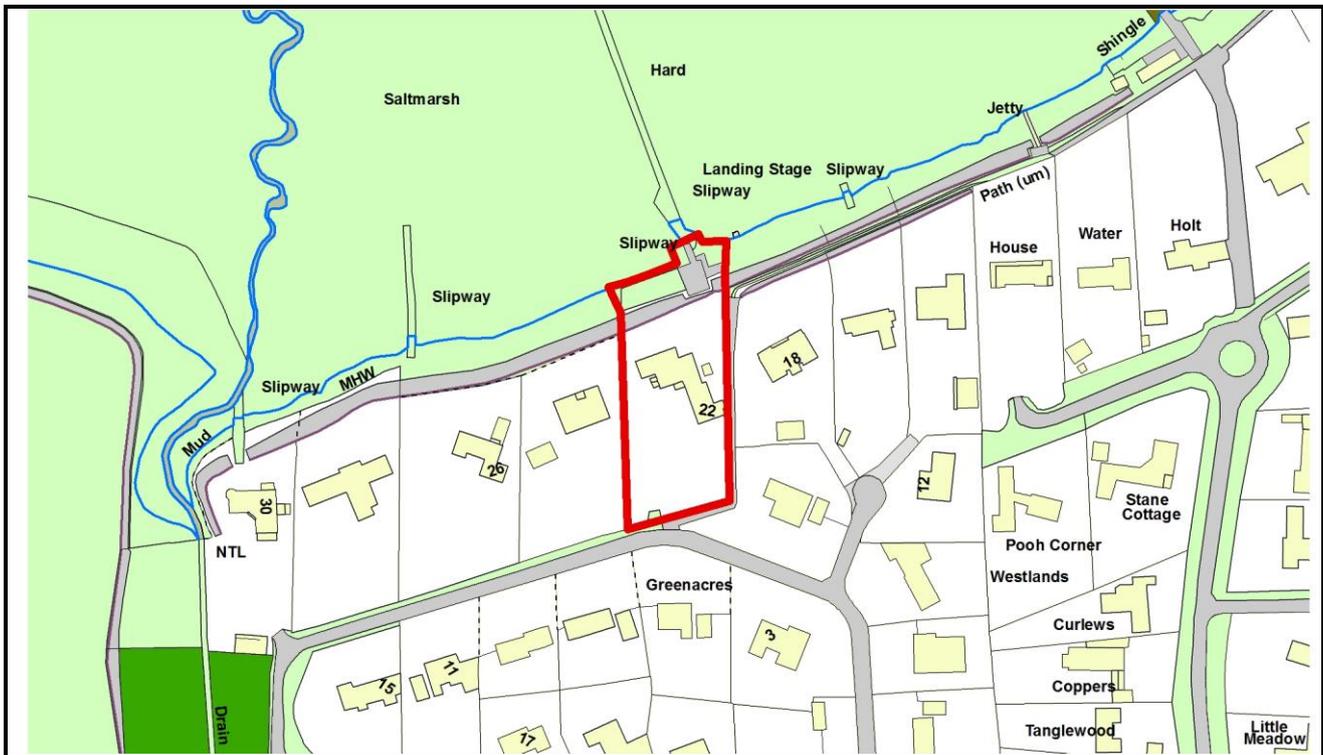


Parish: Birdham	Ward: The Witterings
--------------------	-------------------------

BI/19/01408/FUL

Proposal	Demolition of existing dwelling and construction of a new dwelling, detached garage with annex accommodation, swimming pool, boat house and workshop.		
Site	Harbour House 22 Greenacres Birdham PO20 7HL		
Map Ref	(E) 481681 (N) 100666		
Applicant	Mr Andy Fitzgerald	Agent	Mr Andy Young

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
---	----------------------------	--

1.0 Reason for Committee Referral

1.1 Parish Council Objection – Officer recommends Permit.

2.0 The Site and Surroundings

- 2.1 The application site lies on the northern side of Greenacres, directly adjacent to Chichester Harbour. The site is situated within the Chichester Harbour Area of Outstanding Natural Beauty (AONB) and within the countryside, due north-east of the Birdham Settlement Boundary; albeit surrounded by residential properties. Development within the locality is varied with regards to form, style and materials. The existing property on the application site is a two storey residential dwelling with an indoor swimming pool, integral garage and an annexe extension. The property is constructed from white painted brick work, render and boarding, with slate roof tiles and uPVC fenestration. The site is bordered by a tall boundary of mature planting which provides a good degree of screening from the road and neighbouring properties. The rear garden slopes steeply downward to join the water's edge.
- 2.2 The site is predominantly within Flood Zone 1, although a small section of the northern part of the site is within Flood Zones 2 and 3. Immediately to the north of the site is the designated Chichester and Langstone Harbours Special Protection Area (SPA) and SSSI. There are no constraints with regards to heritage or protected trees.

3.0 Proposal

- 3.1 The application seeks planning permission to demolish the existing dwelling and attached annexe and replace with a new dwelling within the centre of the site, detached garage/annexe and outdoor pool within the southern part of the site, and detached boat house and workshop buildings to the northern part of the site adjacent to the harbour.
- 3.2 Additional works include the replacement of an iron gate with a timber access gate, parking area to the front, landscaping, and embankment alterations.
- 3.3 The application has been amended to incorporate a minor reduction in width/bulk, design tweaks and clarification of elements of the scheme through additional information.

4.0 History

10/01041/DOM	PER	Two storey front extension. Single storey rear extension. New and replacement garage/workshop. Associated works and landscaping.
10/04721/DOM	PER	Amendment to the design approved under BI/10/01041/DOM to add a single storey side extension, a dormer and rooflights.

11/02113/FUL	PER	Demolition of existing house, construction of a replacement dwelling and garage and associated landscaping.
11/05063/FUL	ART25	Variation of condition 7 from planning permission BI/11/02113/FUL to allow garage to be built prior to the house being demolished, together with retaining any recyclable materials resulting from the demolition of the house thereafter covered within condition number 7.
13/02832/DOM	PER	Renewal of planning permission BI/10/04721/DOM for extensions and alterations to existing house and garage.
13/03967/FUL	PER	Demolition of existing house, construction of a replacement dwelling and garage and associated landscaping.
16/02806/DOM	PER	Proposed extensions and alterations to existing house and garage.
16/04009/FUL	PER	Renewal of permission BI/13/03967/FUL. Replacement dwelling and garage and associated landscaping.
19/00692/PREOT	ADVGIV	Replacement dwelling and annexe.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	1, 2 & 3
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council OBJECTS to this application. The mass of the development including the amount of, what appears to be reflective, glass will have a detrimental impact to the Harbour and the AONB and is likely to impact on the flight path of birds and bats. In addition the light pollution from the development, unless properly managed, will be in conflict with the Harbour Conservancy Guidelines.

Should CDC be minded to grant permission the Parish Council would request stringent conditions be applied to prevent light pollution and the retention of annexes as ancillary to the main house with the prevention of the ancillary accommodation being disposed of as a separate dwelling.

6.2 Environment Agency

The Environment Agency requests that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority. The proposed development will only meet the National Planning Policy Framework's requirements if the following planning condition is included.

Condition:

The development shall be carried out in accordance with the flood risk assessment (submitted within the design and access statement, May 2019) and the following mitigation measure it details:

Finished floor levels shall be set no lower than existing within the main dwelling

The boat house and workshop shall implement mitigation measures that include raising electrics, incorporating flood resilient design and materials and installing floor barriers on all doors

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

Advice to LPA/applicant:

We strongly recommend the use of flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

Department for Communities and Local Government: Preparing for floods

<http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>

Department for Communities and Local Government: Improving the flood performance of new buildings:

<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

6.3 Natural England (summarised)

We consider that without appropriate mitigation the application would have an adverse effect on the integrity of Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Solent Maritime Special Area of Conservation (SAC) <https://designatedsites.naturalengland.org.uk/>.

Due to the proximity of the application site to the SPA/Ramsar/SAC, impacts during construction are possible, and should be mitigated. If this application will result in a net increase in residential accommodation, impacts to the SPA/Ramsar may result from increased recreational disturbance.

Your authority has measures in place to manage recreational disturbance through the agreed strategic solution which we consider to be ecologically sound. 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 SPA/Ramsar.

Notwithstanding this, Natural England's advice is that this proposed development, and the application of construction and recreational disturbance mitigation measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

6.4 WSSC Highways (summarised)

It should be noted that Greenacres is a privately maintained road, consequently these comments are for your advice only. Greenacres gains access to the maintained highway network at an established access point with Westlands Lane which is unclassified road subject to 60mph speed limit. This proposal is not anticipated to result in a material intensification of use of the existing junction with the maintained highway network given that there is already a significant number of residential dwellings using this point of access.

The existing access point onto Greenacres remains to be used as previously. The eastern access point onto Westlands Lane has restricted visibility splays due to the posted speed limit of 60mph.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access would not operate safely.

Onsite parking provision is proposed to serve the new dwellings. The total number of proposed parking spaces as stated in the application form is 6. This number seems to be sufficient and complies with our parking demand calculator (PDC) (updated August 2019). The proposed level 00 plan indicates that the garage has a capacity to serve two vehicles. I note that the garage spaces do not meet WSCC standards of 3m x 6m per garage, however given the size of the turning area, it is anticipated that there will be sufficient space for the vehicles to park and exit in a forward gear. Cycle storage can be accommodated within the garage building.

Conclusion:

The LHA does not consider that this proposal would have an unacceptable impact on Highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

Recommended conditions:

Car parking space and cycle parking.

6.5 WSCC Public Rights of Way (summarised)

Public Right of Way (PROW) FP 37 runs on the eastern boundary to this proposed application and has the legal status of a public footpath. It is not directly affected by this application however, given its close proximity we would like to submit comments for the applicants' information and consideration.

6.6 CDC Drainage Officer

Flood Risk: Parts of the site fall within flood zone 2/3 (moderate/high risk) but the new habitable dwelling is wholly within flood zone 1 (low risk). Therefore we have no objection to the proposed use, scale or location on flood risk grounds. We do fully support the Environment Agency's comments regarding the provision of resilience measures, and although matching existing FFLs would be acceptable, we would also suggest they consider exceeding the 1 in 200yr event for 2115 (4.6m AOD) to ensure the property is resilient for the lifetime of the development.

Surface Water Drainage: The proposed means of surface water drainage selected in their application is "soakaway" or "Sustainable Drainage System". This approach is acceptable in principle and should be designed and constructed to meet building regulations.

6.7 CDC Environment Officer

Chichester Harbour SPA - Due to the sites location adjacent to Chichester and Langstone Harbour SPA there will be some temporary indirect impacts on the designated site which have been addressed within the Preliminary Ecological Appraisal Bat Roost Assessment Survey (Jan 2019). The report looks at the impacts of noise, dust, lighting, chemical and fuel storage, fencing on the site. We are satisfied that the proposed mitigation is suitable and a condition should be used to ensure this takes place.

Over Wintering Birds - Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October to Feb) to ensure they are not disturbed by any increase in noise and dust.

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.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Reptiles - We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Nesting Birds - Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

We require that a 1 x sparrow terrace, 3 x swift boxes and 1 x schwegler 17 triple chamber external box are installed onsite as detailed within table 7 of the Preliminary Ecological Appraisal Bat Roost Assessment Survey (Jan 2019).

6.8 Chichester Harbour Conservancy

Objection: excessive mass and disproportionate amount of unrelieved, full-length glazing presenting itself to the Harbour. The boat store and workshop at the lower level compounds this impact. Use of rooflights over 'formal lounge' element not supported, being contrary to Policy 5 of the Neighbourhood Plan the Conservancy's planning principle 9, which seek to ensure 'dark skies' in remoter, rural parts of the AONB

6.9 Third party objection letters

2 letters of objection has been received concerning the following;

- a) overlooking from roof of annexe/gym to their property
- b) the roof/number of opening for the annexe/gym to be excessive
- c) amended plans do not address their concerns relating to overlooking and gym roof dormer
- d) states no objection to the rest of the proposal

6.10 Third party letters of support

3 letters of support have been received concerning the following;

- a) considers the existing house to be unattractive and the proposal to be an improved design
- b) suggests the proposal to be more appropriate than the extant permission for a replacement
- c) considers the concreted area to the site's waterside frontage to be visually unattractive
- d) suggests the store, workshop and landscaping would enhance the appearance of the site
- e) suggests the design is in-keeping with the area and surrounding houses
- f) does not consider the proposal to result in greater light pollution
- g) points out the waterside elevation of the neighbouring house is entirely glazed
- h) suggests great care has been taken in appropriately designing the scheme
- i) does not consider the amount of glazing or potential lightspill to impact upon birds/bats
- j) supports the application providing windows in eastern elevation are obscured glazed

6.11 Third party other comments

1 letter neighbour objecting or supporting the proposal has been received, and concerns the following;

- a) wishes clarification over change in glazing between existing and proposed
- b) seeks confirmation over whether a site notice should be put up

7.0 Planning Policy

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans.

Chichester Local Plan: Key Policies 2014-2029

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 & Settlement Hierarchy

Policy 6: Neighbourhood Development Plan

Policy 39: Transport, Accessibility & Parking

Policy 40: Sustainable Design & Construction

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour AONB

Policy 44: Development Around the Coast

Policy 45: Development in the Countryside

Policy 47: Heritage & Design

Policy 48: Natural Environment

Policy 49: Biodiversity

Policy 50: Chi and Langstone SPA

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) 2019.

7.4 Section 2 (Achieving sustainable development), paragraphs 10 and 11 state:

"So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development..."

"...For decision-taking this means:

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

d) 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."

7.5 Section 4 (Decision making), Section 12 (Achieving well designed places), Section 14 (Meeting the challenge of climate change, flooding and coastal change), and Section 15 (Conserving and enhancing the natural environment) should also be considered generally.

Neighbourhood Plan

7.6 The following policies are relevant from the Birdham Neighbourhood Plan 2014-2029:

Policy 3 - Habitat Sites

Policy 4 - Landscape Character and Important Views

Policy 5 - Light Pollution

Policy 6 - Biodiversity

Policy 10 - Footpaths & Cycle Paths

Policy 13 - Settlement Boundary

Policy 15 - Rural Area Policy

Policy 20 - Surface Water Run-off

Other Local Policy and Guidance

- CDC Design Guidelines for Alterations to Dwellings and Extensions 2009
- The Chichester Harbour AONB Joint SPD 2017
- The Chichester Harbour Management Plan 2019-2024
- The Chichester Harbour Planning Principles 2019
- Surface Water and Foul Drainage SPD 2016

7.8 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:

- Maintain low levels of unemployment in the district
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

- i) Principle of development
- ii) Design, scale, character and impact on the AONB and countryside
- iii) Amenity of neighbouring properties
- iv) Ecology and biodiversity
- v) Highways and parking
- vi) Flood risk and drainage
- vii) Other matters

Assessment

i) Principle of development

8.2 The application site comprises an existing lawful dwelling and residential curtilage. The principle of residential alterations, extensions or replacement is accepted under Local Plan Policy 33. Furthermore, the principle has previously been established under the extant planning consent, 16/04009/FUL, and other prior consents for replacement dwellings at the site.

ii) Design, scale, character and impact on the AONB and countryside

8.3 The scale and massing of the proposed built form is not considered to be excessive, and is comparable to the previous scheme with extant consent. Silhouette comparison diagrams have been submitted, in addition to elevation and glazing comparisons between the current proposals, existing house and previous permission. The changes between the main house with regards to massing/silhouettes and glazing are outlined in the below tables:

	Existing	Proposed	% Change
North/Waterfront Silhouette	128 sq m	119 sq m	-9%
West/Side View Silhouette	124 sq m	170 sq m	+37%
North/Waterfront Glazing (excluding louvres)	44.5 sq m	37 sq m	-17%
North/Waterfront Glazing (including louvres)	44.5 sq m	59 sq m	+33%
Footprint	292 sq m	280 sq m	-4%

	Extant Scheme	Proposed	% Change
North/Waterfront Silhouette	162 sq m	119 sq m	-27%
West/Side View Silhouette	156 sq m	170 sq m	+9%
North/Waterfront Glazing (excluding louvres)	38 sq m	37 sq m	-3%
North/Waterfront Glazing (including louvres)	38 sq m	59 sq m	+55%
Footprint	342 sq m	280 sq m	-18%

8.4 The comparisons show that there will be only a modest increase in silhouette from the existing house, and an overall decrease in comparison to the extant scheme. Crucially, there would be a reduction in silhouette when viewed from the north and south sides; the water and street scene. Given this, and the increase in bulk being limited to the sides of the dwelling whereby any views/perception are more limited, the massing and bulk of the proposal is considered to be acceptable. With regards to glazing and reflective surfaces, there would be an overall modest increase in glazing in comparison to both the existing and previously approved houses. However, measures have been proposed to reduce the reflectiveness of the glass and to break up the glazing; including using protruding and angled wooden louvres, recessing much of the glazing and using overhanging built form, utilising automatically closing blinds within rooflights, and installing shutter doors on all the outbuilding openings.

The latter would also ensure the proposal complies with the dark skies policy enshrined within the AONB Planning Principles. Taking this into account, there would be a reduction in the amount of standard glazing visible. Conditions are proposed to ensure the rooflight blinds are maintained in perpetuity and PD rights are removed in relation to further future additions, including windows.

- 8.5 It is acknowledged that the comparisons do not take into account the annexe building or workshop and boat store at the waterfront. However, the previously approved scheme also contained a larger annexe and the other two outbuildings would not significantly rise above the existing concrete wall and hardstanding embankment, and so would be below the main ground level of the site. The two outbuildings at the water's edge are of high quality design and would replace unsympathetic hardstanding with a modest built form and improved soft landscaping; including the use of green roofs for both structures. Similarly, the proposed annexe is in a similar location to a previously approved annexe and considered to be of appropriate scale and design, complementing that of the main house.
- 8.6 With regards to the design, scale and general appearance of the proposal, the scheme utilises a contemporary design and form but with predominantly traditional materials such as timber, flint and stonework, and slate roof; all of which are appropriate within the context of the AONB and countryside and in accordance with local guidance. Some more modern features are also included such as solar panelling, glass balustrade, sail canopy feature, zinc windows and aluminium trim. However, these are considered to be sensitively integrated into the buildings, appropriately finished utilising dulled metal and powder coating, and solar panels that would sit flush to the roof. Although a reasonable level of detail has been provided in relation to the material, it is considered that a condition should be attached requiring more specific details and samples of all materials prior to commencement, due to the prominent location of the site and AONB designation. On balance, the proposal is considered to be of high quality and an improvement in relation to both the existing house and the extant permission.
- 8.7 It is noted that the Parish Council and Harbour Conservancy have objected to the application on the grounds of massing, extent of glazing and use of rooflights conflicting with dark skies policy. Since submission, the scheme has been amended to address each of these concerns, including reducing the amount of glazing and slightly reducing the massing at the northern side, which overlooks the water, and by including automatically closing dusk till dawn blinds within all rooflights to reduce lightspill.
- 8.8 The proposal is therefore considered to be of an acceptable scale, form and design, and would improve the appearance of the site and consequently the character of the surrounding area and AONB. Thus, the proposed development complies with Local Plan Policies 33, 43, 44, 45, 47 and 48, Neighbourhood Plan Policies 4, 5 and 15, and the relevant sections of the NPPF.

iii) Amenity of neighbouring properties

- 8.9 The immediate neighbouring dwellings to the application site are 24 Greenacres to the west, and 18 and 20 Greenacres to the north-east and south-east respectively. The proposed house and annexe are located in similar positions to the existing and previously approved buildings on the site, with good separation distance to boundaries and neighbouring dwellings. No first floor windows on the western side elevation are within close proximity to the western boundary and there would be no significant impact on the privacy, outlook or light levels of 24 Greenacres. All main windows at first floor level on the eastern sides of the house and annexe are either obscure glazed or high level, and a condition is recommended to ensure these remain as such. Therefore, there would be no overlooking from the windows to the neighbouring 18 and 20 Greenacres.
- 8.10 A roof terrace is proposed within the centre of the site and bounded by taller built form to the east and west; thus negating any possibility of overlooking to adjacent dwellings and gardens. Given the scale of development, siting, nature of the roof terrace, appropriate glazing and boundary treatments, there is not considered to be any material impact to the amenity of neighbouring residents; thus according with Local Plan Policy 33.

iv) Ecology and biodiversity

- 8.11 Given the site's proximity to the adjacent SPA/SSSI, and the nature of the proposal including the scope of demolition and construction works, careful consideration needs to be given to ensure no protected species are harmed, and no winter nesting birds are disturbed. Information has been submitted in the form of Bat Emergence Surveys, Preliminary Ecological Appraisal (PEA) and Bat Roost Assessment; including mitigation measures. The Council's Environment Officer was consulted and considers the PEA sufficiently identifies and addresses the relevant issues and that mitigation measures are appropriate and should be conditioned. Further conditions are also recommended including ensuring construction takes place outside the winter months to avoid disturbance to the winter nesting birds, requiring an Ecologist to be present for any summer clearance of the site, enhancements through installation of bird and bat boxes, and limitation of lighting.
- 8.12 Subject to the development following the PEA recommendations and mitigation measures, which can be secured via condition, and inclusion of other relevant conditions, the proposal is considered to preserve nearby protected species and habitats and enhance biodiversity within the site; thus according with Local Plan Policy 49 and Neighbourhood Plan Policy 3.
- 8.13 The proposal would not result in a net increase in residential dwellings, with the scheme being limited to a replacement of a single dwelling with a single dwelling. Therefore, there would not be a material increase in residents and consequently no material increase in potential recreational users within the SPA due to the proposal. As a result, and in accordance with Local Plan Policy 50 and local guidance, there is not a need to provide mitigation against recreational disturbance to the SPA.

v) Highways and parking

8.14 There is no change to the site's access arrangements, parking within the site remains adequate, and the proposed replacement dwelling is not considered to materially impact upon the transport network with regards to vehicle movements. The Local Highways Authority has been consulted and raised no objection to the proposal, but suggested conditions in relation to car and cycle parking.

8.15 The County's PROW Officer was consulted and stated they do not consider the proposed development would directly impact on the adjacent PROW. Some concerns were raised in relation to utilities, drainage, fencing and obstruction of the footpath. However, there is room within the large site for all construction, vehicles and storage of materials, which can be conditioned. Utilities are in place already and drainage is dealt with separately, and would nevertheless not drain outside the site. Existing boundaries are to be retained and would therefore not change the enclosure or enjoyment the users of the PROW.

8.16 The proposal is therefore considered acceptable in highways terms, would not impact upon highway safety or vehicle movements, provides adequate parking within the site, and would not be to the detriment of the adjacent PROW; thus according with Local Plan Policy and Neighbourhood Plan Policy 10.

vi) Flood risk and drainage

8.17 The site is predominantly within Flood Zone 1, with only the northernmost section being within Flood Zones 2 and 3. The house and annexe are entirely within Flood Zone 1 and therefore appropriately sited. The proposed boat store and workshop are, however, situated partly within the areas at greater risk of flooding. Given these are modest ancillary building and a boat store is appropriate close to the water and within a flood zone, and the existing site is already a predominantly hardstanding embankment, the siting of these buildings within Flood Zones 2 and 3 is not unacceptable in principle.

8.18 Mitigation is proposed to ensure there is no significant risk to users, such as use of flood barriers and installation of electrics at high level. A condition is recommended to ensure these buildings remain ancillary and do not contain any habitable accommodation. Both the Environment Agency and the Council's Drainage Officer were consulted and raised no objections subject to conditions. No concerns were raised with regards to drainage. The proposal is therefore considered to be acceptable in terms of drainage and flood risk and in compliance with Local Plan Policy 42 and Neighbourhood Plan Policy 20.

vii) Other matters

8.19 The objection comments have been addressed above in full. With regards to the neutral comments in relation to display of a site notice and clarification of glazing increase, a site notice was displayed (the third party was contacted to inform them of this), and the glazing issue is addressed above.

8.20 The previously approved application, 16/04009/FUL, and more recent pre-app advice are material considerations and support the recommendation to permit.

9.0 Conclusion

9.1 The proposal is considered to be of high quality design and an appropriate scale and form which would preserve and enhance the special character and appearance of the AONB and rural character of the countryside. There are no detrimental impacts with regards to neighbouring amenity or highway safety, and the proposal provides adequate mitigation against flood risk and potential ecological impacts. The application is therefore acceptable and in accordance with local and national development plans.

9.2 There are not considered to be any other material considerations which would outweigh the conclusion.

Human rights

9.3 In reaching this conclusion, the human rights of the applicants and nearby occupiers have been taken into account and it is deemed 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 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 plans listed below under the heading "Decided Plans"

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

3) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of construction (including demolition) and delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should be restricted
- i) waste management and litter control, including prohibiting burning of materials/waste

Reason: In the interests of highway safety and 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.

4) Notwithstanding any details submitted, no development shall commence until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings 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, and given the sensitive and prominent location within the AONB.

5) No development shall commence 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. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. 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.

6) The development hereby approved shall not be first occupied until all existing buildings/outbuildings currently on the site have been removed in their entirety.

Reason: To comply with the permission, to avoid the proliferation of structures on the site and in the interests of the visual amenity of the site, and to preserve the character and appearance of the AONB.

7) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and in particular shall include details of the embankment treatment at the northern section of the site. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

8) Prior to first occupation of the dwelling hereby approved all windows labelled 'OG' or obscure glazed on the elevation plans shall be 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, and shall be retained as such thereafter.

Reason: To ensure a satisfactory level of privacy and amenity for neighbouring dwellings and future occupiers of the approved dwellings.

9) Prior to first occupation of the dwelling hereby approved, all rooflights on all buildings shall have installed automatic dusk till dawn blinds which shall be retained and maintained to an operational manner in perpetuity.

Reason: In accordance with dark skies policy, and to preserve the special character of the AONB and tranquil character of the countryside.

10) The development hereby approved shall not be first occupied until the internal parking and turning area has been provided in accordance with the approved Proposed Site Plan. Thereafter the access, car parking and turning facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure adequate access and parking provision, and to allow for vehicles to turn and exit the site in a forward gear; in the interests of highway safety.

11) The development shall be carried out in strict accordance with the mitigation and enhancement measures outlined within the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey document, dated January 2019, and the Bat Emergence and Re-Entry Surveys document dated June 2019.

The following additional mitigation measures shall also be strictly adhered to at all times:

- i) No demolition or construction shall be carried out between the months of October to February (inclusive)
- ii) Any works to or clearance of vegetation shall be carried out in the presence of and following the instruction of a qualified Ecologist if during the months of March to August (inclusive)
- iii) Any removal of scrub, grassland or ruderal vegetation is to be done with a two phased cut.

All enhancement measures shall be implemented in full prior to the first occupation of the dwelling hereby permitted.

Reason: In order to preserve protected species and their habitats and enhance biodiversity within the site.

12) The development shall be carried out in accordance with the Flood Risk Assessment (submitted within the Design and Access Statement dated May 2019) and the following mitigation measures shall be implemented:

- i) Finished floor levels of the main house hereby approved shall be set no lower than the floor levels of the existing house
- ii) Electrical sockets and cables shall be situated at least 450mm above internal ground level within all buildings hereby approved
- iii) The boathouse and workshop buildings shall include floor barriers on all doors
- iv) Tanking and waterproof membrane system and rigid insulation incorporated to new solid slab for the boathouse and workshop buildings
- v) The boathouse and workshop buildings shall at no time be used as sleeping accommodation or for habitable rooms.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

13) All new hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces to a permeable or porous surface within the site, and thereafter shall be maintained as such in perpetuity.

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

14) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Classes A, B, C and E; of Part 1 Schedule 2 shall be erected, installed 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 AONB, preserve protected species and biodiversity, and to prevent overdevelopment of the site.

15) 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 annexe and all outbuildings hereby permitted shall be restricted to use as ancillary accommodation, boat store and workshop to the dwelling known as 'Harbour House' or '22 Greenacres', and for no other purposes.

Reason: To safeguard the amenities of neighbouring properties and surrounding area, and ensure the annexe and outbuildings are not used as separate dwellings without proper consideration.

16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external illumination on the buildings hereby permitted or the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Any scheme shall include details of the location, design, level of luminance and the measures proposed to minimise light spillage. Thereafter the lighting shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the rural character of the surrounding area, the AONB, and the habitat of wildlife within the site and its surroundings; in particular protected bats.

Decided Plans

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 -	H1198 - 2		28.05.2019	Approved
PLAN -	H1198 - 1		28.05.2019	Approved
PLANS - Plans PLAN -	177/2.901 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/2.905		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.001 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.102 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.103 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.201 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.202 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.210 REV 02		22.08.2019	Approved
PLANS - Plans PLAN -	177/4.211 REV 02		22.08.2019	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) 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) Surface water drainage should be designed and constructed to meet building regulations.

4) The onus is on the applicant to ensure that at no time should the adjacent Public Right of Way (PROW) be obstructed or affected by the works involved in the demolition or construction process, and regard must be had to the following advice from West Sussex County Council (WSSC).

The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW); this can only be done with the prior consent of West Sussex County Council (WSSC), as highway authority, and possibly also a legal Order process by Chichester District Council as the local planning authority. Further advice can be provided on request.

The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSSC PROW Team.

Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

It appears the proposed development will not affect the PROW that runs adjacent to it; however, it is considered the development will have a detrimental impact on path users' (safety / convenience / enjoyment). For example, close board fencing is often proposed immediately adjacent to a path, which creates a potential social misuse problem; it also reduces path users' enjoyment by creating a darkened, tunnel-like environment. The applicant and planning authority are strongly encouraged to consider mitigation, which could be to change the fencing or increase the path width.

The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed.

Where it is necessary to undertake works within the legal width of a PROW, e.g. install utilities, (or for development works immediately adjacent to a PROW that cannot reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved; that a minimum of 2 weeks is needed to consider an application.

Some properties have private rights over them for the benefit of a particular individual or property; for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access; the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

For further information on this application please contact James Gellini on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS3NIEERLCZ00>