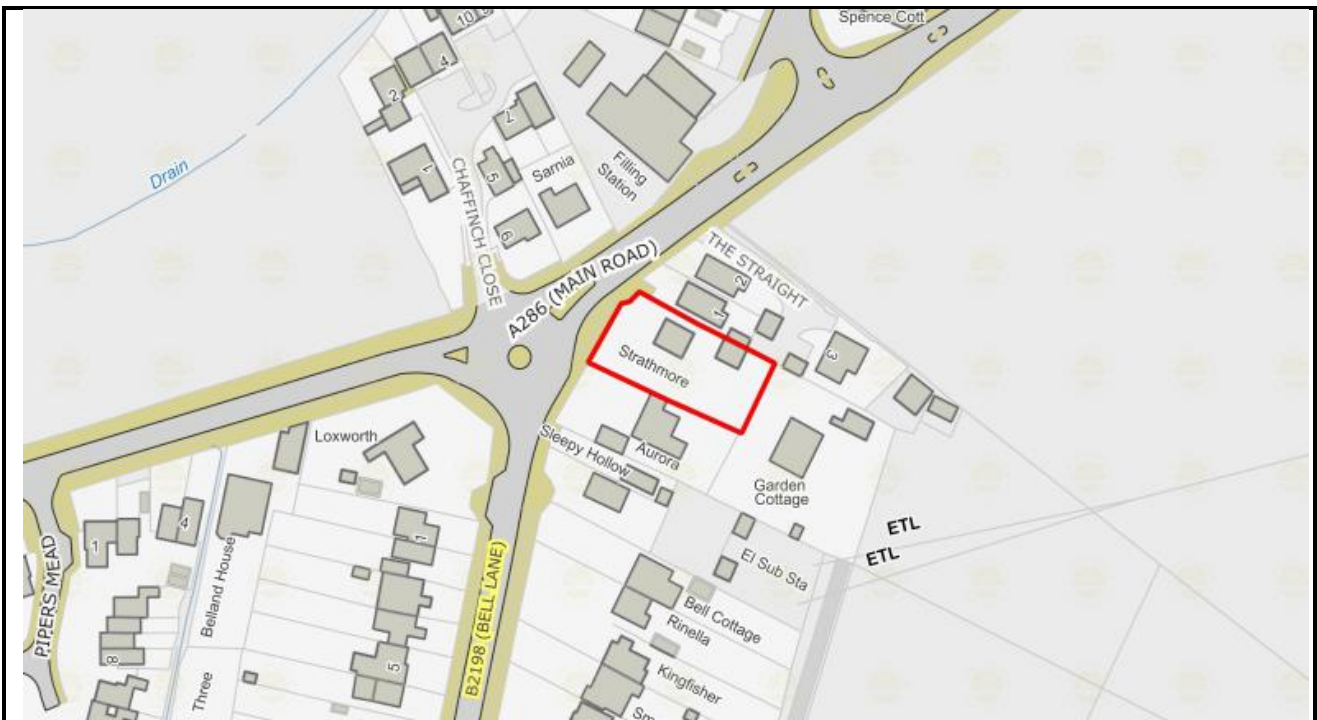



Parish: Birdham	Ward: The Witterings
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BI/22/03067/FUL

Proposal	Construction of a two storey 3 bed detached self-build dwelling - Variation of Condition 2 of Planning Permission BI/21/00980/FUL for design alternations and changes to fenestration including the addition of 1 no. window and 1 no. rooflight to south elevation, apex glazing to the east and west elevation and enlarged dormer window to west elevation, reduction to the width and increase in to the height and additional timber cladding.		
Site	Strathmore Main Road Birdham West Sussex PO20 7HU		
Map Ref	(E) 481927 (N) 99474		
Applicant	Kirsty Huxtable	Agent	

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	NOT TO SCALE	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
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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 the A286 (Main Road) within the Birdham Settlement Boundary. The site comprises a two-storey dwelling, located to the south of Strathmore, which is currently under construction, following planning application reference 21/00980/FUL.
- 2.2 The dwelling sits within a varied streetscene comprising of mostly two storey properties interspersed with single and one and a half storey bungalows. The surrounding character is predominantly residential; however, the site lies towards the northern edge of the settlement boundary, which opens to undeveloped countryside to the east side of Main Road.

3.0 The Proposal

3.1 This application seeks to vary condition 2 (approved plans) to seek retrospective approval for various design alterations including, the addition of one window and one rooflight to the south elevation, apex glazing to the east and west elevations and the enlargement of the dormer window to the west elevation. In addition, approval is sought for timber cladding to the east and west elevations, a reduction in the width of the dwelling by 290mm and an increase in its height by 350mm.

4.0 History

21/00980/FUL PER106 Construction of a two storey 3 bed detached self-build dwelling.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO

6.0 Representations and Consultations

6.1 Parish Council

Further Comments 26.02.2023

We did not mention the flooding issue in our original objection as the Council knew that you had received representation on this from the neighbour. The issue of poor drainage on the Strathmore site is of importance.

Original Comments 10.02.2023

Birdham Parish Council objects to this application as the variations listed have already been completed rendering this application invalid. Birdham Parish Council refers this to the enforcement officer to verify size of property which appears to be bigger than BI/21/00980 allows, with additional windows with direct views into neighbouring property.

6.2 Chichester Harbour Conservancy (summary)

No objection.

6.3 WSCC Highways

For the current application, the proposed changes only relate to alterations to fenestration. The proposed amendments are not anticipated to have an impact on highway safety. As such, the LHA raises no concerns to the variation of condition 2.

In summary, the LHA does not consider that his proposal would have an unacceptable impact on the highway or result in any severe cumulative impacts on the operation of the highway network, therefore is not contrary to the National Policy Framework (paragraph 111) and that there are no transport grounds to resist the proposal.

6.4 CDC Environmental Health

No comments to make in respect to the variation. Comments were submitted and remain relevant, for the previous application in respect of the CEMP.

6.5 CDC Ecology

We are satisfied that our comments made as part of the previous application are still applicable and valid for this variation of condition.

6.6 CDC Archaeology

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigations measures would be justified.

6.7 Third Party Representation

One letter of objection was received concerning:

- Impact of the new window on neighbouring amenity
- Increase in the size of the dwelling

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 Birdham Neighbourhood Plan was made on the 19th July 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:
- 7.3 Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- 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 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Birdham Neighbourhood Plan

- Policy 1 - Heritage Assets & Their Setting
- Policy 2- Archaeological Sites
- Policy 3 - Habitat Sites
- Policy 4 - Landscape Character and Important Views
- Policy 5 - Light Pollution
- Policy 6 - Biodiversity
- Policy 9 - Traffic Impact
- Policy 10 - Footpaths & Cycle Paths
- Policy 12 - Housing Development
- Policy 16 - Housing Density and Design
- Policy 18 - Flood Risk Assessment

CDC Site Allocation Development Plan Document

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. 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 be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), 5 (Delivering a sufficient Supply of Homes), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.6 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty
- Policy NE15 Flood Risk and Water Management

- Policy NE16 Water Management and Water Quality
- Policy NE21 Lighting
- Policy H6 Custom and/or Self Build Homes
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing

Other Local Policy and Guidance

7.7 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD (July 2016)
- Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste Storage and Collection Guidance (January 2017)
- Chichester Landscape Capacity Study (March 2019)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- West Sussex County Council Guidance on Parking at New Developments (September 2020)

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:

- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Drainage
- v. Recreational Disturbance
- vi. Other Matters

Assessment

i. Principle of development

- 8.1 The application site lies within the settlement of Birdham, which is a designated service village, as defined by Policy 2 of the Chichester Local Plan (CLP). It is advised by Policy 2 that 'outside of Chichester city and the Settlement Hubs, the Service Villages will be the focus for new development and facilities'.
- 8.2 The application seeks to variation of condition 2 of an application reference 21/00980/FUL, which has established the principle of a new dwelling in this location. The application seeks alteration to the approved design, which is acceptable, in principle subject to compliance to the development plan and other material considerations below.

ii. Design and Impact upon Visual Amenity/Character of Area

- 8.3 Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, and create places with a high standard of amenity for existing and future users.
- 8.4 Policy 33 of the CLP states that planning permission will be granted for new residential development where it can be demonstrated that proposals provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. Additionally, proposals must respect and where possible enhance the character of the surrounding area and site, its setting in terms of its proportion, form, massing, siting, layout, density, height, size, scale and detailed design.
- 8.5 The proposal seeks to regularise alterations to the appearance of the dwelling, including changes to fenestration, enlarged dormer window and notably the introduction of natural timber cladding to the first floor east and west elevation and rear single storey element. The alterations are considered to result in an attractive dwelling, with balanced proportions which is reflective of and in keeping with the varied character and appearance of the streetscene.
- 8.6 The dwelling, as built is slightly taller within the streetscene, due to the requirement for land levels to be raised by 300mm to comply with the submitted Flood Risk Assessment (FRA). It is also 290mm narrower. The revised proportions are considered to be acceptable, with the dwelling remaining comparable in height to the three dwellings to the north and therefore sits comfortably within the streetscene.
- 8.7 The site lies immediately east of the Chichester Harbour AONB and would be considered to be within its setting. The Chichester Harbour Conservancy (CHC) were consulted, and due regard has been given to the AONB guidance as referenced above. The CHC raised no objection to the original and this subsequent proposal, with the development considered to comply with the AONB guidance, whilst also remaining in keeping with the character and appearance of the area.

8.8 Consequently, the proposal would result in a dwelling of an appropriate size, scale and detailed design, which would be reflective of the varied streetscene and the surrounding character. In addition, it would not cause detriment to the setting of the AONB. Therefore, the proposal would accord with Section 12 of the NPPF, Policy 33, 42, 43 and 47 of the Chichester Local Plan and Policies 4, 5 and 16 of the Birdham NP.

iii. Impact upon amenity of neighbouring properties

8.9 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places) and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties

8.10 The proposal is considered not to give rise to an unacceptable impact upon the amenities of neighbouring properties, in terms of their outlook, privacy or available light. Concerns have been raised in respects of the additional windows within the south elevation, including potential harm from additional overlooking. The skylight and high-level ground floor window are both positioned with a sill level of 1.8m from the finished floor level (FFL). At this height, Officers are satisfied that neither would afford an opportunity for overlooking upon the southern neighbour.

8.11 Consequently, the proposal is considered to result in an acceptable level of amenity for existing and future occupiers of the development and therefore accords with Paragraph 130 of the NPPF and Policy 33 of the Local Plan.

iv. Drainage

8.12 The site lies within Flood Zone 1 (low risk) of flooding, within a cluster of existing dwellings; however, the Council were made aware of extensive localised flooding. An FRA was submitted with the original application, with its findings reviewed by the Council's Drainage Engineer, who was satisfied the report has adequately considered the flood risk on the site and proposed suitable means to manage the risk. The suggested mitigation has been incorporated into the dwelling, including FFLs of 300mm above ground levels.

8.13 The Parish Council has raised concern in respects of flooding and poor drainage, including the submission of photographs showing standing water within the construction site. The original application did not condition the submission of a surface water drainage scheme, with Officers satisfied building regulations would achieve a suitable surface water drainage scheme. The proposal would result in no material change in respects of flood risk or surface water drainage. Therefore, the proposal complies with Policy 42 of the Local Plan and Policy 18 of the Birdham NP.

v. Recreational Disturbance

8.14 It has been identified that any net increase in dwellings within 5.6km of Chichester and Langstone Harbour SPA, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A financial contribution can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. An updated Unilateral Undertaking has been prepared to secure the uplift in the recreational disturbance payment and therefore, subject to completion of

the agreement, the proposal accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

vi. Other matters

8.15 The proposal remains unchanged in respects of highways access and safety, ecology, sustainability, and archaeology. The previous conditions have been amended to reflect the commencement of works on the site.

Conclusion

8.16 In considering the above, the proposal would result in a suitably positioned, sited and designed dwellinghouse, within a sustainable location, which can be achieved without any adverse impacts upon the highways network, flood risk and existing trees and would provide sustainability and ecology enhancements. The recommendation is to grant planning permission, subject to the suggested conditions, informative and S106 agreement which secures the recreational disturbance mitigation.

Human Rights

8.16 The Human Rights of all affected parties have been taken into account and the recommendation is considered justified and proportionate.

RECOMMENDATION

DEFER FOR SECTION 106 THEN 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 "Decided Plans"

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

2) **Within three months of the date of this decision** a sustainability statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail measures proposed to ensure the dwellinghouse achieved a 19% reduction in carbon emission above currently building measures. These measures typically including but are not limited to improvements to the fabric of the building (fabric first) and the use of sustainably energy sources (i.e., Solar Panel and Heat Pump). Once agreed, these measures shall be fully implemented prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

Reason: To minimise the impact of the development upon climate change.

3) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

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 development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

7) 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 the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order 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.

8) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point has 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.

9) Prior to the development hereby permitted being first brought into use, a scheme for replacement tree planting, at a ratio of 2:1 (2 trees for 1 removed tree) shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of the species of tree, its size and the proposed planted location within the site. Thereafter the scheme shall be carried out in accordance with the approved details. Any trees 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 securing a net gain in biodiversity in accordance with Policy 49 of the Local Plan and for the amenity and of the environment of the development.

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 development hereby permitted shall be carried out with strict accordance with the methodology and mitigation as outlined within Arboricultural Impact Assessment and Method Statement, produced by George Sayer (18.01.2022) and accompanying plans GS036 V1 and GS036 V2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the health and protection of the trees within the site.

12) The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment, produced by The Civil Engineering Practice (February 2022) and the following mitigation measures it details:

- i. Minimum FFLs 300mm above ground level
- ii. External driveway and parking areas will be constructed as a permeable surface which will drain by infiltration to ground
- iii. The incorporation of a sustainable drainage system which will discharge surface water by infiltration to ground and provide storage for all storm return periods up to and including the 1:100-year rainfall event with an allowance for climate change.

Thereafter, the measures shall be retained and maintained thereafter the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

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

13) The development hereby permitted shall be carried out in strict accordance with the Preliminary Bat Roost and Ecological Impact Assessment, produced by George Sayer (14th July 2021) and the methodology and following mitigation/enhancements it details.

- i. Addition of a bird box to the dwelling or garden. Species to be considered include swift; swallow; house martin or house sparrow;
- ii. Addition of a bat box or bat access tile to the dwelling. This could come in the form of: bat box installed to southern aspect wall; bat tile integrated into either southern-facing roof; bat crevice created behind one of the replacement hanging slate tiles;
- iii. Addition of a hedgehog house to the corner of the garden.

Thereafter, the measures shall be retained and maintained thereafter the lifetime of the development, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting biodiversity and wildlife.

14) The development hereby permitted shall be carried out with strict accordance with Construction and Environment Management Plan (July 2021), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the highways safety and limiting the impacts of the proposed development.

15) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A- 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.

16) 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.

17) 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.

Decided Plans

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN - LOCATION AND BLOCK PLAN OF THE SITE	01		05.12.2022	Approved
PLAN - PROPOSED GENERAL ARRANGEMENT	GA.02	B	04.04.2023	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.

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RMFHECERGNO00>