

Parish:
Selsey

Ward:
Selsey North

SY/17/00447/FUL

Proposal Change of use of existing agricultural workers accommodation to 10 no. residential dwellings and associated works.

Site Home Farm Chichester Road Selsey Chichester West Sussex PO20 9DX

Map Ref (E) 486046 (N) 95581

Applicant Mr David Langmead

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

The application was deferred at the meeting on 26 April 2017 for a site visit by Members and for officers to investigate with the applicant: the re-location of the bin store away from the immediate neighbouring property to the north; the provision of amenity space for proposed occupants; the number of units; improving access for pedestrians / cyclists; and evidence of need for agricultural workers accommodation.

2.0 The Site and Surroundings

2.1 The application site is located on the eastern side of Chichester Road (B2145) between the settlements of Sidlesham and Selsey, approximately 1 km north of Selsey. The site contains a tractor depot, a small group of single and two storey and flint barns, located towards the main entrance on the western edge of the wider site that was previously in use as an agricultural worker's hostel. There are static caravans located towards the rear (east) of the site behind the tractor store that are occupied by temporary agricultural workers.

2.2 The site is occupied by a group of single storey and two storey barns that have been converted previously to a 36 bed agricultural workers' hostel and site welfare (referred to as Blocks A, B and C on the proposed site plan). The barns are a mix of brick and flint buildings with slate and clay tiled roofs positioned around a courtyard used for parking. The barns were configured as bed-sit type arrangements with central cooking and laundry rooms, but have been empty for a number of years. The land to the east is used partly for parking and the remainder of the site is used for the stationing of caravans for agricultural workers.

2.3 The site occupies a relatively isolated position outside the settlement boundary in the Countryside, with some sporadic residential development either side of the Chichester Road. There is a detached residential dwelling that adjoins the north, The Studio, beyond which is a further dwelling, Home Farm. The surrounding landscape is predominantly flat and open, interspersed with field boundaries and trees.

3.0 The Proposal

3.1 The application seeks permission for a change of use of three redundant barns, formerly in use as a hostel for agricultural workers at Home Farm, to 10no. open market residential units, with the provision of 4 additional parking spaces and conversion of an outbuilding to cycle/refuse storage.

4.0 History

97/01293/FUL	PER	Alteration and extension of existing buildings. Change of use - B1 to agricultural workers' hostel.
06/01409/ELD	REF	Storage of timber and allied materials.

14/01758/FUL	PER	Change of use from agricultural workers' hostel to 9 no. residential units.
15/00320/FUL	DISMISS	Variation of condition 3 of permission SY/14/01758/FUL. Change need to retain these buildings in agricultural occupancy.
15/00897/FUL	PER	10 million gallon farm irrigation reservoir
17/00452/FUL	PERMIT	Modular building housing a site welfare facility (comprising games room, kitchenette/store, laundry, toilets, office, kiosk and breakout room), together with external bin store, shelter and associated works.
17/01008/ELD	PERMIT	Use of the land for the siting of static caravans for human habitation.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Selsey Town Council

Object

Outside Settlement Boundary and contrary to policy 003 of the draft Selsey Neighbourhood Plan 2017, that a change of use to residential would be in contravention of policy 004 of the draft Selsey Neighbourhood Plan 2017, which allocated land at Home Farm as temporary accommodation for agricultural workers and that the proposed open market residential properties would share the same means of access to the site as a working yard/tractor dealership, raising significant safety concerns.

Further comments:

At the Selsey Town Council Planning Committee held on the 5th April 2017 the Objection to Planning Application "17/00447/FUL : Change of use of existing agricultural workers accommodation to 10 no. residential dwellings and associated works." lodged by the Council on the 23rd March 2017 was given further consideration by the said Committee. It was acknowledged, as per your advice below, that the application did indeed fall outside of the allocated land under Emerging Selsey Neighbourhood Plan, Policy 004 Temporary Agricultural Workers. However it was noted that the application land was still outside the Settlement Boundary and thus still in conflict with Policy 003 of the Emerging Neighbourhood Plan. It was further noted that an applicant should to be able, in the case of applications outside the Settlement Boundary, to demonstrate that a need exists that cannot be met within the Settlement Boundary. As the application site is less than a mile from two sites with granted permission to deliver 249 houses including low-cost housing within the Settlement Boundary the Committee felt that this need had not been demonstrated. Indeed it was felt that the presence of a large number of static caravans on the site housing agricultural workers strongly demonstrates a need for accommodation tied to agricultural usage. Despite the lack of WSCC Highways objection to the access/egress arrangements regarding highway safety, the Committee still had concerns over the safety of the access from application site directly onto an area of agricultural/industrial usage, this being the shared access to the main carriageway. In light of these considerations, Selsey Town Council Planning Committee wishes to maintain their objection to this application.

6.2 Environment Agency

None received.

6.3 Natural England

No objection, subject to appropriate mitigation being secured.

Subject to appropriate financial contributions made to strategic mitigation to address recreational disturbance, the proposal is unlikely to have a significant effect on the Pagham Harbour SPA/Ramsar, and can therefore be screened out from any requirement for further assessment. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

6.4 WSCC - Local Development Division (Highways)

No objection.

Application is comparable to 2014 application 14/01758/FUL to which WSCC Highways raised no objection. One additional residential unit is achieved through internal reconfiguration of existing space. Small addition is considered acceptable from the LHA's perspective.

No alterations to the access onto the B2145 (40mph speed limit) are proposed. No known issues with the use of the access. No intensification of use is anticipated. In light of scale of development permitted and proposed, traffic generation would not vary significantly between the two. Statement covers in detail access by non-car modes. Bus services are available to Bognor, Selsey and Chichester from B2145. Parking is acceptable.

Given the previous planning consent from 2014, the LHA does not consider that change of use would have a severe impact on the operation of the highway network.

6.5 CDC - Environmental Strategy

No objection.

The applicant has agreed in pre-application discussions a contribution to the Pagham SPA of £11,000; this would be adequate to ensure there is no likely significant effect on the SPA. A revised scheme is to be presented to Cabinet in May 2017. If agree, a revised (reduced) amount would apply.

Bats - Works to the buildings roofspace should be undertaken by hand in the presence of a qualified ecologist. If a bat is found, all works must stop and Natural England consulted.

Lighting scheme will need to minimise potential spillage and consider the presence of bats.

Nesting Birds - Works to trees/vegetation shall take place outside of the bird breeding season 1 March - 1 October.

6.6 CDC Drainage Engineer

I have reviewed the application form and the submitted FRA and there are some contradictions.

The application selects "soakaways" however the FRA point 3.2.7 mentions an existing public sewer (which we have no records of), and goes on to say later that the existing connection will be retained. 7.1.2 of the FRA also mentions a reduction in impermeable area of 730m² achieved by replacing existing hard surfaces with permeable paving and other permeable surfaces.

Ultimately if there are existing soakaways, alongside the proposed reduction in impermeable area it would be acceptable to use the existing infiltration drainage with no further winter groundwater monitoring or percolation tests required.

If there is a surface water connection off-site, then they would need to investigate the potential for infiltration drainage on-site. The detailed design of any new infiltration drainage will need to be supported by winter groundwater and percolation tests. Permeable surfaces with no additional flows connected into it would not require the aforementioned monitoring, but we would like to see/approve the details.

The final condition will be dependent on the above; however we would recommend that a condition which includes the need to submit for approval, and build as approved the surface water drainage scheme. This may be as simple to discharge as submitting the existing drainage network and connection details.

Further consultation response

Additional consultation response from the Council's Drainage Engineer:

I have reviewed the application form and the submitted FRA and there are some contradictions.

The application selects “soakaways” however the FRA point 3.2.7 mentions an existing public sewer (which we have no records of), and goes on to say later that the existing connection will be retained. 7.1.2 of the FRA also mentions a reduction in impermeable area of 730m² achieved by replacing existing hard surfaces with permeable paving and other permeable surfaces.

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6.7 3 Third Party Objections

- Overdevelopment of site;
- No recreational space for residents;
- Isolated site;
- Communal refuse store harmful to air pollution;
- Solar panels will reflect sunlight;
- No reference made to The Studio on the northern site boundary on the plans;
- Window in Block C security and privacy issue;
- Shortage of parking;
- Contrary to policy 004 of Emerging Selsey Neighbourhood Plan;
- Applicant has effective management control over anti-social behaviour from temporary agricultural workers;
- Addition of residential occupants hard to manage;
- **odour / smells from refuse storage.**

6.8 Applicant/Agent's Supporting Information

The applicant has submitted the following information in support of the application: Design and Access Statement, Flood Risk Assessment and Ecological Walkover Survey.

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 Selsey Neighbourhood Plan (Pre-Submission version) revises the previous draft Neighbourhood Plan and has started the first round of public consultation.

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 4: Housing Provision

Policy 5: Parish Housing Sites 2012-2029

Policy 37: Accommodation for Agricultural and Other Rural Workers

Policy 39: Transport, Accessibility and parking

Policy 45: Development in the Countryside

Policy 46: Alterations, Change of Use, Re-use of Existing Buildings in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

7.3 The Selsey Neighbourhood Plan (Pre-Submission Version):

Policy 003: Settlement Boundary

Policy 004: Temporary Agricultural Workers

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), 14, 32, 55, 58, 111, 117-119.

Other Local Policy and Guidance

7.6 The following Supplementary Planning Guidance is material to the determination of this planning application:

Planning Obligations and Affordable Housing Supplementary Planning Document

7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Assessment

8.1 The main issues arising from this proposal are:

- Planning History and Principle of Development;
- Impact on Highway Network and Parking;
- Design and Impact on Rural Character;
- Impact on Amenity;
- Impact on Biodiversity;
- Other Matters.

Planning History and Principle of Development

8.2 Planning permission for the conversion and re-use of these redundant former agricultural barns as a hostel for agricultural workers was originally granted in 1997 (97/01293/FUL). Permission was subsequently granted on 1st December 2014 for a change of use of the hostel to 9 no. residential units, subject to a planning condition restricting the occupancy to agricultural workers (14/01758/FUL).

8.3 An application to vary condition 3 of permission 14/01758/FUL to remove the occupancy restriction to allow unrestricted open market units for rent under the control of the applicant (15/00320/FUL) was refused permission on 2 April 2015 on two grounds:

1. that insufficient evidence had been provided by the applicant to demonstrate there was no longer a demand for agricultural workers dwellings in the area, resulting in an unjustified loss of agricultural workers accommodation, contrary to policies 1, 2, 33, 37, 45 and 46 of the Chichester Local Plan and paragraph 55 of the National Planning Policy Framework; and
2. failure to provide adequate mitigation to the Pagham Harbour Special Protection Area, designated as an internationally important wildlife site, contrary to policies 49 and 51 of the Chichester Local Plan: Key Policies Pre-Submission and paragraphs 17, 109 and 118 of the National Planning Policy Framework.

8.4 An appeal was subsequently lodged and a Hearing took place in November 2015 against the refusal to grant permission for the removal of condition 3 of permission 14/01758/FUL (ref. APP/L3815/W/15/3014889).

8.5 The Inspector concluded that the occupancy condition was neither reasonable nor necessary, and that removal of the condition would not be detrimental to the supply of agricultural workers dwellings in the surrounding area and local economy. The Inspector commented that the amount of bed spaces provided on site for temporary workers through additional caravans, was over and above the number of rooms lost through conversion of the redundant hostel to housing, and that marketing of the units (a requirement under LP policy

37 and Appendix 3 of the Local Plan) was an unnecessarily onerous requirement for the appellant. The Inspector added that the site was well related to an established group of buildings and on a main bus route, near Selsey and with buses to Chichester to Bognor Regis. Some alternative means of transport by non-car modes would therefore be possible. The site was therefore considered to be sustainable by the Inspector, with some, albeit limited facilities and services in the immediate area, and the proposed change of use to 9 residential units, would enable the re-use of a number of redundant and disused former agricultural buildings and enhancement of the setting. The Inspector was not persuaded that the loss of agricultural workers accommodation in the hostel would be detrimental to the function of the local economy or the appellant's business, and that there was no conflict with policies 1, 2, 37, 45 and 46 of the Chichester Local Plan: Key Policies 2014-2029.

8.6 The appeal was dismissed on a single ground: in the absence of mitigation measures to avoid potential adverse impacts on the Pagham Harbour SPA, the effect of removing the condition to allow unrestricted open market units, was considered to be harmful to the Pagham Special Protection Area, contrary to policy 51 of the Chichester Local Plan.

8.7 The current application seeks permission for the change of use from an agricultural workers hostel to 10no. residential units and is identical to the appeal scheme, apart from the addition of 1 extra unit of accommodation, achieved through some internal reconfiguration of Block C. It is also proposed to provide a small bin/cycle storage area located in an outbuilding formerly used as a laundry, an additional parking area for 4 cars, and to install solar PV panels on the roofslopes of Blocks A, B and C.

8.8 In considering the previous appeal the Inspector found no objection to the scheme in relation to loss of agricultural workers accommodation - a position which has weight in considering the acceptability of the proposal in principle. The comments of the Parish Council in relation to the emerging Selsey Neighbourhood Plan policies are noted. However, the Selsey NP is at the first round of public consultation (Pre-Submission version) and policies 003 and 004 therefore have very little weight. Moreover, the application site is specifically excluded from and is located outside the area of Home Farm identified as temporary agricultural worker's accommodation in policy 004 of the Selsey NP. The proposal is not in conflict therefore with the Emerging NP policy 004. In respect of the additional comments of Selsey Town Council in relation to policy 003, whilst the site is outside the SPA, the principle of change of use and conversion of these redundant farm building is acceptable, in accordance with policy 46 of the Local Plan and paragraph 55 of the NPPF. As stated, the issue regarding the need for agricultural farm worker's accommodation was debated at length at the time of the Hearing and the local highway authority raises no objection on highway safety grounds.

8.9 Officers have obtained some details from the Council's Economic Development service and the National Farmers Union, who state that there are approximately 8,000 people employed in the Horticultural Industry in the Arun and Chichester areas, a large number of whom live in relatively poor accommodation. Whilst there is demand for agricultural workers accommodation, it is accepted that some properties do cease to be viable from a farming perspective, with a certain amount of change in the provision of workers dwellings. The principle of development was addressed by the Inspector with the appeal scheme, as summarised in paragraph 8.5 above. The unreasonable occupancy condition to agricultural workers was a matter upon which the Inspector awarded costs against the Council, and no further information is forthcoming from the applicant in this regard.

8.10 Having regard to the planning history of the site and the recent appeal decision, which is a significant material consideration (APP/L3815/W/15/301488) it is considered that the principle of converting the redundant agricultural worker's hostel to open market units is acceptable, in accordance with paragraph 55 of the NPPF.

Impact on Highway Network and Parking

8.11 Paragraph 32 of the NPPF advocates that, development is only refused on highway grounds when the residual cumulative impacts are severe.

8.12 The LHA has been consulted on this application and raises no objection on grounds of highway safety or parking, subject to a number of conditions, including the requirement for a construction management plan. No alterations are proposed to the existing site access onto the B2145 and the access has adequate visibility splays and no accident trends are associated with them. Twelve parking spaces are to be provided and the level of parking is considered to be acceptable by the LHA. The site does have some, albeit, limited access for proposed residents to services and amenities by non-car modes, as there are bus stops located within walking distance of the site on the B2145 and bus routes serving Selsey, Chichester and Bognor Regis, as well as a farm shop located within walking distance of the site. The trip rate is not anticipated to be significantly different between the permitted use as a hostel and no intensification of use is anticipated with the addition of one extra unit of accommodation achieved through internal reconfiguration of the building. The LHA therefore states that the proposal could not be resisted on traffic generation grounds, as traffic generation would not vary significantly between the appeal scheme, and 10 units proposed with the current application.

8.13 The comments of the Town Council are noted in relation to concerns about the highway safety implications of the access, but the LHA as a statutory consultee raised no objection on highway safety grounds to the previous application 14/01758/FUL (change of use of the hostel to 9no. units) or to the current application for 10 units. There are no highway safety grounds to refuse planning permission therefore.

8.14 The applicant has confirmed that a demarcated pedestrian footway and zebra crossing would be provided within the site at the point of the shared access, adjacent to the barns and the tractor store that clearly demarcates the route for pedestrians linking to the public highway on Chichester Road (B2145). The site boundary has been amended to incorporate the pedestrian improvements within the site. At the request of officers, the applicant has explored off-site highway works to upgrade a section of the pedestrian footpath along the B2145 to the nearest bus stop. In response, the applicant states that, as the County Highways Authority has identified no highway safety concerns regarding the use of the pavement in this location, and this matter was not raised as a concern by the Inspector on the appeal scheme, there is no material planning need for these off-site highway works.

Design and Impact on Rural Character

8.15 The site is not located in a designated area of high landscape value, but it is located outside a settlement boundary in the countryside. In such locations, new development should not adversely impact the tranquil and rural character of the area; respect and enhance landscape character of the area; and ensure that the integrity of predominantly open and undeveloped land between settlements is not diminished (LP policy 48).

8.16 The proposed alterations to the building are minimal, with the existing openings used wherever possible and some sympathetic modernisation of the fenestration and detailing to the main barn, which faces into the courtyard. A condition is recommended to remove permitted development rights in relation to any further windows/openings, in order to preserve the character and appearance of the brick and flint barns. The current application proposes solar PV array on four roofslopes to improve the energy efficiency rating of the buildings. The applicant confirms that the solar PV would be flush with the roofslope and anti-glare, and would be positioned to face into the site and would not be prominent or visible in longer distance views. Four no. conservation style rooflights are proposed on Blocks B and C. The rooflights would be visible from Chichester Road to the west, but these are small and discreet in size, and would not clutter the roofslope. The redundant former laundry, to be converted to a refuse/cycle storage, is an existing outbuilding on the northern boundary. The four additional parking spaces would be discreetly sited adjacent to the outbuilding and in surfacing materials to match existing courtyard. The proposed alterations would not therefore harm the character of the area in terms of inappropriate design, scale or massing.

Impact on Amenity

8.17 The closest neighbouring residential properties are located at The Studio and Home Farm, immediately to the north of the application site. An objection has been received from the closest neighbouring property in relation to a window in Block C adjacent to the site boundary. Concerns are also raised regarding the lack of recreational space for residents, the proximity of a communal refuse store creating air pollution, lack of parking for residents, no reference made to The Studio on the submitted plans, glare from solar PV and contravention with policy 004 of the Emerging Selsey Neighbourhood Plan.

8.18 In regard to the occupancy restriction, as summarised in paragraph 8.5 above, this matter was discussed at length during the Hearing, and for the aforementioned reasons, the Inspector concluded that the occupancy restriction was not reasonable or necessary in this instance. The principle of permanent residential units through the conversion of this former agricultural workers hostel is established by the appeal decision. West Sussex County Highways has reviewed the existing and proposed parking (12 parking spaces would be provided in total in the courtyard area) and the level of parking is confirmed by the LHA as being acceptable. The outbuilding to be converted as cycle storage/refuse storage was previously used as a laundry. There would be no planning grounds to sustain a refusal of permission of the conversion of this outbuilding to a bin/cycle store in relation to air pollution. The solar PV, as confirmed by the applicant, is intended to have an anti-glare coating to prevent solar glare and would be subject to a condition to secure details, in order to mitigate glare. There is no specific requirement to provide outdoor private recreational space, given the small scale nature of the dwellings, however an element of communal private space is provided for.

8.19 In relation to the proximity of the window and the lack of reference to the neighbouring property on the submitted plans, the location of the neighbouring property was clearly observed at the time of the case officer's site visit. There is a window in Block C proposed close to the northern boundary with the adjacent property that would serve a kitchen. This is an existing window that previously served a bedroom in the hostel. It is not proposed to enlarge the window or to insert any further windows or openings in this elevation. The proposal would have no greater impact upon the amenities of the neighbouring property than when the building was in use as a hostel and is not considered to adversely impact neighbouring residential amenity.

A condition is recommended to remove permitted development rights for windows and openings in the walls other than those shown on the approved plans.

8.20 The applicant is proposing a number of measures to mitigate the impact on the immediate neighbour to the north at 'The Studio'. Various alternative locations for the bin store have been considered, identified as adjacent to the four new parking spaces, adjacent to the existing barns or timber lean-to or to utilise the existing bin store consented with application 17/00452/FUL, approximately 45 metres to the east of the application site. The proposed position adjacent to the four new parking spaces was discounted for its proximity to the neighbour and the positions adjacent to the existing barns or timber lean-to were discounted for fire safety reasons, in close proximity to existing caravans. As an alternative to the originally proposed position it is proposed that residents use the existing external bin store, consented with application 17/00452/FUL, approximately 45 metres to the east of the application site. This bin store has capacity for 3 x 1100 litre recycling bins and 4 x 1100 litre refuse bins, with twice weekly collections by a commercial waste contractor. This would ensure that there are no odours and smells emanating from the site towards the neighbouring property to the north. The applicant requests that Members consider this alternative location for the bin store, or the original location, as shown on the original submitted drawings. It is the view of officers that, on balance, the new location of the bin store, approximately 45 metres to the east of the application site, is considered to be acceptable.

8.21 The applicant has agreed to increase the height of the brick boundary wall between Block C and the neighbour, in line with the height of the cycle/general store (approximately 1.8 metres) to improve privacy to the neighbour, and for the closest window in Block C to be obscure glazed to prevent overlooking and loss of privacy. A low level fence is also to be provided around the four additional parking spaces, to protect the boundary to the neighbour.

Impact on Biodiversity

8.22 The application is supported by an updated Ecological Appraisal and bat survey. This has been assessed by the Council's Ecologist. A number of conditions are recommended in relation to precautionary measures to minimise the impact on bats, including a lighting scheme, and works to take place outside of the bird breeding season (1st March - 1st October).

Other Matters

8.23 Part of the site was located within Flood Zones 2 and 3, however the site is now identified as being located in Flood Zone 1, based on updated EA Flood Risk modelling. The FRA does not identify the site as being at risk of flooding from rivers, sea, overland flows or groundwater, and the buildings to be converted are located above the modelled flood level. No mitigation measures are therefore proposed.

8.24 In respect of affordable housing provision, a commuted sum for affordable housing is normally sought for developments of between 6-10 units in lieu of on-site provision in designated rural areas, in accordance with policy 34 of the Local Plan. The application site is not located within a designated rural area, and, on this basis, there is no requirement to provide a commuted sum for affordable housing as part of the proposed scheme. The mix of market units (6 x 1 bed and 4 x 2 bed units) is acceptable.

8.25 An area of outdoor amenity space of approximately 490 sq metres is to be provided for use by proposed occupants on a flat, level, grassed area of land, immediately to the east of the barns, and to the rear of static caravans, on land within the ownership of the applicant. The red line plan on the site location plan has been amended to incorporate this area of land. It is proposed that this area of land and its on-going use as private amenity space for residents is secured by planning condition, and for this area to be landscaped.

Significant Conditions

8.26 Conditions are recommended in relation to the submission and approval of a construction management plan, details of materials and samples for windows and external openings to be submitted for approval, the removal of permitted development rights in relation to extensions, alterations and window or other openings in the walls other than those shown on the plans, the submission of a lighting scheme and measures to mitigate the impact on bats, and parking and refuse/cycle storage to be implemented before first occupation of the units. **Additional conditions are recommended to ensure that the pedestrian improvements within the site are carried out prior to first occupation of the development and that the amenity land for future occupants is fenced to maintain it as space for use by proposed occupants and to protect the amenity of the adjoining neighbour.**

Infrastructure Requirements

8.27 The site is located within the Pagham Harbour SPA Zone of Influence, which comprises the area within which new development is likely to have a significant effect on the SPA. The NPPF gives considerable weight to the protection of these habitats and a financial contribution towards the strategy outlined in Phase III of the Solent Disturbance would mitigate this impact, in accordance with policy 51 of the Local Plan.

8.28 As noted above, application 15/00320/FUL was dismissed solely on the lack of a financial contribution to mitigate the impact on the Pagham Harbour SPA. The Inspector considered that whilst the number of residents occupying the buildings would be less than 37 to approximately 20; these would be permanent residents occupying the buildings all year round. The appellant accepted the need for a financial contribution towards the management of the SPA and a commuted sum of £11,530 is therefore sought with the application, to be secured through a Unilateral Undertaking. Natural England raises no objection to the proposal, subject to appropriate mitigation being secured to address recreational disturbance on Pagham Harbour SPA/Ramsar site.

Conclusion

8.29 The proposed scheme, as amended, seeks to: re-position the communal bin store away from the neighbour to the north; provide 490 sq metres of dedicated communal amenity space for the proposed occupants of the 10 residential units; improve privacy for the immediate neighbour with alterations to the height of the northern boundary wall and demarcate the safe route for pedestrians within the site and linking to the access onto the Chichester Road (B2145).

8.30 Based on the above assessment, it is considered that the principle of the change of use of the redundant hostel to open market units is acceptable, having regard to the significant weight afforded to the appeal decision. The development could be undertaken without material harm to highway safety, residential amenity or ecology, subject to appropriate planning conditions, and the detailed design and conversion of these former agricultural barns, is considered acceptable. No objection is raised by statutory consultees. The proposal complies with development plan policies and therefore the application is recommended for approval.

Human Rights

8.31 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 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: 150104/02, 100F, 101, 102A, 103D, 104E, 105F, 106E **and 250117_001**.

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

3) No development shall commence until details of the means of disposal for surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. **In respect of surface water drainage:**

- If there are existing soakaways and a reduction in impermeable area is proposed, no further winter groundwater monitoring or percolation tests will be required.

- If the surface water connection off-site is maintained to the public sewer, the potential for infiltration drainage on-site shall be investigated.

- The detailed design of any new infiltration drainage will need to be supported by winter groundwater and percolation tests. Soakaway design must have the base above the highest groundwater level, and store the 1 in 100 year storm event plus 30% on rainfall intensity without causing flooding.

No dwelling shall be occupied until the surface water drainage, and the proposed on and off site means of foul sewage disposal, have been completed in accordance with the agreed details.

Reason: To ensure satisfactory surface and foul water drainage.

- 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 commencement until details of the location, elevations and floorplan of the external bin store have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use unless and until the bin store has been made available for use in accordance with the approved details and shall be retained for its approved use for the duration of the approved development.

Reason: To ensure that adequate and satisfactory provision for refuse storage

6) Prior to installation of the solar PV panels, details of the panels, including the surfacing treatment and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity.

7) Prior to installation of the external windows and doors, details of the proposed frames, materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity.

8) Construction of the development hereby permitted shall not take place other than between the hours of: 07.30 - 18.00 hours Monday-Friday inclusive; 07.30-13.00 hours Saturdays; and not at all on Sundays or Bank Holidays.

Reason: In the interests of amenity.

9) The development hereby permitted shall not be brought into use unless and until the cycle storage shown on the submitted plan 100 F has been provided on site. Once provided, the cycle storage shall be retained for that purpose.

Reason: To encourage sustainable transport modes.

10) The development hereby permitted shall not be brought into use unless and until the car parking provision shown on the submitted plans has been provided on site **and enclosed by a fence**. Once provided, the parking shall be kept available for that use.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of the adjacent highway.

11) The development hereby permitted shall not be brought into use unless and until the northern boundary wall adjacent to Block C has been reconstructed to a height of 1.8m above ground level. The wall shall be reconstructed in external materials to match the existing wall and maintained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and neighbouring amenity.

12) The development hereby permitted shall not be brought into use unless and until an area of a minimum of 490 sq. metres of communal amenity space has been provided on the land immediately to the east of the barns and to the rear of the static caravans within the red line plan shown on drawing 250117_001, for use by the occupants of the 10 residential units. Prior to occupation of the first dwelling, details of the proposed hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and shall be retained as an amenity space for residents in perpetuity.

Reason: To ensure sufficient amenity space is provided for the occupants of the new dwellings.

13) The development hereby permitted shall not be brought into use unless and until details showing the route within the application site for pedestrians to link to the public highway on Chichester Road (B2145), comprising a demarcated pedestrian footway and zebra crossing has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the first dwelling, the pedestrian link shall be implemented as approved and retained in perpetuity.

Reason: To provide a safe route for pedestrians within the site.

14) No external lighting shall be installed either on the building or anywhere within the site other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. This exclusion shall not prohibit the installation of sensor controlled security lighting which shall be designed and shielded to minimise light spillage beyond the site boundary.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to protect foraging bats in the area.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

15) No works that affect the roof of Barns A, B and C, shall be carried out other than by hand with careful stripping of internal and external roofspace in the presence of an Ecologist. If a bat is found, all works must stop and Natural England consulted.

Reason: In the interests of protecting biodiversity and foraging bats in the area.

16) 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 windows or other openings other than those shown on the plans hereby approved shall be formed in the walls of the development without a grant of planning permission from the Local Planning Authority.

Reason: To protect the amenities of adjoining residential properties and in the interests of visual amenity.

17) 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.

18) The northernmost window at ground floor level in the east elevation of Block C shall be at all times obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level.

Reason: To protect the amenities of adjoining residential properties.

Note: Copies of the Pilkington 'Texture Glass' leaflet are available at the Customer Services reception, East Pallant House, East Pallant, Chichester.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

3) The applicant is advised that in relation to condition 5 above, the external bin store shall be provided in the same position as the bin store consented with application 17/00452/FUL, approximately 45 metres to the east of the application site.

For further information on this application please contact Katherine Rawlins.