

Parish: West Wittering	Ward: The Witterings
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WW/20/00700/FUL

Proposal	Demolition of existing pair of semi-detached houses and replacement with 2 no. detached houses (re-submission of WW/18/02850/FUL). (Variation of condition 2 of permission WW/19/00243/FUL - apex window to plot 2).		
Site	1 And 2 West Cottages Cakeham Road West Wittering Chichester West Sussex PO20 8LQ		
Map Ref	(E) 478363 (N) 97877		
Applicant	Junnell Homes	Agent	Mrs Kerry Simmons

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>
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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 on the east side of Cakeham Road, West Wittering and situated outside of any settlement boundary. Until recently the site comprised of a pair of two storey semi-detached dwellings that have since been demolished. Two detached two storey dwellings are currently being constructed at the site. Cakeham Road which runs from East Wittering to West Wittering is to the south and west of the site, and the site is surrounded by agricultural land with the nearest dwellings, to the north of the site, separated by a field. There is a vehicular access off Cakeham Road at the north end of the site and the boundaries comprise of high hedging.

3.0 The Proposal

3.1 Planning permission was granted in 2019 for the demolition of the pair of semi-detached dwellings and erection of two detached dwellings under WW/19/00243/FUL, and this application seeks planning permission to vary the approved plans condition to provide an apex window in the south elevation of plot 2.

4.0 History

18/02850/FUL	WDN	Demolition of existing pair of semi-detached houses and replacement with 2 no. detached houses.
19/00243/FUL	PER	Demolition of existing pair of semi-detached houses and replacement with 2 no. detached houses (re-submission of WW/18/02850/FUL).
19/01358/DOC	PER	Discharge of condition 3 from planning permission WW/19/00243/FUL.
19/01399/FUL	PER	Demolition of existing pair of semi-detached houses and replacement with 2 no. detached houses, amendments to planning permission WW/19/00243/FUL and to include garages.
19/02054/FUL	PER	Demolition of existing pair of semi-detached houses and replacement with 2 no. detached houses, amendments to planning permission WW/19/00243/FUL and to include garages (Variation of condition 2 of permission WW/19/01399/FUL - alterations to fenestration and inclusion of balconies to existing flat roofs).

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
AONB	NO
Tree Preservation Order	NO
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **West Wittering Parish Council**

22nd May 2020:

The Parish Council sustains its objection to the above application on the grounds that light pollution will still occur impacting on the dark night sky, it will be difficult to enforce and also the mirror effect will be out of character with the countryside location. It is felt that there are already more than sufficient windows in this development giving light to the property. There is for example a 3 metre patio window immediately below this proposed window. This is in a rural location with no footway or highway lighting within half a mile of the development maintaining the rural rather than urban aspect of the area. It is also only 100 metres from the listed building of Cakeham Tower.

31st March 2020:

Objection on the grounds of this amendment returning to the first submission, objected to by the Council, with a large window in the apex of the gable end of Plot 2 creating excessive light in this part of the countryside outside the settlement area and contrary to the West Wittering VDS. The height of this window would mean that the light was seen from some distance including from the sea.

6.2 **Third Party Comments**

None received

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 Site Allocations DPD and all made neighbourhood plans. There is no made neighbourhood plan for West Wittering at this time.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

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 2021. 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 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 February 2019 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:

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 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places), 16 (Conserving and enhancing the historic environment).

Other Local Policy and Guidance

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

- Chichester District Council's Planning Guidance Note 3, Design Guideline for Alterations to dwellings and extensions (revised September 2009) (PGN3).
- West Wittering Village Design Statements

- 7.7 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- 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 visual amenity and character of area
- iii) Impact upon the amenity of neighbouring properties
- iv) Ecology
- v) Impact upon heritage assets
- vi) Other matters

Assessment

i) Principle of development

8.2 This application seeks a minor material amendment to the permitted scheme for 2 replacement dwellings on the site, and therefore the principle of development is established and the only consideration is whether the proposed window would accord with the development plan and be acceptable in all other respects. There are no policies that limit the amount of fenestration on a new dwelling in this area and therefore in principle the proposal is acceptable subject to the other material considerations.

ii) Design and impact upon visual amenity and character of area

8.3 The proposed window would be recessed under the gable roof on the south elevation of House 2. The window would be visible from Cakeham Road and also Berry Barn Lane approximately 420m to the west, which is a bridleway. Glimpsed views would also be available from the coastal footpath over 500m to the south, however these would largely be obscured by the intervening structures including Cakeham Manor and the dwellings along East and West Strand. It is considered that as a result of the size of the window, its siting relative to the available long distance views and the use of a dark window frame would ensure that window would not cause significant harm to the rural character of the locality. In addition, the screening provided by the hedgerow along the application site boundary and the surrounding field boundaries would mitigate the visual impact of the proposal when in closer range to the development.

8.4 Although the form of the window would not have a significant impact upon the visual amenity and character of the surrounding area it is considered that due to the location of the site in the rural area the additional light spill from the window could result in harm to the rural character of the area given that the window would be more visible than the lower windows on the building. In order to prevent the window contributing to light spill to the area, the proposed window would be fitted with an internal dusk-dawn screen blind which would ensure that light spillage would not occur. The installation of the blind would be conditioned requiring that the blind shall be closed every day, between dusk and dawn the following day, and that the blind shall be retained in perpetuity.

8.5 The installation of the internal dawn-dusk blind would prevent the proposed window from causing light spill to the surrounding area. The proposed window with regard to its siting and the conditioning of a dusk-dawn blind satisfies Policies 33 and 45 of the Chichester Local Plan and Paragraph 11 of the National Planning Policy Framework and is therefore considered to be acceptable.

iii) Impact upon the amenity of neighbouring properties

8.6 The proposed window would be recessed under the gable roof of the dwelling and as House 2 is proposed to extend further to the south than House 1, the window would not have a negative impact on the amenities of House 1 in regards to overlooking. The proposal would accord with policy 33 in this respect.

iv) Ecology

8.7 If permitted the application would include the previous ecology condition which included the need for the lighting scheme for the site to take into consideration the presence of bats in the local area and that 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, shielding and the proposed dusk until dawn blind.

v. Impact upon heritage assets

8.8 The Parish Council has raised concerns that the window would have a negative impact on the neighbouring property of Cakeham Tower which is a Grade II* Listed building. Cakeham Tower is sited approximately 290m to the south-east of House. In addition to the separation distance, due to the orientation and location of the application property in relation to Cakeham Tower it is considered that the proposed window would not have any adverse impact upon available views of the Tower or the agricultural character of the Tower's setting. It is therefore considered that the proposed window would not detract from the special historic character of the listed building or its setting. The proposal would therefore accord with national and local planning policies in this respect.

vi. Other matters

8.9 As stated within the comments made by the Parish Council, the window was proposed under a previous application, and it was subsequently removed from the scheme due to concerns about light spillage and the impact upon the rural area. The applicant has however now demonstrated as part of this revised application that the light spillage can be adequately mitigated and this, combined with an assessment of the available views by officers with the benefit of the buildings being partially complete at the time, has satisfied officers that the additional window would not cause a level of harm to the character of the locality to warrant refusal of the application.

Conclusion

8.10 Due to the siting of the window and subject to the provision of the proposed mitigation measure the proposed window would be acceptable in terms of its design and impact upon the surrounding area. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework and the Chichester Local Plan Key Policies; with particular reference to Policies 33 and 45 and there are no material considerations that indicate otherwise.

Human rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2) Any protective fencing that has been erected on site to protect the existing hedgerow shall be retained on site and the fencing shall continue to provide a buffer between the hedge and the development. The buffer shall be undisturbed during the construction period and the fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site.

Reason: In the interests of preserving the visual amenities of the area.

3) 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 for large scale developments shall include a program for the provision of the landscaping. 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.

4) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

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) The balcony to the south elevation of House 1 and the south elevation of House 2 hereby permitted shall not be brought into use until privacy screens no less than 1.7m high from the balcony finished floor level on the east elevation of the balcony on House 1 and the west elevation of the balcony on House 2 have been installed. These screens shall be retained and maintained as such in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to reduce the impact from additional overlooking to an acceptable level.

7) Prior to the occupation of the dwellings hereby permitted, an internal dusk-dawn screen blind (to block all internal light emissions) shall be installed on the gable window in the south elevation of House 2. Once installed, the blind shall be closed every day, between dusk and dawn the following day. Thereafter, the blind shall be retained, unless otherwise agreed by the Local Planning Authority.

Reason: In order to restrict internal light spillage from harming the surrounding the landscape.

8) Prior to first occupation of any dwelling hereby permitted the driveway associated with the dwellings shall be provided in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

9) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

10) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

11) The surface water drainage scheme hereby permitted shall not be constructed other than in accordance with the submitted drainage strategy and plans, unless otherwise agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with these details.

Reason: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

12) The implementation of this planning permission shall be carried out strictly in accordance with the mitigation measures and recommendations of the submitted Bat Scoping Report and Preliminary Ecological Appraisal produced by The Ecology Co-operation Ltd. 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. To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

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

13) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the roof area of the single storey parts of the dwellings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

14) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the balconies hereby by permitted shall not be extended for use as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: To protect the privacy of the occupants of the adjoining residential property/ies.

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

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

16) 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-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 neighbours and the surrounding area.

17) No external lighting shall be installed either on the dwellings or anywhere within 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. The scheme shall demonstrate how the lighting which shall be designed and shielded to minimise light spillage beyond the site boundary. Thereafter the lighting shall be maintained in accordance with the approved details in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and protection of wildlife.

18) The existing hedge along the site boundaries shall be retained and any part of the hedge which is removed without consent or die or become seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size and shall be maintained at a minimum of 2.5m in height unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities 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 - House 2 Proposed Loft Plan	0287-PF-262	D	10.03.2020	Approved
PLAN - House 2 Proposed South and West Elevations	0287-PF-463	E	10.03.2020	Approved

Informatives

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (CDC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the predevelopment run off values.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6Z5AVERGSG00>