

Parish: Kirdford	Ward: Loxwood
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KD/20/00389/FUL

Proposal	Demolition of Lower Barn and construction of 1 no. dwelling as alternative to Class Q Prior Approval (KD/19/00484/PA3Q).		
Site	Lower Barn (Near Chandlers Barn) Skiff Lane Wisborough Green RH14 0AA		
Map Ref	(E) 503194 (N) 127555		
Applicant	Mr & Mrs Jeremy and Sarah Sleeman	Agent	Mr Nikolas Antoniou

RECOMMENDATION TO APPROVE



NOT TO SCALE

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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 Lower Barn, which is the subject of this application is situated in the rural area to the north of Wisborough Green and is sited in the south eastern corner of a paddock to the west of Chandlers Barn, surrounded by woodland to the south and east, mown grass to the west and a hard-standing yard area to the north leading to an area of semi-improved grassland. The wider landscape consists of agricultural land and Ancient woodland. The site is accessed by a private track from Skiff Lane which runs between Wisborough Green and Loxwood.
- 2.2 The site comprises of a five bay steel portal framed barn, with a concrete walled base and slatted Yorkshire boarding forming the upper part of the wall. The roof is formed of corrugated fibre cement.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of Lower Barn and construction of a four-bedroom detached barn style dwelling incorporating a double integral garage with associated hard and soft landscaping works.
- 3.2 In relation to the principle of the development the planning history is a material consideration in the determination of this application. It is important to note that the principle of the change of use of the existing building to a dwelling and the associated works were established through application KD/19/00484/PA3Q. This permission remains extant and would see the form of the barn retained with several large glazed openings.
- 3.3 Planning permission is now sought for the demolition of Lower Barn and the erection of a detached barn style dwelling finished in timber with a slate roof. The extent of glazing previously approved to the ground floor has been reduced to appear consistent with a traditional agricultural building. The new dwelling is 625 mm higher than previously approved. The length and width remain the same with the eaves height being reduced by 1500 mm.

The application site remains the same area as previously approved under application KD/19/00484/PA3Q (710m²).

4.0 History

11/02973/PNO	NOPA	Open fronted general agricultural storage(equipment and hay cut on the holding).
19/00484/PA3Q	YESPAP	Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to a Dwellinghouse (Class C3), and for Associated Operational Development.

19/02123/FUL	REF	Demolition of Lower Barn replaced with 1 no. dwelling with detached garage and store.
20/00389/FUL	PDE	Demolition of Lower Barn and construction of 1 no. dwelling as alternative to Class Q Prior Approval (KD/19/00484/PA3Q).

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 Parish Council 30.03.2020

We have reviewed the reply from the applicant architect, and provide the following statement for your consideration:

As every application has to be considered on its own merits, the consideration of fall back position [like many aspects of planning] will therefore depend on the specific circumstances in each and every case.

From the Parish Council's standpoint, the fact that the applicant has submitted a replacement dwelling application almost immediately after having been granted Class Q Prior Approval demonstrates that it is was never their intention to implement the Class Q Prior Approval. The applicants intention, it would seem, is it to build a new dwelling, not convert the existing steel framed agricultural building. How can this therefore be a material fall-back position if it was never their intention to implement the Prior Approval application in the first place? The likelihood of something materialising must surely be a key consideration as to whether a fall-back position is material or not.

Chichester District Council's Guidance Note Class Q Prior Approvals - Change of use of Agricultural buildings to dwellings is very clear that any replacement dwelling should reflect the scale, design and proportions of the existing building and that only in exceptional circumstances would flexibility be applied. Attempts to increase the height, scale or position of the replacement dwelling will therefore generally be resisted because such a proposal would not be comparable to the fall-back position.

The proposed replacement dwelling is unquestionably higher than the existing building and not just by a small amount. It is more half a metre higher (0.625m). By increasing the height of the ridge and lowering the eaves, it results in a much steeper roof pitch. As a result, the design, scale and proportions of the building has therefore changed significantly, contrary to the Council's guidance.

For these reasons the Parish Council maintain their objection to the application.

Parish Council 08.03.2020

Reference the view expressed by CDC officer in her communication February 28th, "This full planning application includes the erection of a new dwelling and associated works not the conversion of a building as assessed under Class Q, consequently this application needs to be assessed differently and as such it will be subject to both local and national planning policy requirements".

Whilst we note that the Class Q approval is a material consideration, the starting point for any planning decision is the development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

Under the adopted Chichester Local Plan (2014 - 2029) there is no provision to construct new residential dwellings in the countryside unless there is; an essential need (Policy 2), or, if it is the replacement of an existing dwelling (Policy 33). In this application, the dwelling does not yet exist and would therefore not constitute a replacement dwelling. It is also not required for an essential need. The proposal is therefore manifestly contrary to the development plan.

Local Plan Policy 46 sets out criteria by which existing buildings in the countryside can be converted or reused. Conversion to residential use is allowed, although it only applies to traditional buildings of architectural or historic merit. As the existing building is a steel portal frame barn, it seemed highly unlikely that the current building would have been allowed to be converted to residential under Policy 46. Despite this, Class Q was permitted and is therefore material to this application.

The planning permission granted by the GPDO for the residential use of an agricultural building is a 'fall-back position' that carries significant weight.

Chichester District Council's Guidance Note 'Class Q Prior Approvals - Change of use of Agricultural buildings to dwellings' confirms (page 10) that whilst an appropriate replacement dwelling is likely to be acceptable in principle, that "any replacement dwelling should reflect the scale, design and proportions of the existing building" and whilst "in exceptional circumstances there may be more flexibility, however generally attempts to increase the height, scale or position of the replacement dwelling will be resisted because such a proposal would not be comparable to the fall-back position." This application is higher, wider and longer with a 20 square metres larger footprint.

If there are no 'exceptional circumstances' that warrant an increase in the footprint then, in line with the guidance provided by CDC (point 6), THIS APPLICATION SHOULD BE REFUSED.

6.2 WSSC Local Highway Authority 03.06.2020

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.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following conditions and informative:

Conditions

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Parking

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall always thereafter be kept for their designated use.

Reason: To provide car-parking space for the use.

Cycle Parking

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 to be 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.

WSSC Local Highway Authority 09.03.2020

Site Background

The site is located on and accessed via Skiff Lane, a 'C' Classified Road subject to a 60 mph Speed limit. Previously the Local Highways Authority (LHA) received consultation on matters at this location under application KD/19/00484/PA3Q. The LHA gave advice on the proposal raising no highways concerns, the Local Planning Authority (LPA) permitted the development.

The LHA therefore accepts the principle of the development of KD/19/00484/PA3Q as the baseline for comments and provides the following.

Access

An established access point will serve the proposed dwelling and currently serves barns and agricultural land. No changes to the access are proposed.

In principle, the existing barn could generate vehicular trips of a similar quantity to that of the proposed dwelling. The Local Highways Authority (LHA) therefore accepts that the proposed will not result in a material intensification of use of the existing access track or access point onto the maintained highway network at Skiff Lane.

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 access is currently operating unsafely.

Vehicle Parking and Cycle Parking

The applicant has not provided an existing or proposed vehicle or cycle parking for the site, nor is it apparent on WSCC Local Mapping that there would be ample room to accommodate a parking provision on land under the applicant's control. As such, the LHA request the applicant demonstrates a parking area and cycle parking in accordance with the WSCC Parking Demand Calculator and Manual for Streets Guidance.

Electric Vehicle (EV) Parking

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, the Local Highways Authority (LHA) request that developers provide all new homes with electric vehicle (EV) charging points.

Based upon current EV sales rates within West Sussex, the applicant should provide a minimum of 20 % of all proposed parking spaces with active charging points, with ducting in place for the remaining 80% to provide 'passive' provision for future upgrades.

All should be in accordance with the above WSCC guidance and Chichester Local Plan policy.

Conclusion

In principle the Local Highways Authority (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. However, the LHA require a modification regarding the Vehicle and Cycle Parking, as described above. Please raise these issues with the applicant and re-consult. At which time the LHA can advise suitable conditions and informative notes.

6.3 CDC Tree Officer

In terms of the potential impact on the trees for the new building;

Site cabin and mixing of materials seem in appropriate locations.

Proposed location and type of the protective fencing seems acceptable. It could be extended a little further west past the building and on the edge of tree T11.

The drive and footpath on the eastern side of the site would require a cellular construction type within the trees root protection areas (rpa's) to alleviate potential root damage/compaction on 4 no. trees T3-T6.

Temporary ground protection for construction and permanent pedestrian (footpath) protection within the rpa's for adjacent 3 no. trees (T4-T6)

The Arb method statement sets out clear/workable measures/controls and could be conditioned with extra condition relating to landscaping.

I'm not sure any tree works are necessary but the presence of the woodland would bring issues of shading, impact on the roof (clad with moss/leaves on south side), light issues - overhang/proximity - so there might be pressure in the future to prune to reduce the trees impact.

6.4 CDC Environmental Strategy

Due to the presence of ancient woodland to the south of the site, as detailed within the Bat Scoping report (July 2019) a 15m buffer needs to be put in place between the ancient woodland and any development. Fencing should be used during the construction period to ensure this area is unaffected by the development works. We welcome the inclusion of planting within the buffer zone to enhance the biodiversity of the site and only native species should be used.

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.

Barn Owls

Following submission of the Barn Owl Mitigation Statement (Nov 2019), we are happy that the mitigation proposed including the lighting restrictions with a no light zone in the surrounding field would be suitable. A condition should be used to ensure this takes place.

Reptiles

Following submission of the Bat Scoping report (July 2019), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

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 and 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24hours of any work). A check will also be required for birds nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

We would like a bird box to be installed on the extension and/or tree within the garden of the property.

6.5 CDC Drainage

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface water drainage- The proposal is for surface water to be drained to ground via infiltration through the sub-base of the parking area. This approach is acceptable in principle and the design also includes an overflow option to the adjacent ditch if infiltration proves nonviable in isolation.

Due to the scale of the proposed development we have no conditions to request.

Surface water drainage should be designed and constructed to meet building regulations. Please also add an advisory that the applicant will require ordinary watercourse consent for all alterations or discharges to ordinary watercourses.

6.6 Third party objection comments

No representations have been received.

6.7 Applicant/Agent's Supporting Information

The applicant/agent has provided the following supporting information during the course of the application:

- a) Barn Owl Mitigation Statement
- b) Bat Scoping Report
- c) Foul and Surface Water Drainage Assessment
- d) Arboriculture Method Statement
- e) Lighting Strategy (revised 30.04.2020)

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Kirdford Neighbourhood Plan was adopted in 2014 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 5: Parish Housing Sites 2012- 2029

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 25: Development in the North of the Plan area

Policy 38: Local and Community Facilities

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

CDC Site Allocation Development Plan Document

Kirdford Neighbourhood Plan

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 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 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. It is anticipated that the new Plan will be adopted by the Council in 2022. 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 revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and 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:*

- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 12,15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account, including reference to the National Design Guide (2019).
- 7.6 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Surface Water and Foul Drainage SPD
CDC Waste Storage and Collection Guidance
Kirdford Village Design Statement

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
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Promoting and developing a dementia friendly district

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Coordinate and promote services that help those living with low level mental health conditions
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Increase the number of volunteers and trustees in the community/voluntary sector
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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 upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecological considerations
- vi. Land contamination
- vii Drainage

i Principle of development

8.2 Whilst a proposal for a new dwelling in a countryside location would usually be contrary to Policy 45 of the Chichester Local Plan (development within the Countryside) it is material to note that the principle for a dwelling at the site in the location of the barn was established under prior approval application KD/19/00484/PA3Q and represents a fall-back position when considering alternative proposals for development at the site.

ii. Design and impact upon the character of the surrounding area

8.3 Policy 33 of the Chichester Local Plan requires that new residential development meets the highest standards of design and a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. In addition it is required that the scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.4 Following the refusal of the previous application for a new dwelling on this site the applicant sought pre-application advice and this proposal has positively responded to the concerns of the previous scheme by amending the design so that it has a rural, agricultural character which aligns with the characteristics of traditional agricultural buildings within the rural area in terms of form, design and the use of vernacular materials.
- 8.5 A number of amendments to the design have been made which has resulted in the perception of the mass and bulk of the building being reduced. In particular the design has been amended by increasing the ridge height by 625mm to allow the eaves height to be reduced by approximately 1500mm which substantially reduces the overall bulk of the dwelling compared to the converted barn. By increasing the roof pitch, the dwelling is able to reflect the more vernacular form of traditional rural buildings. The length and width of the building, and therefore the footprint remain as previously approved by application KD/19/00484/PA3Q . The amount of development and visual impact of the proposal has further been reduced by the inclusion of an integral garage omitting the previously approved detached garage building. The simplified design reduces the amount of extraneous fenestration which lessens the impact of the proposal when viewed from the public footpath to the north. The design, layout, scale and the external lighting of the proposal are informed by the landscape character and will not adversely impact the views from the footpath.
- 8.6 In conclusion on this issue, the proposal is considered to be well designed reflecting the local agricultural vernacular and will result in a more appropriate building in the context of the agricultural setting of the application site.
- iii Impact upon amenity of neighbouring property
- 8.7 The proposed dwelling is sufficiently distanced from the neighbouring property and would not have a negative impact on the amenities of the neighbouring dwelling.
- iv Impact upon highway safety and parking
- 8.8 No highway concerns were previously raised under application KD/19/00484/PA3Q. The Local Highways Authority (LHA) do not consider that the proposal will have an unacceptable impact on highway safety or result in 'severe' cumulative impacts to the operation of the highway network. There are no transport grounds to resist the proposal. The LHA require the electric vehicle charging spaces, parking areas and cycle parking are conditioned to comply with the current transport policies.
- v Ecological considerations
- Ancient Woodland*
- 8.9 The proposed dwelling would be screened by Ancient Woodland to the south and established trees east of the site but would be open to the countryside to the north and west. Paragraph 175 of The National Planning Policy Framework (NPPF) describes Ancient woodland as an irreplaceable habitat, its loss should only be accepted in exceptional circumstances and where suitable mitigation proposals are in place.

- 8.10 The proposal, as originally submitted was sited on the footprint of the original barn which is only 15 metres from the edge of the Ancient Woodland. The siting of the replacement building on the same footprint is likely to have a more severe impact on the Ancient Woodland because of the need for proper foundations. The 15 metre buffer zone originally proposed is the minimum distance required under the Government's guidance for Ancient woodland, ancient trees and veteran trees: protecting them from development.
- 8.11 Officers were initially concerned about the close proximity of the development to the established trees forming the site boundaries which may result in the compaction of soil and established roots systems during the construction period affecting the long term vitality and viability of the trees. The Tree Officer noted that the presence of the Ancient woodland to the southern boundary may potentially cause issues of shading, resulting in moss and leaves on the southern roof slope and light issues caused by the close proximity of the trees and the potential for overhang. There were concerns that this may cause pressure in the future to prune to reduce the trees impact.
- 8.12 To safeguard the trees and the natural habitat of the Ancient Woodland negotiations have resulted in the siting of the replacement building a further 3 metres from the tree screened boundaries. The site area shown within the red line remains no larger at 710m² as previously approved. In addition to benefiting the health of the trees the dwelling will benefit from additional natural light to the rear elevation reducing the need for prolonged periods of artificial lighting. This is considered to be a real benefit over the permission approved under application KD/19/00484/PA3Q.

Dark Night Skies

- 8.13 Policy 48 (Natural Environment) requires development to recognise the distinctive landscape character and incorporate biodiversity into the design to ensure there is no adverse impact to the tranquil character of the area. The policy protects sites of biodiversity importance.
- 8.14 The site is relatively remote and is characterised by its rural setting and the immediate area is characterised as being intrinsically dark, with little in the way of extraneous light sources. During the planning process amendments were sought to the design resulting in the reduction in glazing to the south elevation and roof slope. Balconies serving the landing and bedroom 3 have been replaced by roof lights positioned centrally within the roof slope to reduce the height of light transmission. The two roof lights serving the en-suite bathrooms have been replaced with light tubes.
- 8.15 Increasing the width of the buffer zone between the development and the woodland boundaries by 3 metres will reduce light transmission from the first floor directly into the tree canopies. Overall, the amended design reduces the potential light pollution in this sensitive area minimising the potential disruption to the dark landscape and the nearby wildlife sites.
- 8.16 The amended proposal delivers a sustainable new dwelling of high quality design which limits the impact of light pollution from artificial light on the local amenity, intrinsically dark landscapes and conserves nature therefore complying with Policy 48 of the CLP and paragraph 180 of the NPPF.

Biodiversity

- 8.17 The purpose of Policy 49 of The Chichester Local Plan is to safeguard the biodiversity value of the site avoiding harm to habitats and species. The application site benefits from intrinsic dark skies and is within a bat and barn owl movement area, a bat scoping report and barn owl survey was submitted as part of the application. The Council's Ecologist was consulted as part of the application process.
- 8.18 The revisions to the design and proposed lighting scheme take into consideration the presence of bats and barn owls minimising the impacts to any wildlife using the trees, hedgerows by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.
- 8.19 The proposed works will be conditioned to be undertaken in accordance with the enhancement and mitigation measures detailed within the submitted reports.

vi Land contamination

- 8.20 No contamination has been identified at the site. A condition is attached to the permission requiring an investigation and risk assessment and if necessary remediation to be undertaken. A report is then required to be submitted to the Local Planning Authority before the development is first brought into use.

vii Drainage

- 8.21 The application site is wholly within Flood Zone 1 and therefore the proposal would not have a negative impact on flooding in the area. The Council's drainage team was consulted as part of the application process. The submitted drainage strategy states that surface water is to be drained through the permeable sub-base of the parking area. All parking would be expected to be of permeable construction, and includes an overflow option to the adjacent ditch if infiltration proves nonviable in isolation. An advisory will be added to the permission regarding the need for Ordinary Watercourse Consent for the outfall to the existing watercourse.

CIL & Section 106 Agreement

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

Conclusions

The Chichester District Council's Planning Guidance Note Class Q Prior Approvals - Change of use of Agricultural buildings to dwellings requires a replacement dwelling should reflect the scale, design and proportions of the existing building.

It is common for landowners to seek permission for a new dwelling once the principle of the conversion of an agricultural building to residential use has been granted by the GPDO. This provides the applicant with a fall-back position which carries significant weight in the determination of subsequent planning applications.

In this case the ridge height has been increased by 625mm and the eaves height is reduced by 1500mm. There is no increase to the width and length of the building as stated by the parish council. The footprint remains the same as approved by application KD/19/00484/PA3Q. This minor change to the dimensions of the approved scheme will reduce the mass of the dwelling, improve the buildings proportions and reduce the visual impact of the development when viewed from the footpath to the north. Potential harm to the wooded boundaries and habitat have been identified during the planning process. While the footprint of the site remains as approved the proposal is sited an additional 3 metres from the wooded boundaries to protect the Ancient Woodland, local ecology and biodiversity.

These are relatively minor adjustments which would cumulatively be a positive benefit in development and environmental terms when compared to the approved scheme and do not detract from the overall quality of the proposal and its sitting within the rural landscape.

The revised proposal positively responds to the concerns previously raised resulting in a sustainable dwelling of a high quality design. Through the application of planning conditions the proposal will protect the biodiversity and ecology of the site and the wider countryside. Based on the planning history and the above assessment it is considered the proposal complies with planning policy and therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

Approved 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) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (CDC) for the discharge of any flows to watercourses. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: The details are required pre-commencement to ensure adequate provision for drainage.

4) 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.

5) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. 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.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation.

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

7) No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details. Once provided, the works shall be retained in perpetuity.

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

8) Notwithstanding the detail submitted no development shall be carried out unless and until a schedule of materials and finishes and, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved detail.

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

9) Notwithstanding the approved plans, no window, door or garage 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, 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.

10) The roof lights hereby approved shall be fitted with automatic blackout blinds to avoid any upward light spill and shall be maintained in working order thereafter.

Reason: In order to safeguard the dark night skies within the rural area in the interests of the protection and enhancement of high quality habitat for the protected species known to inhabit the site..

11) Prior to the commencement of works above slab level elevational drawings of the proposed rainwater goods at a scale of not less than 1:10 shall be submitted to and approved by the Local Planning Authority.

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

12) The details and mitigation methods contained within the Arboricultural Method Statement dated March 2020 prepared by WH Landscape for the development hereby permitted are approved and shall be implemented in full.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

13) There shall be no external illumination on the development hereby permitted other than in accordance with The Lighting Strategy prepared by DFL Designs for Lighting (ref 1464-DFS-LS-001) dated March 2020. The lighting scheme shall thereafter be maintained in accordance with the approved details in perpetuity.

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

14) The details and mitigation methods contained within the Bat Coping Assessment dated 18th July 2016 and The Barn Owl Mitigation Statement dated 13th November 2019 completed by The Ecology Co-op for the development hereby permitted are approved and shall be implemented in full. If bats are found a licensed ecologist should be notified immediately along with Natural England Protected.

Reason: Reason: To ensure that the protection of ecology and 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 protected by the Wildlife and Countryside Act 1981.

15) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall always thereafter be kept for their designated use.

Reason: To provide car-parking space for the use.

16) 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 to be 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.

17) No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with the current sustainable transport policies.

18) 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, B, C, D E G or 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 surrounding area.

19) No development shall commence until a scheme for ecological enhancements is submitted to and approved in writing by the Local Planning Authority. The ecological enhancements shall include as a minimum the following measures:

- a) any trees removed should be replaced at a ratio of 2:1
- b) filling any gaps in tree lines or hedgerows with native species
- c) bat and bird boxes installed on the site, and
- d) provision of gaps at the bottom of the fences to allow movement of small mammals across the site.

Thereafter the approved scheme shall be fully implemented in accordance with the approved details within 12 months of the date of this permission.

Reason: To ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.

20) 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: To protect the wider vistas.

21) 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.

22) 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 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.

23) INFORMATIVE:

The Local Highways Authority advises the applicant that the access track benefits from the presence of a Public Right of Way (PRoW). The works proposed do not affect the PRoW; however, the applicant may wish to consult WSCC Public Rights of Way Team, to see if any underlying issue that may arise.

24) INFORMATIVE:

For the avoidance of doubt the planning unit shall comprise of the building and the land contained within the red line as shown on Plan 603-103 E

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 (A1)	603 001	A	11.02.2020	Approved
PLAN - Existing Block Plan (A3)	603 002	A	11.02.2020	Approved
PLAN - Existing Ground Floor Plan (A3)	603 010	A	11.02.2020	Approved
PLAN - Roof Plan (A3)	603 011	A	11.02.2020	Approved

PLAN - Existing North Elevation (A3)	603 021	A	11.02.2020	Approved
PLAN - Existing South Elevation (A3)	603 022	A	11.02.2020	Approved
PLAN - Existing East Elevation (A3)	603 023	A	11.02.2020	Approved
PLAN - Existing West Elevation (A3)	603 024	A	11.02.2020	Approved
PLAN - Block Plan	603-103	E	12.05.2020	Approved
PLAN - Proposed First Floor Plan	603-111	E	12.05.2020	Approved
PLAN - Proposed Roof Plan	603-112	E	12.05.2020	Approved
PLAN - Proposed North Elevation	603-121	E	12.05.2020	Approved
PLAN - Proposed South Elevation	603-122	E	12.05.2020	Approved
PLAN - Horizontal Illuminance (lux)	1464_DFL-LSD-001		01.05.2020	Approved

For further information on this application please contact Beverley Stubbington on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5JONYERFPV00>