

1.0 Reason for Committee Referral

This application was deferred before prior to the meeting on 21 June 2017 following receipt of a legal opinion from the applicant in relation to the principle of redevelopment of the site for residential development and the policy considerations.

Red Card Procedure – Councillor Collins has information or an opinion, which he/she wishes to raise in the debate:-

1. Chidham and Hambrook is in favour of this development, as there are many similarities to the recent Chidham Garage development adjacent to this site;
2. The development makes good use of what is a derelict brownfield site which the Parish Council feels would enhance the area;
3. The Parish Council has concerns with regard to the environmental and safety hazards on the site if left in its current state.

2.0 Site Description and Surroundings

2.1 The application site is a backland site, located to the rear of residential dwellings on the southern side of the A259. The site is located outside the Settlement Boundaries of Chidham and Nutbourne East in the Countryside, and is within Chichester Harbour AONB.

2.2 The site area extends to 0.75ha and contains a horticultural nursery, and a number of former glasshouses now used as storage buildings associated with the storage and restoration of military vehicles. There is a separate dwelling - Greenacre - located immediately to the north of the site that was previously occupied in connection with the nursery, but is now a private dwelling on land within the ownership of the applicant.

2.3 The application site area is rectangular and predominantly flat and has some mature screening in the forms of trees and hedgerows on the boundaries. The site is served by a single point of vehicular access onto the A259 to the north, which is subject to a 40 mph speed limit, and has a pedestrian footpath/cycle access leading to the settlements of Chidham and Hambrook. A small portion of the site - approximately 20% site coverage in the northwest corner - is retained in horticultural use as glasshouses. This is proposed to be redeveloped as part of the application. The remainder of the site is used for the restoration and storage of military vehicles, permitted under a certificate of lawful development in 2012. There is sporadic residential development immediately to the north of the site fronting the A259, and open countryside to the south, east and west, with some intermittent residential development. Immediately to the east of the access is the former Chidham Garage with a recently completed development of houses and a charity shop (Chidham Place).

3.0 Proposal

3.1 The application is made in outline form with all matters reserved, apart from access. Appearance, scale, landscaping and layout are reserved for future consideration.

3.2 The application proposes the demolition of all buildings across the site, including the existing glasshouses in horticultural use, and the erection of 10 dwellings. An illustrative layout and streetscene is submitted with the application to show a residential development, comprising 10 dwellings arranged as a mixture of 2, 3 and 4 bed dwellings

(two pairs of semi-detached dwelling and six detached dwellings) located centrally within the site around a cul-de-sac. The spine road / cul-de-sac would be a low traffic, shared surface, with a secondary pedestrian footpath leading to a small area of public open space located towards the northeast site corner, adjacent to the internal access road.

3.3 An illustrative streetscene is provided to show the scale and pattern of development, along with some of the proposed dwellings. The streetscene drawing shows traditional pitch roof dwellings with gables and barn-end hips, two storeys in height. Scale and design are not matters for consideration with the application, but would be considered as part of a future reserved matters application.

3.4 The indicative housing mix, as amended, is:

Market
3 x 2 bed
5 x 3 bed
2 x 4 bed
Total 10

3.5 The applicant is proposing a commuted sum towards off-site affordable housing in lieu of on-site provision. The existing vehicular access onto the A259 to the north is to be retained and modified with off-site highway works to increase visibility splays to accommodate the proposed development. Thirty two parking spaces are proposed, including 2 visitor spaces, and cycle parking would be provided for each dwelling.

3.6 The application is supported by the following technical documents: Phase 1 Environmental Risk Assessment, Preliminary Ecological Appraisal, Transport Statement and Drainage Impact Assessment.

3.7 A legal opinion has been provided by the applicant in relation to the principle of residential development of the site. The current application incorporates a number of revisions and improvements to the original application. The application, as amended, follows negotiation with officers regarding the scale, bulk and mass of dwellings 5, 6, 7, 8 and 9 and the provision of additional landscaping to bolster the southern and eastern site boundaries, which are shown illustratively on the site layout plan. Further publicity and re-consultation has taken place with statutory and non-statutory consultees and third parties.

4.0 History

12/01364/ELD	PER	Use of land and buildings for the restoration, storage and hire of historic military vehicles and equipment and for the fabrication of metal components.
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5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	YES
Strategic Gap	NO
Tree Preservation Order	NO
South Downs National Park	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Support

The application was considered at its Planning Committee on 14th March. Site access was available for Parish Councillors and local residents. 19 local residents attended the meeting, with one Chichester District Councillor and two representatives of the site. Three representations in favour of development and two representations against were heard prior to consideration of the application.

The site plans with this outline application represent the optimum development of the site in relation to the number of properties, site layout and mix of 2, 3 and 4 bed properties. It is hoped that the application for full permission is equally sympathetic to the varied constraints of this unique site.

6.2 Natural England

No objection

No adverse impact on the integrity of Chichester and Langstone Harbours Special Protection Area through an increase in recreational disturbance in combination with other residential development planned for the area. In order to mitigate impact on the SPA, an appropriate financial combination should be made to the Solent Recreation Mitigation Project, to be secured by planning obligation.

Development provides opportunities to contribute to and enhance biodiversity and the local environment, as set out at paragraphs 109 and 118 of the NPPF.

6.3 Southern Water

Advice

Recommend conditions and informatives

There is potential for sewers crossing the site. This needs further on site investigation by applicant before the layout finalised.

Foul drainage - there is insufficient capacity to connect to the foul sewer. Additional local infrastructure is required, otherwise proposed development would increase flows into waste water sewerage system and increase risk of flooding, contrary to paragraph 109 of the NPPF.

Further comments following additional information:

The developer would need to demonstrate the existing connections contributing to the public system by CCTV drainage survey or topographical survey to show drainage connections.

6.4 Environment Agency

No objection, subject to the following conditions.

Without conditions, the proposal would pose an unacceptable risk to groundwater quality. Condition 1 - Site investigation and remediation strategy to deal with risks associated with contamination of the site;

Condition 2 - Verification report to demonstrate completion of works in remediation strategy;

Condition 3 - Remediation strategy to deal with unsuspected contaminated land;

Condition 4 - Infiltration of surface water drainage not permitted without written consent of the LPA;

Condition 5 - Piling and investigation boreholes using penetrative methods shall not be carried out without the written consent of the LPA.

6.5 Chichester Harbour Conservancy

No objection

Chichester Harbour Conservancy has no objection on the grounds that the majority of the site, notwithstanding its countryside location, and having regard to policies H1 and H2 of the 'made' Neighbourhood Plan (2016) is previously developed land providing for some affordable housing provision. This is on the basis that the Conservancy will closely scrutinise the Reserved Matters application in respect of landscaping to ensure an enhancement to the AONB results both from improved native species tree screening and increase biodiversity from the development and would also wish to see-

a) The SRMP payment via a legal agreement before any development commences to mitigate increase recreational disturbance arising from occupiers of the new dwellings; and

b) That a planning condition be imposed that no dwelling be more than two storeys in height.

Further comments following additional information:

Reiterate previous comments

Support the height reduction at the southern end of the site. The palette of materials should be muted to mitigate the landscape impact on the AONB. Supplementary planting buffers should be provided on the south, west and east boundaries of a mix of native and shrub species typical of the AONB. Details should be provided on any future reserved matters application.

6.6 Sussex Police

Development has outward facing dwellings, back-to-back gardens creating active frontages with streets and public areas overlooked. Design has eliminated the need for vulnerable rear pathways. Parking is on curtilage, garage and car barn parking, and on-street parking bays, leaving the street layout free and unobstructed.

Perimeter fencing must be adequate with vulnerable area (side and rear gardens) needing more robust defensive barriers (walls and fencing to a height of 1.8 metres). Gates to rear gardens must be robustly constructed of timber, be at the same height at the adjoining fence and be lockable and located on or near to the front of the building line.

6.7 WSCC Local Development Division (Flood Risk Management)

No objection

Drainage Impact Assessment proposes infiltration via soakaways as primary method to restrict run-off to existing Greenfield run-off rates. In principle, this method is acceptable to meet requirements of the NPPF and PPG, subject to infiltration and groundwater monitoring. Restricted discharge to the ditch on the eastern boundary would also be acceptable if infiltration is not possible. Conditions are recommended to secure a finalised surface water drainage strategy and full details of maintenance and management. Drainage design should demonstrate that surface water generated up to and including the 100 year, plus 40% climate change, critical storm will not exceed run-off from the current site following corresponding rainfall event.

6.8 WSCC Local Development Division (Highways)

No objection

Access - All traffic will need to use the site access off Main Road. The proposal seeks to widen the access to 6.8 metres and create a shared surface layout - used in small residential developments where footfall and vehicle trips are under 100 vehicles per hour. The access road narrows to 3.7 metres, 20 metres from access - wide enough for a refuse vehicle and fire appliance.

Visibility needs to meet DMRB standards for a 40mph road: 2.4 x 40 metres in both directions. The location of the pedestrian crossing nearer to site access acts as a natural traffic calming feature.

Trip generation - Use of the access likely to be intensified with more regular use in terms of trip generation: 10 dwellings would create potential for 60 trips per day, of which 10% would be in the morning and afternoon peak. During busy periods, there would be 6 trips an hour - 1 movement every 10 minutes. This is not considered an issue in highway safety or capacity terms.

Swept paths - show that a refuse vehicle and fire tender can access the development and make the turn in the turning head in order to exit in forward gear. Stage 1 RSA raises an issue that can be resolved at detailed design stage.

Road traffic accident rate - WSCC road traffic casualty and collision database shows 1 recorded incident in last 3 years, 25 metres from access, attributable to driver behaviour and not any defect to the highway.

Parking and sustainability - 32 parking spaces, 2 visitor spaces and 2 cycle spaces per dwelling are provided, in line with WSCC parking standards. Garages are also included. Site is considered to be close to bus and rail links, well located to amenities with good footpath links. Site is considered to be sustainable.

Stage 1 RSA - identifies a number of problems and makes recommendations: review internal layout to accommodate all manoeuvres; visibility splays included to ensure no encroachment of trees; provision of dropped kerbs, tactile paving and pedestrian friendly gully at detailed design and Stage 2 RSA.

6.9 CDC Housing Enabler

The applicant is proposing a development of 10 new residential units. Policy 34 of the Local Plan states that in areas designated as rural under S157(1) of the Housing Act 1985, which Chidham & Hambrook is, an affordable housing contribution will be sought as a financial payment on schemes with a net increase of 6-10 dwellings.

The affordable housing contribution will be calculated in-line with CDC's Planning Obligations and Affordable Housing SPD, meaning the total increase in gross internal floor area will be multiplied by £350.

The applicant is proposing the following mix of units:

- 2 x 2 bedroom houses
- 5 x 3 bedroom houses
- 3 x 4 bedroom houses

Policy H2 of Chidham and Hambrook's Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. For the scheme to be SHMA compliant the scheme needs to deliver 1 more 2 bedroom property and 1 less 4 bedroom property.

To conclude the Housing Delivery Team is unable to support this application until the mix reflects the above SHMA recommendations.

Further comments following additional information:

The applicant is now proposing the following mix of units:

- **3 x 2 bedroom houses**
- **5 x 3 bedroom houses**
- **2 x 4 bedroom houses**

This is now in-line with the SHMA recommendations and is therefore considered acceptable.

6.10 CDC Planning Policy

Object

The application site lies outside the Settlement Boundary (as updated in the 'made' Chidham and Hambrook NP) and the proposed development is contrary to LP policies 2 and 45, which restrict development in the rural area.

The proposal is also contrary to NP policy LP1 since that policy requires additional housing development to be in accordance with development plan policies.

The Local Plan housing provision figure for Chidham and Hambrook Parish has already been exceeded by a considerable margin and there is an existing 5 year housing supply in the Plan area.

Therefore, there is no compelling reason to bring forward additional housing sites where they conflict with Local Plan policy.

The application site is also within the AONB and the proposed development raises conflicts with policy 43 in terms of its impact on the AONB and its setting, and more generally with policies 43, 47 and 48 in terms of its impact on setting integrity and coalescence. The extent to which these policies might provide additional reasons for refusal will need to be carefully considered through a detailed assessment of the visual and landscape impact of the proposal, taking particular account of the views of the Harbour Conservancy.

For the reasons above, there is a planning policy objection.

6.11 CDC Environmental Strategy

Advice

Reptiles - Potential for reptiles on site based on Preliminary Ecological Appraisal. Further reptile surveys are required to be undertaken during active survey period (March-Oct).

Mitigation strategy will be required if reptiles are found on site.

Bats - Low potential for bats. No further survey work required if house is to be retained on site. Lighting scheme will need to account for the presence of bats in the local area.

Nesting birds - Clearance of trees and vegetation to take place outside nesting season (1st March - 1st October).

Ecological enhancements are to be incorporated in the scheme.

Invasive species - Himalayan Balsam plants are present in southwest site corner. Care to be taken to ensure these do not spread.

Recreational disturbance - A contribution is payable of £181 per dwelling towards Chichester Harbour SPA recreational mitigation scheme to be secured by planning obligation and payable at commencement of development.

Further comments following additional information:

The reptile survey has shown that there is a good population of reptiles onsite. Mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016 and we are happy that the proposed mitigation is suitable and this can be conditioned.

6.12 CDC Drainage Engineer

No objection, subject to conditions to secure full details of the drainage strategy, winter ground water monitoring.

Surface water drainage would be via infiltration through soakaways. This approach is acceptable in principle; however, potential for infiltration should be investigated and supported by winter groundwater monitoring and percolation testing. Any soakaway structures should not be constructed lower than peak groundwater level.

If infiltration is not possible (possible given the location) alternative means of drainage to drainage ditch on the eastern side of the site (as discussed in Amended Drainage Impact Assessment) would be acceptable in principle. Ditch flows to a culverted system at the front of the site and runs for approximately 300 metres into Cutmill Creek and eventually, Chichester Harbour. Any discharge should be restricted to Greenfield run-off rates (minimum rate of 5ls) and capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance.

SuDs features should be incorporated into the final layout and design in a manner that enhances the amenity of the site - swales, basins and ponds - and consideration given to whether these will be useable features; for example, detention basins or year round features, such as ponds.

6.13 CDC Environmental Health (Air Quality and Contaminated Land)

Advice

Phase 1 environmental risk assessment report concludes that intrusive ground investigation is to be carried out, as potential for land contamination following historical uses of the site.

There is the possibility of asbestos containing materials on site - the Control of Asbestos Regulations (2012) to be followed by contractors.

Conditions PC21, PC22, PO14 and DC13 should be applied.

A construction management plan is required to control environmental emissions during construction. No air quality assessment is required, as there is likely to be a decrease in vehicle flows and air quality impact predicted to be minimal.

6.14 CDC Contract Services

Individual properties require one waste and one recycling bin (140 litre up to 2 people and 240 litre up to 4 people). For flats, the option is individual or communal bins. Bulk bins have capacity of 1100 litres. Please refer to refuse freighter dimensions. Attention is to be paid to the size, weight and turning circle. Especially important in areas where the freighter is required to serve a small mews/dead-end. Communal collection point for bins at site entrance may be required if there is insufficient room. All surfaces should be in a strong material to take the weight of a 26 tonne vehicle. Parking restrictions and adequate visiting parking should be provided to prevent visitors parking on the road. Collection points should be at the front of properties inside the boundary or the entrance for shared driveways. Communal bin stores should be sufficient size to enable crews to manoeuvre easily.

Further comments following additional information:

It is noted that the Stage 1 Road Safety Audit raises an issue with refuse freighters using a driveway of a private dwelling to turn. This is not ideal and request the developer makes the necessary changes to enable freighters to turn.

6.15 CDC Tree Officer

No objection in principle, subject to the submission of a Tree Protection Plan for trees to be retained.

6.16 3 Third Party Objections

- No requirement for housing - indicative number of 25 in Chichester District Local Plan is met with 106 granted and most built;
- Encroachment into AONB - sets precedent for further encroachment and a new proposal for previously rejected Maybush Copse;
- Dark sky area;
- 8 species of bat identified and commuting within 150 metres of site;

- Extensive redevelopment in Parish over past 5 years is unsustainable - Chidham School is full;
- Since 2011, 200 houses have been built with no infrastructure or facilities - no further development should be allowed without the provision of a new school and doctor's surgery;
- Housing need - 100+ houses permitted already where indicative Local Plan number is 25. Local Plan is under review. Premature to redevelop site;
- Brownfield site - site extends southwards into AONB and is not logical infilling, unlike Chidham Garage;
- Precedent - erosion of AONB southwards by speculative incursion;
- CIL money is no compensation for rapid development in a Parish with few amenities.

3 Third Party Support

- Existing non-horticultural business has created significant, untidy footprint and possible pollution;
- Site is obtrusive presence within AONB and represents opportunity for beneficial regeneration;
- Continued commercial use of 40+ year old glasshouses could increase environmental damage;
- Positive and attractive alternative use of site for housing;
- Benefits: retention of trees to site boundaries south and west for wildlife; retention of existing house; environmentally sympathetic outcome; landscaping and tree planting beneficial to AONB; residential gardens improve environment;
- Grounds of site untidy - development would enhance community and give a better visual effect;
- Additional traffic will not impact local people to any great extent.

1 Third Party Neutral

- Site contains derelict greenhouses and buildings;
- Site not visible from A259;
- Development will enhance community and give better visual effect;
- Site may be resold or left to decay further.

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. Chidham and Hambrook Neighbourhood Plan: The Neighbourhood Plan was made at Full Council in September 2016.

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 4: Housing Provision

Policy 5: Parish Housing Sites 2012-2029

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 54: Open Space, Sport and Recreation

Chidham and Hambrook Neighbourhood Plan

LP1: (Requirement for homes)

EM1: (Management of sea and flood defences, streams and surface water drainage)

EM2: (Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value)

EM3: (Protection and enhancement of landscape, habitat and biodiversity)

CDP1: (The use of s106 Agreements and CIL to support development)

H1: (Local occupancy conditions for affordable housing)

H2: (Diversity of housing to meet local need)

DS1: (Design standard)

DS2: (Provision for car parking)

DS3: (Retention of natural habitat and diversity).

National Planning Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

For decision-taking this means unless material considerations indicate otherwise:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.

7.4 The Core Planning Principles and relevant paragraphs of the NPPF have been considered including 14, 17, 109, 111, 113, 114, 115, 116, 117, 119, 121, 196, 197, 203, 204 sections 4, 6, 7, 8, 10, 11, 12, Annex 1 Implementation

Other Supplementary Planning Documents and Guidance:

7.5 The following Supplementary Planning Guidance is material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Water SPD

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

- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

Assessment

8.1 The key issues for consideration are:

- Principle of development and policy position
- Highway access and safety
- Housing mix and tenure
- Landscape Impact
- Other Matters - Contamination, Ecology, Archaeology, Amenity, Flood Risk and Drainage

i. Principle of Development and Policy Position

8.2 The Chichester Local Plan sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (policy 2). The Chidham and Hambrook Neighbourhood Plan is a 'made' plan and forms part of the Statutory Development Plan. Chidham is identified as a service village under LP policy 2, capable of accommodating some small scale housing, consistent with the indicative housing numbers set out at policy 5 of the Local Plan.

8.3 LP Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP identifies four development sites, which have extant permission and which meet the indicative housing number for the Parish. The four sites are: Land to the North of the Willows, Hambrook Hill South (11 units), Wakeford's Field, Broad Road (30 units), Land west of Broad Road, Myra Bailey's Field (28 units) and Flat Farm, Broad Road (8 units net). In addition, the redevelopment of Chidham Garage has delivered a further 9 units (14/01354/FUL) and Land East of Kiln Drive, Lion Park (16/00929/FUL) 16 units. The cumulative number of dwellings permitted within the Plan period therefore exceeds the allocation set out at policy 5 of the Local Plan, with a total of 102 units.

8.4 A certificate of lawful development was granted in 2012 on the application site, in order to regularise the unauthorised use of the land and buildings for the restoration, storage and hire of historic military vehicles and equipment for the fabrication of metal components (12/01364/ELD). The certificate covers approximately 82% of the site coverage. The remainder of the site (approximately 18%) is in horticultural use as a nursery. The area of the site covered by the certificate is previously development land. The made Chidham and Hambrook Neighbourhood Plan does not include any alteration to the settlement boundary of Chidham in the location of the application site. For the purposes of policy 45 of the Local Plan, the site is located outside of the settlement boundary, where development is restricted to meeting specific criteria, including the need for development to require a countryside location and to meet a small scale, local need, which cannot be met within or immediately adjacent to an existing settlement (policy 45 of the Local Plan).

8.5 The Chidham and Hambrook Neighbourhood Plan does not allocate additional housing sites beyond those referred to in paragraph 8.3 above due to the fact that recent permissions have met and exceeded the housing requirement for the plan period. The sub-text to policy LP1 of the Chidham and Hambrook Neighbourhood Plan states that there is no current requirement for the neighbourhood plan to identify new sites for major development.

Policy LP1 of the Neighbourhood Plan also states that development of the following will be supported:

- affordable units on rural exception sites where it can be demonstrated that it meets a local need; and**
- development of 10 units or fewer on windfall sites. The number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time of the development proposal in accordance with Development Plan policies.**

8.6 Following the publication of the officer report in the agenda for the Planning Committee meeting on 21 June 2017, the applicant sought a legal opinion in relation to the principle of residential development and the policy considerations concerning policy LP1 of the Neighbourhood Plan and policies 2 and 45 of the Local Plan. The legal opinion is a material consideration.

In summary, the Legal Opinion concludes that:

(1) The proposal conforms with Policy LP1 of the Chidham and Hambrook Neighbourhood Plan ("the NP"), but not Policies 2 and 45 of the Chichester Local Plan: Key Policies (2014-2029) ("the Local Plan"). That is because the Case Officer is wrong to argue that windfall development can only take place within existing settlement boundaries.

(2) There is a conflict in approach between Policy LP1 and Policies 2 and 45, as Policy LP1 envisages development taking place outside the settlement boundary of Chidham in circumstances not permitted by Policy 45.

(3) In those circumstances, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act") Policy LP1 should override Policy 45 as it is the most recently adopted development plan policy.

(4) The location of the development is therefore acceptable in principle.

8.7 The legal opinion concludes that the site *does* meet the definition of windfall site for the purposes of policy LP1 of the Neighbourhood Plan, as 82% of the site is Previously Development Land which meets the definition contained at Appendix 2 of the National Planning Policy Framework: *land which is or was occupied by a permanent structure, including the curtilage of the developed land*. The entirety of the site is therefore defined as Previously Development Land.

8.8 Notwithstanding the fact the site is located outside the settlement boundary, as defined by policy 2 of the Local Plan, policy LP1 of the Neighbourhood Plan provides two exceptions where development will be considered acceptable: rural exceptions sites and windfall development. The proposal is compliant with policy LP1 of the Neighbourhood Plan, being classed as windfall development. Therefore, development of 10 units or less on Previously Developed Land is acceptable in principle in this location.

8.9 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should of high design quality, in a sustainable location and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification *did not* therefore mean that windfall development must comply with policies 2 and 45 of the Local Plan; rather, that it should comply with other policies of the Development Plan.

8.10 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between policies 2 and 45 of the Adopted Chichester Local Plan and policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of policy LP1 of the Neighbourhood Plan. This is referred to at paragraph 7.30 of the Local Plan, which states that a neighbourhood plan and its policies work alongside, and, where appropriate, replace policies in the Local Plan where they overlap.

8.11 The legal opinion has been reviewed by the Council's Principal Solicitor, who agrees with the thrust of the advice given. That is to say a) that the site can be categorised as a windfall site, b) that there is a conflict between policy LP1 of the neighbourhood plan and policies 2 and 45 of the Local Plan and so there is a need to assess the weight to be given to each policy; and c) that as policy LP1 is a more recently adopted policy it carries greater weight in the assessment of the application. Following further careful consideration, officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable.

ii. Access and Highway Safety

8.12 It is proposed to use the existing, single point of vehicular access onto the A259 for all traffic associated with the proposed development, and to widen this access to 6.8 metres width. The A259 is an A Class road, with a 40mph restriction with pavements either side and a cycleway on the southern side. There is a pedestrian crossing immediately to the west of the access on the A259. Visibility splays of 2.4 x 140 metres are stated as achievable in both directions to meet DRMB parameters for a 40mph road.

8.13 The level of trip generation proposed by the development is likely to result in more regular use of the access, of up to 60 trips per day, based on 10 dwellings, of which 10% would be in the morning (08.00-09.00) and afternoon (17.00-18.00) peaks. The level of traffic impact would not have a severe residual impact on the operation of the local highway network, in accordance with paragraph 33 of the NPPF and policy 39 of the Local Plan. Road traffic accident data reveals one recorded incident in the last three years in the vicinity of the vehicular access, but this was not related to any defect in the highway, but poor driver behaviour. The principle of the access is therefore acceptable and would be subject to a s278 Agreement to be secured by a s106 Legal Agreement.

8.14 The internal road layout is a matter for consideration at the detailed design stage; however, the illustrative layout proposes a shared surface, 6.8 metres wide, which is considered acceptable for a small residential development of 10 dwellings where footfall and vehicular movements will be less than 100 vehicles per hour. The internal road layout shows a pinch point of 3.7 metres, 20 metres from the access onto the A259 (in the location of a sub-station) but swept path diagrams show adequate space for a refuse vehicle to pass.

8.15 The applicant has submitted a Stage 1 Road Safety Audit and Designer's Response, which has identified a number of potential issues regarding: vehicle tracking and manoeuvring within the site for larger refuse vehicles and the adequacy of the turning head at the southern end of the site for refuse trucks; the lack of a drawing to show the achievable visibility splays onto the A259; no provision for tactile paving or dropped kerbs at the junction of the new access; and the location of an open surface water gully on a pedestrian desire line.

8.16 A Designer's Response has been submitted to address these problems and states these matters may be addressed at the detailed design stage, which the Highways Authority considers to be satisfactory, subject to a number of conditions and informatives.

8.17 The applicant has provided an updated drawing to show that adequate visibility splays onto Main Road are achievable in both directions. In terms of vehicle tracking and manoeuvring, the layout is shown illustratively with this outline application. Plots 7 and 8 at the southern edge of the site sit within large, spacious plots (35 x 40 metres) and there would appear to be sufficient space within the site to re-design the internal road layout to satisfactorily accommodate the units and provide adequate vehicle tracking as part of a future reserved matters application. Alternatively, a communal collection point for bins would be incorporated at the site entrance, to enable collection by refuse freighters.

8.18 Thirty two parking spaces are proposed (6 dwellings with garages), with two visitor spaces and two cycle spaces per dwelling, which meets the WSCC parking demand calculator. In terms of sustainability, there are good cycling and pedestrian links on the A259, and the site benefits from reasonably good public transport links with the 700 bus service providing 3 buses each hour along the A259 towards Chichester and Havant/Portsmouth. Nutbourne Railway Station is approximately 500 metres from the site and Chidham Primary School is approximately 700 metres; however, there are few local shops in the immediate vicinity, the nearest being at Hambrook (1.5 km) and Southbourne (2km).

iii. Housing Tenure and Mix

8.19 The indicative housing mix proposed with this scheme, as originally submitted, comprised 2 x 2 bed units, 5 x 3 bed units and 3 x 4 bed units, as a mix of detached and semi-detached dwellings. The applicant is offering a commuted sum towards off-site affordable housing, in lieu of on-site provision.

8.20 In line with policy 34 (2) on sites of 6 to 10 dwellings in areas designated as Rural Areas under section 157 (1) of the Housing Act 1985, the Council will seek a financial contribution for the provision of affordable dwellings as a commuted sum unless the developer makes on site provision. In this case, a commuted sum would be sought towards off-site affordable housing and calculated in accordance with the formula in the Planning Obligations and Affordable Housing SPD, to be secured by s106 Legal Agreement. Policy H2 of the Neighbourhood Plan requires new units to be delivered in accordance with the SHMA. The indicative housing mix was not as originally submitted SHMA compliant, as an additional 2 bedroom unit was required in lieu of a 4 bedroom unit. The applicant has therefore amended the housing mix and illustrative layout to reflect the comments of the Housing Officer to be SHMA compliant: 3 x 2 bed units, 5 x 3 bed units and 2 x 4 bed units.

iv. Landscape and Visual Impact

8.21 The site is located outside a defined settlement boundary within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The impact on the special landscape character and appearance of the AONB and the Rural Area is a material consideration, in accordance with policies 43, 48 of the Local Plan, and paragraph 115 of the NPPF. Paragraph 115 attaches great weight to conserving the landscape and scenic beauty of designated areas, which have the highest status of protection in relation to landscape and scenic beauty. The Neighbourhood Plan policy LP1 was specifically modified by the Inspector, to ensure that great weight continues to be afforded to the protection of the landscape and scenic beauty of the AONB. The impact of the proposed development on the actual or perceived coalescence of settlements is a consideration in terms of policy 43 and 48. Policy 43 requires new development to maintain the integrity and character of the AONB, whilst policy 48 refers to maintaining the predominantly open and undeveloped land between settlements.

8.22 The Chichester Harbour Conservancy has been consulted on the application and raises no objection, owing to the site being previously developed land, providing for some affordable housing provision. This is subject to: the close scrutiny of a reserved matters application for landscaping; securing the recreational mitigation contribution; and a planning condition to restrict the scale of development to 2 storeys.

8.23 The application site is a backland site, located at the end of an existing vehicular access track, on the southern side of the A259. The site is rectangular, generally flat, and contains a number of horticultural glass houses, three of which are currently still in use as a horticultural nursery and one of which is used for the storage of military vehicles authorised by the certificate. The site also contains a hardstanding, a number of permanent structures, derelict outbuildings, vehicles, a disused caravan and paraphernalia associated with its use for the restoration and storage of military vehicles. Some of these items have assimilated into the landscape overtime.

8.24 The surrounding area is characterised by ribbon development along the A259, and there are dwellings and associated curtilages immediately to the north of the site fronting the A259 and some mature trees and vegetation surrounding the site. Flat arable fields and paddocks surround the site to south, east and west. It is acknowledged that the site has an untidy and cluttered appearance, but the site is not readily visible from the A259 to the north, or other nearby roads and public footpaths to the south, due to the low height of buildings, and its backland position. The site is reasonably well screened on its south, east and western boundaries by pollarded fir trees. Any adverse visual impact is therefore confined to views from within the site itself.

8.25 The indicative layout shows a low density residential development containing a mixture of semi-detached and detached dwellings in spacious plots towards the southern edge of the site and smaller plots located closer to residential development on the northern site boundary fronting the A259, arranged a central internal access road. The illustrative streetscene shows a development of comparable scale (two storeys) to neighbouring residential development to the north. It is proposed to retain trees and incorporate these as part of a landscaping scheme, with a small area of public open space.

8.26 Following officer negotiations, the applicant has made a number of revisions and improvements to the revised scheme, in order to lessen the scale, bulk and massing of dwellings, and the visual impact on the AONB, and to provide a greater degree of containment to the site through enhanced landscaping.

8.27 Dwellings located at the southern end of the site (plots 7 and 8 - both 4 bed units) are reduced in height from 9 to 7.2 metres, with eaves lowered from 5 to 4 metres, and the introduction of a 1.5 storey projecting wing at 6.4 metres in height. The link detached garage to plot 7 is removed and replaced with a detached double garage and the garage to plot 8 omitted altogether from the scheme and replaced with car parking spaces. In relation to plots 5, 6 and 9, the ridge height of these dwellings has been lowered from 8.5 to 8.1 metres, and the hips increased to reduce the bulk and mass of the roofline. This has the effect of staggering the height of buildings across the site, with the lowest heights closest to the southern boundary - the most sensitive in landscape terms in views from Cot Lane to the south. Enhanced landscaping is also shown indicatively on the site layout to the southern and eastern boundaries, to provide a greater degree of containment to the site, and to soften views of the proposed development in the wider landscape. The additional comments of Chichester Harbour Conservancy in respect of the careful choice of materials and supplementary planting on the southern, eastern and western site boundaries are noted. A detailed landscaping scheme and the appearance of dwellings, including the use of appropriate, muted materials, would be assessed as

part of a future reserved matters application and samples of materials would be secured by condition.

v. Other Matters

Contaminated Land

8.28 As referred to above, there is potential for contaminated land on the site, given the historical and current use of the site for the restoration of military vehicles. The Environment Agency and Environmental Health Officers have been consulted on this application. The site lies on River Terrace Deposits, underlain by Lambeth Group bedrock (designated a Secondary Aquifer) in the north and Lewes Nodular Chalk bedrock (designated a Principal Aquifer) in the south. The Principal Aquifer designation indicates aquifers with potential to provide significant quantities of water for people and may also sustain rivers, lakes and wetlands. The previous use of the proposed development site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site.

8.29 Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to unacceptable levels of water pollution. Paragraph 121 states that planning decisions should ensure that adequate site investigation information, prepared by a competent person, is presented.

8.30 The applicant has undertaken a phase 1 environmental risk assessment, which concludes that further intrusive ground investigation is required. Environmental Health officers have reviewed the findings and conditions are recommended to secure further investigative work and a contaminated land and remediation strategy. The Environment Agency has reviewed the proposal, and is satisfied that subject to the conditions summarised above in relation to decontamination, piling and investigative boreholes, and no infiltration of surface water without the consent of the Planning Authority, the proposal would not pose an unacceptable risk to groundwater quality. Without these conditions, the proposal would adversely affect groundwater quality, contrary to paragraphs 121 and 129 of the NPPF.

8.31 A construction management plan would be required by planning condition, to minimise the impact associated with airborne dust during the construction period, and would be secured by planning condition. Environmental Health Officers are satisfied that the proposal would not affect air quality, given the minimal anticipated traffic flows associated with the proposed development and no air quality assessment is required. A condition requiring electric charging points for electric vehicles is not considered reasonable or necessary therefore in this instance.

Ecology

8.32 The site is identified as having ecological potential and the applicant has undertaken a preliminary ecological appraisal. The Council's Ecologist has reviewed the appraisal and recommends that further reptile surveys are undertaken during the active survey period (of March-October) given the potential for reptiles on site, with a mitigation strategy produced. The applicant has undertaken this further survey work. The reptile survey has shown that there is a good population of reptiles on site and mitigation is proposed within the Reptile Presence / Absence Survey Report September 2016. The proposed mitigation is considered suitable by the Council's Ecologist and this would be conditioned - no works are to commence until the reptile translocation has taken place.

8.33 The survey identifies low potential for bat roosts on site, as the existing dwelling - Greenacre - is to be retained; therefore no further survey work is required in relation to bats. Conditions are recommended to secure a lighting scheme that minimises potential impacts on bats roosting in the wider area. Biodiversity enhancements are proposed, as set out in the Ecological Appraisal, and the Ecologist recommends that these are secured by condition, to comply with policy 49 of the Local Plan and EM2 of the Neighbourhood Plan.

8.34 The site falls within the 5.6 km Chichester and Langstone Harbour Special Protection Area's Zone of Influence where residential development is likely to have a significant effect on the SPA. This scheme does not propose a scheme of mitigation and therefore a financial contribution in accordance with the joint mitigation strategy outlined in Phase II of the Solent Disturbance and Mitigation Project is required. This is currently a sum of £183 per dwelling and would be secured through a planning obligation. Natural England raises no objection to the proposal and is satisfied there would be no adverse impact on the Chichester and Langstone Harbour SPA, subject to an appropriate financial combination to the Solent Recreation Mitigation Project, to comply with policy 50 of the Local Plan and policy EM2 of the Neighbourhood Plan.

Amenity

8.35 In terms of the impact on neighbouring amenity, there are no immediate residential properties adjoining the application site to the south, east or west. Layout is not a matter for consideration with the application, but on the basis of the illustrative layout, there is an existing dwelling to the north, 'Greenacre', that is to be retained. Adequate separation would be maintained to this property, supplemented by mature trees and vegetation on the shared boundary, to maintain an acceptable degree of privacy between this property and the closest proposed dwelling shown on the illustrative layout at plot 1. The vehicular access would be retained as a low traffic, low speed internal access road. There is considered to be no material harm to the neighbouring properties either side of the access through an increase in noise associated with vehicle movements at 'Kingley Mead' to the west, and adjacent new residential development at Chidham Garage, to the east.

Flood Risk and Drainage

8.36 The site is located in Flood Zone 1, which is at low risk of flooding. The applicant has provided a Drainage Impact Assessment, which has been reviewed by West Sussex County Council as the Lead Local Flood Authority and the Council's Drainage Engineer. The principle of infiltration via soakaways is considered acceptable in this location to existing greenfield run-off rates, subject to winter groundwater monitoring and percolation testing to be undertaken. Soakage structures are to be constructed no lower than peak groundwater levels and road and driveways should utilise permeable surfaces.

8.37 The amended Drainage Strategy proposes an alternative means of surface water drainage via an attenuated system to the drainage ditch on the east side of the site, which drains via a culverted system at the front of the site and, in turn, to Cutmill Creek, 300 metres and into Chichester Harbour. This approach would also be considered acceptable in principle by CDC Drainage Engineer and WSCC LLFA. Planning conditions could secure full details of surface water drainage and disposal, to ensure that capable of retaining the 1 in 100 year storm event, plus 40% climate change allowance, and on-going management and maintenance, in accordance with policy 42 of the Local Plan and EM1 of the Neighbourhood Plan.

8.38 In relation to foul water drainage, it is proposed to connect to the existing foul sewer. Southern Water advises there is insufficient capacity in the local foul drainage network to accommodate the development proposals, and for the applicant to enter into a formal agreement with Southern Water to provide necessary sewerage infrastructure upgrades required to service the development. The applicant has provided an Addendum to the Drainage Report and this has been sent to Southern Water for final comment. This states that there would be no net increase in flows to the adopted foul sewer, and no need therefore for a capacity check or upgrade to the foul sewer network. The final details of foul water drainage could be secured by planning condition and a separate Legal Agreement through the Water Industry Act between the applicant and Southern Water.

CIL and Planning Obligations

8.39 In respect of the provision of infrastructure, the Community Infrastructure Levy was adopted by the Council on 26 January 2016 and implemented on 1 February 2016. The proposed development would be CIL liable to a levy of £120 per sq metre for net residential floorspace in the South of the Plan Area.

8.40 In addition to CIL, the following elements are to be secured by s106 Agreement:

- **Provision of a minimum of 110 sq metres of public open space and on-going management and maintenance responsibilities;**
- **A financial contribution of £181 per dwelling (£1,810) towards the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Strategy;**
- **Payment of a commuted sum towards the provision of off-site affordable housing of £332,150.**

8.41 Based on the planning assessment above and relevant consultee responses, it is considered that further details of ecological enhancement, surface and foul water drainage, archaeology, cycle parking and contaminated land strategy and remediation, piling and construction management, would need to be secured by planning condition.

Conclusion

8.42 In summary, the Adopted Chichester Local Plan 2014-2029 and made Chidham and Hambrook Neighbourhood Plan, form the Statutory Development Plan. There is currently a 5 year housing land supply within the Chichester plan area. As such, the development falls to be considered using the plan-led approach (paragraph 196 of the NPPF).

8.43 The proposal is windfall development on Previously Development Land, for a development of 10 or fewer units. Officers have reached the conclusion that in light of the relevant policies in both the local and neighbourhood plans development of the site is, in principle, acceptable. The site is located in the Chichester Harbour Area of Outstanding Natural Beauty with neighbouring residential development fronting Main Road. Although there would be an encroachment into the Chichester Harbour Area of Outstanding Natural Beauty and surrounding open countryside as a result of the development, the amendments to the illustrative site layout, scale and indicative landscaping scheme, would mitigate the landscape impact to an acceptable degree, subject to detailed consideration at the reserved matters stage.

8.44 The proposed development is therefore in accordance with policies of the statutory Development Plan and the plan-led approach. The application is recommended for approval, subject to the planning conditions, obligations and informatives, summarised below.

Human Rights

8.45 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

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

1) (i) Approval of the details of the layout of the site, the scale and the appearance of the building(s) or place, the means of access thereto and the landscaping of the site (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale and the appearance of the building(s) or place, to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3) The development hereby permitted shall be carried out in accordance with the approved plans: 04A Location Plan, Access Arrangements 03 (Iceni Transport).

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

4) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing 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. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

5) The development hereby approved shall be undertaken in accordance with the mitigation measures as detailed in the Reptile Presence / Absence Survey Report (September 2016) unless otherwise agreed in writing by the Local Planning Authority. No development shall take place until the reptile translocation strategy has been fully implemented.

Reason: In order to comply with the Wildlife and Countryside Act 1981.

6) If the Phase 1 report submitted identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

7) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any on-going monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of contaminated land in accordance with local and national planning policy.

8) No development shall commence until full details of the proposed surface water drainage scheme, have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365 or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To ensure the proposed development is satisfactorily drained.

9) No development shall commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual to be submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of any financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: to ensure that any SUDS scheme is maintained in good working order in perpetuity to prevent any on or off site Surface Water Flooding due to the development.

10) Development shall not commence until full details of the proposed on and off site means of foul sewage disposal, including on-going management and maintenance responsibilities, has been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. No dwelling shall be occupied until the complete off site foul drainage sewerage system upgrades serving all the properties has been implemented in accordance with the agreed terms.

Reason: To ensure satisfactory foul water drainage.

11) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

12) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement 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.

13) No development, comprising the superstructure of the buildings, shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

14) No part of the development hereby permitted shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The access shall be retained as such thereafter.

Reason: In the interests of road safety.

15) No part of the development hereby permitted shall be occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Main Road, in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided, the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

16) No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2 metres x 2 metres have been provided either side of the proposed access onto Main Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall be kept free of all obstructions over a height of 0.6 metres adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

17) No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide adequate car-parking space for future occupants.

18) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

19) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development hereby permitted. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

20) No part of the development hereby permitted shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be retained as such thereafter.

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

21) If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of amenity and to protect the health of future occupiers of the site from any possible effects of land contamination in accordance with local and national planning policy.

22) Piling and investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The previous use of the site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site. The Phase 1 Environmental Risk Assessment provides confidence that it will be possible to suitably manage the risk posed to controlled waters by the development.

23) 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.

24) The garages hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of these properties as dwellings and for no other purpose whatsoever.

Reason: To ensure adequate off-street parking provision in the interests of amenity and highway safety.

25) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The previous use of the site as a nursery and for the restoration and storage of military vehicles presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters beneath the site. The Phase 1 Environmental Risk Assessment provides confidence that it will be possible to suitably manage the risk posed to controlled waters by the development.

26) The buildings hereby permitted shall not exceed 2 storeys in height and the heights shall accord with the submitted illustrative scale, massing and streetscenes (drawing 03G).

Reason: In the interests of the character and amenity of the locality, and the landscape setting of the Area of Outstanding Natural Beauty.

INFORMATIVES

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

2) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3) The Phase 1 Environmental Risk Assessment submitted provides confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will be required before development is undertaken. Conditions 6-7, 21-22 are required in order to ensure that the risks to groundwater quality from the proposed development are adequately understood; that remediation is carried out and verified; and that drainage systems or piling methods are demonstrated not to pose unacceptable risks of groundwater pollution.

4) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk.

5) The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.

6) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat;
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use);
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

7) Any proposed external lighting system shall comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

For further information on this application please contact Katherine Rawlins on 01243 534542.