


Parish: West Wittering	Ward: The Witterings
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**WW/23/01781/FUL**

<b>Proposal</b>	Demolition of existing 1 no. dwelling including associated outbuildings and construction of 1 no. dwelling and swimming pool.		
<b>Site</b>	Briar Cottage Meadow Lane West Wittering Chichester West Sussex PO20 8		
<b>Map Ref</b>	(E) 478542 (N) 98492		
<b>Applicant</b>	Bridget Carey	<b>Agent</b>	Mr Martin Swatton

**RECOMMENDATION TO PERMIT**



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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 property is a two storey detached residential dwelling located on the east side of Meadow Lane, West Wittering and situated within the West Wittering settlement boundary. The dwelling is constructed of bricks and beige painted render with clay tiles to the roof. To the front of the site there is a gravelled parking area, trees, planting and in the north-west corner of the site is a detached garage. To the rear of the site there is a patio, a lawn and trees, in the south-east corner of the site there is a detached outbuilding. To the rear, west, boundary of the site there is a line of trees which are subject to a Preservation Order and a picket fence, there is a brick and stone wall to the front and side boundaries. To the east of the site is a cricket ground, dwellings surround the rest of the site. The south side boundary of the site forms part of the north boundary of the West Wittering Conservation Area with the site being to the north-eastern most corner of the Conservation Area.

## **3.0 The Proposal**

- 3.1 The application proposes demolition of the existing 1 no. dwelling including associated outbuildings and construction of 1 no. dwelling and a swimming pool.
- 3.2 The proposed dwelling would be sited approximately within the centre of the site. It would be a two storey detached dwelling with a basement. The main walls of the dwelling would be clad in thermo pine timber cladding treated with sioo wood protection to weather naturally. A single storey extension to the south side elevation would be clad in thermo pine timber cladding painted matt black barn paint. To the south side of the front door at ground and first floor on the front elevation there would be dark grey render and greencoat zinc standing seam metal finished in anthracite grey with aluminium fenestration. The roofs of the dwelling would be mostly gabled with a couple of flat roof projections to the rear elevation.
- 3.3 To the north side of the dwelling at the front of the site, a single storey detached garage is proposed adjacent to the north side boundary. It would have a gabled roof and be constructed of materials to match the proposed dwelling. To the south-east corner of the site, adjacent to the rear, east, boundary and the south side boundary, a detached pool house is proposed. It would be single storey with a flat roof, open on the front and north side elevations and be rendered grey.
- 3.4 A swimming pool is proposed to the south side of the dwelling, set back from the front elevation of the dwelling and adjacent to the south side boundary.

## **4.0 History**

96/02081/DOM	PER	Proposed extension to form conservatory and bay window.
04/02839/DOM	PER	Replacement car port.
08/02449/FUL	REF	New bungalow.
09/00785/PLD	PER	Proposal to erect detached garage/workshop/music room.
22/01694/FUL	WDN	Demolition of existing 1 no. two storey dwelling including associated outbuildings and construction of 1 no. two storey dwelling and associated outbuildings and swimming pool.

## 5.0 Constraints

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

## 6.0 Representations and Consultations

### 6.1 West Wittering Parish Council

*Further comments 29.11.24:*

Further to the extra information provided, the arboriculturist's report partially allayed the Parish Council's concerns about damage to trees from the new building, especially during construction. The several recommendations in the report need to be included in the planning conditions, if a permit were granted. Can the Planning Officer assure the Parish Council that all these conditions will be enforced, especially the construction exclusion zone? All the other reasons the Parish Council gave for objecting still stand.

*Further comments 20.11.24:*

Thank you for the opportunity to look again at the information regarding Briar Cottage. The Planning Committee have considered the points raised and have requested that their original objection stands.

*Original comments 07.09.23:*

Objection

The Parish Council's objects to this application for the following reasons:

1. This replacement property does not comply with the Neighbourhood Plan policy WW4(b) in that it fails to comply with the requirements of VDS Guideline 50.

2. The property is on the edge of the rural village of West Wittering. Guideline 50 of the Village Design Statement (VDS) therefore applies and states that:-'

- "Any new development should maintain the spaces between buildings, the generous plots and the walled gardens.

- Appropriate materials include, white walls, shuttered windows, tile hung elevations or tile hanging with brickwork.

- Steps should be taken to reduce the night time pollution."

3. The rear boundary is lined by good quality mature oak trees which have potential to block views from the proposed new terrace and may as a result, in due course, come under pressure for reduction or removal. This is not acceptable. Further the development and swimming pool are close to these trees and may be damaged or have their roots compacted or destroyed by the proposed development .

4. The large swimming pool positioned close to the neighbour's boundary is unneighbourly.

5. This application is out of keeping with Meadow Lane and the character and density of the surrounding area, its rural edge and WW4(b) and VDS(revised 2022) Guideline 50

## 6.2 Highways

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

This application is for the demolition of existing dwelling and erection of a replacement dwelling. The site is located on Meadow Lane, a privately maintained road - as such, these comments should be considered as advice only.

WSSC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application 22/01694/FUL, raising no highway safety concerns. This application was withdrawn.

For the current application, a relocated access is proposed to serve the replacement dwelling. The applicant is advised to contact the proprietor of the privately maintained road to obtain formal approval for the proposed access works. The proposed development is not anticipated to give rise to a material intensification of movements to or from the site.

The WSSC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. From inspection of the plans, there is sufficient space within the proposed driveway and garage to accommodate this parking demand. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Regarding cycles, the proposed garage is suitably sized to be considered for the secure storage of cycles, in accordance with WSCC Parking Standards.

In summary, 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 111), and that there are no transport grounds to resist the proposal.

### 6.3 Environmental Protection

*Further comments 04.03.24:*

My colleague Paul Thomson responded to the consultation for the application previously and requested more information about the proposed plant. Thanks for reconsulting us on this application following the submission of manufacturers details for:

- The Air Source Heat Pump
- Ottimo S Pool Heating system

The manufacturers specification include noise performance data that indicates quiet plant has been specified for this project. In addition the pool heating system will be enclosed within the pool house, and a solid wall lies between it and the nearest neighbouring property. It seems very unlikely that the plant will give rise to an adverse impact on amenity, I am satisfied that a full noise assessment is not required prior to granting permission, should you be minded to do so.

I would recommend a condition that requires the installed plant to be as proposed with the application.

Proper installation and maintenance of plant can be critical to achieving and maintaining noise performance. I recommend, therefore, that a noise condition be placed if permission is granted, that enables the impact to be assessed and addressed if necessary, in the event of complaint from nearby residents. The following condition is suggested:

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

*Original comments 22.11.23:*

Thank you for the opportunity to comment.

Consideration has been given to Appleton Town Planning's Planning/Heritage Statement (July 2023) and the accompanying plans.

It is expected that manufacturer's details of any mechanical plant, associated with the swimming pool or any air source heat pumps, are provided for review. This would indicate if a noise impact assessment would be required to assess the potential noise impact at neighbouring dwellings.

It is considered that the proposed external lighting can be adequately controlled through condition.

#### 6.4 Environmental Strategy

*Further comments 04.10.23:*

Bats: Following submission of the Bat Mitigation Strategy (2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

*Original comments 13.09.23:*

Bats: Unfortunately, the Bat Mitigation Strategy 2022 which has been provided relates to a different proposal to the one within this application. Please can the report be updated to reflect the current proposal to replace the existing house (rather than an extension).

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

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.

Hedgehogs: Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Policy 40: Following submission of the Sustainability Statement (June 2022) we are pleased to see the inclusion of PV panels and Air Source Heat Pumps in line with the requirements of Policy 40. Please can we have confirmation that an electric car charging point will be installed within the site.

## 6.5 Third Party Representations

None received

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The West Wittering Neighbourhood Plan was made on the 28 November 2023 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: Carbon Reduction Policy  
Policy 47: Heritage and Design  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### West Wittering Neighbourhood Plan

Policy WW1: Design  
Policy WW4: Replacement Dwellings  
Policy WW11: Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change  
Policy WW13: Lighting  
Appendix 1: 7.5 Area 5 - Northern

### Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19

7.3 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023). The Council's published Local Development Scheme in January 2023 anticipated that the plan would be submitted for examination in Summer 2023 but given the complexity of issues involved the anticipated submission date is now Spring 2024. Accordingly, the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision-making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

#### National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from December 2023. 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 paragraphs: 135 and 180.

#### Other Local Policy and Guidance

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

- Design Guidelines for Alterations to Dwellings & Extensions (Revised September 2009) Planning Guidance Note 3
- Surface Water and Foul Drainage SPD

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main considerations are:

- i. Principle of development



- ii. Design and Impact upon Visual Amenity/Character of Area/Heritage Assets
- iii. Impact upon the amenity of neighbouring properties
- iv. Highway considerations
- v. Sustainability
- vi. Biodiversity
- vii. Trees

i. Principle of Development

8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable.

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

8.3 Paragraph 135 of the NPPF states that decisions should ensure that developments are visually attractive and are sympathetic to local character including the surrounding built environment. Policy 33 of the Local Plan refers to new residential development and sets out that the scale, form, massing and siting, height and design of development must respect and enhance the character of the surrounding area and site. Policy 47 of the Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. The site lies adjacent to the West Wittering Conservation Area, and in accordance with s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

8.4 The main two storey part of the dwelling is proposed to be approximately 7.3m in height with the east to west gable section to the north end approximately 7.8m in height. The dwelling would have a greater ridge height than the neighbouring dwelling Oak Trees to the north of the site which has an approximate ridge height of 7.5m. It would also have a greater ridge height than the neighbouring dwelling Little Hayes to the south of the site which has an approximate ridge height of 7.1m.

8.5 The proposed massing of the dwelling would be broken up by its projections, different ridge heights, materials palette and the siting and design of the proposed fenestration. Whilst the dwelling would have a higher ridge height than the adjacent neighbouring dwellings, due to its proposed siting and design, it is considered that it would not be overbearing in appearance and size, and therefore would not cause harm to the visual amenity and character of the area. In order to ensure that the dwelling would continue to be of appropriate design, it is recommended that a condition be added removing permitted development rights for extensions and alterations to the dwelling.

8.6 During the consultation of the application the Parish objected to it, stating that the proposed dwelling would be out of keeping with the other dwellings in Meadow Lane, the character of the area and not in accordance with policy WW4 of the Neighbourhood Plan and Guideline 50 of Appendix 1. It is respectfully suggested that Guideline 49 is relevant to Meadow Lane, as opposed to Guideline 50.

8.7 The proposed dwelling would be sited approximately within the centre of the site and set back from all of the boundaries. Between the front boundary wall and the front elevation there would be an approximate separation distance of 8.8m, between the north side

elevation of the dwelling and the north side boundary there would be an approximate separation distance of 7.8-8.3m, due to the orientation of the north boundary wall. Between the south side elevation of the dwelling and the south side boundary there would be an approximate separation distance of 7-7.5m, due to the orientation of the south boundary wall. Due to the proposed siting of the dwelling and the separation distances between it and the boundaries, the proposed dwelling would maintain generous space between it and the boundary walls. In order to ensure that this space is maintained in the future, it is recommended that a condition be added removing permitted development rights for outbuildings to be erected.

- 8.8 It is acknowledged that the proposed materials are not within the list of appropriate materials stated in the Neighbourhood Plan. However, it should be noted that the neighbouring dwellings to the north and south of the site are constructed of materials that are not included within the list of appropriate materials. The neighbouring dwelling to the north of the site, Oak Trees, is clad in timber cladding and pale pink painted render with slate tiles to the roof. These materials were permitted as part of planning application 18/03457/FUL in 2019 for a replacement dwelling.
- 8.9 The neighbouring dwelling to the south of the site, Little Hayes, is within the West Wittering Conservation Area. In 2021 planning permission was granted under application 21/00518/DOM for two storey front and rear extensions. As part of these works, it was proposed to clad the dwelling in timber Cape Cod white cladding with slate tiles to the roof. These materials give the dwelling a New England style of appearance. The officer's report for application 21/00518/DOM stated that 'the pallet of material is reflective of the evolving character of this street.'
- 8.10 It is therefore considered that whilst the proposed materials are not listed within the list of appropriate materials within the Neighbourhood Plan, due to the range of materials at the neighbouring dwellings to the sides of the application site, the proposed materials would not be out of keeping with the neighbouring dwellings and therefore would not cause harm to the character of the area. Samples of the proposed materials were submitted as part of the application and considered appropriate by officers. It is recommended that a condition be added requiring that the proposed works be undertaken in accordance with the submitted material details.
- 8.11 The south side boundary of the site forms part of the north boundary of the West Wittering Conservation Area, with the site being to the north-eastern most corner of the Conservation Area. In the previous paragraphs it has been considered that the proposed dwelling would not be out of keeping with the surrounding dwellings and the character of the area due to the proposed size and design of the dwelling. For these reasons and due to the siting of the site in relation to the conservation area, it is considered that the proposed dwelling would preserve the character and appearance of the conservation area.
- 8.12 Concern was also raised by the Parish that the proposed works would cause light pollution. In order to ensure that the proposed rooflights would not cause light pollution, it is recommended that a condition be added requiring that internal dusk-dawn blinds be installed to all rooflights. It is also recommended that a condition be added that no external lighting be installed to any of the buildings without a grant of planning permission.
- 8.13 Due to the proposed siting, size and design of the proposed works and the design of the neighbouring dwellings, subject to conditions the proposed works would be appropriate

having regard to the site and would not cause significant harm or detriment to the wider area and therefore would accord with local and national development plan policies.

iii Impact upon the amenity of neighbouring properties

8.14 The NPPF states in paragraph 135 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.15 Due to the siting, size and design of the proposed works they would not be overbearing nor cause overshadowing to the neighbouring dwellings. Windows to serve bathrooms and secondary windows to bedrooms are proposed in the first floor of the north and south side elevations. In order to ensure that these windows do not cause overlooking to the neighbouring dwellings to the north and south, it is recommended that a condition be added requiring that these windows be glazed with obscure glass and be non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed.

8.16 The proposed rear northern first floor terrace would be recessed within the part of the dwelling where it is proposed to be sited. Due to this there would be no direct overlooking to the neighbouring sites. The sides of the proposed rear southern first floor terrace would be screened by the gable roofs of the parts of the dwelling to the north and south ends of the rear elevation which extend further to the rear than the southern terrace. For this reason, there would be no direct overlooking to the neighbouring sites. Due to the siting of the proposed dwelling and the neighbouring dwellings, the proposed rear windows and terraces would not increase the risk of overlooking to the neighbouring dwellings.

8.17 During the consultation of the application, concern was raised by the Parish that the proposed swimming pool would be unneighbourly to the neighbouring dwelling to the south, due to its proposed siting being adjacent to the south side boundary. The boundary treatment to the south side boundary is an approximately 1.9m high wall. There is then a separation distance of approximately 9m between the boundary wall and the north side elevation of the neighbouring dwelling with this area of the neighbouring site being used for parking. No works are proposed to the boundary wall, therefore due to the wall and the separation distance between the neighbouring dwelling and the proposed swimming pool, Officers consider that the swimming pool would not cause harm to the amenities of the neighbouring dwelling to the south.

8.18 An air source heat pump is proposed for the dwelling and a heating system for the swimming pool is proposed as part of the proposed works. The air source heat pump would be sited to the rear elevation of the proposed dwelling and the pool pump would be sited within the proposed pool house. Manufacturers' details for both of these were submitted and the Council's Environmental Protection team were consulted on them. They commented that due to the siting of them and that the boundary treatment between the proposed dwelling and the neighbouring dwellings is a solid wall, it seems very unlikely that they would give rise to an adverse impact on neighbouring amenity. In order to ensure that the air source heat pump and the pool heating system would not impact on

neighbouring amenity, it is recommended that conditions be added requiring that they be installed in accordance with the submitted details. In addition, it is also recommended that it be conditioned that when the air source heat pump and the pool heating system are assessed according to British Standard 4142:2014, and expressed as a sound rating level, they do not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

8.19 In order to ensure that the construction of the proposed works would not cause harm to the amenities of the neighbouring dwellings, it is recommended that a condition be added requiring that a Construction and Environmental Management Plan be submitted prior to any works being undertaken at the site.

8.20 Subject to conditions the proposal would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

iv. Highway Safety

8.21 Policy 39 of the Chichester Local Plan seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

8.22 The existing vehicular access is proposed to be resited further to the north on the front, west, boundary and would be wider than the existing vehicular access. An electric sliding gate would be installed to the access. It would be the same height as the existing boundary wall. Highways were consulted on the proposed works, they did not raise any concerns. They stated that the proposed parking arrangement would meet the requirement for three parking spaces at the site.

8.23 The proposed works would not have a harmful impact on highway safety nor on parking in the area. It is recommended that a condition be added requiring that the proposed parking areas be used for this purpose only.

v. Sustainability

8.24 Sustainability measures including solar panels, an electric vehicle charging point and an air source heat pump have been proposed. It is recommended that conditions be added requiring full details of the proposed solar panels and electric vehicle charging point be submitted be submitted prior to their installation.

vi. Biodiversity

8.25 A Bat Mitigation Strategy was submitted as part of the application. It found that the dwelling hosts common pipistrelle and soprano pipistrelle day roosts. The roosts though were found to be of low conservation significances. As the proposed works would result in the loss of the bat roosts, the applicants would need to apply for a bat license from Natural England for the proposed works. Mitigation measures for during construction works were provided in the Bat Mitigation Strategy including the installation of bat boxes.

8.26 The Council's Environmental Strategy team were consulted on the Bat Mitigation Strategy, they are satisfied that the mitigation measures proposed would be suitable. It is

recommended that a condition be added requiring that the proposed works are undertaken in accordance with the Bat Mitigation Strategy.

8.27 Policy WW11 - Biodiversity, Geodiversity and Mitigating the Impacts of Climate Change of the West Wittering Neighbourhood Plan states:

'Development proposals should achieve a net-gain in biodiversity assets of at least 10% (demonstrated by reference to the Defra Biodiversity Metric). As appropriate to their scale, nature and location, development proposals should seek to enhance the natural capital of the immediate locality and increase its resilience to climate change. Development proposals should retain and support the enhancement of non-designated biodiversity and geodiversity assets except where the works proposed are essential for the viability of the site (such as access). In these circumstances, any harm to the asset concerned should be minimised and where practicable mitigated.'

8.28 Based on this policy, the application is required to achieve a net gain in biodiversity assets of at least 10%.

8.29 Biodiversity Net Gain is also required for certain types of development under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The Planning Practice Guidance dated February 2024 provides clarification on the weight to be attached to local policies on biodiversity and states:

'It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. The statutory provisions are an important material consideration that in many cases will take precedence over local planning policy. The statutory framework represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning... Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.'

8.30 Self-build and custom build development are exempt from having to achieve Biodiversity Net Gain under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024 provided that they:

- consist of no more than 9 dwellings, and
- are carried out on a site which has an area no larger than 0.5 hectares, and
- consists exclusively of dwellings which are self-build or custom housebuilding as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015.

8.31 One dwelling, a replacement dwelling is proposed, the site area is less than 0.5 hectares and the dwelling would be a self-build dwelling. Under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024, the proposed works would therefore be exempt from having to provide Biodiversity Net Gain.

Notwithstanding the above, in order to ensure though that the proposed works would enhance biodiversity in the area, it is recommended that ecological enhancements be conditioned.

vii. Trees

- 8.32 Three trees, two roadside Hollies trees and a Cedar tree on the front, west, boundary at the north end are proposed to be removed to allow for the new access and gateway. A Fig tree and four Mimosa trees on the north side boundary are proposed to be removed for the proposed garage. These trees have neither Preservation Orders nor are they in a Conservation Area, therefore they could be removed without the need for planning permission. The submitted Tree Survey and Report states that native trees are proposed to be planted to replace these trees, therefore the removal of these trees is not considered harmful to the site nor the area. It is recommended that a condition be added for a soft landscaping scheme for the site to ensure that appropriate native trees are planted.
- 8.33 Along the rear, east, boundary of the site there is a line of Oak trees with a Preservation Order, 08/00169/TPO. No works are proposed to these trees. The Tree Survey and Report includes mitigation measures for during construction works, including protective fencing, to ensure that the works do not cause any harm to these trees.
- 8.34 The proposed pool house would be within the root protection area of one of the Oak trees, the pool house though would be within the footprint of the existing outbuilding. Subject to the construction of the pool house being undertaken in accordance with the mitigation measures detailed with the Tree Survey and Report, the proposed works would not impact on the Oak Tree. It is recommended that a condition be added requiring that the proposed works are undertaken in accordance with the Tree Survey and Report.
- 8.35 During the consultation of the application, concern was raised by the Parish that the proposed works could in the future cause the Oak trees to come under pressure for reduction or removal. Due to these trees having a Preservation Order, if any works are proposed to them in the future, permission would need to be sought from the Council.

Conclusion

- 8.36 Due to the siting, size and design of the proposed works they would be acceptable in terms of their design and impact upon the surrounding area. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework, the Chichester Local Plan Key Policies and the West Wittering Neighbourhood Plan, and there are no material considerations that indicate otherwise.

Human Rights

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

**RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

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

3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (i) the parking of vehicles of site operatives and visitors;
- (ii) loading and unloading of plant and materials;
- (iii) storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) turning on site of vehicles;
- (viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

4) 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.

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

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

6) Notwithstanding the details shown on the permitted plans prior to first occupation of the dwelling hereby approved, details of secure cycle storage shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to these details. The cycle store shall take the form of a covered building or other structure available. Once approved, the storage shall be provided and shall thereafter be kept permanently available for the stated purpose.

Reason: To encourage non car modes of transport.

7) Notwithstanding the landscaping details submitted no part of the development shall be first occupied until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants and trees noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which 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 amenity and of the environment of the development.

8) Notwithstanding the landscaping details submitted no part of the development shall be first occupied until a detailed scheme of hard landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall detail materials and finishes of hard surfaces. All hard surfaces proposed must be permeable.

Reason: In the interests of amenity.

9) Before first occupation of the dwelling hereby approved, the parking spaces shall be surfaced and laid out as shown on the permitted plans and shall thereafter be maintained in perpetuity.

Reason: To ensure satisfactory off road parking provision in the locality.

10) Prior to substantial completion or occupation of the works hereby permitted, which ever if the earlier, the following ecological enhancements shall be provided:

- a) A bat box integrated into a building onsite facing south/south-westerly positioned 3-5m above ground.
- b) A bird box on a building onsite or a tree within the garden.
- c) A hedgehog nesting box installed within the site to provide future nesting areas for hedgehogs.

Thereafter the ecological enhancements shall be maintained in perpetuity.

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

11) No part of the development hereby permitted shall be occupied until the dwelling has been constructed in accordance with the terms of the submitted Sustainable Statement. Thereafter the sustainability measures shall be maintained and kept operational in perpetuity.



Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

12) The dwelling hereby permitted shall be designed to ensure the consumption of wholesome 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 hereby permitted shall not be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

13) The development hereby approved shall not be first occupied until all existing buildings/outbuildings currently on the site have been removed in their entirety.

Reason: To comply with the permission, to avoid the proliferation of structures on the site and in the interests of the visual amenity of the site.

14) Notwithstanding any indication shown on the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the development hereby permitted shall not be first occupied until the windows in the first floor of the north elevation and the windows in the first floor of the south elevation have been glazed with obscure glass and non-opening unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the windows are installed. They shall be retained at all times and shall not at any time be replaced by clear glazing.

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

15) Prior to the occupation of the dwelling hereby permitted, internal dusk-dawn screen blinds (to block all internal light emissions) shall be installed to the rooflights. Once installed, the blinds shall be closed every day, between dusk and dawn the following day. Thereafter, the blinds shall be retained, unless otherwise agreed by the Local Planning Authority.

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

16) 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.

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

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

18) The development hereby permitted shall be carried out in strict accordance with the mitigation measures and enhancements detailed in the Bat Mitigation Strategy produced by Dr Jonty Denton.

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

19) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Tree Survey and Report produced by Jonathan Rodwell.

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

20) The development hereby permitted shall be carried out in strict accordance with the air source heat pump specifications produced by Ideal Heating.

Reason: In order to protect the amenities of the area.

21) The development hereby permitted shall be carried out in strict accordance with the submitted pool heating specifications produced by Polytropic Pool Heating Solutions.

Reason: In order to protect the amenities of the area.

22) 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).

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

23) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

24) 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 building, structure or other alteration permitted by Class A - Class G of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of the surrounding area.

25) The hereby permitted plant, machinery and equipment shall be so enclosed and/or attenuated that noise therefrom at any time, when assessed according to British Standard 4142:2014, and expressed as a sound rating level, does not increase the background sound level as determined 1m from the façade of the most sensitive receptors, at any adjoining or nearby residential property.

Reason: To protect the amenities of the adjacent occupiers.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the buildings other than in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of the proposed location, luminance and design of the lighting including measures to 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.

Reason: In the interests of protecting bats.

## 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 - Proposed Pool Details	BC POOL 2333		30.10.2023	Approved
PLAN - PROPOSED GARAGE AND POOL HOUSE	BC 2022-GPH 01	REV A	31.07.2023	Approved
PLAN - SITE LOCATION PLAN	002		01.08.2023	Approved
PLAN - BLOCK PLAN	003		01.08.2023	Approved
PLAN - PROPOSED NORTH AND SOUTH ELEVATIONS	BC 2023-02	REV B3	01.08.2023	Approved
PLAN - PROPOSED SECTIONS AA, BB AND CC	BC 2023-03	REV B3	01.08.2023	Approved
PLAN - PROPOSED	BC 2023-04	REV B3	01.08.2023	Approved

ROOF PLAN				
PLAN - PROPOSED GROUND FLOOR PLAN	BC 2023-05	REV B3	01.08.2023	Approved
PLAN - PROPOSED FIRST FLOOR PLAN	BC 2023-06	REV B3	01.08.2023	Approved
PLAN - PROPOSED BASEMENT AND POOL LAYOUT	BC 2023-07	REV B3	01.08.2023	Approved
PLAN - PROPOSED STREET SCENE	BC 2023-08	REV B3	01.08.2023	Approved
PLAN - PROPOSED STREET SCENE WITH RIDGE HEIGHTS	BC 2023-08	REV B3	01.08.2023	Approved
PLAN - PROPOSED PLOT LAYOUT	BC 2023-09	REV B3	01.08.2023	Approved
PLAN - EXISTING AND PROPOSED VEHICLE ACCESS	BC 2023-10	REV B3	01.08.2023	Approved
PLAN - PROPOSED POOL SECTION	BC 2022-SP-01	REV A	17.08.2023	Approved
PLAN - PROPOSED FRONT AND REAR ELEVATIONS	BC 2023-01	REV B3	17.08.2023	Approved
PLAN – SITING FOR PROPOSED AIR SOURCE HEAT PUMP AND POOL PUMP	BC 2023-12	REV B3	07.03.2024	Approved

### Informatives

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters,

water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](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).

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYNTLSERLUL00>