FB/05/01196/DOM - and proposed rear dormer with high level windows.
16/00734/FUL	REF	Demolition of existing garage, construction of 1 no. detached 1 bedroom bungalow with soft and hard landscaping.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
Flood Zone	NO

6.0 Representations and Consultations

6.1 Parish Council

Initial comments 17.12.2016

Fishbourne Parish Council objects to this application which would result in an overdevelopment of a small site. It would also be un-neighbourly in a small close. In addition, this would not be a sustainable development due to loss of greenery and additional parking.

Comments on substitute plans

Fishbourne Parish Council maintains its objection to these substitute plans on the same grounds as previously stated.

6.2 WSCC Highways

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application FB/16/00734/FUL to which no objections were raised. The application was refused by the Local Planning Authority (LPA) for reasons unrelated to highway safety.

This resubmission proposes to set the proposed dwelling back (north). From an inspection of the plans there are no changes to previous comment on access and parking arrangements given in the LHA response to FB/16/00734/FUL dated 12/04/2016. Please refer to that previous response along with previously advised conditions.

Comments on application FB/16/00734/FUL 12/4/16

In summary:

The dropped kerb will provide access to two off street car parking spaces for the existing dwelling. Turning on site appears restrictive but achievable. Furthermore, no. 18 on the opposite side of the junction has a similar arrangement.

...There have been no recorded injury accidents at the junction. There is no evidence to suggest that the junction is operating unsafely, or that the proposed access in this location would exacerbate an existing safety concern....

The site is within walking distance of bus stops with services on to Chichester. There is also a Railway Station within walking distance which further promotes uses of sustainable transport. The applicant has provided for cycle storage within the rear garden, this should be kept in perpetuity...

The LHA does not considered that the proposal for one dwelling would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the NPPF (para 32), and that there are no transport grounds to resist the proposal.

6.3 9 Third Party Objections

- i) Overdevelopment
- ii) Incorrect plans
- iii) Contrary to policies

Other comment

- i) Covenant on the property restricting development

6.4 1Third Party Objection on substitute Plans

- i) Fence and hedge not in accurate locations on plan
- ii) Overdevelopment

- iii) Loss of tree
- iv) Impact on parking

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 Fishbourne Neighbourhood Plan was made on the 31st March 2016 and forms part of the Development Plan against which applications must be considered.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 12: Water Resources in the Apuldrum Wastewater Treatment Catchment
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
Policy 47: Heritage and Design
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

Fishbourne Neighbourhood Plan:

Policy SD 3: Development Constraints
Policy D 1: Good Design
Policy ENV2: Tree protection
Policy ENV4: Biodiversity

National Policy and Guidance

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

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

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework*

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

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles), together with sections 6 and 7 generally.

Other Local Policy and Guidance

7.5 The following Supplementary Planning Document is material to the determination of this planning application:

Surface Water and Foul Drainage SPD

7.6 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 proposal are:

- i) The principle of the development
- ii) Impact on neighbouring amenity
- iii) Character, appearance and amenity
- iv) Highway Safety
- v) Recreational Disturbance Mitigation
- vi) Other Matters

Assessment

- i) The principle of the development

8.2 The application site is located within the defined settlement boundary of Fishbourne, as set out in the Chichester Local Plan (CLP), and within the made Fishbourne Parish Neighbourhood Plan. Within the defined settlement boundary, the principle of new dwellings is considered acceptable, subject to compliance with other material considerations. Fishbourne is considered a sustainable location and is within close proximity to the city of Chichester. Fishbourne has some facilities and services, with direct transport links to Chichester, including designated pedestrian and cycle routes. It is therefore considered that the site lies in a sustainable location, within a defined settlement for which the principle of additional dwellings is considered acceptable.

- ii) Impact on neighbouring amenity

8.3 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 CLP include requirements to protect the amenities of neighbouring properties.

8.4 The host dwelling has a habitable dormer window to the rear roofslope and habitable windows at ground floor level, the dormer would look obliquely across the south west corner of the proposed amenity space to the new dwelling. Due to the location of the proposal, at an oblique angle to the north of the host dwelling and at single storey level, it is not considered there would be any resulting overbearing or loss of light impacts.

8.5 The proposed dwelling would have windows at ground floor level only. These would have a separation distance of 25m from the neighbouring property to the east, at ground floor level, which would be in line with CDC Design Guidance and therefore an acceptable relationship. To the north, the proposed dwelling would be situated in excess of 25m to the direct neighbours numbers 5 and 6 Halfrey Close. The proposed dwelling would be set at an oblique angle of 20m to the western properties, number 24 and 26 Halfrey Road, meaning there would be adequate separation distance. To the west there would be a boundary fence to the neighbouring number 24 Halfrey Road, mitigating any overlooking impacts that may have existed. Furthermore, due to the single storey nature of the proposal and the separation distances from the neighbouring properties, there would be no overbearing or loss of outlook impacts. A window is proposed facing the northern boundary which would look onto an area of open space, which hosts garaging and general landscaping, as such this relationship is considered acceptable. It is proposed to erect a 1.8m closeboarded fence on the boundary to the host property, which would be angled to the rear improving the relationship between the existing host, and proposed dwelling.

iii) Character, appearance and amenity

8.6 The proposed bungalow has been designed to reflect that of the neighbouring properties on Halfrey Road and no.9 Halfrey Close. The proposal includes a mix of materials, facing bricks and a concrete tiled roof, that are comparable to those in the immediate locality.

8.7 The plot frontage width of the property would be 10.65m and is considered comparable to those in the street scene and not dissimilar to that of the direct neighbour opposite at no. 9 Halfrey Close which has a frontage width of 11.4m. The proposal has been designed to effectively mimic number 9 and the transition into the 2 storey properties found in Halfrey Close. Halfrey Close is open plan in nature, however following concerns about the loss of the hedge and soft landscaping as part of the previous application, this proposal seeks to plant a hedge with further low level boundary treatment to follow the existing front boundary line. The proposal would sit comfortably in the plot, with amenity space to the rear (5.4m (d) x 8.5m-10.6m (w)) and a separation of 1m to the southern boundary and 400mm, to the northern boundary. Whilst the proposal would reduce the garden land available to the host dwelling this would remain of an acceptable size and include adequate amenity space to the east side measuring (12m (width) x 9.4m depth x 5m depth). The staggered, angled boundary now proposed between the host and proposed dwellings also improves the relationship between the two properties over the previous refusal and allows for provision of some rear amenity space for the host property. The low level height and design of the proposal would allow the proposed bungalow to be read subserviently to the main dwelling. Overall it is considered that the proposal would integrate well into the street scene and subsequently not cause harm to the character of the street scene and area.

iv) Highway Safety

8.8 The refused application FB/16/00734/FUL sought to provide parking and a new access for the host dwelling directly from Halfrey Road. This work has now been carried out through the applicant exercising their permitted development rights.

8.9 The applicant has advised their deeds confirm that they have the right to use the access onto Halfrey Close, which partially encroaches outside of the defined residential boundary, as a parking space and access and this is the current arrangement. Nevertheless, to address the concerns raised as part of the refused application and comments as part of this application, the proposal has been stepped further back from the frontage to allow a parking space within the curtilage of the bungalow, clear of the access. A single space is considered to be adequate provision for a one bedroom property of this size, especially when combined with the cycle provision and the sustainable location of the site. West Sussex County Council as Highway Authority has raised no objections to the safety of the new access or the proposal as a whole. The proposal therefore accords with policy in respect of highway safety.

v) Recreational Disturbance

8.10 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 agreed to enter into a S106 agreements to provide 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.

8.11 It is therefore considered that the proposal would not result in a significant environmental impact on the Harbours Special Protection Area.

vi) Other Matters

8.12 Representations have been received raising concerns about a covenant that is on the land restricting development. This however is a civil matter and is not relevant to the assessment of the planning application. The applicant would need to address the covenant matter separately from the planning application process.

8.13 The site is located within the Apuldrum Waste Water Treatment Catchment Zone, there is currently capacity for a new connection for this one new residential dwelling.

8.14 The application involves the loss of one tree to the northern boundary. This has been assessed by the CDC Tree Officer and it is considered that due to the species type and condition, it is not worthy of a tree preservation order. As such it is considered its loss would on balance be acceptable, particularly with the additional landscaping proposed and a replacement tree to the rear garden.

Significant Conditions

8.15 It is considered proportionate to attach a condition which would restrict alterations and additions to the dwelling, due to the constraints of the plot. Details of the landscaping proposals and screen walls or fencing are recommended in the interests of visual amenity. A condition regarding materials samples and to ensure the provision of bin storage and cycle storage would be required.

Section 106 Agreement

8.16 As set out in paragraph 8.10 above, the applicant is liable to enter into a s106 agreement and to provide financial mitigation as set out in policy 50 of the CLP. This development is also liable to pay the Council's CIL charge as it is one new unit of residential accommodation.

Conclusion

8.17 Based on the above assessment it is considered the proposal by reason of its scale, design and siting, combined with the size of the plot, with off road parking and amenity space and the improved relationship with the host dwelling, would result in a form of development that would have no significant adverse impact on the amenity of the surrounding properties and would be in keeping with the character of the area. As such the proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.18 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

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 011, 1019-5300, CFA FULL BS 04

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) 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.

4) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

5) 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.

6) Notwithstanding the details as shown on the approved plan, development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels, details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

7) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall

first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

8) **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.

9) Notwithstanding the details as shown on the approved plans, prior to first occupation of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Once agreed the boundary treatments shall be erected prior to occupation and thereafter the boundary treatments shall be maintained as approved in perpetuity.

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

10) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. This space shall thereafter be retained for its designated use.

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

11) Prior to first occupation, the replacement tree as shown on plan 1019-5300 'Prunus 'Snow Goose' shall be planted. If the tree within a period of 5 years after planting, is removed, dies or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with the same species and size as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

12) All hard and soft landscape works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion or first occupation of the development**, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

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) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area and due to the constraints of the site.

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 applicant should note that in granting this permission the Local Planning Authority is making no statement or approval concerning the accuracy of any property boundaries shown on the submitted application plans.

3) 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) 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 Caitlin Boddy.