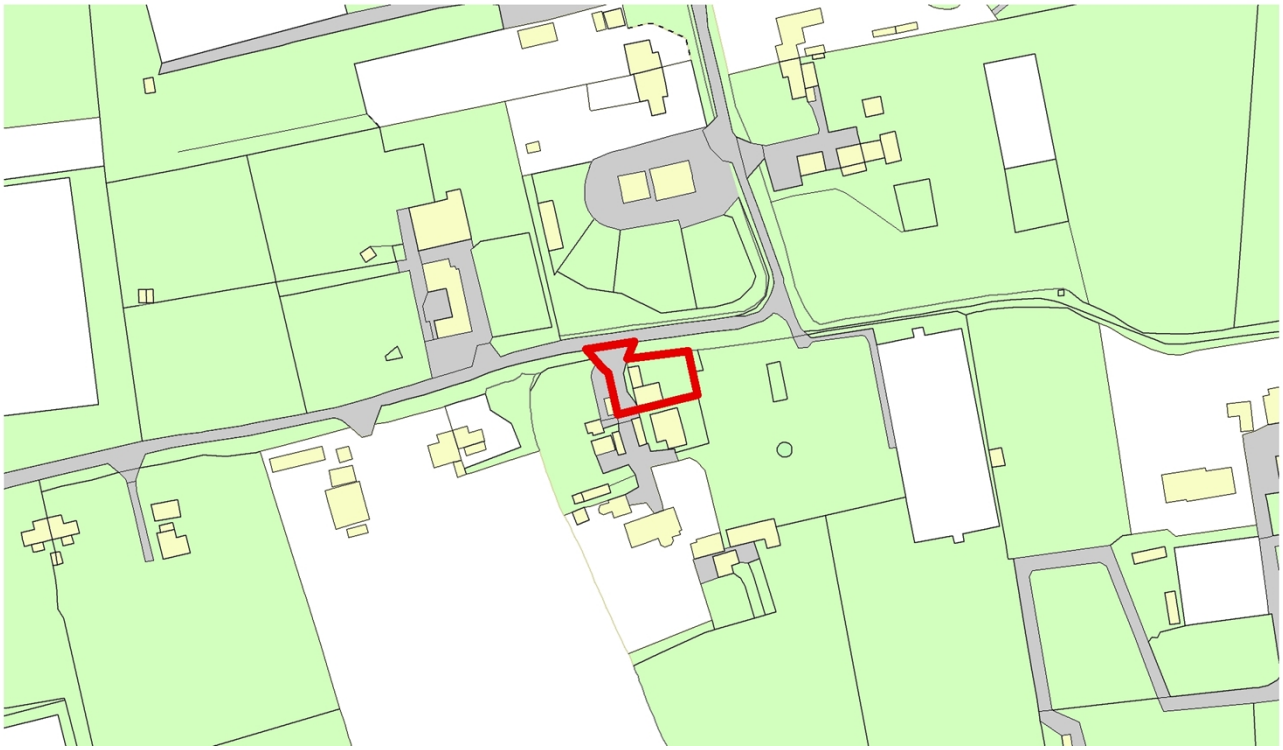
Parish: Sidlesham	Ward: Sidlesham With Selsey North

SI/19/02417/FUL

Proposal	Demolition of existing barn and pigsty replaced with 1 no. dwelling.		
Site	Chalk Lane Nursery Chalk Lane Sidlesham PO20 7LW		
Map Ref	(E) 485149 (N) 96953		
Applicant	Mr & Mrs Hunter	**Agent**	Mr Stephen Jupp

RECOMMENDATION TO



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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 located within the rural parish of Sidlesham and formed part of an original Land Settlement Association (LSA) smallholding. The building subject to this application comprises a timber framed agricultural building located to the east of the site. The building is clad in timber, with metal sheeting for the roof. Access to the building is from a private drive leading from Chalk Lane.

3.0 The Proposal

3.1 The application seeks planning permission for the demolition of existing barn and pigsty and the construction of a single storey detached dwelling. The proposed dwelling would be constructed with brick for the walls and slate for the roof with a footprint the same as the existing building.

4.0 History

93/02032/OUT	REF	1 dwelling.
94/01612/OUT	PER	1 no. dwelling on nursery site.
94/02196/REM	PER	One dwelling on nursery site.
99/02665/FUL	PER	Retention of existing building at entrance for storage use only, retention of existing building to rear of dwelling and new building as dog kennels.
04/04123/DOM	PER	Two storey side extension forming 3 no. bedrooms.
16/02255/PA3Q	YESPAR	Prior Approval - Change of use of agricultural building to 1 no. dwelling (C3 Use Class).
16/03371/PA3Q	YESPAP	Part 3 Class Q application for prior approval. Change of use of agricultural building from agriculture to 1 no. dwelling (C3 use class).
16/04105/FUL	PER106	Change of use from agriculture to 1 no. dwelling (C3 use class) and erection of pitched roofs over flat roof parts of building - alternative to Part 3, Class Q Prior Approval - SI/16/03371/PA3Q.
17/03417/FUL	PER106	Erection of 1 no. 3 bed self-build dwelling - alternative to SI/16/04105/FUL for change of use of building to dwelling and erection of pitched roofs over flat roof parts of building.

18/01016/DOC	DOCDEC	Discharge of condition 3 from planning permission SI/17/03417/FUL.
18/01112/FUL	PER106	Variation of Condition 3 of planning permission SI/17/03417/FUL - To allow minor changes to the design of the permitted dwelling including changes to fenestration and insertion of flue for wood burning stove.
19/01601/PA3Q	YESPAP	Class Q(b) Application for Prior Approval - Change of Use of Agricultural Building from Agriculture to 1 no. Dwelling (C3 Use Class).
SI/00038/88	REF	New house and demolish existing glasshouse.
94/00028/REF	APPWDN	Development Appeal

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council objects to this Planning Application. The barn and pigsty will not be converted, they will be demolished and a new building erected on a different area of the land.

6.2 WSCC Highways

Proposal Summary:

The proposal is for the demolition of the existing barn and pigsty, then the construction of 1 no. 2 bed dwelling. The application site is located on Chalk Lane an established private road. The nearest publicly maintained is Keynor Lane a C classified road subject to a National speed limit.

History:

SI/19/01601/PA3Q – Permitted, in which the principle of SI/19/02417 has been determined – The prior approval for the change of use of barn to residential dwelling. No highways concerns were raised.

Access:
In principle the existing barn and pigsty could generate vehicular trips of a similar quantity to that of the proposed 2 bed dwelling. It is therefore accepted that the proposed will not result in a material intensification of use of the existing private road or access point onto the maintained highway network at Keynor Lane. As part of the private road is also Public Right of Way (PRoW) Bridleway no. 66_1 the applicant should also note the following:

Developers/landowners should ensure that public use of the PRoW takes precedence over private vehicular traffic. It is a criminal offence to damage the surface of a PROW and the consent of the County Council must be sought for the route to be resurfaced even if the surface is to be improved. The applicant would be liable for any damage to the surface arising from their exercise of private access rights. The applicant may wish to consult WSCC Public Rights of Way Team, to see if there are any underlying issue that may arise. Please contact the Team on 01243 777620.

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 collisions within the vicinity of the site. Therefore there is no evidence to suggest that the existing assess point onto Keynor Lane is currently operating unsafely.

Vehicle Parking and Cycle Parking:

The applicant has demonstrated two parking areas either side of the dwelling large enough to accommodate 2 cars. These details meet the requirements set out by WSCC parking demand calculator for a dwelling of this size and location.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

The applicant has not demonstrated any details pertaining to cycle storage. For such a provision to meet WSCC Sustainability policy we wish to see this implemented in the form of lockable covered storage demonstrated on a scaled plan.

Conclusion:

Whilst there are no overriding highway safety or capacity concerns with the proposal before me now, the applicant would be advised to modify the proposed with cycle parking, as detailed above.

We would be minded that such an amendment could be secured via planning condition, with accommodating plans to be submitted to and approved by the local planning authority. However given recent changes to the National Planning Policy Framework (NPPF) ideally this matter should be fully resolved by the applicant prior to determination.

6.3 CDC Environmental Strategy Officer

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.

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 neighbourhood plan for Slidlesham 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 3: The Economy and Employment Provision
Policy 4: Housing Provision
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2020. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2021. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 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.

7.5 Consideration should also be given to Sections 2 (Achieving Sustainable Development), Section 4 (Decision-Making), Section 5 (Delivering a Sufficient Supply of Homes, Section 9 (Promoting Sustainable Transport), Section 11 (Making Effective Use of Land), Section 12 (Achieving Well-Designed Places), Section 14 (Meeting the Challenge of Climate Change, Flooding and Coastal Change, Section 15 (Conserving and Enhancing the Natural Environment),

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

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main considerations are as follows:

i) Principle of new residential development
ii) Design, scale and impact upon the character of the surrounding countryside
iii) Impact upon amenity of neighbouring properties and future occupiers
iv) Highways and parking
v) Biodiversity and Sustainability
vi) Impact on the Chichester and Langstone Harbours and the Pagham Harbours SPA
vii) Drainage and flood risk
viii) Other matters and material considerations

Assessment

i. Principle of new residential development

8.2 The application site is located outside of any settlement boundary and is therefore within the countryside where new dwellings are not normally permitted. However, the permitted prior approval application (19/01601/PA3Q) provides a fall-back position for residential use of the site, and this is a material consideration. The submitted Planning Statement identifies a number of improvements that can be made to the scheme, both visually and environmentally, over and above what the prior approval permitted, and this forms part of the justification for the proposed new dwelling.

8.3 It is considered that the prior approval application can be considered as a fall-back position that carries significant weight because it appears the prior approval scheme is capable of being implemented. Given this, the principle of residential development has been established and, providing the replacement dwelling is within the parameters of the scale of the existing building, can be considered acceptable in principle; subject to assessment of other criteria and material considerations such as design, amenity and countryside impact.

ii. Design, scale and impact upon the, character of the surrounding countryside

8.4 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.5 The proposed dwelling would have a similar footprint to the permitted prior approval and it would be located in broadly in the same position, albeit 2.4 metres to the east of the existing building. The proposed building would have a ridge line 0.6 metres higher than the existing, with similar eaves. The existing roof slope is shallow, therefore the increase in the ridge is due to a 30 degree roof pitch, and it is considered that this minor increase would not result in a significantly greater visual impact than the prior approval scheme. The garden area for the proposed dwelling would remain the same as permitted under the prior approval and it is therefore considered the garden area would not result in any additional harmful to the openness of the countryside.

8.6 The proposal is considered as being within the existing scale parameters as it would not be materially larger or, as a result, have a materially different impact on the surrounding countryside that the approved prior approval scheme. The design and scale of the proposed building is similar to a permitted scheme to the south of the application site. Furthermore, the proposal would provide a building of improved appearance in comparison to the existing. The proposal is therefore deemed to be acceptable in terms of scale, form and design, and would be in-keeping with the surrounding area and countryside; therefore complying with Local Plan Policies 33, 45, 47 and 48.

iii. Impact upon amenity of neighbouring properties and future occupiers

8.7 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.8 The proposed dwelling would be located to the north of existing properties, the closest being 7 metres. The application would move the building further away from the permitted prior approval, which would reduce the impact to the dwelling to the south. Given the distance to neighbouring properties and the scale of the proposed dwelling it is not considered the proposal would have a harmful impact to neighbouring amenity in the form of overlooking or overbearing.

8.9 In terms of providing an adequate level of amenity for future occupiers of the site, the proposal would have an acceptable level of private amenity space. A condition can be attached in relation to unexpected contamination; to ensure that appropriate remediation measures are put into place should it be found the land is contaminated during the construction process.

iv. Highways and parking

8.10 The application proposes to utilise the existing access to the site and would provide internal parking provision for at least two cars in addition to adequate turning arrangements; allowing cars to both enter and leave the site in a forward gear. The provision of electric car charging can also be secured by condition. The County Highways Authority has been consulted and raised no objections subject to conditions. The proposal therefore accords with Local Plan Policy 39 and is acceptable in terms of highway safety and parking provision.

v. Biodiversity and Sustainability

8.11 The applicant has commissioned and submitted a Bat Survey which concluded that the barn had negligible potential; to support roosting bats and therefore bat should not be impacted by the proposed development and no further survey for bats would be required. Nevertheless, the Ecological Report suggests mitigation and enhancement measures such as provision of a bat/bird boxes to provide biodiversity enhancements on site and can be secured by condition; in-line with Local Plan Policy 49. A condition is also recommended to ensure fencing allows for small mammals to cross the site. It can therefore be reasonably concluded that the proposal would not harm protected species and would enhance biodiversity across the site subject to the recommended condition requiring the proposed mitigation and enhancements to be implemented.

8.12 The construction of a new dwelling rather than the conversation of the existing would allow for an improvement of the sustainability of the building. Policy 40 of the Chichester Local Plan states that proposal should minimise the impact of the development upon climate change. It is recommended to attach a condition requiring a strategy outlining details of the sustainable design and construction to be submitted to ensure that the requirements of policy 40 are met.

vi. Impact on the Chichester and Langstone Harbours and the Pagham Harbours SPA

8.13 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km zone of influence, where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.

8.14 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2019. For residential development within the the Chichester and Langstone Harbours Special Protection Area (SPA) and the Pagham Harbours 3.5km Zone of Influence buffer zones, fees are based on the higher of the two mitigation payment. In this case the fee is based on a two-bedroom house, in addition to the flat rate £100 monitoring fee; totalling £993. The applicant has paid the fee and signed a Unilateral Undertaking. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance. An appropriate assessment has been carried out and the mitigation proposed is acceptable.

vii) Drainage and flood risk

8.15 Policy 42 of the Chichester Local Plan 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 application site is located within flood zone 1 and proposes to discharge to mains sewer for foul sewage and to an existing water course for surface water. The application would therefore not result in a met increase in surface water and as such accords with policy 42 of the Chichester Local Plan.

Conclusion

8.16 Based on the above it is considered the proposal would be of an appropriate design that not detract from the rural character of the surrounding area, would not have a significant adverse impact upon the amenities of neighbours and would be acceptable in all other respect. The proposal therefore complies with the relevant local and national development plan policies and guidance and, accordingly, the application is recommended for approval, subset to conditions.

Human rights

8.17 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 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) Notwithstanding any details submitted no works shall be carried out above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

4) 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
   k) details of the disposal of waste including measures to prevent litter, encourage recycling and prevent bonfires on the site.

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

5) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

   Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

6) 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.

7) No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

8) The dwelling hereby permitted shall not be occupied unless and a car charging point has been provided and is operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging point shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In the interests of encouraging the use of sustainable modes of transport.

9) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

10) All planting, seeding or turfing hereby approved shall be carried out in accordance with the submitted Landscape Proposals and the Soft Landscape Specification. A phasing plan, including a timetable for implementation and a programme of maintenance of the open space area, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, the removal of any trees shall be replaced by a 1:2 ratio, unless the Local Planning Authority gives written consent to any variation.

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

11) Prior to first occupation of the dwellings hereby permitted boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

    (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
    (b) details of the materials and finishes, and
    (c) gaps at the bottom of the fences to allow movement of small mammals across the site.

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

    Reason: In the interests of protecting the amenity of neighbouring properties and protecting biodiversity.

12) Prior to the occupation of the dwellings hereby permitted the proposed hardstanding and driveway shall be constructed of porous materials and shall be retained in that condition in perpetuity.

    Reason: To protect the environment, restrict the amount of additional run off water and to reduce the risk of surface water flooding.

13) 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. The 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 bought 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 bought 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.

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 and E; of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area and countryside, and to prevent overdevelopment of the site.

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

Reason: In the interests of protecting the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

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 - Location Plan (A4)	1		20.09.2019	Approved
PLAN - Block Plan (A4)	2		20.09.2019	Approved
PLAN - Proposed Site Plan (A4)	3		20.09.2019	Approved
PLAN - Existing Elevations and Floor Plan (A3)	4		06.11.2019	Approved
PLAN - Proposed Floor Plans and Elevations (A1)	5A		20.09.2019	Approved

For further information on this application please contact Daniel Power on 01243 534734

To view the application use the following link - https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PY4L94ERI2Z00