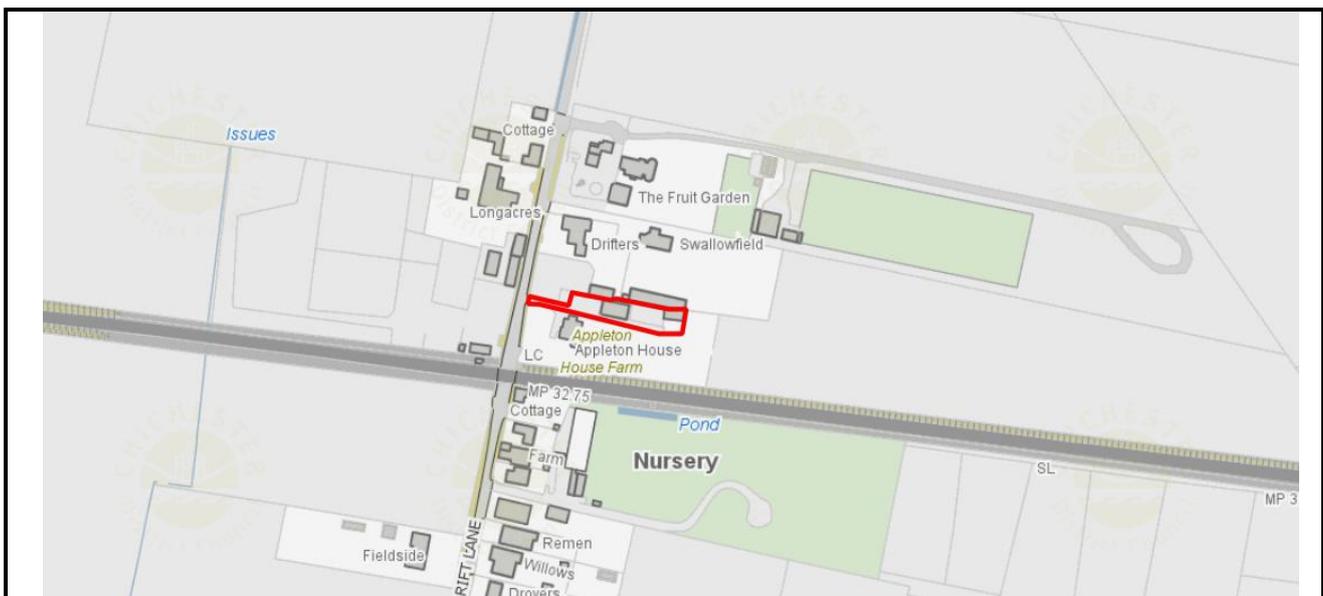


Parish: Chidham & Hambrook	Ward: Harbour Villages
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**CH/20/00593/FUL**

<b>Proposal</b>	Change of use of detached garage, store with games room over to 1 no. 3 bed dwelling		
<b>Site</b>	Appleton House Farm Drift Lane Chidham PO18 8PR		
<b>Map Ref</b>	(E) 479393 (N) 105709		
<b>Applicant</b>	Mr & Mrs P Glynn	<b>Agent</b>	Mr Stephen Jupp

**RECOMMENDATION TO PERMIT WITH S106**



	<p><b>NOT TO SCALE</b></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 Red Card: Cllr Moss. Important information/opinion to raise in debate (A range of issues within this application that need to be considered by Planning Committee)
- 1.2 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site forms a detached garage and residential curtilage of Appleton House Farm, a detached two storey dwellinghouse situated to the eastern side of Drift Lane. The site lies outside any defined settlement boundary area.
- 2.2 The existing garage building is situated north-east of the dwellinghouse and is 1.5 storeys in height, constructed from red brick with timber cladding from eaves to barn hip roof. The roof is finished with clay tiles. The existing garage is used for purposes incidental to the existing dwellinghouse; namely as a gym and storage area.
- 2.3 Whilst the existing garage forms part of the curtilage of Appleton House Farm, the garage is physically separated from the main dwellinghouse by means of mature planting and post and rail fencing approximately 1 metre in height. South and east of the garage is private amenity space used by the occupiers of Appleton House Farm. West of the garage is an area of gravel hardstanding used as off-street parking. Immediately north of the site is a single storey outbuilding providing ancillary accommodation for the neighbouring dwellinghouse known as Swallowfield.
- 2.4 Drift Lane is characterised by a ribbon of detached dwellings and commercial developments beyond which lie open, arable farmland. The Portsmouth to Brighton railway line also runs perpendicular to the site approximately 35 metres to the south. There are no constraints with regards to heritage, flood risk or protected trees. The site is within the 5.6km zone of influence of the Chichester and Langstone Harbours Special Protection Area (SPA).
- 2.5 By way of background, the north-western corner of the existing comprises an area of amenity space which is laid to lawn, and outline planning permission has been granted for the erection of a 1 no. 4 bedroom, 1.5 storey dwelling with all matters reserved on amenity land immediately to the west of the application site.

## **3.0 The Proposal**

- 3.1 Planning permission is sought for the change of use of the existing detached garage and store with games room over to 1 no. 3 bed dwelling.
- 3.2 The proposed conversion would be restricted to the existing envelope of the garage only; with only alterations to openings for doors and windows required. The existing shed to the east of the garage would be re-purposed as a cycle store. Parking would be provided to the existing hardstanding west of the garage.

## 4.0 History

86/00004/CH	DISMIS	Outline - Erection of a bungalow and garage.
97/00264/OUT	REF	Construction of a single residential dwellinghouse.
03/00088/DOM	PER	Two storey side and rear extension and conservatory.
05/04687/DOM	PER	Replacement of existing outbuildings with new garage, store and games room over.
19/02312/OUT	PER106	Outline application with all matters reserved for 1no 4-bedroom 1.5 storey dwelling.
97/00071/REF	DISMIS	Construction of a single residential dwellinghouse.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 Parish Council

*Further comments (19 February 2021)*

- 1) The site does not meet rural needs as defined in the NPPF Paragraphs 77-79 that deal with 'rural housing'.
- 2) There is no evidence of the protection of wildlife habitats in accordance with CDC Local Plan Key Policy 49 and the Chidham and Hambrook Neighbourhood Plan Policy Justification para. 55 which states 'Community questionnaire responses demonstrated overwhelming support for the protection of wildlife habitats/biodiversity, in particular, trees/woods/orchards, green corridors or ecological networks, waterways and ponds.
- 3) There appears to be a boundary issue which should be addressed before this application progresses.

4) Concern of overdevelopment if the four bedroom house is also built out.

*Original comments (6 April 2020)*

- This site lies within the wildlife corridor published by the District Council in March 2020. The application form states there are NO 'Protected and Priority Species and NO designated sites, important habitats or other biodiversity features. There clearly are as identified by the CDC Wildlife Officer. There is a variety of wildlife in the immediate vicinity of the property and in the Drift Lane location. The whole area is important for biodiversity. There are a number of varieties of bats as detected in 2019 in the immediate area.
- The Planning permission (CH/05/04687/DOM) given for this garage, store and games room stipulates that this be used only for the intended purpose and none other.
- There is already outline permission agreed for a 4 bed house (19/02312/OUT) on the same location. If the two were to be approved that would be an overdevelopment of this area. This development is also within the wildlife corridor, as it is on land directly adjacent - see map 'planning appeal side on'). Building of any dwelling in this location was refused by Chichester Council in 1987 and concerns about future change of use raised when the garage was eventually built in 2006 by both CDC as well as the Parish Council. This issue will need to be resolved as part of any consideration of planning application 20/00593.
- Chidham and Hambrook parish has delivered 252 houses during the current CDC plan period to 15 July 2020, against a Local Plan target of just 25. Since 2011 we have seen the number of houses in the parish grow by 50%, with zero infrastructure investment.
- The Chidham & Hambrook Housing Needs Survey concludes that there is not a need in the parish for larger homes of 3 /4 beds. Rather a need for smaller, affordable units for first time buyers or renters.
- The site and floor plans are very poor giving no detail or indication as to the extent of the 'minor alterations' to the ground floor walls or any indication as to materials used.
- There is no demonstrable need for houses in this area. In fact a recent development of five houses within half a mile struggled to sell.
- There is NO mains sewage to the north of the railway, so they would be unable to connect to a mains sewer.
- Is this site considered as 'Agricultural Ground 'as the title would suggest?
- Is this considered 'High Quality Development' or 'Over Development' of a property?
- There is also the expectation of yet more traffic using the single track, unlit Drift Lane.

## 6.2 Network Rail

None received

## 6.3 Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: [southernwater.co.uk/infrastructure-charges](https://southernwater.co.uk/infrastructure-charges)

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## 6.4 Portsmouth Water

No comments received

## 6.5 Natural England

Further comments received 2nd September 2020:

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

In order to mitigate adverse effects on the Solent European Sites and make the proposal acceptable, the following measures should be secured:

- o Financial contribution to the Bird Aware Solent recreational disturbance mitigation strategy;
- o Package treatment plant and reed bed system.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Revised comments received 21st July 2020:

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on Solent European sites due to the waste water discharge. Natural England's letter (dated 18 May 2020) requested further information on nutrients impacts and any mitigation measures necessary to avoid impacts. Appended to that letter was Natural England's guidance 'Advice on achieving nutrient neutrality for new development in the Solent Region v4 March 2020', which includes specific advice on assessing the nutrients impacts from package treatment plants. The applicant has submitted a nutrients report but this uses an old version of Natural England's guidance, and does not use an appropriate methodology for calculating nutrients outputs from package treatment plants.

The following information is required:

A calculation of the nutrients outputs from the package treatment plant proposed, using the guidance previously supplied, and supported by information on the percentage reduction of total nitrogen that could be achieved by that particular model. Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Original comments received 18th May 2020:

#### FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

Habitats Regulations Assessment - waste water impacts on Solent European sites  
Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria.

If so, Natural England's advice is that the nutrient content of the discharge needs to be considered, in combination with other nutrient inputs, for impacts on the receiving site and the following advice is relevant.

#### 6.6 Environment Agency

No comments received

#### 6.7 WSCC Local Highway Authority

*Further comments received 27th April 2020:*

##### Site Background

The proposal is for the conversion of a garage to one no. three bedroom dwelling.

The application site is located on Drift Lane a publicly maintained, low trafficked, unclassified road subject to a national speed limit. Given the nature of Drift Lane with the application site being in close very proximity to a Railway Crossing, the Local Highways Authority (LHA) would not anticipate vehicles to be travelling at the posted speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Previously the Local Highways Authority (LHA) received consultation on matters at this location. The LHA advised that the applicant amend the plans to show and improvement of the vehicle parking provision from two to three spaces and that Cycle Parking, Turning and Electric Vehicle parking (EV) are demonstrated. The following comments are for these amendments only. Additional comments can be found in our previous response. Vehicle Parking, Cycle Parking and Turning

-Vehicle Parking Under WSCC Car Parking Guidance (adopted August 2019), the LHA would anticipate that three parking spaces would be sufficient for a new development of this size and location.

The applicant proposes a new three car parking provision for the new dwelling. This conforms to WSCC parking demand calculator for a property of this size and location.

##### -Turning

The LHA notes that the applicant has a large enough space to accommodate a space for turning as per WSCC and MfS guidance. Such a provision can be secured via a suitable worded condition or demonstrated prior to determination should the applicant and LPA wish.

#### -Cycle Parking

The applicant proposes that cycle parking will be located within an existing garden shed. This conforms to requirements set out by Manual for Streets (MfS) and WSSC guidance for covered, lockable storage.

To summarise the LHA raises no concerns over the Vehicle or Cycle Parking.

#### Electric Vehicle (EV) Parking

The applicant has demonstrated EV parking to WSCC and Chichester District Council Guidance.

#### Conclusion

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

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

#### Parking

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

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 the approved site plan.

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

#### Turning

No part of the development shall be first occupied until the vehicle turning space has been demonstrated within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

*Original comments provided 7th April 2020:*

#### Site Background

The proposal is for the conversion of a garage to one no. three bedroom dwelling. The application site is located on Drift Lane a publicly maintained, low trafficked, unclassified road subject to a national speed limit. Given the nature of Drift Lane with the application site being in close very proximity to a Railway Crossing, the Local Highways Authority (LHA) would not anticipate vehicles to be travelling at the posted speed limit. As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

#### Access

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

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.

With all the above considered, the LHA would not anticipate a unacceptable highways concern.

#### Vehicle Parking, Cycle Parking and Turning

Under WSCC Car Parking Guidance (adopted August 2019), the LHA would anticipate that three parking spaces would be sufficient for a new development of this size and location.

The applicant proposes a two car parking provision for the new dwelling.

The LHA notes that the applicant has a large enough space to accommodate / extend the hardstanding area to meet the parking demand and allocate space for turning as per WSCC and MfS guidance. Such a provision can be secured via a suitable worded condition or demonstrated prior to determination should the applicant and LPA wish. With regard to the loss of any existing parking provision. For the LHA to consider a garage towards the parking provision of a site, it must first meet WSCC and Manual for Streets (MfS) guidance and minimally measure internally 3 x 6 metres. The existing garage does not meet such guidance and is considered to provide a NIL parking provision for the existing dwelling. As a result, the LHA would not consider any displacement of parking because of the garage conversion. While note demonstrated there seems to be enough existing hardstanding on site to provide a parking provision for Appleton House Farm.

The proposed dwelling should be provided with a secure and covered cycle storage provision. Such a provision can be secured via a suitable worded condition or demonstrated prior to determination should the applicant and LPA wish. Given the loss of the garage it would be advisable if the existing dwelling can be provided with a replacement cycle parking provision, unless a suitable existing provision already exists.

#### 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 parking spaces with active charging points, with ducting in place for the remaining 80% to provide 'passive' provision for future upgrades.

Due to the small-scale nature of this proposal, the anticipated provision of active EV spaces for this development would be one space, 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.

#### 6.8 CDC Environmental Protection

Thanks for the opportunity to comment on this application. I have discussed the proposal with colleagues and offer the following comments from Environmental Protection:

##### Noise:

The site is close to the railway line and as such will be subject to railway noise. A condition is required to ensure that the future occupants are given suitable protection from this external noise source. I would recommend a condition as follows:

##### Noise Mitigation

No development shall commence until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that appropriate standards are met for the approved use. Any approved noise mitigation measures shall be implemented prior to occupation and maintained thereafter. The applicant's attention is drawn to the attached informative which offer clarification with regard to the specific requirements of this Condition.

Reason: In order to safeguard an appropriate standard of amenity for any future occupants and existing uses.

The following informatives shall be provided to accompany the condition to offer further clarification to its requirements.

##### Internal Residential Sound Levels

A scheme, shall be submitted, that details measures to secure internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times)

during night-time (23:00-07:00) within bedrooms. Where it is evident that windows shall be required to be closed, to achieve these internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the orientation of buildings, the siting of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified.

#### External Residential Sound Levels

Mitigation measures shall be detailed to ensure sound levels, within any external amenity areas, do not exceed 55dB LAeq, 16hours (07:00-23:00). A higher level, not to exceed 60dB LAeq, 16hours (07:00-23:00), is deemed appropriate for external balcony areas, where all practicable mitigation measures have been explored.

#### Drainage:

This may have been raised by Southern Water but I would recommend that clarity is sought with respect to foul drainage provision as there appears to be a discrepancy. The application says foul drainage will be to the main sewer, however the nearest main sewer according to our records is south of railway line.

#### Land Contamination:

The site seems to have been in agricultural/nursery type use prior to the garage being built. As this is a change of use rather than new build application, and there already appears to be a garden area adjacent to the garage so no alteration required to create amenity space, we have no specific concerns about land contamination as groundworks will be minimal.

#### Storage of Oil

It is not stated how heat is to be provided to the premises. Given the location it may be that oil tanks are proposed. If so these should be suitably bunded, in which case condition AT36 would be appropriate.

### 6.9 CDC Environmental Strategy

#### Bats:

Any 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.

#### Nesting Birds:

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

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

#### Recreational Disturbance:

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

#### 6.10 CDC Drainage

*Further comments (1 June 2020):*

Thank you for re-consulting us on this application

We have reviewed the revised plans, and can confirm we have no further comments to make.

*Original comments (26 March 2020):*

Thank you for consulting us on this application

The proposal is wholly within flood zone 1 (low risk) and does not involve any external alterations which would impact local flood risk. We therefore have no objection to the proposal on flood risk grounds, and require no conditions.

#### 6.11 Third party objection comments

15 no. third party representations of objection have been received concerning the following matters:

- a) concerns regarding proximity of ground works to neighbouring outbuilding to north
- b) insufficient distance from neighbouring property under regulations for provision of sewage treatment plant
- c) Concerns regarding management of surface water
- d) Plans do not show the existence of buildings directly to north of site and are inaccurate
- e) Does a condition requiring the garage to be ancillary to the main dwellinghouse not apply?
- f) Concerns regarding runoff from the existing roof building flooding neighbours shed. This occurs as downpipe is not connected to any form of onwards drainage. Remedial works should take place prior to future works being carried out.
- g) Garage is situated on a shared disputed boundary
- h) No suitable drainage ditch that could cope with volume of sewage
- i) Site lies within CDC Local Plan Chidham/East of Nutbourne Wildlife Corridor
- j) Community support the protection of wildlife habitats
- k) A breeding pair of sparrow hawks nest in the poplar trees on the west boundary of the plot in front of Appleton House Farm, adjacent to where road access would be required for both building traffic and dwelling access.
- l) Proposal is contrary to Policy 49 of the Chichester Local Plan and CHNP Policy EM2
- m) Site is within a bat network

- n) The annex to the southern side of the neighbouring property to the north is occupied by a 91 year old woman. The noise and disruption during any house building to her quality of living, over many months, would be unacceptable.
- o) residents of Drifters Reach work from home so there would be unacceptable levels of noise from traffic and construction
- p) Drift Lane is a single track road and construction traffic would block the road.
- q) Construction traffic coming over the railway line would be an additional hazard. There is no space to return or reverse above the railway line.
- r) Construction traffic would disturb horses stabled directly opposite at Longacres.
- s) Existing soakaways do not adequately manage surface water.
- t) It must be clarified whether the site is domestic garden or agricultural land
- u) The proposal is contrary to Chichester Local Plan countryside policies
- v) Enlarged first floor window to eastern elevation would result in significant overlooking of the neighbouring property
- w) Proposal would have a dominating effect on neighbouring property and would adversely impact upon right to privacy and enjoyment of family life at the property
- x) Proposal would necessitate the creation of an additional access onto highway for Appleton House Farm. No current vehicular access exists currently to the southern side of Appleton House Farm has shown on plans
- y) Concerns that land to east of Appleton House Farm may be considered for a future, much larger development
- z) Concerns that the application, in conjunction with the previously approved outline application, would have an overbearing impact upon neighbouring properties
- aa) Proposal is not a sustainable form of development and will not benefit from construction economies of scale
- ab) Approval of outline application does not constitute a clear and substantial precedent
- ac) If approved, provisions should be made to protect neighbouring properties from overlooking, flood damage and damage from building works
- ad) Insufficient parking for three dwellings

## 2.25 Applicant/Agent's Supporting Information

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

- a) Nitrates Report
- b) Planning Statement

## 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 Chidham and Hambrook Neighbourhood Plan was made June 2016 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 6: Neighbourhood Development Plans

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

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

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Chidham and Hambrook Neighbourhood Plan

LP1- Land Use

EM2- Environmental Management

EM3- Environmental Management

H2- Housing

DS1- Design Standards

DS2- Design Standards

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 2022. 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 2023. 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:*

- i. the application of policies in this Framework that protect areas of 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 the following paragraph and sections: Sections 2 (Achieving sustainable development), 4 (Decision-making), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change) and 15 (Conserving and enhancing the natural environment). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

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

- 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 the amenity of neighbouring properties
- iv. Ecological Considerations
- v. Impact upon highway safety and parking
- vi. Drainage
- vii. Recreational Disturbance
- viii. Nitrates
- ix. Sustainability
- x. Noise
- xi. Other matters

### Assessment

i. Principle of development

8.2 The application site lies outside any defined settlement boundary, within the countryside, whereby new dwellings are not normally permitted in accordance with Local Plan Policies 1, 2 and 45. However, the Chidham and Hambrook Neighbourhood Plan, which forms part of the Development Plan, carries greater weight on this matter than the Local Plan by virtue of its more recent adoption date, and has a policy that does allow for new dwellings outside of the settlement boundaries. Policy LP1 of the Neighbourhood Plan states that new residential 'development of ten units or fewer will be supported on windfall sites'. The policy goes on to state that 'the number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies'.

8.3 The Glossary within the Neighbourhood Plan clarifies what constitutes a 'windfall site' as follows: 'Sites which have not been specifically identified as available in the Local Plan process. They normally comprise of previously developed sites that have become unexpectedly available'. It has been established, within High Court ruling 'Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)', that residential gardens outside of settlement boundaries do constitute brownfield land or 'previously developed land' (PDL). Therefore, the proposed site falls under the category of being both PDL and a residential windfall site. The proposed erection of 1 no dwelling is therefore considered to be acceptable in principle, subject to compliance with other policies and assessment of material considerations. It is also notable that the Local Planning Authority (LPA) cannot demonstrate a five year housing land supply and the provision of an additional dwelling would contribute to improving the LPA's housing supply.

ii. Design and impact upon character of the surrounding area

- 8.4 The application site is situated within a rural area. Criterion 4 of the Chichester Local Plan requires 'the form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm the its landscape character or setting. Policy DS1 of the Chidham and Hambrook Neighbourhood Plan outlines, amongst other considerations, 'development should demonstrate how it will integrate in to the existing surroundings'.
- 8.5 The proposed conversion would be restricted to the existing envelope of the garage only, requiring only alterations to openings for doors and windows. The existing shed to the east of the garage would be re-purposed as a cycle store. Parking would be provided to the existing hardstanding west of the garage. The additional vehicular movements to and from the site and provision of domestic paraphernalia associated with the intensification of the domestic use of the site would result in some erosion of the tranquillity of the rural area; however given the scheme proposes the addition of 1 no. dwelling, it is not considered that this impact would be significant. The scale and appearance of the dwelling within the wider rural landscape would therefore reflect the existing garage and the alterations proposed would have no material impact upon the amenity of the rural area. The proposal is therefore considered acceptable in this regard.

iii. Impact upon the amenity of neighbouring properties

- 8.6 The National Planning Policy Framework in paragraph 127 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.7 The neighbouring property to the north has raised concerns that the proposal would result in loss of privacy. The proposed dwelling has no northern facing windows and therefore no direct overlooking would occur. The enlarged eastern facing first floor windows would primarily overlook the rear amenity space of the application site and the farmland to the east. The proposal would be located at an oblique angle relative to the neighbouring amenity space to neighbouring Swallowfield and Appleton House Farm and therefore whilst some views maybe possible, these would not result in unacceptable loss of privacy.
- 8.8 The proposal would utilise the existing garage and therefore issues regarding unneighbourly massing or of light would not occur. The proposal would not overlook the permitted one-and-a-half storey dwelling to the west approved under 19/02312/OUT. A condition is recommended to ensure that the proposed rooflights would be situated above 1.7 metres above finished floor level so as to prevent direct the directly overlooking of the rear amenity space of Appleton House Farm.
- 8.9 On balance, it is considered that the proposal would be sufficiently scaled and designed so as not to have a significant and unacceptable impact upon the amenities of the neighbouring properties, with regard to their outlook, privacy or available light. It is, therefore, considered to be acceptable in accordance with Policy 33 of the Chichester Local Plan.

iv. Ecological considerations

- 8.10 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced.
- 8.11 A number of concerns have been raised by both the Parish Council and third parties regarding ecological impact of the proposal. The site falls within the Council's Proposed West of Chichester City Strategic Wildlife Corridors, whilst a number of protected species are known to be present in the area. The proposal represents a conversion as opposed to reconstruction or re-modelling of the building. No alterations are proposed to the roof, whilst the majority of the works are likely to be internal fitting out. The existing parking area would be sufficient to serve the proposed dwellinghouse, whilst no extension to the built form of the existing garage is proposed. No loss of the grassed area east of the garage is proposed. The Council's Environmental Strategy Team has raised no objection and advised that a number of ecological enhancements be secured which can form a planning condition.
- 8.12 The proposal would result in any loss of habitat or biodiversity value of the site and ecological enhancement can be secured via condition. The proposal is therefore considered to comply with Policy 49 of the Chichester Local Plan.

v. Impact upon highway safety and parking

- 8.13 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment. Additionally, the level of parking provision should be in accordance with current West Sussex County Council guidance.
- 8.14 The proposal would utilise the existing vehicular access to Appleton House Farm and there is no evidence to suggest that the existing access is currently operating in an unsafe manner. The scheme would incorporate 3 no. parking spaces and an electric vehicle car charging point which would meet WSCC guidance. Secure cycle parking can be provided in an existing garden shed to the rear of the property. WSCC Highways have not raised concerns regarding issues of highway capacity along Drift Lane.
- 8.15 Overall, this proposal would not 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.

vi. Drainage

- 8.16 Policy 42 of the Chichester Local Plan requires proposals demonstrate that developments will be safe, including access, without increasing the risk of flooding elsewhere.

- 8.17 A number of third party comments have raised concerns that the proposal would result in issues of surface water flooding. Specifically, that run-off from the existing structure results in flooding of neighbouring buildings to the north of the site. This matter has been raised with the developer whom has advised that the building is served by an existing soakaway and that the proposed dwellinghouse would continue to be served by the soakaway. This approach is acceptable in principal and since the building is an existing structure and the proposal would not impact upon surface water run-off it would not be reasonable to resist an application as a result of the comments received.
- 8.18 The nearest public foul sewer is situated to the south of the railway line and therefore a package treatment plant is proposed. This approach is acceptable in principle. The CDC Senior Drainage Engineer has been consulted upon the proposed foul drainage and has advised that whilst a permit will be required to discharge to the drainage ditch, flows from these systems are typically very low and there is unlikely to be an issue of capacity. Foul drainage provision will also be required to comply with Building Regulations Legislation, however not withstanding these other Legislative controls, a condition is recommended to ensure that suitable means of addressing foul drainage is provided.
- 8.19 Overall, there are no issues of drainage arising from the proposal.

vii. Recreational disturbance

- 8.20 Policy 50 of the Chichester Local Plan and Policy EM2 of the Chidham and Hambrook Neighbourhood Plan acknowledges the collective impact which all new dwellings (including caravans) within 5.6km of the Harbour have on the ecology of areas designated within the Solent area under European Species and Habitat Directives and the derived UK Regulations. It adopts the approach, recommended by Natural England, that a contribution is made on a per bedroom basis towards a mitigation project 'Solent Disturbance Mitigation Project'.
- 8.21 In April 2018 the scale of charging altered to following a sliding scale contribution based on the number of bedrooms, which is used to fund a package of wardens, education, green infrastructure improvements and monitoring. The LPA have undertaken an appropriate assessment and following payment of the require mitigation fee and completion of a unilateral undertaking, the requirements of policy 50 have been fulfilled.

viii. Nitrates

- 8.22 In accordance with the Natural England 'Advice on achieving nutrient neutrality for new development in the Solent region (June 2020)' guidance document the LPA is aware that additional nitrates and phosphorous entering the Solent is causing eutrophication of a number of statutory designated sites. The document goes on to advise that new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8.23 The scheme proposes to manage foul sewerage by means of a package treatment plant discharging into reed bed. In accordance with the approved Natural England methodology, an area of 0.00264 ha would be required to off-set the nitrate load from the proposed development, to ensure all nitrates are removed from the foul water, before it enters the groundwater. This has been shown on the site plan and a condition is recommended to ensure that this takes place prior to occupation and is retained and maintained thereafter in accordance with the comments of Natural England. The proposal is therefore considered acceptable in this regard and the development would not have an adverse effect on the integrity of the Solent European Sites.

ix. Sustainability

8.24 Policy 40 of the Chichester Local Plan sets out a ten point criteria in relation to sustainable design and construction.

8.25 The proposed conversion of the existing building as opposed to wholesale replacement is an approach that is inherently sustainable. Additionally, the developer has indicated that 8no. 330w PV panels will be located to the southern roof slope of the garage to provide energy from renewable sources. In addition a condition will be added to ensure that water usage does not exceed a limit of 110 litres per person per day. It is considered that these measures would commensurate with the scale and nature of development and accordingly would comply with Policy 40 of the Chichester Local Plan. A condition is recommended to ensure that these measures are provided.

x. Noise

8.26 The site is situated within close proximity to the railway line to the south of the site. The CDC Environmental Protection Officer has reviewed this relationship and considers that the conditions can be used to ensure that the proposal would result in an acceptable standard of amenity for future occupiers. The proposal is therefore acceptable in this regard.

xi. Other matters

8.27 The Parish Council and a third party have raised concerns that the lawful use of the site is not as garden land. The approved application 05/04687/DOM shows the land included under this application to be within the residential planning unit of Appleton House Farm. Similarly, whilst some storage has taken place previously to the rear of the site in the past, this appears from the Council's aerial mapping records to be of a scale ancillary to the residential use of the site. On balance, it is considered probable that the site has lawful use as garden land.

- 8.28 A number of representations received have raised concerns regarding the accuracy of the plans and issues of boundary ownership. Officers have looked into this matter extensively, including reviewing the site history of both the application site and neighbouring properties, reviewing the Land Registry Plans provided by the developer and independently conducting a Land Registry search. Officers consider that best endeavours and due diligence has been undertaken to ensure that the plans and ownership certification are correct as far as can be reasonably established. During the course of the application, revised plans were provided in response to the concerns raised by third parties and re-consultation was undertaken. Whilst there remains a divergence in views on the ownership of the land between the applicant and third parties, this is a separate legal matter not applicable to the determination of the current planning application.
- 8.29 A third party has raised concerns regarding damage during construction to the neighbouring outbuilding to the north. There is not evidence to suggest that the conversion works could not be achieved without causing damage to the neighbouring property. Should damage occur then this would amount to a private legal matter.
- 8.30 A third party has raised concerns regarding disturbance during construction. A condition requiring a construction management plan is recommended to ensure that construction works do not have a detrimental impact upon the highway network or neighbouring properties. Given the works amount to a conversion of the existing building, it is not considered that building works would likely result in long periods of noise generating construction works.
- 8.31 A third party has raised concerns regarding the necessity for an additional vehicular access or redevelopment of other parts of the site maybe proposed in the future. This is not a material consideration for this application, and if any future applications are received they would be assessed on their own merits.

### Conclusion

- 8.32 Based on the above it is considered that the scheme would provide an additional dwellinghouse in a location permitted by the Chidham and Hambrook Neighbourhood Plan without any significant adverse impacts. The proposal therefore complies with development plan policies 1, 2, 6, 33, 39,40,42,45,46,48,49 and 50 of the Chichester Local Plan and LP1, EM2, EM3, H2, DS1, and DS2 of the Chidham and Hambrook Neighbourhood Plan. Therefore the application is recommended for approval.

### Human Rights

- 8.33 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 PERMIT WITH S106** subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

- 3) No development shall commence until a noise mitigation scheme has been submitted to and approved in writing by the Local Planning Authority demonstrating that appropriate standards are met for the approved use. Any approved noise mitigation measures shall be implemented prior to occupation and maintained thereafter.

Reason: In order to safeguard an appropriate standard of amenity for any future occupants and existing uses.

- 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

Reason: In the interests of highway safety and protecting nearby residents from nuisance during all stages of development, and to ensure the use of the site does not have a harmful environmental effect.

- 5) Notwithstanding any details submitted **no development/works shall commence 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.

- 6) **No development shall commence on the foul water drainage system** until full details of the maintenance and management of the foul water drainage system (including the on-site sewage treatment works where appropriate), set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual is to include details of the owner or Management Company, financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the foul water drainage system serving the development, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: The details are required to ensure the foul water drainage system is designed appropriately and properly maintained and managed as soon as it is installed to ensure its long-term effectiveness.

- 7) Notwithstanding any indication on the approved plans or documents prior to first occupation of the dwelling hereby permitted 1no. bird box shall be installed to the external wall of the dwelling hereby permitted or in a tree on the site and 1 no. bat box shall be installed onto the southern/ southwestern elevation of the building positioned 3-5 metres above ground. Once installed the bird box and bat box must be retained in perpetuity.

Reason: To enhance biodiversity on the site.

- 8) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

- 9) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

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

10) No part of the development shall be first occupied until the vehicle turning space has been demonstrated within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

11) No part of the development hereby permitted shall be first occupied until a minimum of one Electric Vehicle (EV) charging points have been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

12) Notwithstanding the details on the plans and application form prior to first occupation of the dwellings hereby permitted details of any proposed boundary treatments to the site, shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

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

Reason: In the interests of neighbouring and visual amenity

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) prior to the first occupation of the development hereby approved the rooflight windows hereby permitted in the southern roof plane shall be constructed, in accordance with the submitted plans, with a cill height of not less than 1.7 metres above internal floor height, and shall subsequently be retained in that condition.

Reason: To protect the privacy of the occupants of the adjoining residential properties.

14) The residential accommodation hereby approved shall not be occupied unless and until the mitigation measures detailed within the conclusions/mitigation section of the Nitrate Budget Letter Report compiled by Ground and Water Geotechnical and Environmental Consultants dated July 2020 and shown on plan 3F have been fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the integrity of the Solent European Sites

15) No part of the development shall be first occupied unless and until 8 no. 300W PV panels are installed in a fully operational manner in the locations shown on drawing number 6A. The PV panels shall be maintained to a good operational standard thereafter unless otherwise agreed in writing by the LPA

Reason: To achieve sustainable design in accordance with Policy 40 of the CLP

16) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved in perpetuity.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

17) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls 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 the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on 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 include details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

19) The development hereby approved shall not exceed water usage of 110 litres per person per day.

Reason: In the interests of sustainable resource management

20) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no enlargement, improvement, alteration, building or structure permitted by Class A, Class B or Class E of Part 1 Schedule 2 shall be erected, made or inserted on the application site or dwellinghouse hereby approved without a grant of planning permission.

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

## 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 - Existing Elevations and Floor Plans	5		27.02.2020	Approved
PLAN - Proposed Elevations and Floor Plans	6	A	08.03.2021	Approved
PLAN - SUBSTITUTE PLAN 31/07/20 PROPOSED SITE PLAN	3	H	24.03.2021	Approved
PLAN - SUBSTITUTE PLAN 14/4/20 LOCATION PLAN (A4)	1	C	29.12.2020	Approved
PLAN - SUBSTITUTE PLAN 14/4/20 BLOCK PLAN (A4)	2	C	29.12.2020	Approved

## INFORMATIVES

- 1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

### 3) Internal Residential Sound Levels

A scheme, shall be submitted, that details measures to secure internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms. Where it is evident that windows shall be required to be closed, to achieve these internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the siting of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified.

### External Residential Sound Levels

Mitigation measures shall be detailed to ensure sound levels, within any external amenity areas, do not exceed 55dB LAeq,16hours (07:00-23:00). A higher level, not to exceed 60dB LAeq, 16hours (07:00-23:00), is deemed appropriate for external balcony areas, where all practicable mitigation measures have been explored.

4) S106

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

5) Surface Water Drainage

The developer is hereby advised to ensure that rainwater run-off from the development is constructed in compliance with the relevant building regulations and suitable measures are put in place to ensure that the rainwater is adequately drained wholly within the application site.

For further information on this application please contact William Price on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6D8G8ERGCJ00>