

Parish: Chichester	Ward: Chichester West
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**CC/17/03117/FUL**

**Proposal** Erection of 25 no. dwellings with the associated vehicular and pedestrian access, parking and secure cycle storage, landscaping and open space.

**Site** Land West Of Frederick Road Chichester West Sussex

**Map Ref** (E) 484169 (N) 105019

**Applicant** Crayfern Homes

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**

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**1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The site is an irregular shaped parcel of land to the very west of the Parish of Chichester City. It is situated to the east of the boundary of the A27 carriageway and to the north of the railway line and south of Clay Lane. Topographically the site is flat and is currently unused, previously having been used for agriculture and as a paddock. The site lies outside the settlement boundary for Chichester City, which begins south of the railway line, approximately 34m from the south east corner of the site. It comprises an area of 1.1 hectares.
- 2.2 The A27 is in an elevated position, relative to the site, and the boundary between the two is characterised by steep vegetated banks and significant foliage. The boundary with the railway line is also characterised by established hedgerow and trees. A single line of mixed maple trees front the site onto Clay Lane; access is currently provided through a field-gate. Overall, the site is well screened.
- 2.3 To the east of the application site is Frederick Road, a residential cul-de-sac characterised by predominantly 2 storey, 20<sup>th</sup> century housing. Around 100m to the east of the application site is the southern boundary of the West of Chichester Strategic Development Location. To the north of the site and on the opposite side of Clay Lane, is an industrial unit currently occupied by a marine retail store, "C and J Marine". There are also large detached dwellings to the north east of the site, the two closest are Grade II listed.
- 2.4 The site can be accessed via Clay Lane from Fishbourne, which lies approximately 300m to the west of the site. Access is also available from Chichester via Fishbourne Road (East) and Cathedral Way (A259). There are bus stops, both north and south of Clay Lane, approximately 50m from the site.

## **3.0 The Proposal**

- 3.1 The application seeks full planning permission for the erection of 25 new dwellings, vehicle and pedestrian access, parking, open space and landscaping. Seven affordable units are proposed. The application proposes a mix of detached and semi-detached dwellings and maisonettes/flats. In total 16 flats and maisonettes are proposed, along with 9 houses.
- 3.2 A new vehicle access point is proposed and the existing field gate entrance closed. There is currently no pedestrian footway connecting the site to the existing footway, which terminates on the north east corner of the site. This application proposes an extension to the footpath and its continuation into the site. A spine road would run through the site (following the route of an existing gas main) from south east to north-west. A total of 53 parking spaces are proposed on site, both on and off plots, including 5 garage spaces and 5 car port spaces.
- 3.3 The application proposes 9 houses, 6 of which would have their principle elevation fronting Clay Lane. A further detached dwelling and semi-detached pair would be located adjacent to the eastern boundary of the site. These houses are proposed to be a mix of chalet bungalows and two storey dwellings, with a maximum ridge height of 7.5m for the chalet bungalows and 8.5m for the semi-detached dwellings.

3.4 To the south west and south of the site, two blocks of flats are proposed, which would both be shaped in an 'L' form. Each block would have 7 flat/apartments and would be 2 storeys (9.5m high) for the most part with the corner features increasing to two and half storeys (11m high); inclusive of a second bedroom within the roof space. 3 further houses would be located centrally within the site.

The following housing mix is proposed:-

- 1 bed flat x 4 (1 x Intermediate)
- 2 bed flat x 11 (3 x affordable rent and 1 x intermediate)
- 3 bed flat x 1
- 3 bed house x 6 (2 x affordable rent)
- 4 bed house x 3

3.5 To the south west of the site, adjacent to the railway line, is the proposed shared car parking for the flat/apartment blocks. All other car parking is proposed on plot or within garages/ car ports.

3.6 A balancing pond is proposed to the north west of the site, together with additional landscaping. The open space proposed would be located in front of the flats, in the centre of the site.

#### 4.0 History

16/02746/FUL                      WDN                      Erection of 33 no. dwellings, vehicular and pedestrian access, parking and secure cycle storage, landscaping and open space.

#### 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Countryside	YES
AONB	NO
Tree Preservation Order	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Chichester Harbour SPA	YES
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Chichester City Council**

Objection on the grounds that the development would be contrary to the principle of sustainable development and to policies 2 and 33 of the Local Plan. The amenity of the residents of the proposed blocks of flats would be unacceptably affected by noise and pollution. The design and appearance of the buildings would be harmful to the rural character of the area.

### **6.2 Environment Agency**

#### *Revised comment*

Following receipt of an amended planning application form and confirmation that the proposed development will connect to a mains foul drainage system, we are able to remove our previous objection. We have no objection to the above proposal.

The site is located within the catchment of Apuldram Wastewater Treatment Works. We wrote to you in September 2013 advising of the withdrawal of our Position Statement. The UV treatment on the storm overflow at the Wastewater Treatment Works is now operational.

Please note that there is a finite capacity at Apuldram Wastewater Treatment Works. Once this is reached, it is likely that we will reinstate our previous position statement. We recommend that you speak with your own colleagues in the Planning Policy team to ensure that this development fits with your own Wastewater Position Statement.

#### *Original Comment*

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system in a publicly sewered area but no justification has been provided for this method of foul sewage disposal. We recommend that the application should be refused on this basis.

### **6.3 Southern Water**

Further to our correspondence dated the 2nd January 2018 please find our current stance on the above development site.

The application details indicate that the proposed foul flow is to be discharged into the public sewerage network which drains to Apuldram Wastewater Treatment Works (WWTW).

Due to environmental sensitivity of Chichester Harbour, the Environment Agency has capped the volume of the effluent discharged from Chichester (Apuldram) WWTW to levels in the existing environmental permit. This means that there is limited capacity remaining to serve new developments.

The local planning authority will decide how the remaining wastewater treatment capacity is allocated to new developments that drain to this particular waste water treatment works, via the development control/planning process.

A formal application for connection to the public sewerage system is required in order to service this development.

#### 6.4 Highways England

Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27.

Highways England offers no objection to the proposals on highways traffic impact grounds, provided that the applicant makes a relevant contribution to the A27 Local Plan mitigations, in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. In view of the likely impacts on the nearest A27 junction, which is the Fishbourne Roundabout, a contribution in line with the Chichester City strategic development zone would appear to be the most appropriate.

Accordingly, the proposed development should make a contribution of 25 x £2,615, which equates to £65,375.

However, Highways England recommends the imposition of conditions on highway asset protection grounds, on the basis that the site lies adjacent to the A27 Trunk Road and hence conditions should be imposed to ensure that highways assets are not placed at risk either during construction, nor subsequently in perpetuity

#### 6.5 WSCC Highways

In the immediate vicinity of the proposed site access arrangement, Clay Lane is subject to a derestricted speed limit. Approximately 50 metres to the east of the site, it becomes a 30mph limit. The proposals are supported by way of a Transport Statement (TS) including TRICS (Trip Rate Information Computer System) data, a speed survey and Stage 1 Road Safety Audit (RSA).

##### Access and Visibility

The access should be designed to meet current standards with a bellmouth style access and a 6 metre width and with kerb radii of 8 metres provided.

Manual for Streets (MfS2) parameters have been used to provide visibility splays of 92 metres to the east and 86 metres to the west. The approach provided on visibility is accepted and the splays provided are considered to be in accordance with MfS2 parameters.

The proposed access arrangements have been subject to a Stage 1 Road Safety Audit (RSA). The Auditor has advised that the hedgerow is cut back to maintain the visibility at an appropriate level at all times. A review of the proposed point of access onto Clay Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

### Accessibility and Sustainability

The existing footway on Clay Lane currently terminates to the west of Frederick Close. At present it is proposed that a 1.8m-wide footway will connect with a footway adjacent to the proposed vehicular access into the site. Street lighting exists on the existing footway; therefore this should also be extended to the new link .

The site is within close proximity to a range of facilities that are accessible within reasonable walking and cycling distance. By foot there are two bus stops to the south of the site onto Frederick Road which link into Chichester town centre. Clay Lane itself is recognised as an on road cycle route between Salthill Road and Fishbourne Road East, both of which are also classified as on-road cycle routes and forming part of National Cycle Network Route 2 (NCN2).

### Trip Generation

The applicant has used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. The data provided establishes that the proposed residential development will generate 5 two-way vehicular trips during the AM peak hour, and some 5 two-way vehicular trips during the PM peak hour. This equates to approximately 1 additional vehicle trip every three minutes. The LHA are satisfied that the proposals would not have a 'Severe' residual impact in accordance with Paragraph 32 of the National Planning Policy Framework (NPPF).

### Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Clay Lane. A comprehensive construction management plan would be sought through condition should permission be granted.

### Layout and Parking

From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands, however clarity should be provided with print outs from the PDC. There are sufficient turning heads for cars to turn within the site, refuse collection will also take place from within the site. Swept path diagrams have been provided which demonstrate that a refuse vehicle can safely turn within the site and exit in the forward gear.

## Conclusion

The LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

In the event that planning consent is granted, the following conditions are recommended:-

- Access
- A Construction Management Plan
- Visibility
- Section 106 Contributions

Informatives:

S278 Works

Gateway Feature

### 6.6 WSCC Flood Risk Management

Modelled surface water flood risk: Low.

Modelled ground water flood risk susceptibility: High.

Records of any flooding of the site: No.

Ordinary watercourses nearby: Yes- lies to the west of the proposed site. Works affecting the flow of an ordinary watercourse will require consent and an appropriate development - free buffer zone should be incorporated into the design of the development.

### 6.7 CDC Planning Policy

#### *Further comment*

I have reviewed the previous planning policy response to your consultation on this planning application and would like to update that consultation response.

The first sentence should more accurately state, 'The site is not required to meet the Chichester housing allocation.....'

The second sentence of the third paragraph should be deleted. This goes beyond the remit for a normal scope of a response to a consultation on policy issues, particularly as there is no comment on any of the potential material considerations. In formulating your recommendation I would advise that you take the following material considerations in to account:

- Whilst the Council can demonstrate a 5 year housing land supply (HLS), this is at 5.3 years and therefore to ensure that the Council can continue to demonstrate a robust 5 year HLS, there are clear benefits in allowing development on this site.
- It appears as though there would be no loss of open countryside and the site is relatively well contained within the landscape.

- The site is located adjacent to the settlement that, according to the settlement hierarchy set out in the Local Plan, is the most sustainable place for development.
- The site is not of a sufficient scale where there would be significant implications for the provision of infrastructure or prejudice to plan-making that will be undertaken through the Local Plan Review.

#### Foul capacity at Apuldram WwTW

The Apuldram Wastewater Treatment Works (WwTW) is subject to environmental constraints which restrict its capacity to accommodate future development, therefore development in the Apuldram catchment needs to consider whether there is sufficient infrastructure available to convey, manage, treat and discharge the wastewater that will be produced.

The Headroom tables for Apuldram WwTW indicate that, as of February 2018, there is currently a capacity of 75 dwellings remaining.

#### *Original Comment*

The site does not form part of the Chichester parish allocation and lies outside the defined Settlement Boundary. The Council has recently published an updated 5-year housing land supply position for the 2018-23 period dated 1 December 2017 which shows a surplus of +175 net dwellings (5.3 years supply). Since 1 December 2017, a further 17 dwellings have gained planning permission or Planning Committee resolution to permit, bringing the surplus to +192 net dwellings (still equivalent to 5.3 years supply). I attach an updated 5YHLS position statement.

Local Plan Policy 5 sets a parish requirement of 235 dwellings for Chichester City. However this requirement is already being met on other sites in and around the City that have already gained planning permission (17 dwellings already completed and 228 dwellings under construction or with planning permission giving a total of 245 dwellings already provided for).

As the site lies outside the Settlement Boundary and the application does not relate to development requiring a countryside location, there is a conflict with LP Policies 2 and 45. Therefore, the application should be refused unless there are any clear material considerations sufficient to outweigh Local Plan policy.

#### 6.8 CDC Environmental Health Officer

##### *Further Comment*

Further to our previous response submitted in December 2017, a construction dust assessment has been submitted produced by Air Quality Consultants and dated January 2018. The assessment methodology has followed the guidance produced by the Institute of Air Quality Management (IAQM) 2016.



The report outlines a number of mitigation measures that should be put in place and concludes that with these measures adopted, the impacts of the construction phase should be not significant. We agree with the conclusions presented and recommend that the mitigation measures specified in Appendix A3 of the report are put in place. A condition should be applied to ensure that the measures suggested (pages 26 - 28) are actioned ie a Dust Management Plan should be submitted and applied during the works (if planning permission is approved).

## Noise

A noise impact and vibration assessment has been undertaken with measurement points along the southern edge of the development closest to the railway, along the western edge of the development closest to the A27 Highway, and finally along the northern edge of the site with Clay Lane In addition, a vibration monitor was installed close to the southern edge of the site with the railway.

Internal levels have been calculated with windows closed and it is expected that an alternative means of providing background ventilation will be required.

The sound reduction of the windows should be met with any proposed trickle vents installed and open.

There is a presumption that occupants can choose to open windows if they require additional purge ventilation. Whilst it is desirable to achieve internal design levels without the need to completely close windows it is accepted that there may be an exceedance of the noise criteria for habitable rooms within BS 8233-2014 - Guidance on sound insulation and noise reduction for buildings during the day and night if windows are left open. For this reason, there should be further consideration for noise exposure with the layout of habitable rooms in the apartment blocks such that a direct view of habitable rooms is orientated away from the A27 Highway.

The results of the vibration assessment demonstrate no significant impact on residential properties located nearby.

I do not wish to object to this application but consider that the prevailing acoustic environment ought to be taken into consideration and appropriate adaptation made to the development to protect the future occupiers should permission be granted.

Recommended conditions to include:

- The windows within facades of the apartment block buildings with a direct view of the A27 shall be constructed so as to provide sound insulation against externally generated noise of not less than 28 dB(A), with windows shut and other means of ventilation provided.
- Further consideration to acoustic insulation must be provided in writing and subject to approval by the local planning authority if it is intended to provide openings within the gable ends of the apartment blocks.

- The windows within facades of the apartment block building with a direct view of the railway shall be constructed so as to provide sound insulation against externally generated noise of not less than 26 dB(A), with windows shut and other means of ventilation provided.
- The windows within facades of all other buildings on the application site shall be constructed so as to provide sound insulation against externally generated noise of not less than 21 dB(A), with windows shut and other means of ventilation provided. A scheme of validation should be provided upon completion.
- Site specific Construction Environmental Management Plan.
- Specific Construction Hours.

#### *Original Comment*

A phase II ground investigation report has been submitted with the application and identifies one area where levels were exceeded for lead at depth of 0.5m. A formal remediation strategy is required and can be controlled by condition. Condition recommended.

An air quality assessment has been provided with the application. The report concludes that the worst case scenario at the proposed properties would be 30ug/m<sup>3</sup> of harmful emissions.

We agree with the conclusions of the report with respect to estimating the concentrations of NO<sub>2</sub> at the site (based on the location of the proposed nearest property). The report estimates that the annual PM<sub>10</sub> and PM<sub>2.5</sub> concentrations at the development are expected to be below the objectives at all receptors based on the monitoring undertaken by CDC

It is recommended secure cycle parking and electric vehicle re-charging points are incorporated into the proposal. Traffic flows in (Environmental Health terms) would be below the threshold of 500 annual average daily traffic movements and therefore detailed modelling is not required.

No assessment on the impacts during construction have been provided.

#### 6.9 CDC Housing Enabling Officer

The proposals are to provide 25 units, 30% of which (7.8units) should be affordable housing required by planning policy.

##### Market housing

There are three too many 1 and 2 bedroom units to strictly comply with the SHMA. However, as this is a constrained site close to the city centre and as small units are in demand as they are more affordable to many first time buyers and downsizers, I would not object in this particular case.

## Affordable Housing

Because of the small number of units, it will be difficult to get an exact mix and the proposals are, therefore, acceptable. A commuted sum of 0.8 a unit will be required as set out in the Planning Obligations and Affordable Housing SPG.

The layout has a mixed block of tenures, but these have separate entrances and communal areas and registered providers have indicated that, although not ideal, they would be willing to take these units.

### 6.10 CDC Archaeology Officer

This is an area of such archaeological potential that it should be evaluated by trial trenching ahead of development in order to identify any structures or deposits of such importance that they would merit preservation, either in-situ or through full archaeological investigation.

Condition recommended.

### 6.11 CDC Drainage Engineer

Flood risk : the site is wholly within flood zone 1 (low risk) and we have no knowledge of the site flooding.

Surface Water Drainage: The proposed means of surface water drainage is an attenuated system with a restricted discharge to a local culverted watercourse. Attenuation will be provided in the form of permeable paving and a basin, designed to accommodate the 1 in 100yr event +40% with a restricted discharge of 2 l/s. This approach is acceptable in principle because of high groundwater levels

Conditions recommended.

### 6.12 CDC Environmental Strategy Officer

The hedgerows and treelines on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted. We are satisfied the mitigation proposed within the Mitigation and Enhancement Statement (Aug 2017) will satisfy this requirement and for this to be conditioned.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area.

Reptiles: The reptile survey has shown that there is a small population of reptiles onsite. Due to this mitigation has been proposed within the Mitigation and Enhancement Statement (Aug 2017) and we are happy that the proposed mitigation is suitable and this can be conditioned. The applicant should note that no works can commence until the reptile translocation has taken place.

Badgers: Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Nesting Birds: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October.

Recreational Disturbance: Financial contribution required to the Solent Disturbance and Mitigation Project Phase 3 report and Natural England's letter of the 31 May 2013 (below) avoidance measures will need to be secured. (£181 per dwelling)

### 6.13 CDC Conservation and Design Manager

The application site lies well north of the Fishbourne Conservation Area (which is a designated heritage asset). However, there are two listed buildings on the opposite side of Clay Lane from the development proposed. They are Mead House and Applegarth. Overall, there would appear to be no negative impact of the housing onto the only two Listed Buildings nearby on this section of Clay Lane.

The houses proposed onto Clay Lane, while spaced closely together, are generally of a traditional design and faced either in flint with red-brick 'dressings', or facing brickwork, or horizontal weather-boarding. Overall, the height, bulk, and scale of the new Clay Lane houses matches that of the surrounding mid-20th-C. residential housing, so would not stand out.

The new housing would continue the form of existing development further south-east along Clay Lane and, therefore, would not detract from the setting of Mead House and Applegarth. In any case, these listed Georgian houses are well set back and separated from each other by the Lane, itself.

There are no objections raised to the proposed housing on Clay Lane because this would not detract from the setting of the two Listed houses opposite, and the site falls well north of the Fishbourne Conservation Area.

### 6.14 CDC Waste Services Officer

Provision of bins: Each dwelling house would require one waste and one recycling bin. In respect of the flats two waste bins and two recycling bins per block are proposed, and these are more than sufficient.

Site layout: please refer to the CDC freighter dimensions. All surfaces should be constructed in a material suitably strong enough to take the freighter weight. Parking restrictions should be put in place to prevent the freighter manoeuvring.

Bin collection points: collection should be in front of the property.

Communal bin points: please ensure pathways are wide enough for bin manoeuvring and that this is not between parked cars.

#### 6.15 One Third Party Support

I support this modest application for badly needed housing in Chichester. To my knowledge this field has been derelict for 20+ years. The site is close to a major Tesco store & has a passing bus service to Chichester & Fishbourne.

#### 6.16 Applicant/Agent's Supporting Information

The applicant has provided:

- Arboricultural assessment
- Air quality assessment
- Bat Activity Survey Report
- Phase II ground investigation report
- Mitigation and enhancement statement
- Flood Risk Assessment
- Transport Assessment
- Construction Dust Assessment

### 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 any made neighbourhood plan. There is no made neighbourhood plan for Chichester City.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

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 Provision

Policy 10: Chichester City Development Principles

Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment

Policy 13: Chichester City Transport Strategy

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 41: Off-site Renewable Energy

Policy 42: Flood Risk  
Policy 45: Development in the Countryside  
Policy 47: Heritage  
Policy 48: Natural Environment  
Policy 49: Biodiversity  
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours  
Special Protection Areas  
Policy 54: Open Space, Sport and Recreation

### National 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 Consideration should also be given to paragraphs 17 (Core Planning Principles), 34 (highways movement and sustainable travel); 49 (Housing and sustainable development), 50 (Delivering a high quality homes), 52 (Delivering housing), 56 (Requiring good design), 60 (Reinforcing Local Distinctiveness), 72 (Appropriate Education Provision), 73 (Access to sport and recreation), 93 (Environmental Sustainability), 96 (Development to minimise energy consumption), 109 (Enhancing the Natural Environment) and 118 (Conserve and Enhance Biodiversity),
- 7.5 The government's New Homes Bonus (NHB), which was set up in response to historically low levels of housebuilding, aims to reward local authorities which grant planning permissions for new housing. Through the NHB, the government will match the additional council tax raised by each Council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area, local Councils will receive more money to pay for the increased services that will be required, to hold down council tax.

7.6 The NHB is intended to be an incentive for local government and local people to encourage, rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act, which amends Section 70 of the Town and Country Planning Act, makes certain financial considerations, such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

#### Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

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

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

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

#### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) Principle of development
- ii) Appropriateness of Housing mix
- iii) Impact on the character and appearance of the area
- iv) Suitability of landscaping and open space
- v) Highways access, sustainability and parking
- vi) Impact on national roads and railway infrastructure
- vii) Effect of nearby noise sources on residential amenity
- viii) Appropriateness of surface and foul water drainage
- ix) Impact on the historic environment and archaeological considerations
- x) Ecological considerations

- i) Principle of development

- 8.2 This site lies in the countryside, outside the settlement boundary of Chichester City. Policies 2 and 45 of the Chichester Local Plan states that, "development in the countryside should be restricted to that which requires a countryside location and meets an essential, small scale and local need".
- 8.3 Whilst the site is within the countryside it lies a short distance (35m) from the Settlement Boundary of Chichester City and less than 100m from the boundary of the West of Chichester Strategic Allocation where 1600 homes are allocated. Chichester City is the most sustainable settlement in the hierarchy as set out within Policy 2.
- 8.4 The applicant suggests that this development requires a countryside location because it represents sustainable development and that the council cannot demonstrate a 5YHLS. Officers disagree with this assessment, not only can the Council demonstrate a 5 Year Housing Land Supply (5YHLS) but even if this were not the case, no sequential assessment has been produced to demonstrate that there are no other sites that could deliver 25 houses within settlement boundaries within Chichester District.
- 8.5 However, there is strong drive from government to increase housing delivery and it should be noted that the Council's 5YHLS has been found by some Inspectors at appeal to be low or 'marginal', at 5.3 years supply. It is Officers recommendation that this site, for the reasons detailed below, represents a potentially sustainable development that, although outside the Settlement Boundary (by 35m) would further contribute to the Council's 5YHLS position in a location which is in very close proximity to the Settlement Boundary and an existing strategic site.
- 8.6 There is conflict with Policy 45 as the development does not require a countryside location. However, given the particular site circumstances as detailed below, it is considered that an exception to the normal policy presumption can be justified in this instance. The housing allocation for Chichester City is approximately 2435 homes (including large strategic sites). A further 25 additional homes would be a small but meaningful contribution to the local need for housing within the city.
- 8.7 With regard to the three other relevant criteria in Policy 45, the proposal is well related to the established settlement of Chichester City, having regard also to the proposed development of the strategic housing allocation to the east of the site, and its locational sustainability is discussed further below. The application site is currently an unused paddock and no viable agricultural operations are prejudiced by the proposal. Finally, criterion 3 requires proposals to have a minimal impact on the landscape and rural character of the area. This is discussed in detail below but it is not considered that the proposal would result in significant harm to the landscape, character or appearance of the area.
- 8.8 In summary, on the issue of the principle of development, for the reasons set out below, the site is considered to represent sustainable development. Policy 1 of the CLP encourages development to be approved where it is demonstrated that it is sustainable and consistent with the development plan. Whilst there is conflict with Policy 2 and elements of Policy 45 of the CLP it is considered that, in this case, this is outweighed by the benefits of the development because of its proximity and relationship with existing and planned development for the city. Furthermore, it would not result in any harm to the character and appearance of the area. The principle of development on this site is therefore considered to be acceptable.



ii) Appropriateness of Housing mix

- 8.9 This proposal is for 25 new dwellings, 7 of which would be affordable. A commuted sum equivalent to 0.8 of a dwelling is sought to ensure the proposal would be consistent with the requirement to deliver 30% affordable housing (7.8 units) under Policy 34 of the CLP. The affordable housing would be secured within a S106 Agreement, there is flexibility proposed within the draft s106 to allow the remaining 0.8 of dwelling to come forward as another whole affordable unit in place of a financial sum.
- 8.10 The affordable housing mix is not fully consistent with the SHMA due to the higher proportion of 1 and 2 bedroom properties within the flats and apartments. However, the CDC Housing Officer does not raise objection on this matter and supports the approach as there is demand on the housing register for smaller bedroomed properties.
- 8.11 With regard to the market mix, this is again not fully consistent with the SHMA recommendations, delivering 3 more 1 and 2 bed homes and 3 less 3 bed homes. Again, however, the Housing Enabling Officer does not object to this market housing mix as it proposes smaller bedroom properties, in a district where there has been an historic over delivery of larger market homes, and a proposal that would allow families to join or downsize within the housing market.
- 8.12 For the reasons set out therefore, the proposed housing mix would be acceptable and in overall terms, consistent with Policy 33 (5) and Policy 34 of the Chichester Local Plan.

iii) Impact on the character and appearance of the area

- 8.13 The application site is currently an unused flat paddock which is tightly constrained by the railway line and the banks of the adjacent A27 road. The boundaries of the application site are heavily vegetated and very well screened, as are the steep banks of the nearby A27.
- 8.14 The existing two storey housing to the east of the application site dates from the 20<sup>th</sup> century and maintains an urban character. This is consistent with the density and appearance of the proposed housing. Two dwellings to the north of Clay Lane are of historic interest and are Grade II listed. They are both detached and set back from the road and both retain a more semi-rural character.
- 8.15 The layout of the site is centred on detached dwellings fronting Clay Lane and a higher density of development to the south of the central spine road. A large landscaped attenuation pond would be visible from the site access and which would assist in maintaining the semi-rural character of the site from Clay Lane. The flat and apartment blocks to the south of the site are set back by around 27m. There would be indirect views of these buildings outside of the site from Clay Lane. The parking is proposed on plot or is concealed from public view in parking courts, which are proposed to be located to the rear of the flats.

- 8.16 The scale of the proposed dwellings is consistent with existing local development. The 6 dwellings fronting Clay Lane graduate from chalet bungalows (7.5m to ridge) on the eastern boundary, up to two storey dwellings (8.5m to ridge) closer to the site entrance. The flat blocks are taller at 11.0m and are higher than the existing housing stock. This provides some benefits in terms of the acoustic environment of the site.
- 8.17 The design of the houses is appropriate for this semi-rural location. The use of high quality materials and detailing is considerate and would enhance the character and appearance of the area. Materials proposed include a consistent small palette of materials, which would be used across the site, but with variation. Materials include slate and clay roof tiles, a quality stock brick and flint with stone cills. The affordable units would be indistinguishable from the market housing stock proposed and the dwellings would respect the semi-rural character of the area as a result of their detached form and the bungalow appearance, but with the use of gabled dormers and features.
- 8.18 The flat and apartments blocks have also been designed to take account of the semi-rural character of the area and whilst more dominant in form than the rest of the development, they would be set back from the site entrance and there would be minimal views from public vantage points at the site access. The apartment blocks would incorporate the gable feature in the eaves line and would have a prominent protruding gable serving the entrance to the apartments. Given that the flats would be set back in the site and closest to the railway line, this would not result in any harm to the character and appearance of the area.
- 8.19 Overall, it is considered that the proposal would represent a modern housing scheme which is respectful of the semi-rural location and the mixed vernacular and age of existing housing in close proximity to the site. The proposal would be consistent with Policies 33, 34 and 45 of the CLP and overall, the scheme would enhance the character and appearance of the area.

iv) Suitability of landscaping and open space

- 8.20 The site is currently an unused flat paddock with unmanaged, but well established, boundary treatment on all sides. There are a number of existing trees and an arboricultural assessment has been undertaken. This application proposes the retention of the existing boundary treatment, including a large number of the trees. Two principal areas of tree removal include two maple trees to form the site entrance and a cluster of 10 trees on the eastern boundary. A construction exclusion zone and ground protection areas are shown on the submitted plans.
- 8.21 As well as retaining much of the existing vegetation, a number of ornamental trees are proposed to be planted on the site and within the proposed open space. Areas of bulb planting are also proposed. Within the curtilage of the properties, mixed shrub planting and deciduous tree planting is proposed which will reduce the visibility of the development when viewed from Clay Lane.

8.22 The application proposes to deliver 250 sqm of open space and this is to be located in front of the apartment blocks in the central part of the site. This is considered to add to the semi-rural character of the site, but also provide for an attractive setting to the flats and additional amenity areas. Whilst not included in the open space provision, further amenity space would be provided adjacent to the attenuation basin at the site entrance and laid to grass. The basin itself is proposed to be softened by appropriate landscaping.

8.23 The proposed landscaping is appropriate for this semi-rural character and conditions are recommended to ensure that the landscaping scheme is implemented and that any species that die within 5 years are replaced. The provision of the open space would be secured within a s106 agreement.

v) Highways access, sustainability and parking

8.24 The applicant has undertaken a Stage 1 safety audit and WSCC raises no objection to the highway design. The proposed access point would allow sufficient visibility in both directions to allow safe entrance and egress from the site by vehicle. The width of the access would be 6m wide and would lead onto the central estate road with a width between 6m and then reducing to 4.2m where the road only leads to car parking. These roads would be shared with pedestrians although there would also be a segregated footpath in front of the open space and an extension of the Clay Lane footpath into the site in a low traffic environment.

8.25 The parking spaces on site accord with the WSCC specified dimensions and the 53 spaces proposed are consistent with the WSCC Parking Calculator.

8.26 The vehicle movements to and from the site would not result in a severe impact on the local highway network. The impact on the A27 trunk road is discussed elsewhere in this report.

8.27 The site is considered to be sustainably located by WSCC Highways. There are two bus stops within walking distance of the site, which have services to Fishbourne, Southbourne and beyond to Portsmouth and towards Chichester City centre. It is 600m to the Tesco Superstore by foot and less than 1km to the Bishop Luffa Secondary School via a footbridge. Cycling would be available to potential occupants and there would be provision in sheds, garages and designated spaces for the storage of bikes. The site can be accessed by sustainable transport modes and consequently opportunities to minimise personal vehicle use. Overall, this proposal is consistent with Policies 8 and 39 of the CLP.

vi) Impact on national roads and railway infrastructure

8.28 This proposal would result in a very small number of additional cars joining the A27 at Chichester junctions. It would provide for housing above and beyond the Chichester City Parish housing numbers, as set out in Policy 5 of the Local Plan, which would normally require a financial contribution to the Local Plan mitigation package for the A27. The applicant has, however, proposed and agreed a bespoke package with Highways England to mitigate the scheme's possible impact on the A27. This provides for a financial contribution of £2,615 per dwelling (£65,375) which would be secured through a s106 and would contribute to the A27 Local Plan scheme.

8.29 Highways England has also requested the imposition of conditions to protect the A27, its vegetated banks and bridge during construction and beyond. Network Rail raises no objection to the proposal, provided that there is no opportunity for encroachment of vehicles or personnel onto the railway. Conditions are recommended to prevent any impact on Network Rail.

vii) Residential amenity

8.30 The site has undergone acoustic and vibration testing. It is a location which already experiences some noise due to its proximity to the A27. The area demonstrates noise levels in excess of 55db (A), a guideline level set by the WHO as a disruptor to sleep and health concerns resulting from noise. There are currently no noise attenuation measures in place for existing residents of Frederick Road to the east of the application site.

8.31 This proposal has been sensitively designed to mitigate and deliver a lower acoustic environment than existing within the proposed dwellings and external private amenity space. The layout and design of the proposed built form results in an acoustic environment of less than 50db (A) in the outside private amenity spaces and in the designated open space.

8.32 Conditions are recommended by the Environmental Health Officer in relation to the specification of windows orientated towards the A27, so that the internal acoustic environment is less than 28dba and requiring alternative ventilation, thereby allowing residents to have the option of opening windows for air exchange. All other windows on facades not facing the A27 would be required to demonstrate an acoustic environment of less than 21dba, apart from those dwellings facing the railway which are required to achieve less than 26dba. These are consistent with WHO guidelines which recommend bedrooms should have a noise environment of less than 30dba at night. The applicant's acoustic consultant has confirmed that these volume restrictions are achievable for night-time noise levels and the matter can be dealt with by way of planning condition.

8.33 The air quality for residents is not considered to result in any harm to health with the applicant demonstrating through an air quality assessment that harmful particle concentrations would be below objective levels set by CDC.

8.34 A ground investigation demonstrated that there was a low level of lead at 0.5m below ground in one area of the site. CDC Environmental Health Officers are satisfied that a suitable remediation strategy can be secured and controlled by condition.

8.35 Whilst the site lies in an area which is subject to louder noise environments from traffic on the A27, it is not considered that the potential noise levels or air quality would have any significant adverse impacts upon the health of occupants or the enjoyment of their properties and private gardens. The scheme has been carefully designed to ensure the internal and external noise environment is well within the British Standard.

8.36 The applicant has also provided a comprehensive construction and environmental management plan and the CDC Environmental Health Officers have proposed controlled construction hours on site. Whilst the development of the site would result in some impact upon existing residents, it is considered that these would only apply during the construction phase and specific controls on noise and dust would limit the impact on amenity.

8.37 With regard to potential impact beyond construction, the relationship of the proposed development with existing dwellings, particularly in Frederick Road to the east of the site, is considered to be acceptable and would not result in any harm to residential amenity through over-looking or loss of light. For these reasons, the proposal is considered to be consistent with Policy 33 of the CLP.

viii) Surface and foul water drainage

8.38 The site is located with Flood Zone 1, i.e. land at the lowest risk of flooding. The application is supported by a surface water drainage strategy which would accommodate a 1 in 100year +40% climate event. Surface water is proposed to be drained into an attenuated scheme through permeable paving and a drainage basin (pond). The winter groundwater modelling information shows that the site has a high groundwater level and therefore an attenuated system is the most appropriate method of managing surface flow. There are existing drainage ditches to the north of the site. These ditches, once cleared, would be used for discharge of the water from the site at a rate of 2l/s. CDC Drainage engineers agree that the surface water strategy is appropriate and conditions are proposed to secure full details of the scheme and its ongoing maintenance and management.

8.39 The application proposes foul water disposal via the existing foul network which would flow to the Apuldram WwTW which has a limited capacity for new development. Southern Water agrees to this approach, provided the Council is satisfied that there is sufficient headroom remaining. The current position is that there is sufficient capacity to accommodate the flows from this development which, if permitted, would leave capacity for 50 further dwellings in the Apuldram catchment.. Neither Southern Water nor the Environment Agency objects to the proposal on this basis.

8.40 The proposed drainage schemes for both surface water and foul drainage are consistent with Policies 12 and 40 of the CLP.

ix) Impact on the historic environment and archaeological considerations

8.41 The site lies in close proximity to two Grade II listed buildings- Applegarth and Mead House. They share similar characteristics and are listed for their architectural quality. The proposal, although within view of the listed buildings, would not adversely affect their setting. Within the curtilage of the listed buildings is a deep and high established hedgerow. This hedgerow prevents inter-visibility with the proposal site when combined with the row of maple trees to be retained on Clay Lane within the application site. The proposal has been designed sensitively, with characterful and detailed dwellings fronting Clay Lane and the proposal is not considered to result in harm to the setting of the listed buildings. The consultation response from the Conservation and Design manager supports this view.

8.42 The application site is also sited north of a large area of archaeological priority and it is considered that the site could potentially reveal historic findings. A condition is recommended which requires the applicant to undertake investigative trenching prior to work commencing, so as to assess the archaeological situation. The proposal is consistent with Policy 47 of the CLP.

#### x) Ecological implications

- 8.43 There is evidence of bats and reptiles at the site. A Mitigation and Enhancement Statement was submitted with the application and the proposed mitigation is acceptable to the CDC Environment Officer. The mitigation and enhancement includes measures such as nature planting, pond creation (SUDS), bat loft tiles and four bat boxes. The statement also includes measures to minimise light disturbance on local wildlife and details of lighting are recommended to be covered by condition.
- 8.44 No badgers have been found on the site though a precautionary approach is required and it is recommended by condition that a badger survey is undertaken before works commence.
- 8.45 The proposed mitigation and enhancement are considered appropriate and consistent with Policy 38 of the CLP.

#### Significant Conditions

- 8.46 A full schedule of conditions and informatives is proposed at the end of this report. Conditions requested by statutory consultees such as National Rail and Highways England are included for the protection of their assets and details are required prior to the commencement of works. Further detailed information is required by condition on surface water drainage, connection to utilities, foul drainage, hard and soft landscaping of the site and materials and finishes of buildings, notwithstanding that information has already been provided during the course of the application to assess the acceptability of the approaches in principle.
- 8.47 Also recommended are conditions to ensure that the development achieves a satisfactory acoustic environment, which includes the need to provide a validation report for the most noise sensitive properties.
- 8.48 Finally, conditions are recommended requiring the development to be carried out in accordance with the submitted and agreed details on wildlife mitigation (bats, reptiles, birds and badgers), set visibility splay distances and specific construction hours. This schedule of conditions has been shared with the applicant and the conditions are considered to be necessary, directly related to the development, precise and enforceable.

#### Section 106 Agreement

- 8.49 This proposal requires a s106 agreement to make the development acceptable. The draft s106 agreement is at an advanced stage and includes the following provisions:-
- Securing the equivalent of 7.8 affordable dwelling units
  - Delivery of public open space
  - Internal roadway un-adopted highway
  - Highways works with WSCC Highways on highways land
  - Recreational Disturbance Mitigation Payment
  - A27 mitigation payment

8.50 In addition, this development is liable to pay the Council's CIL charge. The site is located in the south of the district where the charge is £120 per square metre of floorspace.

### Conclusion

8.51 The proposal is for 25 dwellings on the western boundary of Chichester City. The principle of development is considered to be acceptable for the reasons set out in the report. Although the site lies outside the settlement boundary of Chichester City, officers give significant weight in the planning balance to the fact that the site lies very close to the settlement boundary, adjacent to existing residential development and less than 100m from the boundary of the West of Chichester Strategic Site. The proposal would also contribute to the current 5 YHLS on a very contained site with no adverse landscape, heritage, wildlife or infrastructure impacts. The proposal would not adversely affect the character and appearance of the area, and—would not cause harm to neighbour the amenity or the enjoyment of the properties by the proposed occupants from noise or vibration. It is concluded that the proposal can be justified exceptionally for these reasons.

8.52 Whilst the proposals are not fully compliant with Policies 2, 5 and 45 of the Chichester Local Plan, any conflict is considered acceptable, having regard to the positive impacts of the scheme set out above. The development represents a reasonably sustainable development which properly takes into account the environmental, economic and social aspects of development. The development is also sustainably located, within the most sustainable settlement in the settlement hierarchy.

8.53 Conditions are recommended to control the development, for both amenity and environmental reasons but also to ensure that it respects and enhances the character and appearance of the area through appropriate finishes and landscaping. A Section 106 Obligation is also recommended to ensure that the development is acceptable in planning terms, securing all relevant policy requirements.

8.54 Based on the above it is considered the proposal complies with development plan policies 1, 4, 8, 9, 10, 12, 13, 33, 34, 39, 40, 42, 47, 48, 49, 50 and 54 and, therefore, the application is recommended for approval.

### Human Rights

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 SECTION 106 THEN PERMIT** subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1702:2.10B, 1702:2.11B , 1702:2.12A, 1702:2.13A , 702:2.14A , 1702:2.15A, 1702:2.16 , 1702:2.17 1702:2.18 -

Reason: To ensure the development complies with the planning permission.

3) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) No development shall commence until full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on site during works. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

5) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.



6) Notwithstanding any details submitted, no development shall commence until details of how the Network Rail asset (trainline) shall be protected from damage or encroachment during the construction phase and the ongoing occupation of the site is submitted to and approved in writing by the Local Planning Authority. The details submitted should be considerate of the comments set out in the Network Rail consultation response of the 13 December 2017.

Reason: to protect national infrastructure.

7) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

8) **No development/works shall commence** until a sample panel of flint work shall be constructed, and made available for inspection, on site to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and an accompanying written specification shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in order to maintain the architectural interest of the building. 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

9) No development shall commence until details showing the approximate location of fire hydrants (in accordance with West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Prior to the first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of the fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The fire hydrant(s) shall thereafter be provided and maintained in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The F&RS Act 2004.

10) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has 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 as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water 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. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

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 part of the development hereby permitted shall be occupied** until details of the proposed street lighting has been submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full.

Reason: To ensure that light spill from street lighting is considerate of bats known to be in the locality.

13) 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 ongoing 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.

14) Prior to the commencement of development, details shall be submitted to the Local Planning Authority in writing for approval regarding the methods of sound insulation to achieve the following acoustic environments:

- windows within facades of the apartment block buildings with a direct view of the A27 shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw28dB, with windows shut and other means of ventilation provided.

- windows within facades of the apartment block building with a direct view of the railway shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw 26dB, with windows shut and other means of ventilation provided.

- windows within facades of all other buildings on the application site shall be constructed so as to provide sound insulation against externally generated noise of not less than Rw21 dB, with windows shut and other means of ventilation provided.

The approved details shall be carried out in full and maintained to achieve these standards in perpetuity.

Reason: To protect the health and wellbeing of occupants from any significant adverse impacts due to noise in the environment.

15) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

16) No development shall commence on the Sustainable Urban Drainage System (SUDS) until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of 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 serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

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

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

**18) No part of the development hereby permitted shall be first occupied** until the road(s), footways, and parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

**19) No part of the development hereby permitted shall be first occupied** until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

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

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

**21) The development hereby permitted shall not be first brought into use** until a landscape/open space management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas, other than small, privately owned, domestic gardens, has been submitted to and approved in

writing by the Local Planning Authority. The landscape/open space shall thereafter be managed in accordance with the approved details.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation, or historical significance.

**22) 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.

**23) No part of the development shall be first occupied** until visibility splays of 2.4 by 92 metres to the east and 86 metres to the west have been provided at the proposed site vehicular access onto Clay Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

**24) Within one month of the completion of the 25th unit on site, a scheme of validation shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the following internal noise levels from external noise sources have been achieved**

Location: Bedroom

Day LAeq, 16h 35dB limit

Night LAeq, 8h 30dB limit

Night LAm<sub>ax</sub>, F 45dB not exceeded more than 10-15 times per night

Location:

Living Room Day LAeq, 16hr 35dB limit

Day refers to the period 07:00 to 23:00

Night refers to the period 23:00 to 07:00

Reason: To protect the health and wellbeing of occupants from any significant adverse impacts due to noise in the environment

25) The construction of the development and associated works, including deliveries to the site, 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 and at no time on Sundays or Public Holidays.

Reason: In the interests of residential amenity.

26) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garages hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

27) The development, hereby permitted, shall be carried out in complete accordance with the details set out in the Mitigation and Enhancement Statement by Ecology Co-op Environmental Consultants (dated 31/08/2017) ref: Project 2237 unless otherwise agreed in writing with the Local Planning Authority.

Reason: for the protection of wildlife and protected species.

28) The construction and future maintenance of the development, hereby approved, shall ensure that at no time do works and/or other operations:

- Encroach on to or sail above Highways England Land
- Affect the safety, operation or integrity of Highways England Land and/or assets
- Require access to Highways England land or assets without obtaining express permission in writing from Highways England beforehand.

Reason: to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for the through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage

29) No surface water shall be permitted to run off from the development site hereby permitted on to the public highway. Surface water discharge from the site will be restricted to the agreed 'greenfield' run off rate of 2.0lits/sec and on site storage will be calculated for the 1 in 100year storm event with an additional allowance for climate change. Details to be submitted to and agreed with the Local Planning Authority. Discharge from the site is to be made to the existing piped watercourse unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the surface water drainage is in accordance with principles agreed with stake holders (Highways England, West Sussex County Council and Chichester District Council) and does not compromise the A27 Trunk Road drainage network and satisfies the requirements of road safety and prevention of environmental damage.

30) The development, hereby approved, shall be carried out in complete accordance with the mitigation proposed in the Construction Dust Assessment: Clay Lane, Chichester by Air Quality Consultants (Dated January 2018) ref: J2849, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the protection of local amenity and strategic road network against dust from construction.

31) The development, hereby permitted, shall be carried out in complete accordance with the Arboricultural Assessment and Method Statement by barrell Tree Consultants (dated 06/09/2017) ref: 17009- AA2- CA and Tree Protection Plans 17 009- BT1 and 17009- BT2 unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure the development is carried out in accordance with agreed tree management.

32) No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure the development does not harm the historic environment

## INFORMATIVES

1) 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.

2) The applicant is advised to contact the Local Traffic Engineer (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

3) S106

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

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

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

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

For further information on this application please contact Rhiannon Jones