


Parish: West Itchenor	Ward: The Witterings
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WI/23/02551/FUL

Proposal	Replacement dwelling, outbuildings, swimming pool and associated works -variation of Condition 2 of planning permission WI/22/01278/FUL - to include the addition of a summer house outbuilding and vary permission in line with drawing nos. 242.0.001 (Rev 02), 242.3.004 (Rev 03), 242.3.103 (Rev 01) & 242.3.212 (Rev 01) - (Variation of conditions 2 & 4 of Planning Permission WI/22/02618/FUL to vary the outbuildings to include garden store and pergola to existing pool house, installation of condenser units to the flank elevations and allow changes to the Tree Protection Plan.		
Site	Paddock House Spinney Lane Itchenor Chichester West Sussex PO20 7DJ		
Map Ref	(E) 480441 (N) 100836		
Applicant	Mr & Mrs B Wilkin	Agent	Mrs Natalie McKellar

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 site is located on the south side of Spinney Lane, West Itchenor and situated outside of any settlement boundary and within the Chichester Harbour National Landscape, a designated Area of Outstanding Natural Beauty. When the site was visited as part of the application, construction works were been undertaken to construct a two storey detached dwelling and associated works. To the front and rear of the site there are some trees. To the front boundary there is a post and rail fence and construction hoarding. To the east side and rear boundaries there is hedging and to the west side boundary there is a fence, hedging and trees. To the east and west of the site are dwellings, there are dwellings to the north of the site with the Chichester Harbour further to the north of these dwellings and to the south is agricultural land.

3.0 The Proposal

- 3.1 The application proposes to vary of conditions 2 & 4 of planning permission WI/22/02618/FUL, which granted permission for a replacement dwelling and associated works, to amend the outbuildings to include a garden store and pergola to the existing pool house, installation of condenser units to the flank elevations and to allow changes to the Tree Protection Plan.
- 3.2 Condition 2 of application 22/02618/FUL, which stated that the permitted works must be undertaken in accordance with the permitted plans, is proposed to be varied as additional works are proposed. Condition 4 of application 22/02618/FUL, which stated that the permitted works must be under in accordance with the Tree Protection Plan and an Arboricultural Impact Assessment, is proposed to be varied as amendments are proposed to the mitigation measures to the trees and hedges at the application site and the neighbouring sites.
- 3.3 A pergola is proposed to be installed to the pool house that was permitted under application 22/01278/FUL. The pool house would be located in the rear garden to the south-east of the dwelling and set back from the east side boundary. The pergola would be constructed of powder coated aluminium. It would wrap round the north and west elevations of the pool house. At approximately 2.6m in height, the pergola would be sited below the eaves of the pool house. The pergola would be approximately 9.8m in length and 12.1m in width.
- 3.4 A single storey detached store was permitted to be erected at the site under application 22/01278/FUL. The store would be sited in the rear garden, to the south-west of the dwelling and adjacent to the west boundary. It was proposed to have a pitched roof approximately 3m in height, be 4.5m in length and 7.1m in width. Render and timber cladding were proposed to the walls and slate tiles to the roof. The store was proposed to contain a pool plant and a garden store. It is proposed to extend the store to the south in order that it can also contain a main plant room. The extension would be the same height and length as the permitted store, the width of the store would increase to approximately 12m. Timber cladding is now proposed to all of the walls of the store. Alterations to the

fenestration of the store are proposed with the previously permitted doors to the south side elevation removed. Instead of one set of double doors to the east elevation, two sets of double doors and one single door is now proposed.

- 3.5 Two condensing units are proposed to be installed. One is proposed to the ground floor of the east side elevation of the dwelling and one is proposed to the ground floor of the west side elevation of the dwelling.
- 3.6 As part of application 22/01278/FUL a Tree Protection Plan and an Arboricultural Impact Assessment were submitted as there are trees and hedges at the application site and the neighbouring sites. It was conditioned that the permitted works be undertaken in accordance with the Tree Protection Plan and Arboricultural Impact Assessment to ensure that the trees and hedges were adequately protected from damage to health and stability during construction work. This condition was also included for application 22/02618/FUL.
- 3.7 Amendments are proposed to the Tree Protection Plan and Arboricultural Impact Assessment including:
- Relocating some of the protective fencing to allow construction vehicles to continue to access the rear of the site for parking and the storage of the construction materials and also for the construction of the permitted and proposed works to be undertaken,
 - This includes the protective fencing to the east side boundary which is proposed to be sited closer to the boundary hedges, H01 and H03, and the Oak tree, T23, which is at the neighbouring site to the east. Additional mitigation measures for these hedges and the Oak tree are proposed,
 - Tree T07, part of hedge H02 and hedge H04, sited within the rear garden to the south-west of the dwelling, are proposed to be felled,
 - Installed underground surface runs are shown on the Tree Protection Plan.

4.0 History

22/01278/FUL	PER	Replacement dwelling, outbuildings, swimming pool and associated works
22/02618/FUL	PER	Replacement dwelling, outbuildings, swimming pool and associated works -Variation of Condition 2 of planning permission WI/22/01278/FUL - to include the addition of a summer house outbuilding and vary permission in line with drawing nos. 242.0.001 (Rev 02), 242.3.004 (Rev 03), 242.3.103 (Rev 01) & 242.3.212 (Rev 01).
23/00678/FUL	PER	PV panels and boreholes for ground source heat pump in connection with permission 22/02618/FUL.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 West Itchenor Parish Council

West Itchenor Parish Council is extremely disappointed about the damage to the trees on site and fully supports the comments from Henry Whitby dated 6 October 2023, where he states that the removal of the protective fences around hedges H02 and H04 is unacceptable and should be retained as per the previously permitted application.

Additionally, the Parish Council strongly objects to the positioning of the air conditioning and condenser units. To protect the amenity of neighbouring properties, these should not face either of the neighbouring properties.

6.2 Highways

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

This application seeks the variation of Condition 2 and 4 of permitted application WI/22/02618/FUL, to allow for amendments to the approved plans. From inspection of the plans, the proposed changes appear relatively minor and are not anticipated to impact upon highway safety. No concerns are raised to the variation of Condition 2 and 4.

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 Chichester Harbour Conservancy

No objection with conditions.

Conditions:

- 1) Replacement tree following removal of tree T07 and reinstatement of protective fencing;
- 2) Council ensure they are satisfied that the works would not harm the large Oak tree (T23) which overhangs the site, by investigating the concerns raised by the neighbour.

The proposed larger garden store, pergola and air conditioning units would not be likely to be visible from public vantage points and would therefore have a limited or no impact on the wider AONB landscape.

We note that the proposals now involve the removal of tree T07, we would like to see a suitable replacement for this. We would support the concerns of the Parish Council regarding the protective fencing and urge that this be reinstated to properly safeguard the trees on the site. We would also ask that the concerns raised by the neighbour regarding the mature Oak tree (T23) be taken into account and that the Council's Tree Officer be satisfied that the works will not harm this important tree before granting permission.

6.4 Environmental Protection

Thanks for consulting us on this application. I asked for some clarification about the external condenser units, because the specification submitted originally was not explicit about which model was intended to be installed externally. This has now been clarified by the applicant. The manufacturer's performance data includes the Sound Power Level for the external unit and Sound Pressure Levels - although distance at which the latter is determined was not stated. The Sound Power Level for a machine can be thought of as its noise output rating. The likely sound pressure level at a known distance from the machine can be calculated, with a correction to account for its position fixed to a wall. At a distance of 10 metres the level would be expected to be 36dB(A) I understand the condensers are used in pairs - an additional identical machine would add 3dB(A) to the calculation, to give 39dB(A) at 10 metres.

I appreciate the limitations of determining distances from submitted plans. The condensers appear to be approximately 5 metres from the boundary and 10 metres from the nearest window at the neighbouring property. I do not have any information about barriers that may sit between the condensers and the neighbouring property, which may reduce the level of sound experienced by neighbours. Effectively this means that 39dB(A) at the neighbouring property's façade should be the worst case scenario. The effect of a partially open window is, typically, to reduce the sound level from outside to inside by 15dB(A) which gives a likely internal level (for sound emitted by the condenser units) of 24dB(A). In my experience this is likely to be below the background level of sound within a domestic property. For comparison, the recommended indoor ambient noise levels in Tables 4 and 6 of BS8233:2014 are 35dB(A) for a living room during the day and 30dB(A) for a bedroom at night.

This basic desktop exercise gives us an indication of likely impact, but is not a full noise assessment. I have no information about the ambient sound levels in the vicinity, nor of specific conditions that may influence the level of sound experienced at the neighbouring property. Whilst I would not object to the proposed condensers being installed, it is possible that a modest degree of attenuation will be required, for example an enclosure or barrier, to reduce the sound level. This can be determined once the plant is in situ. I recommend that a noise condition be placed in the event that permission is granted, as follows:

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.

6.5 Tree Officer (summarised)

Further comments 15.04.24:

The issue of the trenching works require formal approval of the proposed solution which was submitted in the current planning application.

Also, the request by the neighbour (Spindriff) for a TPO to be placed on the Oak tree (T23) but with the root damage confirmed by the Agent's Arborist as being "marginally damaged" has meant I am concerned about the tree's status/longevity and the appropriateness or not for a provisional order to be placed on the Oak tree.

Further comments 08.03.24:

Plan TPP 42/3.004/Rev.01 (drawing; Arbtech TPP 01 Rev B (Sept 2023) showed the blue lines of the trench work on the edge of the RPA of Oak tree (T23). The submitted TPP plan, Rev A within the 2022 permission 22/02618/FUL - did not show any trenching details/locations and on the plan and/or Arb Impact Assessment AIA 01Rev A which were both agreed. With regards to extending works/movement into the Oak tree (T23)'s RPA. Proposed aerating the soil within tree T23's RPA, putting down ground protection and re-instating the protective fencing as shown on TPP 242/3.004/Rev.01 (drawing; Arbtech TPP 01 Rev B (Sept 2023).

The proposed mitigation seemed reasonable and this was filed into planning app. 22/02618/FUL. However, I would consider the amelioration should be carried out after rather than before to alleviate any short/long term compaction and the protective fencing reduced to a minimum, to the edge of the ground protection.

Original comments 05.02.24:

The loss of the hedgerow 04 seems to be of limited factor due to being within the site and not on the boundary.

The likely loss of some of the hedgerow 02 seemed inevitable due to its close proximity to an external structure again being internal less of an issue.

6.6 Environmental Strategy

We are satisfied that our comments made as part of the previous application are still applicable to this variation and should be referred to as required.

6.7 Drainage

We have reviewed the proposals and we're satisfied that the proposed alterations should not have a significant impact on local flood risk / surface water drainage, therefore we have no objection to the proposal.

6.8 Natural England

No comment to make (Standing advice provided)

6.9 Third Party Representations

7 no. letters of objection have been submitted by 1 no. third party concerning, summarised:

- The proposed condensing units would impact on the amenities of the neighbouring dwelling to the east in regards to noise,
- The proposed service trench for the summerhouse and the pool house would sever the root protection area of an Oak tree (T23) in the garden of the neighbouring dwelling to the east,
- The service trench should circumnavigate the root protection area of the Oak tree,
- The proposed tree protection plan could weaken the root system of the Oak tree and the tree itself over time. Weakening the tree will cause a threat to the neighbouring dwelling. Other large trees at the site have been protected, the Oak tree should be given the same protection,
- A Tree Preservation Order has been applied for for the Oak tree, hope that this would ensure that the roots of the Oak tree will not be damaged by a trench and the plans can be altered so that the trench works is directed elsewhere,
- The Ecological Enhancement plan incorrectly shows a conifer hedge being at the application site instead of the neighbouring dwelling to the east,
- The trench within the root protection area of the Oak tree has already been dug ahead of planning permission being granted. Concerned for the safety of the tree due to the amount of construction traffic that passes over the trench and the root system of the tree. Would like to understand what process was taken to protect the tree roots when the trench was dug,
- Can find no record of approval for the trenches with the tree protection areas, they have been excavated without permission and without supervision and the mitigation measures not undertaken correctly,
- Due to the damage that has been caused to the Oak tree, understand that it may not be granted a Tree Preservation Order.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no neighbourhood plan for West Itchenor.

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 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Carbon Reduction Policy
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity

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

- 7.3 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 Spring 2024. 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 (2023).

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, 180 and 182.

Other Local Policy and Guidance

- 7.6 The following documents are material to the determination of this planning application:
- o CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions

- o Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (2017)
- o CHC Chichester Harbour AONB Management Plan (2024-2025)
- o West Itchenor Village Design Statement

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:

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

8.0 Planning Comments

The main considerations are:

- i. Principle of development
- ii. Design and Impact upon Visual Amenity/Character of Area/Landscape
- iii. Impact upon the amenity of neighbouring properties
- iv. Trees
- v. Other Matters

i. Principle of Development

8.1 The application site is located in the rural area outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area'. As per Policies 2 and 45 development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. The principle of the proposal, which does not result in the encroachment into the countryside and represents the replacement of an existing dwelling was established under applications 22/01278/FUL and 22/02618/FUL. The general principle of the development is therefore acceptable.

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

8.2 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 43 requires that the natural beauty and locally distinctive features of the AONB are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. This is reiterated in paragraph 182 of the NPPF, which states: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

8.3 Due to the siting, size and design of the proposed pergola and extension to the garden store, they would not cause harm to the visual amenity and character of the area and neither to the AONB.

8.4 One of the conditions for applications 22/01278/FUL and 22/02618/FUL required a fully detailed landscape and planting scheme for the site be submitted prior to its first use. This condition was discharged in March 2024 under application 24/00033/DOC. It is therefore recommended that the landscape and planting scheme condition be amended to state that the works be undertaken in accordance with the details that were permitted for application 24/00033/DOC.

8.5 Due to the siting, size and design of the proposed works they would be appropriate having regard to the site and would not cause significant harm or detriment to the wider area nor to the landscape of the area and therefore would accord with local and national development plan policies including policies 33 and 43 of the Local Plan and paragraphs 135 and 182 of the NPPF.

iii. Impact upon the amenity of neighbouring properties

8.6 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 includes requirements to protect the amenities of neighbouring properties.

8.7 Due to the siting, size and design of the proposed pergola and extension to the garden store, they would not cause harm to the amenities of the neighbouring dwellings.

8.8 Environmental Protection were consulted on the proposed condensing units. They commented that a modest degree of attenuation may be required for the condensing units, for example an enclosure or barrier, to reduce the sound level from the condensing units. This would be in order to ensure that they would not impact on neighbouring amenity with regards to noise. Environmental Protection also commented that whether an enclosure or barrier is required can be determined once the condensing units are in situ. A condition is therefore recommended requiring the condensing units to be 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.

8.9 A Construction and Environmental Management plan was submitted as part of application 22/01278/FUL. As the dwelling and associated works are still being constructed at the site, it is recommended that as with the previous applications, 22/01278/FUL and 22/02618/FUL, a condition be added requiring that the works are undertaken in accordance with the Construction and Environmental Management plan.

8.10 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.

v. Trees

8.11 None of the trees and hedges at the site and the neighbouring dwellings directly to the east and west have Tree Preservation Orders and neither are they in the Conservation Area. Tree T07, part of hedge H02 and the whole of hedge H04 are proposed to be felled as part of the proposed works in order to facilitate the proposed amendments to the store

building. Additional trees are proposed to be planted at the site within the landscape and planting scheme. Due to the siting of Tree T07, hedge H02 and hedge H04 and that additional trees are proposed, it is considered that their removal would not have a harmful impact on the character of the area and the landscape.

- 8.12 In accordance with the Construction and Environmental Management submitted as part of applications 22/01278/FUL, all construction vehicles and materials are stored at the site, the majority to the rear. Previously the vehicles avoided the root protection area of Oak tree T23 as the vehicles were able to access the rear of the site by driving along where an east side extension of the permitted dwelling and the permitted pool house were proposed to be sited. As works have progressed at the site and these parts are being constructed, the vehicles are no longer able to take this route. To access the rear of the site they would need to drive closer to hedges H01 and H03 and within the root protection area of Oak tree T23. Due to the size of the front of the site, that there are some trees to the front of the site that require protective fencing and the number of construction vehicles required for the construction of the works, there would not be space for the vehicles to park to the front of the site. Parking on Spinney Lane is not an option as this would have a harmful impact on the highway safety of Spinney Lane and its users. Parking is therefore required to continue to be to the rear of the site.
- 8.13 To mitigate against the re-sited protective fencing and that vehicles would drive within the root protection area of Oak tree T23, mitigation measures are proposed. This includes providing a root protection mat and remediation work. A no-dig sub-base such as Cellweb is proposed to be installed in line with manufacturer's recommendations for the likely loadings of the vehicles. Site traffic is proposed to be restricted to vans and site plant, not HGV's, with weights under the engineered loads. 150mm deep Cellweb is proposed which would allow for a vehicle loading of 30 tons. The heaviest vehicle proposed to be used in the access route would be a forklift truck of 14 tons. The Cellweb is a no dig solution that would ensure that the vehicle loads placed upon it are laterally dissipated rather than transferred to the soil and roots below. The walls of the Cellweb are perforated, therefore when combined with the infill of clean angular stone, it enables free movement of water and oxygen. This would ensure the nutrient supplies to the tree roots are maintained. The works to prepare the ground around Oak tree T23 are proposed to be supervised by Arbtech, the authors of the Arboricultural Impact Assessment. Following completion of the construction works, this area would be reinstated and in accordance with the previously permitted landscape and planting scheme.
- 8.14 During the site visit by the Planning Officer in April 2024, it was noted that the re-siting of the protective fencing to trees T02, T03 and T04 has already been undertaken as has the siting of the fencing to hedges H01 and H03 and part of the protective fencing to Oak tree T23 has also been re-siting.
- 8.15 During the consultation of the application, objections were submitted by the neighbouring dwelling to the east and the Parish Council due to the proposed amendments to the Tree Protection Plan and an Arboricultural Impact Assessment and for works that have been undertaken at the site.
- 8.16 The objection comments include the underground services that have been installed at the site, including within the area of Oak tree T23. It has been stated by the agent of the application that these are standard ground works carried out as part of the approved scheme for the replacement dwelling and do not constitute operational development in

their own right. It was also stated that all works in the area have been hand dug as required. Some root severance has though been confirmed to have happened within the root protection area from the installation of the service trenching. To mitigate against this damage, it is proposed that prior to the installation of the Cellweb, the rotting volume within the root protection area of Oak tree T23 would be ameliorated using compressed air with Biochar injection.

8.17 The Council's Tree Officer was consulted on the proposed works and has confirmed that he does not have any concerns with the proposed mitigation measures. It is recommended therefore that a condition be added requiring the works be undertaken in accordance with the Tree Protection Plan and Arboricultural Method Statement submitted as part of the application in order to ensure that no harm is caused to the retained trees and hedges at the application and neighbouring sites.

v. Other Matters

8.18 The proposed works do not materially impact other aspects of the approved schemes. It is advised that the previously imposed conditions be amended where necessary in accordance with the submitted and agreed details and added to this application.

Conclusion

8.19 Due to the siting, size and design of the proposed garden store, pergola and condenser units they would be acceptable in terms of their design and impact upon the surrounding area and neighbouring amenity. Due to the proposed mitigation measures for the trees and hedging at the application site and the neighbouring sites, subject to conditions they would be acceptable in terms of their impact on the trees and hedges. 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 Itchenor Village Design Statement, and there are no material considerations that indicate otherwise.

Human Rights

8.20 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:-

Conditions

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

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

2) The works hereby permitted shall be undertaken in place in accordance with the submitted Tree Protection Plan (ARBTECH TPP 01 D), the Arboricultural Method Statement and British Standard BS 5837 (2012). Thereafter the protective measures shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

3) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance within the approved site layout plan. These spaces shall therefore be retained at all time for their designated use.

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

4) 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 layout plan.

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

5) Bats

The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the submitted Bat Emergence and Re-entry Survey (dated April 2022).

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.

A bat box must be installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

A check will also be required for birds' nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

It is requested that a bird box be installed on the building and / or tree within the site.

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.

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.

6) Prior to first occupation of the building the proposed rooflights hereby permitted shall be fitted with blinds that shall be operated between dusk and dawn at any time that the building is occupied. Thereafter the blinds shall be maintained and operational between dusk and dawn in perpetuity.

Reason: In the interests of conserving and enhancing the AONB and in the interests of protecting the wildlife habitats.

7) 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.

8) The installation of the condenser units shall be undertaken in accordance with the submitted details. 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.

9) The Construction and Environmental Management (CEMP) Plan hereby submitted (prepared 14 April 2022) shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority.

Reason: To ensure the development proceeds in the interests of highway safety and in the interests of 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.

10) The landscape and planting scheme for the site shall be undertaken in accordance with Planting Plan PAD-PP-BK-01C, PAD-PP-PK-01C, PAD-PP-BKMT-01D, PAD-PP-BKMT-02D, PAD-PP-FR-01D, and PAD-PP-MTR-01A (dated March 2024). It shall be carried out in the first planting season following practical completion or first occupation of the development, whichever is earlier, unless otherwise agreed in writing by the LPA. The works shall be carried out in accordance with the approved details and in accordance with the recommendation of the appropriate British standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 year after planning, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other of species, size and number as originally approved unless otherwise first agreed in writing by the LPA.

Reason: In the interests of protecting the amenity of the area and to preserve the special value of the trees.

11) Notwithstanding the provisions of Part 1 Schedule 2 of the Town and Country Planning ((General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no window(s) or door(s) shall be inserted into the east and west side elevation of the dwellinghouse hereby permitted without a grant of planning permission.

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

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - PROPOSED PERGOLA AND GARDEN STORE	242/3.007	02	09.11.2023	Approved
PLAN - PROPOSED CONDENSING UNIT LOCATIONS	242/3.104	02	09.11.2023	Approved
PLAN - PERGOLA AND GARDEN STORE PLANS	242/3.105	01	09.11.2023	Approved
PLAN - PROPOSED ELEVATION SHEET 01	242/3.201	05	09.11.2023	Approved
PLAN - PROPOSED ELEVATION SHEET 03	242/3.203	06	09.11.2023	Approved
PLAN - PROPOSED ELEVATION SHEET 04	242/3.204	06	09.11.2023	Approved
PLAN - PROPOSED ELEVATION SHEET 06	242/3.206	05	09.11.2023	Approved

PLAN - PROPOSED ELEVATION SHEET 02	242/3.206	06	09.11.2023	Approved
PLAN - PROPOSED ELEVATION SHEET 07	242/3.207	05	01.05.2024	Approved
PLAN - TREE PROTECTION PLAN	ARBTECH TPP 01	D	09.11.2023	Approved
PLAN - ECO Enhancement	PAD-CDC-ECO-01	A	20.02.2024	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 Sussex and Kent Area Team (Worthing Office: Guildbourne House Chatsworth Road Worthing West Sussex BN11 1LD Telephone: 0300 060 3900, consultations@naturalengland.org.uk) for advice. If nesting birds are present on site, works should only be undertaken outside of the bird breeding season which takes place between 1st March and 1st October.

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=S3V0F1ERFRT00>