

Parish: Chidham & Hambrook	Ward: Bosham
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CH/18/00810/FUL

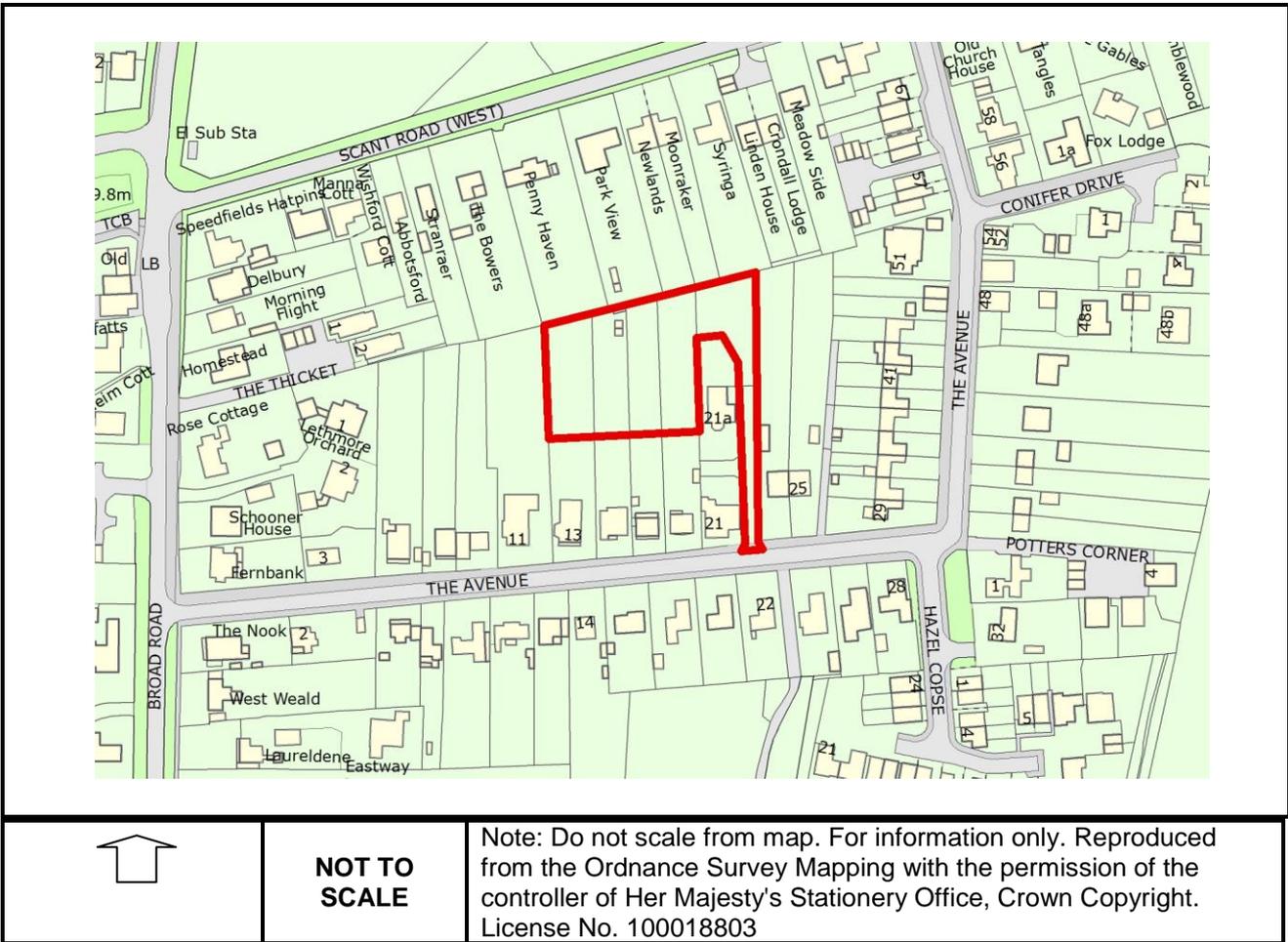
Proposal Erection of 4 no. dwellings and associated works.

Site The Nest 13 The Avenue Hambrook Chichester West Sussex PO18 8TZ

Map Ref (E) 478901 (N) 106493

Applicant Mr Stuart Wilson

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site lies on the northern side of The Avenue, a residential street within the village of Hambrook/Nutbourne. The site lies in a backland position to the north of The Avenue, and is surrounded by residential development which comprises a mix of 1 and 2 storey dwellings. The site forms an area of approximately 0.32ha and currently comprises the gardens of 5 properties.

3.0 The Proposal

3.1 Full planning permission is sought for the construction of 4 dwellings. The originally submitted proposals were for four detached houses, all of which were 4 bedroom properties. Amended plans have been received to amend the housing mix, the access arrangements for refuse vehicles, and to reduce the scale and built form of two of the proposed properties. The proposed housing mix as amended proposes 2 x 3 bedroom and 2 x 4 bedroom properties.

3.2 Each of the dwellings has been individually designed and therefore the sizes of the dwellings would vary. The proposed detached dwellings would measure between 8.1m and 8.4m in height, between 7.5m and 13m in width, and between 11.5m and 13m in depth.

3.3 Each of the properties would have front and rear gardens with 2 properties having garages. All properties would be provided with forecourt parking giving a total of 11 spaces for the dwellings. Additionally 1 visitor space is proposed adjacent to the access road. Access would be via an existing roadway that serves number 21a The Avenue.

4.0 History

05/02412/FUL	PER	Erect detached house and car port.
06/02373/FUL	REF	Erect 2 no. three bedroom houses.
06/04801/FUL	REF	Demolish existing garage and two storey side extension, erect 2 no. three bedroom houses.
06/05551/OUT	REF	Erection of 4 no. dwellings with access between 13 and 15 The Avenue
15/02332/FUL	REF	Erection of 6 no. dwellings and associated works.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

The Parish Council objects as The Avenue cannot take any more traffic, the refuse cannot be collected from the proposed site and there is no option for communal refuse storage at the entrance due to the lack of space. There is insufficient parking on the site plans and there is no alternative parking available in The Avenue.

The Parish Council have reviewed the plans and also objects on the grounds that this is an over development of the site which ruins the appearance of the area. It was also noted during the meeting that there are no local amenities for residents apart from a local store some distance away and no bus routes within 1 mile.

Further comments of Chidham and Hambrook Parish Council

Chidham and Hambrook Parish Council **STRONGLY OBJECTS** to the above application. The following comments are made further to the comments submitted on 22 May 2018.

- The proposal is contrary to the current Local and Neighbourhood Plans and would have an adverse impact on the appearance and character of the surrounding area;
- The Parish has no need of unneighbourly, intrusive, backland development. Chidham and Hambrook has a high number of 4 and 4+ bedroom houses and does not need more dwellings of this type;
- The proposed access to the site is unsuitable, impractical and unneighbourly. The Avenue is a narrow highway with a high level of on road parking;
- The Parish is seriously lacking in infrastructure;
- The local drainage infrastructure in this area is inefficient. Heavy rainfall regularly results in flooded gardens in The Avenue and Scant Road West;
- Wildlife habitat needs to be protected.

Local Plans:

The proposal is contrary to the current Local and Neighbourhood Plans.

The proposed development will by reason of its backland situation and the activity, noise and disturbance caused by traffic using the extremely long access drive have an adverse impact on the appearance and character of the surrounding area i.e. The Avenue and Scant Road West. It would, therefore, be contrary to Policies 1, 33 and 40 of the Local Plan: Key Policies 2014-2029 and paragraphs 17, 56, 58 and 61 of the National Planning Policy Framework.

Housing/Design:

The Parish has no need for more unneighbourly, intrusive backland development. It has already met far above the indicated number of dwellings set in the current Local Plan. **Compared to many other area of Chichester District, Chidham and Hambrook Parish has a high number of 4 and 4+ bedroom houses.** The Parish does need more dwellings of this type. The need is for more special properties and affordable 1, 2 and 3 bed dwellings for local first time buyers and older people wishing to downsize and remain in the area. The layout of the proposed development is lacking in character. The plots of the proposed 4 houses are smaller than those of all of surrounding properties. The site is remote in that it will not be seen from The Avenue or Scant Road but will be very visible from the windows of houses in those roads. It will not relate to wither road. The proposed allocation of visitor parking spaces in insufficient for 4 x 4 bed houses. The is no room for overflow parking in The Avenue.

Access:

The proposal is unsuitable, impractical and unneighbourly.

The proposed access off The Avenue, a narrow highway in need of attention, is via an existing very long gravel driveway. The driveway runs the full length of the Western boundary of 23 The Avenue and will result in extra noise, pollution and disturbance for the residents of 23 and also 21 The Avenue. The visibility splay for traffic exiting the site will be poor due to high hedges and vehicles parked regularly on the North side of the highway. The driveway is unsuitable for waste/recycling, emergency services (fire) vehicles and also delivery vans. These vehicles will inevitably need to mount the grass verge on the South side of The Avenue when exiting the site.

Infrastructure:

The Parish is seriously lacking in infrastructure. There is just one small shop/PO in the whole of the Parish. Bosham and Southbourne offer the nearest convenience stores, medical and dental practices. Employment opportunities in the Parish are extremely limited. The nearest bus service is approximately a mile away on the A259 hence residents rely on motor transport leading to more traffic on highways.

Drainage:

The local drainage infrastructure is inefficient. Surface water drainage is a long standing problem in the Hambrook area. A main drainage ditch forms a boundary between properties in Scant Road West and The Avenue but is frequently unable to cope with the amount of surface water following prolonged periods of rain. This results in flooded gardens. The proposed development of 4 houses in the back gardens of 13, 15, 17 and 19 The Avenue will seriously exacerbate these drainage problems.

Ecology:

The Ecological Report in no way reflects the true wealth of wildlife present in these gardens. The habitat for the great variety of creatures mentioned by residents in their responses to this application needs to be protected from destruction by development.

History of the site:

Application 18/00810/FUL follows a string of applications for housing development in these same back gardens. Previous applications have been refused by CDC and the Planning Inspectorate and the reasons for refusal are still relevant today.

The Parish Council recommends REFUSAL of this application.

The following comments are summarised:

6.2 Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.

6.3 WSCC Highways

No objection. The proposed access would serve 6 properties, including 21 and 21a The Avenue. It will be widened to 4.8 metres for most of its length, with two speed reduction build outs and would be a shared surface. The Highway Authority is satisfied that the site is accessible by a larger service vehicle and compliant with emergency access guide. The use of the existing dropped crossing to provide access to 6 dwellings would be acceptable. Visibility from the access is also acceptable and the splays could be secured by planning condition. The on-site parking is appropriate with an overprovision on one space and the garages are large enough to provide cycle storage for plots 1, 3 and 4. Recommend conditions relating to parking and cycle provision.

6.4 CDC Waste Services

Satisfied with the revised layout, however would ask that the telegraph pole is moved if possible.

Further comments from CDC Waste Services

Comments on original layout. Raise concerns about manoeuvrability of the refuse vehicle, width of the access, position of the telegraph pole and position of trees and hedges adjacent to turning head. A communal collection point adjacent to the access, would overcome this issue.

6.5 CDC Environmental Strategy Unit

The lighting scheme for the site will need to take into consideration the presence of bats. A precautionary approach should be taken within the site with regards to reptiles. Any works to trees and hedgerows needs to consider the possible presence of breeding birds. Site enhancements should be included within the proposals.

This proposal will have an in-combination effect on the Special Protection Area in combination with all other residential developments within the 5.6km zone of influence. Mitigation will therefore be required.

6.6 Drainage Engineer

No objection. The site is in Flood Zone 1, but are aware of garden flooding adjacent to the watercourse. Some works will be required to the existing watercourse which abuts the northern edge of the development. The necessary drainage works can be secured by planning condition.

6.7 Third Party Representations

11 letters of objection have been received relating to;

- a) Hambrook has had a number of large developments and it is detrimental to allow more and 4+ bedroom properties are not needed;
- b) No material changes in circumstance since last refusal;
- c) Out of character with the semi-rural environment, crammed in back gardens;
- d) Will increase the amount of traffic in a narrow road to the detriment of highway safety;
- e) Impact of construction traffic on damaged road;
- f) Lack of parking for development which will result in additional on street parking;
- g) The Avenue is a poorly maintained narrow highway and is well used serving 97 properties in this and surrounding roads;
- h) Drivers emerging from the access will not have clear views of traffic, or cyclists approaching from either direction;
- i) Lack of access for refuse vehicles and emergency vehicles;
- j) Refuse vehicles are in the Avenue at the same time as school children and it would be dangerous for a heavy freighter to be crossing the pavement at this time;
- k) Loss of privacy;
- l) Removal of vegetation and trees will change character;
- m) Will set a precedent for similar applications in The Avenue and in Scant Road West;
- n) Will create greater surface water run-off;
- o) Lack of local infrastructure (shops, schools, public transport) to serve the development;
- p) Security of properties will be jeopardised with new access to the rear and will result in more noise and disturbance;

- q) Contrary to Policy 52 as makes no contribution to the health and wellbeing of the wider local community;
- r) Ecology report does not address the existence of slow worms, hedgehogs, Stag beetle and various birds locally;
- s) Lack of sewerage provision;

6.8 Applicant/Agent's Supporting Information

To accompany the revised tracking plan, the applicant provided responses to the initial comments of the CDC Waste Services setting out how their previous concerns had been addressed.

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. The Chidham and Hambrook Neighbourhood Plan was made on the 20 September 2016 and forms part of the Development Plan against which applications must be considered.

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 42: Flood Risk and Water Management

Policy 48: Natural Environment

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

7.3 Chidham and Hambrook Neighbourhood Plan:

Policy LP1

Policy EM1

Policy EM2

Policy CDP1

Policy H2

Policy DS1

Policy DS2

Policy DS3

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,

*For **decision-taking** this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.5 Consideration should also be given to Sections 4 (Decision-Making), 5 (Delivering a sufficient supply of homes), 9 (Promoting Sustainable Transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment) generally.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who 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. 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 S.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

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

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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i) Principle of development and sustainability
- ii) Design and impact upon character of the surrounding area
- iii) Impact upon amenities of neighbouring properties
- iv) Drainage
- v) Highway safety
- vi) Arboricultural implications
- vii) Ecological considerations

Assessment

i) Principle of development and sustainability

8.2 The site is located within the Settlement Boundary of Hambrook/Nutbourne which is identified as a Service Village; a sustainable location for small scale development outside of Chichester City and the Settlement Hubs where, in accordance with Policy 1 and Policy 2 of the Local Plan there is a presumption in favour of sustainable development. This is consistent with Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development in such a location unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.3 The Chidham and Hambrook Neighbourhood Plan (NP) acknowledges the need to allocate sites for 25 dwellings in line with the identified need in the CLP, it confirms that 86 dwellings have been permitted in the Parish since 2014. However the identified need within the CLP does not constitute a maximum number of dwellings, and whilst concerns have been expressed regarding local infrastructure, further development within settlement boundaries should be considered in light of the presumption in favour of sustainable development and other relevant policies within the Development Plan. Identifying and delivering windfall sites is also an important element of ensuring that the Council meets its identified housing needs. This is consistent with Policy LP1 of the Neighbourhood Plan which states that "development of 10 units or fewer on windfall sites will be supported".

8.4 It is acknowledged that previous applications for development on parts of the site have been refused by the Local Planning Authority in the past. These include those listed in section 4 above. This proposal relates to a further reduction in the number of dwellings which seeks to overcome the previous concerns, dealt with in more detail below.

8.5 In conclusion, the application site lies within a settlement which is identified as being an appropriate and sustainable location for small scale development. The proposal represents a small scale windfall scheme. It is therefore considered that the principle of the development would be acceptable, subject to all other material planning considerations being satisfied.

ii) Design and impact upon character of the surrounding area

8.6 Section 12 of the NPPF requires good design that improves the overall quality of the area and paragraph 124 states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. Paragraph 127 also sets out a set of criteria to ensure developments, '*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*'. Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site.

8.7 The proposed development would be served by an existing access serving 21a The Avenue, a 2 storey detached dwelling situated in a backland position to the north of The Avenue. The proposal seeks to continue the residential development to the rear of properties fronting this road, resulting in development within a backland position. Other forms of similar development within the vicinity afford the area a similar character, notably 21a and the properties to the rear of Broad Road (Lethmore Orchard and The Thickett), which are within the same perimeter block as the application site.

8.8 The rear gardens of the existing properties forming the application site are substantial; being approximately 60m to 75m in depth and 11m to 14m in width, albeit the plot belonging to 21 The Avenue (at the eastern end of the site) has already been subdivided. These gardens would be reduced in size, however good sized gardens with depths of 20m would still remain. Whilst there are a number of properties with similar sized plots, there are also a significant number of properties within the residential block formed by The Avenue, Scant Road (West) and Broad Road that are afforded with rear gardens approximately 8m to 15m in depth, and a smaller number of properties with even smaller rear gardens, approximately 5m in depth. As such, there is a presence of smaller plots within close proximity of the application site, which would not be dissimilar to the size of gardens provided within the proposed development and which directly informs the local character.

8.9 There is an eclectic mix of housing sizes, styles and forms ranging from large detached dwellings to semi-detached and terraced properties including 2 storey, single storey and chalet bungalows in close proximity of the site. There are several examples of other backland developments close to the site, including 2 developments providing 4 dwellings to the west of Broad Road and 4 further developments off The Avenue ranging in size from group of 2 properties to 23 properties to the east of the site. As such, the presence of backland developments and small cul-de-sacs to the rear of the properties fronting The Avenue exists in the area and forms part of the context of the site.

- 8.10 The proposed development would extend westwards from the existing dwelling (21a) and as a result the view along the access drive would remain largely unchanged, with the provision of a boundary treatment with landscaping to the front and a garden beyond. Only glimpses through gaps in the existing dwellings fronting on to The Avenue and Scant Road West would be possible, and the proposed dwellings would be largely screened by the existing residential development. As such, it is considered that whilst the proposal would result in a backland form of development, this would not be contrary to the varied form of development within the surrounding area and would not be harmful to the character and appearance of the locality.
- 8.11 The dwellings have been individually designed to ensure that the development would have a varied and more organic appearance that would incorporate appropriate architectural detailing and materials including bay windows, headers above the windows, chimneys, timber windows, clay roof tiles, plus a mix of brick and hanging tiles to the elevations. The proposal would provide a high quality development that would reflect the local vernacular and would make use of local materials to ensure that it would integrate into this varied character of the locality. The scale of the proposed dwellings has been reduced through the course of the application, to form more spacing between the properties and be more reflective of the character of the area. The housing mix proposed has been amended to include two 3 bedroom properties and two 4 bedroom properties. This was amended during the course of the application to be reflective of an appropriate housing mix in accordance with Policy 33.
- 8.12 The planning history is of relevance to the application's determination, notably application 15/02332/FUL which was refused in 2015 and later dismissed at appeal. One of the reasons for refusal related to the backland position of the development and concerns about the noise and activity generated by the use of the access which would have an adverse impact upon the character of the area. In dismissing the appeal, the Inspector concluded that;
"Whilst backland development is evident in the area, including 21a and houses off Broad Road which lies to the west of The Avenue the scale of this development is such that it would alter the characteristic long gardens of Nos 13,15,17 and 19 as well as introducing further dwellings to the rear of 21a. This amount of backland development proposed would alter the character of the area not only by the physical presence of the six dwellings but also the activity associated with them, utilising this narrow access road."
- 8.13 The Inspector in the 2015 appeal did not conclude that development would be unacceptable per se, but made specific reference to the scale of the previous development, comprising six houses and the amount of development which would alter the character. It is considered that having regard to the reduction in the number of dwellings from six to four thereby reducing the amount of activity using the access track combined with the reduction in size and amendments to the design to reduce the scale of the properties, an amended layout comprising a more linear form and the omission of dwellings in the north east corner of the site which would have been visible from The Avenue, that the proposal would address the concerns raised by the Inspector in relation to the amount and scale of development and its impact on the character of the area.

8.14 Overall, it is considered for the reasons set out above that the proposed development, by reason of its scale and form, would not be harmful to the character and appearance of the surrounding area, particularly given the eclectic mix of development in the locality, including back land development, and the quality of the proposed design and appearance of the buildings.

iii) Impact upon amenities of neighbouring properties

8.15 Issues of loss of light, outlook and privacy were considered under application 15/02332/FUL and did not form reasons for refusal. The proposed layout of the site would ensure sufficient distance between the proposed and existing properties is maintained to ensure that the proposal would not result in an unacceptable degree of overlooking. The rear gardens of the proposed dwellings would exceed 15m in depth and the fenestration of the buildings would be sensitively located to ensure that only landing/bathroom windows are located on the side elevations of the properties.

8.16 Due to the distance between the proposed dwellings and neighbouring properties the proposal would also not give rise to a loss of light and would not have an overbearing impact upon the neighbouring properties. Concerns have been raised regarding noise and disturbance from the increased activity; however this would not be detrimental given the separation between properties. It is considered that the plots would be of a sufficient size to ensure that the occupation of the dwellings would not be unneighbourly, within the residential context of the area. A change to the surfacing materials from the existing gravel would reduce the noise implications of vehicles entering and exiting the site along the access drive, and whilst not identified on the landscape strategy could be secured by condition. The proposal would therefore accord with policy in respect of its impact upon the amenities of neighbouring properties.

iv) Drainage

8.17 A number of third party objections have been received expressing concern with regard to drainage and flooding in the local area. The application site lies in Flood Zone 1, the area least at risk of flooding, and therefore flood risk would not normally be a constraint to development. However, it is acknowledged that there are known surface water flooding issues within the gardens.

8.18 This formed the second reason for refusal relating to application 15/02332/FUL and was considered by the Inspector when considering the appeal against that refusal. The Inspector concluded that this matter could be dealt with by planning condition and would not have been a reason to dismiss the appeal. Additionally, the Council's Drainage Engineer has been consulted on the application and has also acknowledged that this matter could be dealt with by a planning condition. Subject to the proposed conditions, the proposal would accord with policy 42 in respect of flood risk and water management.

8.19 Concerns have been raised regarding foul drainage in the area, however this was considered under the previous application and the Inspector during the appeal and was considered acceptable. A condition is recommended requiring details of the proposed foul drainage to be submitted in order to ensure that the foul drainage system would be appropriate for the development.

v) Highway Safety

- 8.20 The issue of highway safety was considered in the determination of application 15/02332/FUL and did not form a reason for refusal. The number of dwellings that is proposed to utilise the same access and driveway, as previously proposed, has reduced by two. The Local Highway Authority has advised that the information submitted demonstrates adequate access and visibility can be provided. The revised swept path analysis demonstrates that large service vehicles would be able to negotiate the access and the site, ensuring that it would be compliant with Manual for Street Section 6.7 in respect of emergency access guidance and servicing by large vehicles.
- 8.21 The Highway Authority has confirmed that the proposals demonstrate that there would be sufficient space to provide the required parking spaces, with an overprovision of one space. The garages would meet the County Council's standards and allow for cycle storage within them. The proposal would therefore meet the parking requirements for the development and would not result in pressure to park within the development or on The Avenue.
- 8.22 The applicant has provided a plan showing the tracking of the Council's refuse vehicle demonstrating that the vehicle can enter and exit the site in a forward gear with suitable turning being provided within the development. It is recommended that a condition be imposed requiring the turning area to be kept free for that purpose in perpetuity.
- 8.23 Having regard to the considerations outlined above and subject to conditions, the proposed development would provide suitable access, parking and turning arrangements and appropriate visibility to ensure that the proposal would not have an adverse impact upon the safety or function of the highway network, and appropriate access would be provided for emergency vehicles and refuse management vehicles. The proposal is therefore acceptable in respect of these matters.

vii) Arboricultural implications

- 8.24 There are several trees and hedgerows within the site and the application is accompanied by an Arboricultural Assessment and a Landscape Strategy Plan. The proposed development would not result in the loss of any mature trees around the edge of the site, instead the removal of vegetation would relate primarily to the removal of smaller or poor quality trees and hedgerows within the gardens. Whilst the report has not been updated to reflect the current layout, it does provide sufficient information to consider the impact of the development. Similarly Tree Protection information has been provided, which includes the use of protective fencing, no change to land levels within root protection areas, no storage of materials within 20m of any tree to be retained and no fires within 5m of any trees or hedgerow. These issues were not reasons for refusal on the previous decision and conditions are proposed to secure their implementation during the works.

- 8.25 The Landscape Strategy Plan demonstrates that the existing mature trees would be supplemented with the planting of native trees and hedgerows along the front of each plot with an area of greenspace being seeded with a wildflower species rich grass and a feature native tree. The proposed landscape would be appropriate for the location, although a condition is recommended to ensure that the proposed trees would be suitable and of an appropriate size when planted.
- 8.26 The trees around the edge of the site are of high importance and their retention would need to be controlled though conditions outlined above. However the loss of the trees within the site would not be harmful to the amenity of the area, and in in time the proposed planting within the site would develop to provide growth of a similar size that would benefit the area.
- 8.27 It is considered that subject to the development being carried out in accordance with the assessment submitted, and information secured by planning condition, the proposal would not have an adverse impact upon trees and the indicative planting strategy would be appropriate for the proposed development and the amenity of the surrounding area.

vii) Ecological considerations

- 8.28 The application site lies within the 5.6km zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA) and therefore the proposal is likely to have a significant impact upon the SPA as a result of recreational disturbance. The applicant is aware of the need to mitigate this impact by paying a financial contribution towards the joint mitigation strategy in accordance with policy 50 of the Local Plan.
- 8.29 In respect of the impact of the development upon ecology within the site consideration has been given to a Preliminary Ecological Assessment and a Preliminary Bat Roost Assessment submitted with the application. The survey found no evidence of protected species on the site, and although the trees and hedgerows within the site provide suitable foraging and commuting habitat for bats there is higher quality habitat located within the surrounding area, and therefore the partial loss of this habitat would not have a significant impact upon bats. It was also found that the site provided a suitable habitat for hedgehogs and therefore suitable protection measures should be carried out during the construction phase of the development, along with the measures identified within the Landscape Strategy.
- 8.30 The Council's Environment Officer has advised that there is no objection to the proposed development in respect of the impact upon protected species and biodiversity. It is recommended that a condition be imposed ensuring that the proposed development is carried out in accordance with the recommendations of the surveys submitted and also that any lighting scheme minimises the impact upon bats using the trees and hedgerows and also that trees or vegetation clearance should be undertaken outside of the bird breeding season only. A condition relating to the submission of enhancement measures is also proposed.

Conclusion

8.31 Based on the above assessment of the material planning considerations it is considered the proposal complies with development plan policies 1, 2, 5, 33, 39, 42, 49 and 50, and Neighbourhood Plan Policies LP1, EM1, EM2, H2, DS1, DS2 and DS3 therefore the application is recommended for approval.

Human Rights

8.32 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) 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: 1710-01D; 1710-02A; 1710-03; 1710-04B; 1710-05B; 1710-06A; 1710-07A; 17-08A; 1710-09; 1710-10; 1710-13A; 1710-14A; 1710-16A; 1710-L01A; 1715-101 Rev B; W.083/20;

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

3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples (where requested) of such materials and finishes to be used for external walls and roofs of the building(s) and surfacing materials 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.

4) **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.

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

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

Reason: To ensure safe and neighbourly construction.

7) **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.

8) **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 and submitted to, and approved in writing, by the Local Planning Authority. The manual is to 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, 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

9) **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. The strategy shall demonstrate a water efficiency standard of 110 litres or less per person per day. 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.

10) **No part of the development hereby permitted shall be first occupied** until the vehicle parking (including garages and car ports) and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

11) **No part of the development shall be first occupied** until visibility splays of 2.4 x 59 metres have been provided at the site vehicular access onto The Avenue in accordance with plans and details 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 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

12) **No part of the development shall be first occupied** until the access road, including the turning area, has been laid out, constructed and drained in accordance with plans and details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the turning area shall be kept free of any obstructions and available for its stated purpose at all time and in perpetuity.

Reason: In the interests of ensuring emergency access and highway safety.

13) **No part of the development shall be occupied** until screen walls and/or fences have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Once erected they should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

14) **No part of the development hereby permitted shall be first occupied** until biodiversity enhancement measures have been provided in accordance with plans and details that shall first be submitted to and approved by the Local Planning Authority. Thereafter the biodiversity measures shall be retained in perpetuity.

Reason: To ensure that biodiversity enhancements are provided as part of the development.

15) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

16) **The development hereby permitted shall not be first brought into use** until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

17) The development hereby permitted shall not be carried out other than in accordance with the recommendations contained within section 7 of the submitted Preliminary Ecological Assessment produced by Middlemarch Environmental reference RT-MME-127263-01 dated March 2018 and section 6 of the submitted Preliminary Bat Roost Assessment referenced RT-MME-127263-02 dated March 2018.

Reason: In the interests of protecting biodiversity.

18) The development hereby permitted shall not be carried out other than in accordance with the recommendations contained within section 5 and Appendix 3 of the submitted Arboricultural Implications Assessment and Method Statement produced by ecourban Ltd Ref 14624-AIA dated 20th July 2015.

Reason: In the interests of protecting the trees to be retained in the interests of amenity.

19) An easement 1.5m in width shall be maintained on the southern side of the drainage ditch that runs along the northern edge of the application site and the easement shall kept free of any buildings or structures at all times to ensure access to the watercourse.

Reason: In the interests of managing surface water and prevention of flooding.

20) 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 garage 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.

21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C or E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

INFORMATIVES

1) S106

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

2) 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 Caitlin Boddy