

Parish: Tangmere	Ward: Tangmere
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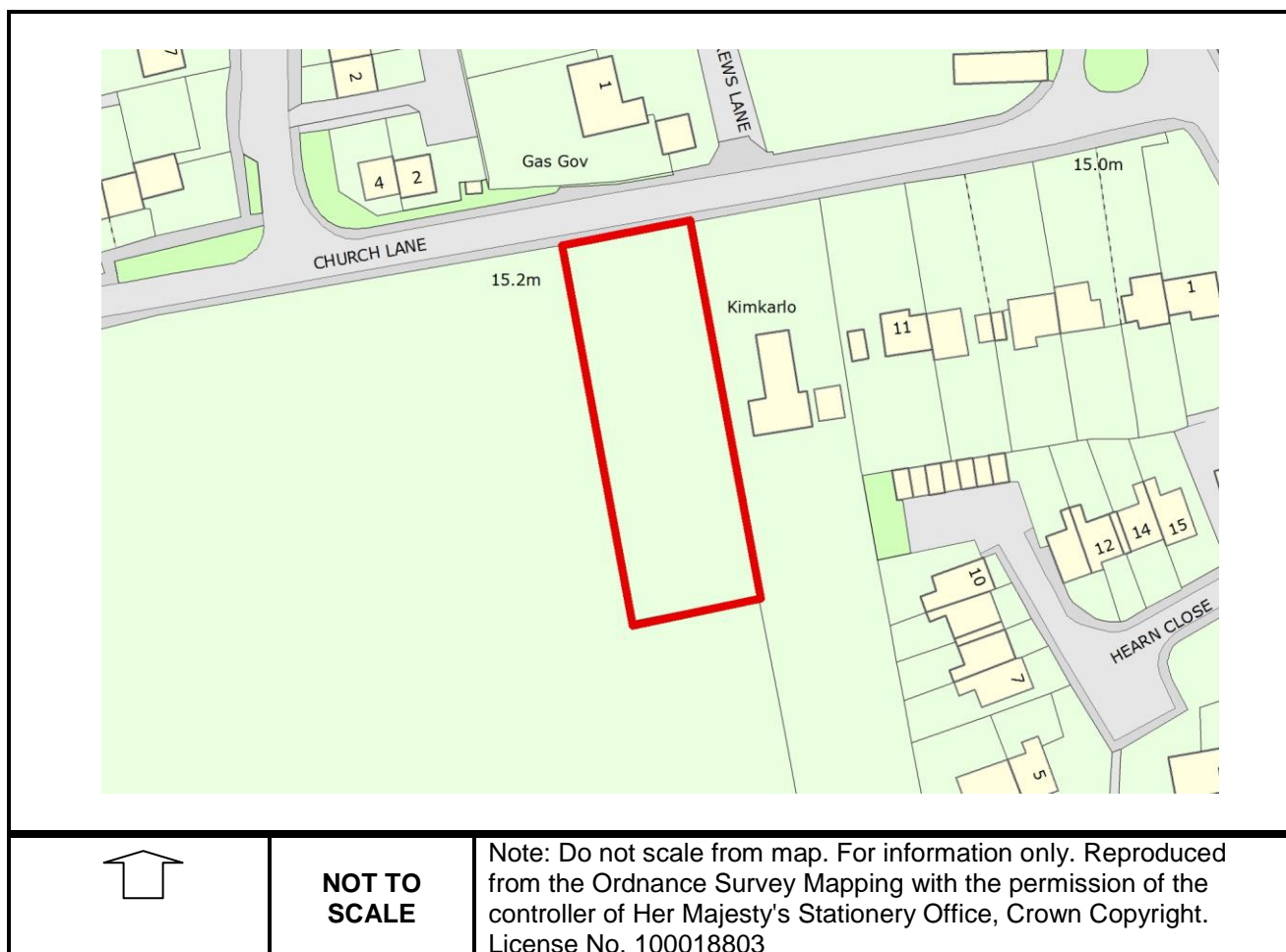
Proposal Erection of 2 no. detached dwellings and new shared car port.

Site Land West Of Kimkarlo Church Lane Tangmere PO20 2EZ

Map Ref (E) 490337 (N) 106146

Applicant Mr J Chatfield

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site lies on the southern side of Church Lane within the village of Tangmere. The site falls within the settlement boundary as defined within the Tangmere Neighbourhood Plan, and the Tangmere Conservation Area is situated to the north of the application site. Residential properties are located to the north and east of the application site whilst to the west and south there is open countryside.

2.2 The site is currently vacant, bounded by a post and rail fence to the north and west, with vegetation on the boundary to the east, the site itself is unkempt with overgrown grass and vegetation within. The neighbouring property to the east is a detached bungalow, and the other properties on the southern side of Church Lane are 2 storey semi-detached dwellings. On the northern side of Church Lane there is residential development comprising a mix of detached and semi-detached 2 storey properties, including a 2 storey detached dwelling directly adjacent to the site. This detached property forms part of a development that extends to the north of Church Lane, and its garage and side boundary wall are positioned alongside Church Lane opposite the application site.

3.0 The Proposal

3.1 The application seeks planning permission for the erection of 2 x 3 bedroom detached dwellings and a shared car port. There would be a central vehicular access into the site serving both properties and a shared parking and turning area. 2 car parking spaces would be provided within the proposed carport with a further 3 car parking spaces in front of the properties. The proposal also includes a cycle store for each property within the rear gardens.

3.2 The proposed dwellings, which would be 2 storeys and finished with a mix of brickwork to the ground floor with hung tiles (plot 1) or timber cladding (plot 2) and to the upper floors. The main ridge of each dwelling would run north to south, and there would be a projection to the side of each property that would be set down from the main ridge and would have a catslide roof. The properties would be handed, and the plot on the western side of the site would be set further back within the plot, providing some variation in the appearance of the dwellings. The dwellings would include a kitchen/dining room and study at the rear with a separate lounge and cloakroom at the front of the property on the ground floor and 3 bedrooms, one with ensuite, and a family bathroom at first floor.

3.3 Each dwelling would measure approximately 7m(h) x 12.8m(d) x 8.4m(w) (maximum dimensions excluding chimney). The proposed car port would measure approximately 5 m (h) x 6.3m (d) x 6.3m (w).

4.0 History

10/03573/OUT

REF

Erection of a single detached dwelling and garage.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	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

Amended Plans

The reason that the council objected was due to two buildings being erected on the site, the amendments have not reduced this number so the council's objections still stand.

Original Plans

Object as it is not in accordance with the Tangmere Neighbourhood Plan as follows - At Annex A, in the report from the Examiner into the TNP, John Slater on page 10 says of this land: 'My conclusion, following my site visit, was that the plot is capable of independent development in line with the existing pattern of development on the South side of Church Lane'. The site should follow the trend of density and scale of development from East to West along the South side of Church Lane toward the open field to the West of the site. The site is adjacent to a Conservation Area and heritage assets.

6.2 WSCC Highways Authority

No objection - subject to provision of separate cycle storage and conditions concerning provision of access, visibility splays, parking and turning spaces and cycle storage.

6.3 CDC Environmental Health Officer

No objection - potential land contamination is low, however given residential is proposed conditions requiring a survey and how to manage unexpected land contamination should be imposed. Construction management condition also recommended.

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 Tangmere Neighbourhood Plan was made on the 16 July 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:

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 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 47: Heritage

Policy 48: Natural Environment

Policy 49: Biodiversity

7.3 Tangmere Neighbourhood Plan:

1: A spatial plan for the parish

10: Design

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) and sections 5, 6 and 12 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 documents are material to the determination of this planning application:

- Surface Water and Foul Drainage Supplementary Planning Document
- CDC Waste Storage and Collection Guidance
- Tangmere Conservation Area Character Appraisal

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:

- 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 the principle of the development and its impact on:

- ii) The character of the surrounding area
- iii) The setting of the conservation area
- iv) The amenity of neighbouring properties
- v) Drainage
- vi) Highway safety
- vii) Other matters

Assessment

i) Principle of development

8.2 The application site lies within the settlement boundary as designated by policy 1 of the Tangmere Neighbourhood Plan (NP), an area where development proposals will be supported provided they are consistent with other policies within the NP. Tangmere is also identified in the adopted Local Plan as a Settlement Hub, a location where new development will reinforce its role as a centre to provide homes alongside workplaces, social and community facilities.

Therefore the principle of the proposed development accords with the presumption in favour of sustainable development within the NPPF, the Chichester Local Plan and the Tangmere Neighbourhood Plan.

8.3 An objection has been received from the Parish Council regarding a conflict with the Neighbourhood Plan. The Parish Council objected to the application as originally submitted citing a comment from the Neighbourhood Plan Inspector that development should 'follow the trend of density and scale of development from East to West along the South side of Church Lane'. In their subsequent comments to the amended plans it is clarified that their objection stands because the proposal remains for 2 dwellings on the site.

It is therefore understood from the Parish Council's comments that it is the number of dwellings proposed on this site, which lies within the settlement boundary that is of concern. There is no reference to this site within the neighbourhood plan, and therefore whilst any new development should meet the requirements of policy 10 (design) which ensures that new development reflects the character of the village in its scale and density, among other considerations, there is no requirement that only 1 dwelling on the site would be acceptable. Therefore the principle of 2 dwellings would not be contrary to the development plan, subject to the consideration of other material considerations set out below.

8.4 It is noted that the Neighbourhood Plan Inspector commented on the need for new development on the site to follow the density and scale of the development on Church Lane, and it is considered that the proposal would, which includes detailed consideration of the pattern of development in the locality and the impact that the proposed dwellings would have upon the character of the area.

ii) Impact upon character of surrounding area

8.5 The NPPF and policy 33 of the Chichester Local Plan seek to ensure that new development adds to the overall quality of the area, and respects its character in terms of the proportions, form, massing, layout, density, height, size and detailed design. Policy 10 of the Tangmere NP states that new development would be supported provided that the design reflects the local character of the village in its scale, density, massing, height, landscape design, layout and materials. The application site lies in a semi-rural location on the edge of the village with open countryside to the west and south and a mix of residential properties to the east and north.

8.6 The land to the south and west forms part of the Tangmere Strategic Development Location, however at this time there is no detailed proposal for the site and the current application has been assessed in the context of the current character and appearance of the surroundings. In addition to the adjoining rural landscape, there is a mix of housing types and styles in close proximity to the site which has changed the character and appearance of the area as the village has grown.

8.7 The proposed dwellings would each be 2 storeys high with the main roof ridges running north to south within the site, and a subservient projection to the side. Plot 1, on the eastern half of the site would have a gable end fronting the street with hung tiles at first floor level and brick elevations to the ground floor. Plot 2, on the western half of the site, would be set slightly further back within the site, and it would have a half-hipped roof to the front and rear and the first floor would feature stained feather edged timber boarding above brick work to match plot 1.

The windows and doors would be white painted timber or upvc and the roof would be tiled. There would be a detached car port with tiled roof above stained feather edge boarding located within the front garden of plot 2 to serve both properties and this would be set away from the boundary to allow for landscaping along the western boundary of the site.

8.8 The surrounding dwellings comprise a mix of detached and semi-detached properties, and whilst the neighbouring property to the east is a detached bungalow, the other properties to the north and south of Church Lane are 2 storey semi-detached dwellings. It is considered that the proposed 2 storey scale, height and form of the proposal would not be contrary to the character of the predominant form of development in the locality.

The plot sizes vary considerably within close proximity to the site, and there are a number of examples of plots of a similar size to the proposal on the southern side of Church Lane and far smaller plots within the development of houses to the north west of the application site. It is therefore considered that the density and layout of the proposed scheme would respect the surrounding development overall despite the plots being smaller than the neighbouring plot to the east. Whilst the proposed buildings would be higher than the neighbouring property to the east, their height, design and appearance would be such that they would not appear incongruous within the streetscene. The manner in which plot 2 would be staggered within the site and clad with timber boarding would also serve to soften the appearance of the development when viewed in the context of the open field to the west.

8.9 The surrounding properties vary in terms of size, mass, density and scale, and it is considered that the layout of the site, the scale and mass of the proposed buildings combined with the proposed materials and detailed design of the proposal, would reflect the materials found within the local vernacular, would ensure that the proposal would re-inforce local distinctiveness, and respond positively to the context of the site and the character of its surroundings. The proposal would therefore meet the requirements of section 7 of the NPPF, policies 33 and 48 of the Chichester Local Plan and policy 10 of the Tangmere Neighbourhood Plan.

iii) Impact upon setting of the Conservation Area

8.10 The Tangmere Conservation Area lies to the north of the application site and does not include the application site and post war housing to the east, although more recent residential development along the northern side of Church Lane is within the conservation area. The area is therefore characterised in this location by a mix of housing ages and styles, including relatively recent developments within the historic core of Tangmere. It is considered that, given the proposed dwellings would be set back from Church Lane (following the pattern of the development along the southern side of the road) and that the proposed form and materials of the proposal would complement the existing form of residential development in the locality; the proposal would not detract from the setting of the Conservation Area. The proposal would therefore comply with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, section 12 of the NPPF and policy 47 of the Chichester Local Plan.

iv) Impact upon the amenity of neighbouring properties

8.11 Policy 33 of the Chichester Local Plan requires new development to protect the amenities of neighbouring properties and one of the core principles of the NPPF is to ensure that design provides a good standard of amenity. The proposed dwellings have been designed to minimise the fenestration on the side elevations, thereby preventing overlooking of the existing dwelling to the east, and also interlooking between the proposed dwellings. Juliet balconies are proposed to the rear elevation of each property; however it is considered that the dwellings are a sufficient distance from their respective boundaries to ensure that this would not result in an unneighbourly relationship. The proposed development would also be a sufficient distance from the dwelling to the east of the site to ensure that the proposal would not result in harm to the occupiers of the dwelling in terms of loss of light or as a result of the building being overbearing. The neighbouring dwellings to the north would sufficiently be distanced from the proposed development to ensure that the proposal would also not have a significant impact upon amenities of those occupiers.

It is therefore considered that the proposed development would meet the requirements of policy 33 in respect of the impact upon the amenity of neighbouring properties.

v) Drainage

8.12 The proposed dwellings would drain their foul water to the Tangmere Wastewater Treatment Works (TWwTW) which has limited headroom until works to increase capacity have been completed in December 2017. However, given the likely build out rates of the strategic sites identified in the Local Plan within the catchment of the TWwTW it is considered that there would be capacity to meet the demands of 2 additional dwellings on the application site at the time they would be constructed. The proposal would therefore comply with the Surface Water and Foul Drainage Supplementary Planning Document which seeks to ensure the proper management of water and that existing infrastructure can cope with an increased demand. It is therefore considered that the use of mains drainage would be acceptable for the proposed development.

vi) Impact upon highway safety

8.13 The proposed development would share an access off Church Lane, with provision for 5 off-street parking spaces and secure cycle parking within stores to the rear of each dwelling. The Highways Authority commented on the original plans and advised that they would have no objection to the proposed development in respect of the impact upon highway safety subject to conditions and provided separate cycle storage was provided, it was also noted that the level of parking was less than the required 5 parking spaces. The scheme has been amended to provide 5 parking spaces and a separate cycle store for each dwelling. It is therefore considered that the proposed development would be provided with sufficient off-street parking and cycle parking to meet the needs of the development. In addition, subject to conditions requiring the provision of the proposed access and turning area areas the proposal would benefit from a safe and adequate access. The proposal would therefore comply with policy 39 in respect of the impact of the development upon highway safety.

vii) Other matters

8.14 The application site is undeveloped at present and overgrown, and therefore whilst there are no known records for protected species on the site it is considered that an informative to ensure the developer is aware of their obligations under the Habitat Regulations should they find any protected species on the site would be appropriate. In addition, there may be land contamination on the site; however this does not represent a constraint to development provided the risk of contaminated is managed by appropriate conditions.

8.15 It is understood that there is a culverted surface water drain located under the verge under the proposed access. In order to ensure that no damage would be caused to the drain the applicant proposes to provide a reinforced concrete raft at the entrance to the site.

Community Infrastructure Levy (CIL)

8.16 This development is liable to pay the Council's CIL charge

Conclusion

8.17 Based on the above it is considered the proposal complies with development plan policies 1, 2, 4, 33, 39, 48 and 49 of the Chichester Local Plan, policies 1 and 10 of the Tangmere Neighbourhood Plan and the NPPF 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

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 be carried out in accordance with the approved plans; 2.04 Rev A, 2.05 and 2.06 (received 13/06/2017)

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

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, glazing surrounds 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** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

5) The 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 or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; 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.

6) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), **the development hereby permitted shall not be first occupied until** the first floor window(s) in the eastern elevation of the plot 1 hereby permitted shall be glazed with obscure glass. It shall be retained at all times and shall not at any time be replaced by clear glazing.

Reason: To protect the privacy of the occupants of the adjoining residential property(ies)

7) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

8) **No part of the development hereby permitted shall be first occupied** until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Church Lane, in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. Once provided the

splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

9) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

10) **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 submitted. 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.

11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. development shall not be first occupied until

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and

ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and

iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy

12) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted Phase 1 Biodiversity Survey dated 20 January 2017 produced by New Forest Ecological Consultants.

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

13) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the first floor elevations of the dwellings hereby permitted, without a grant of planning permission.

Reason: To ensure a sufficient level of amenity for neighbouring occupants and to secure an appropriate setting to the appearance of the Tangmere conservation area.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the car port hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the dwellings hereby permitted.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

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 is advised to contact the Highway Licensing Team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 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 Fjola Stevens