

Parish: Sidlesham	Ward:
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**SI/19/00810/FUL**

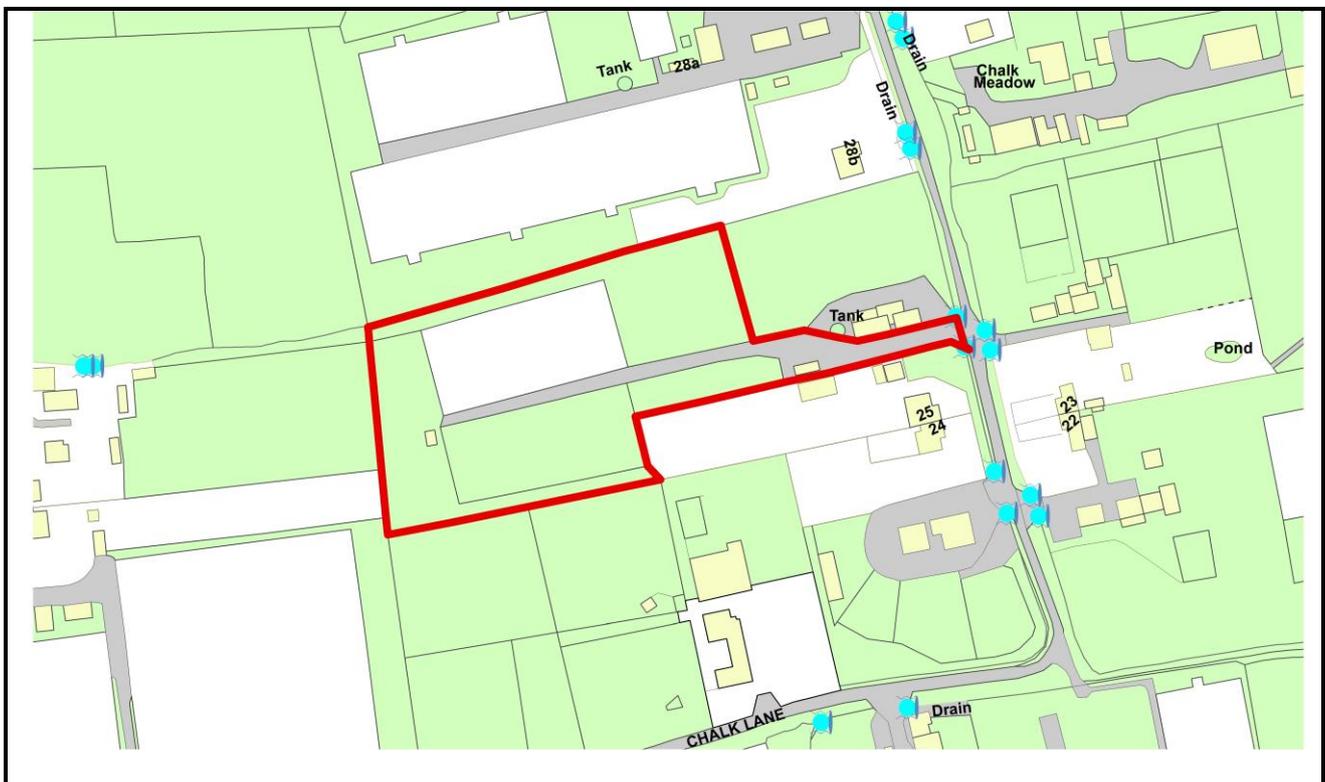
**Proposal** Demolition of existing glasshouse and erection of 1 no. two-storey detached dwelling and car port with associated soft landscaping scheme.

**Site** Windward Nursery Chalk Lane Sidlesham PO20 7LW

**Map Ref** (E) 485137 (N) 97123

**Applicant** Mr Nicholas Swallow

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT**



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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The application site is situated within the rural parish of Sidlesham, outside of any settlement boundary. It comprises the eastern portion of a dog leg shaped parcel of land, covering an area of approximately 1 hectare. Access is achieved from Chalk Lane.

2.2 To the north western part of the site is a glasshouse measuring 65m x 30m, planted with olive trees. The grass around the site is rough, and there are clusters of trees to the east partially screening the glasshouse, and fruit trees to the south of the glasshouse.

2.3 To the north of the application site there is an operational glasshouse and to the south and west paddock land partially screened by trees and hedges. To the east is a builder's business premises/storage yard, with single storey building and associated outdoor storage. The surrounding area is characterised by former Land Settlement Association (LSA) plots predominantly comprising semi-detached dwellings fronting the road with glasshouses to the rear.

## **3.0 The Proposal**

3.1 The application seeks the demolition of the existing glasshouse and construction of a detached one and two storey dwelling to the eastern part of this footprint. The dwelling would be of a somewhat innovative design, with exposed glue laminated (glulam) timber frame and glazed panels set beneath an undulating sedum/zinc roof structure.

3.2 The proposed dwelling would have a footprint of 331sqm, with a height of 6.5m at its highest point. The majority of the accommodation would however be located at ground floor with a height of 4.2m.

3.3 Internally at ground floor it would comprise 3 bedrooms each with ensembles, a large living room and an open plan kitchen/diner/snug, with separate utility and storage space. The first floor would be located to the northern part of the building, comprising of a master suite with outside terrace.

3.4 Access to the site would be from Chalk Lane, utilising the existing access track which leads into the site. A curved permeable entrance drive would be laid, leading to the eastern façade of the house, with a detached garage to the south east of the site.

## **4.0 History**

14/02148/COUPA YESPAR Part 3, Class MB, change of use of part of an agricultural building (glasshouse) into 1no. C3 dwelling house.

14/02950/COUPA	APPRET	Class MB change of use from agricultural to dwellinghouse Class C3.
15/00747/PA3Q	YESPAP	Proposed change of use from agricultural building to 1no. dwelling. (C3 Use Class).
17/03364/FUL	REF	Demolition of an existing glasshouse and erection of a two-storey detached dwelling and machinery store/carport.
18/00805/DOC	REF	Discharge of Conditions 3 and 5 of planning consent SI/15/00747/PA3Q - Schedule of materials and finishes, working drawings and method statement.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	YES- on Chalk Lane
EA Flood Zone	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further comments (18.07.2019)*

Sidlesham PC reconsidered the above Application at its Planning Committee Meeting on 17<sup>th</sup> July 2019. The PC maintains its objection to this Application on the grounds that it considers the greenhouse to be an inadequate structure for conversion. In addition, the PC objects to the design of the building which would not be in keeping with the surrounding area.

*Original comments (16.05.2019)*

Sidlesham Parish Council discussed the above Application at its Planning Committee Meeting on 15th May 2019. The Parish Council objects to the Application. The total area exceeds that of the greenhouse which it partially includes. It does not conform to Class Q legislation in that it will not be built on the footprint of the building it is to replace.

## 6.2 Natural England summarised

No objection

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

## 6.3 CDC Drainage Engineer

Flood risk- the application site is within flood zone 1 and we hold no historic records of flooding. Therefore, we have no objection to the proposed scale or siting of development on flood risk grounds.

Surface water drainage- the application form states that surface water will be disposed of via soakaway. This is acceptable in principle, however winter groundwater levels and infiltration rates must be determined to see if this is achievable in practise.

The proposed residential dwelling must be located at least 3m from the top of bank of ordinary watercourse which runs along the northern boundary of the site. The proposed layout plan should therefore be revised. The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA.

Therefore the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If on-site infiltration is to be utilised, any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soakaway structures for each individual property.

If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s). Ordinary watercourse land drainage consent would be required to discharge to ordinary watercourse.

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100 year critical storm event, plus an additional 40% climate change allowance.

Should the application be approved we recommend the following conditions be applied to ensure the site is adequately drained now and in the future and does not increase flood risk elsewhere:

#### 6.4 CDC Environmental Strategy Officer

*Further comments (17.06.2019)*

Reptiles - We are satisfied with the mitigation proposed within paragraph 5.10 of the Preliminary Ecological Appraisal (June 2018, updated) and for this to be conditioned.

*Original comments 8.05.2019*

Bats - The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m). Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Reptiles - As detailed within the Preliminary Ecological Appraisal (June 2018) there is potential for reptiles to be onsite. Due to this and as recommend within the survey a reptile activity survey needs to be undertaken by a suitably qualified ecologist to determine if reptiles are onsite. If reptiles are found a mitigation strategy will also need to be produced. The mitigation strategy will need to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works. Both the reptile activity survey and the mitigation strategy (if required) will need to be submitted with this application prior to determination.

Nesting Birds - Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Recreational Disturbance - For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

#### 6.5 CDC Senior Conservation and Design Officer

The proposals seek to replace a glasshouse with a new residential dwelling, car port and landscaping. The glasshouse is not of particular architectural merit therefore its loss is not considered to be detrimental to the setting. The proposed design is bespoke and of a high quality which has developed in response to the site and its setting. The design is considered to be innovative in both its form and its sustainable credentials which further add to its positive design attributes.

The dwelling is of a contemporary design with a material palette of timber, glazing, sedum and zinc. All of these materials are of muted tones which will weather well into the countryside setting. The local area is formed of a varied material palette and whilst the proposed materials are not currently characteristic it is not considered that they will be detrimental to the setting. The bespoke contemporary design of the dwelling is in contrast to the more traditional housing types located along Chalk Lane. Given the site is set some distance from the lane this contrast will not form a highly visible addition to the street scene so is unlikely to be detrimental.

The proposed dwelling will have limited visibility from public vantage points. Where it is visible the high design quality is likely to result in an enhancement to the visual amenity of both the site and its setting. Both the scale and form are considered appropriate for the site particularly when compared to the glasshouse and previous scheme permitted under prior approval. Additionally the retention of areas of planting and the use of sedum will assist with the successful integration of the new dwelling into its countryside setting.

It is considered that the resulting dwelling would make a positive contribution to its setting and provide a building of superior design quality in comparison to the fall-back position of the previous scheme permitted under prior approval.

#### 6.6 Third party letters of support

Two third party letters of supporting have been received concerning;

- a) Proposal outstanding architectural merit
- b) Enhance the character of the area

#### 7.0 Planning Policy

##### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Sidlesham at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

Policy 45: Development in the Countryside

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

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

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

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

#### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

a) approving development proposals that accord with an up-to-date development plan without delay; or

b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:  
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or  
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), and 15 (Conserving and enhancing the natural environment), which are relevant to this case.

7.5 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

7.6 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Design and impact on visual amenity and character of the area
- iii) Impact on amenity of neighbouring properties
- iv) Biodiversity and ecological considerations
- v) Drainage
- vi) Other matters

## Assessment

### i) Principle of development

- 8.2 The application seeks planning permission for a new dwelling in the rural area where new residential development would not normally comply with the development plan. However in assessing this application it is important to consider the fall-back position which allows for the provision of a residential unit on the site under permitted development, as set out in the Town and Country Planning (General Permitted Development) Order 2015, as amended. The GPDO, under Part 3, Class Q, permits the change of use of agricultural buildings to residential and any physical alterations to the building to facilitate the change of use. This is subject to the proposal meeting a set of limitations, and also subject to the developer first obtaining prior approval on matters relating to highways, contaminated land, flooding, noise and design issues.
- 8.3 Permitted development rights to allow the conversion of an agricultural building to a residential use were first introduced in May 2013. At that time the Town and Country Planning (General Permitted Development Order) 1995 (now revoked) was amended to include under Part 3, Class MB permitted development rights to change an agricultural building to a dwelling and to carrying out alterations reasonably necessary to facilitate the conversion. No guidance was provided by government about the cumulative extent of works permitted by the order, and the very wording of the legislation, which set out that walls, roof, windows and doors could be replaced, meant that it appeared as though a building could be stripped back to its steel or timber structure and all walls, roofs and windows could be replaced. Subsequently case law and appeal decisions have informed what building types can be considered to be capable of conversion and the extent of the works that can be deemed to be reasonably necessary to convert an agricultural building to residential.
- 8.4 Following the introduction of the new permitted development rights in 2013 the then owner of the application site submitted an approved for prior approval for the part conversion of the steel framed glasshouse from agricultural use to residential use (14/02148/COUPA). This application was assessed against the relevant criterion and prior approval was granted on the 19 August 2014 with officers concluding the glasshouse was in use for agricultural purposes, met the relevant 12 criteria and the 6 prior approval matters.
- 8.5 Following the introduction of the new GPDO in 2015, and because the scheme approved under application 14/02148/COUPA had not yet been implemented, prior approval application 15/00747/PA3Q was submitted. The application again sought prior approval for the conversion of the steel frame glasshouse to a residential unit. At this time there was still limited guidance about the conversion of buildings and substantial rebuilding. The officer's report concluded that 'In terms of the method of construction, and the suitability of the building structurally for conversion, whilst unorthodox, the works appear plausible...'. The decision also took into consideration the fall-back position of 14/02148/COUPA.
- 8.6 The schemes granted prior approval have not been implemented on site, instead the applicants have come forward with an alternative scheme which seeks planning permission for the demolition of the glasshouse and construction of a modern detached dwelling in its place.

The scheme proposes 331sqm of floorspace to match that of the residential floor space permitted under prior approval application 15/00747/PA3Q. In addition, it would be constructed on the footprint and within the red line area as agreed by the prior approval applications.

- 8.7 A decision maker is obliged as a matter of law to have regard to the fall-back position as a material consideration when determining a planning application. The use of permitted development as a *'fall back'* has been qualified by the courts, in *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, the judge found that a fall back development is a material planning consideration for an alternative development scheme, providing it is a *'real prospect'*.
- 8.8 In *Samuel Smith Old Brewery (Tadcaster v Secretary of State for Communities and Local Government, Selby DC and UK Coal Mining Ltd* [2009] J.P.L1326 the court of appeal determined *'In order for a prospect to be a real prospect, it does not have to be probable or likely: a possibility will suffice'* (paragraph 21). Officers conclude on the basis of the case law basis, that the prior approval does represent a relevant fallback position, particularly having regard to the officers assessment as part of 14/02148/COUPA where it was concluded the *'works appear plausible'*.
- 8.9 It is additionally important to assess whether there is any additional harm arising from the new build. It is necessary to question whether the proposed development *'in its implications for impact on the environment, or other relevant planning factors, likely to have implications worse than, or broadly similar to, any use to which the site would or might be put if the proposed development were refused?'*: *R v Secretary of State for the Environment ex p Ahern* [1998].
- 8.10 Whilst the scale and form of the dwelling proposed would be different from the scheme previously permitted under prior approval, the footprint of the proposed dwelling would be contained within the part of the former glasshouse subject to the prior approval applications. The floor area and red line area would also match the schemes previously granted prior approval. Even though the scale and form would be different, the proposal seeks an innovative design, reflecting on characteristics of the glasshouse by constructed a timber frame, with glazing panels (see ii) below). In having regard to *R v Secretary of State for the Environment ex p Ahern* [1998], the proposal would not represent a worse situation than the fall-back position.
- 8.11 A significant number of applications for prior approval have been received for ancillary buildings that form part of LSA plots in Sidlesham, buildings such as potting sheds, stores and chicken sheds. Subsequent applications to provide alternative dwellings on these properties have also been received in a significant number. Generally, the LPA has sought to ensure replacement dwellings in such situations reflect the scale, massing, design and location of the scheme that has been granted prior approval. This is because in terms of the character and appearance of the area it is important to maintain the character of the LSA plots.

There have also been cases where glass houses have not been deemed capable of conversion, whilst others have been deemed capable and indeed have successfully been converted. In this instance it was deemed that the existing glass house would have been capable of conversion, and as addressed below, it is considered that the provision of an alternative form of dwelling on this site would be acceptable in principle because the glasshouse is located to the rear of the site in a well-screened location and therefore the proposed building would not detract from the character of the streetscene or the locality more widely.

8.12 Overall, in having regard to the above cited case law and assessment, the prior approval position on this particular site would represent a relevant fall-back position which must be given weight in the determination of the application. The proposed scheme does not represent a 'worse' situation than the fall-back, indeed it could represent a positive improvement to the visual amenities of the area and site by reason of its innovative design (section ii), wildlife gains (section iv) and sustainability (section v). The principle of development on the site is therefore concluded as being acceptable, subject to the material considerations as outlined below.

ii) Design and impact on visual amenity and character of the area

8.13 Policy 33, 45 and 48 of the CLP seeks to ensure that new residential development is in keeping with the visual amenities and character of the area and would not result in harm to the countryside location.

8.14 The proposal seeks an attractive and somewhat innovative design, informed by the glasshouse and its horticultural context. The footprint of the proposed dwelling would fall within the footprint as approved by the prior approval application; however the form would be different. The premise of the design of the proposed building is to recognise its countryside setting, the former glasshouse and the formal horticultural nursery. It proposes a timber glulam exposed frame, with wooden cladding (silvered), glazing panels and an undulating sedum/zinc roof. The building would be curved and the glulam columns would vary in height to allow the building to merge into the landscape and minimise any landscape impacts. In addition the glulam columns and the glazing set back beneath these, below a sedum/zinc roof, would reduce any light spill into the night skies. A detached garage, echoing the style of the dwelling, with an asymmetric roof is proposed to the south of the residential property.

8.15 Policy 40 of the CLP seeks to ensure that for all new dwellings to achieve high environmental standards. The proposed dwelling seeks to achieve Code for Sustainable Homes level 6. In this code the sustainability of a dwelling is measured against nine categories, including energy and carbon dioxide emissions, water consumption, ecology and waste management. Code 6 is of the highest category, where the applicants intend to achieve a zero carbon home, from sourcing sustainable materials and implementing sustainable means of energy, including ground source heat pumps. The proposal would also seek to provide ecological enhancements to the site by retaining existing planting where possible and planting native species and providing bat boxes and bird boxes within the development.

- 8.16 The design, form, scale, height and materials of the proposed dwelling, combined with its sustainable construction to level 6 code and the ecological benefits, would result in a high standard of design and one which respects and enhances the rural character of the surrounding area and the application site.
- 8.17 The residential curtilage would be retained to the east, as per the red line approved for the prior approval fall-back position. This location would contain the spread of domestic paraphernalia into the countryside and allow it to be closely related to existing developments. It also results in a clear differentiation between the agricultural and residential parts of the site.
- 8.18 The remaining part of the glasshouse would be demolished as part of the overall development of the site, however the olive trees which are still growing would be retained and used as part of the wider landscaping of the site, allowing it to remain as agricultural land.
- 8.19 The site is well screened from the road and public vantage points and the combination of single storey and two storey elements, combined with the innovative, sustainable design, materials and positioning within the site, the proposal would not result in a development with a scale, mass or form which would be harmful to the visual amenities and character of the area. The proposal would therefore comply with policies 1, 33, 45, 48 of the Chichester Local Plan 2014-2029.

iii) Impact on amenity of neighbouring properties

- 8.20 Policy 33 of the Chichester Local Plan requires new development to protect the amenities of neighbouring properties and para 127 of the NPPF seeks to ensure that design provides a good standard of amenity.
- 8.21 The proposed dwelling would be stepped off the boundary to the north by 7.8m and only 2 windows providing light to two bathrooms at first floor level would face north. The shape and form of the roof would partially obscure the views from these windows. The neighbouring property to the north 28B Chalk Lane is located at an oblique angle 85m to the north east and a mature high level (4+) dense hedge provides screening between the two sites and therefore would not result in any unacceptable overlooking impacts.
- 8.22 To the south east the neighbouring property 25 Chalk Lane would be located 95m away and screened by high level fencing and mature trees to the boundary. A first floor terrace area is proposed, however the distance from the neighbours, its orientation and roof form would not result in direct overlooking impacts on the neighbouring properties.
- 8.23 Overall the by reason of the proposals distance, orientation and boundary treatments between neighbouring properties, the proposed dwelling would not result in overlooking or overbearing impacts, and therefore the proposal would accord with policy 33 of the CLP in this respect.

iv) Biodiversity and ecological considerations

- 8.24 Policy 49 of the CLP seeks to ensure the biodiversity value of a site is safeguarded. The accompanying Preliminary Ecological Appraisal identified there was a potential for a reptile habitat on site. The report proposes specific mitigation measures and a precautionary approach to the protection of the reptiles, including the erection of Herras fencing or similar to be installed around the working footprint of the development area, to restrict access by machinery into a suitable reptile habitat. In addition there is the potential for bats in the site and any lighting scheme would need to take into consideration the presence of this protected species. Any trees or vegetation clearance on the site would need to take place outside of the bird breeding season (1st March-1st October).
- 8.25 The proposal seeks to retain, where practically possible the trees and vegetation on site. They additionally propose to enhance the site by developing different habitats to encourage wildlife through landscaping and planting methods. There are also recommended enhancements including the provision of bat boxes and bird boxes within the development scheme to encourage wildlife on the site.
- 8.26 The application site falls within both the Chichester and Langstone Harbours Special Protection Area and the Pagham Harbour Special Protection Area, where under policies 50 and 51 of the Chichester Local Plan, a net increase in new residential development would cause significant impacts on these areas of special protection and require mitigation against their harm.
- 8.27 Officers have undertaken a Habitat Regulation Assessment, screened the proposal and undertaken an Appropriate Assessment as required by Natural England. This concludes that subject to a contribution towards the protection of the bird's species the proposal would not have an adverse impact on the integrity of the European protected site.
- 8.28 The recommendation is to grant a permanent permission and the applicants have agreed to enter into an agreement and pay the required contribution for mitigation measures within the Special Protection Area. As such the proposal would comply with policy 50 and 51 of the Chichester Local Plan 2014-2029.

v) Drainage

- 8.29 Policy 42 of the CLP seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The site is located in flood zone 1 and there are no historic records of flooding. As proposed surface water would be disposed of via a soakaway and this is considered acceptable in principle, subject to winter groundwater monitoring to ensure the design of the surface water drainage scheme would be adequate, and this would be subject to conditions.
- 8.30 It is also proposed to utilise rainwater harvesting and grey water recycling on site. All hard surfacing would be permeable. The proposal would be set back in excess of 3m from the drainage ditch located to the north of the site, so there would not be any resulting impacts on access or development within close proximity to the watercourse.

8.31 Overall the proposal would not be at risk of flooding and subject to conditions regarding surface water details prior to implementation, the proposal would comply with policy 42 of the CLP.

### Conclusion

8.32 Based on the above assessment it is considered the proposal by reason of the fall-back position which exists on the site and its proposed innovative design, form, materials and scale would comply with development plan policies, 1, 33, 45, 47, 48 and therefore the application is recommended for approval subject to a s106 agreement and conditions.

### Human Rights

8.33 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

### **RECOMMENDATION**

**PERMIT WITH S106** 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 plans listed below under the heading "Decided Plans"

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

3) **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.

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) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes of such materials and finishes to be used for external walls, roof, including its finish, the timber frame, rainwater goods, where appropriate fascia's and soffits, 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.

6) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. 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.

7) **No development shall commence on site**, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

8) **No development shall commence on site**, including demolition, until the existing hedgerow to be retained has been protected by a fence providing a landscape buffer 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 plans showing the type and position of all protective fencing. The landscape buffer shall be undisturbed during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: To protect foraging areas for bats and in the interests of preserving the visual amenities of the area. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

9) **No development shall commence on site**, until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate a water efficiency standard of 110 litres or less per person per day. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission

10) Notwithstanding the approved plans, no window or door shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the windows and doors in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

11) **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.

12) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with the details as shown on plan 1505-PA-019-00 FLR Rev A. 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.

13) 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.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

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

14) **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.

15) 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

16) 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 Preliminary Ecological Appraisal by CT Ecology dated 25th June 2018.

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.

17) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

18) 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 building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwelling house and for no other purpose.

Reason: To maintain planning control in the interests of amenity of the site.

19) Notwithstanding the provisions of Part 2 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 fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas shown on the approved plans.

Reason: To secure the long term retention of the open/amenity areas.

20) 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-H; 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 to secure the architectural design of the dwelling.

21) 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 dwelling hereby permitted without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area, to secure the high quality design and prevent light pollution into the rural area

22) No external lighting shall be installed either on the building or anywhere within the site without consent from 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 of this rural location and protection of bats.

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - Proposed North Elevation (A1)	1505-PA-015		19.03.2019	Approved
PLAN - Proposed East Elevation (A1)	1505-PA-016		19.03.2019	Approved
PLAN - Proposed West Elevation (A1)	1505-PA-017		19.03.2019	Approved
PLAN - Proposed South Elevation (A1)	1505-PA-014		19.03.2019	Approved

PLAN - Location and Block Plans (A1)	1505-PA-018		19.03.2019	Approved
PLAN -	1505-PA-001		27.06.2019	Approved
PLAN -	1505-PA-022	A	27.06.2019	Approved
PLAN -	1505-PA-024		27.06.2019	Approved
PLAN -	1505-PA-001		08.04.2019	Approved

## 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) S106

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

4) The applicants attention is respectfully drawn towards the comments of the Councils Drainage Engineer of the 29th April 2019 regarding surface water drainage and the surface water drainage proposal checklist  
<http://www.chichester.gov.uk/landdrainage>

5) 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](mailto: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 on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=POLSXLERISY00>