

Parish:
Donnington

Ward:
Donnington

D/16/01468/FUL

Proposal Demolition of existing bungalow and erection of 16 no. dwellings with associated landscaping and parking.

Site Windmill Bungalow Queens Avenue Donnington PO19 8QB

Map Ref (E) 485779 (N) 103689

Applicant Elberry Properties

RECOMMENDATION TO DEFER FOR SECTION 106 AGREEMENT THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application site is located on the eastern side of Queen's Avenue and consists of a detached, pitch roof bungalow, a detached garage and associated residential curtilage. The site is principally laid to grass and is flat, with boundary treatments consisting of hedging and fencing. Vehicular access into the site is taken via Queen's Avenue over a grass verge.

2.2 The site is located within the settlement boundary of Donnington Parish. The surrounding area is predominantly residential in character, consisting of modern, two storey terraced properties of uniform design with brick and render elevations and pitch, gabled roofs. The northwest boundary adjoins Queen's Avenue. To the northeast is a church with vehicular access leading to a detached plot at The Aylings and a pair of semi-detached modern dwellings and associated residential curtilages. To the southeast is Waterside Drive, which runs parallel with the site boundary and includes a disused vehicular crossover; and to the southwest, two storey terraced properties and associated curtilages accessible from Bywater Way. The A27 Trunk Road is located further to the northeast of the site.

3.0 The Proposal

3.1 The application seeks full planning permission for the demolition of Windmill Bungalow and garage and the erection of 16 dwellings.

3.2 The development would take the form of a residential cul-de-sac, served by a single point of vehicular access onto Waterside Drive, on the south-eastern site boundary. The existing vehicular access onto Queen's Avenue on the north-western site boundary is proposed to be closed, and a new gated pedestrian access provided.

3.3 The scheme includes a mixture of detached, semi-detached and terraced dwellings, 1.5-2.5 storeys in height and provides 31 parking spaces, as revised, including 5 visitor spaces, and an area of public open space. Each unit would have on curtilage parking, with the exception of plots D01 and D02, with parking provided in a rear parking court. The design of the units would be a contemporary approach to the surrounding modern vernacular, with brick as the dominant material, horizontal timber cladding, large, vertically aligned windows, pitched roofs and chimneys. Some of the larger units would incorporate dormer windows.

3.4 The housing mix proposed with this scheme is as follows:-

Open Market Housing

4 x 2 bed dwellings	(25%)
8 x 3 bed dwellings	(50%)
4 x 4 bed dwellings	(25%)
16	(100%)

3.5 The application, as amended, does not provide affordable housing on site as required by LP policy 34 (30%). The application is supported by a viability assessment and has undergone an open book assessment with the District Valuer. A financial contribution of £250,000, equivalent to 2.3 units, is offered by the applicant towards the provision of off-site affordable housing.

3.6 The proposed scheme has been amended during the course of the application to account for the comments of the Police, Design Manager and officers regarding the density and layout. This has resulted in a reduction in the number of residential units from 17 to 16 and the addition of an area of open space. The applicant has provided a Technical Note with further supporting evidence and vehicle tracking to demonstrate adequate turning space within the site for a refuse vehicle. The housing mix is also amended with the provision of an additional 4 bed unit in lieu of a 3 bed unit, in light of the viability issues.

4.0 History

87/00010/D	PER	New bungalow.
98/01194/DOM	PER	New garage for existing bungalow.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Donnington Parish Council

Object - access and density. Existing access gives direct access to A27, creating no traffic problems on Manhood Peninsula. Access from Waterside Drive involves driving down A286 Stockbridge Road and already has severe congestion to which this application will add and have a cumulative impact on Stockbridge Road traffic and air quality. No logic in access from Waterside Drive and object to access proposals. 9 dwellings considered to be underdevelopment; 15 dwellings considered too dense. Proposal for 17 dwellings is too dense for the site. Loss of light to adjacent development.

Further comments following additional information:-
Comments still stand in respect of the revisions to the proposal.

6.2 Chichester Harbour Conservancy

No objection, subject to a) securing public open space and b) s106 recreational disturbance payment under LP policy 50. No adverse effect on the setting of the Chichester Harbour AONB.

6.3 Environment Agency

No comments. Please note there is finite capacity at Apuldram Waste Water Treatment Works. Once this is reached, we will reinstate our previous position statement. We recommend that you speak with colleagues in Planning Policy to ensure this development fits with your own Wastewater Position Statement.

6.4 Southern Water

A formal application for connection to the public sewer is required by the developer.

There are no public surface water sewers to serve the development. Alternative means of draining surface water is required, not involving disposal to public foul sewer. It is possible that a sewer deemed to be public may be crossing the above property. An investigation will be required should any sewer be found to be crossing the site during construction.

We request that an informative is attached to the consent requiring the applicant to apply for a formal connection to the public sewerage system to serve the development.

6.5 Highways England

No objection to safe and efficient operation of strategic road network (A27).

6.6 Natural England

No objection. Subject to financial contribution as required by CDC's interim policy, the applicant has mitigated against the potential adverse effects of development on the integrity of the European sites.

6.7 Sussex Police

No objection to design and layout. However, how will pedestrian access in the northwest corner be managed, controlled and will it be gated? Potential for a vulnerable dark environment, given 2 metre high fencing and creating unobserved access to rear garden of plot 10. Alternative safer access would be through adjacent boundary to plot 6 and access running adjacent to the church.

Further comments following additional information:

Substitute plans do not warrant further crime prevention advice.

6.8 WSCC Local Development Division (Highways)

No objection, subject to conditions and informatives.

Access and trip generation and capacity - site is located 2 km to the south of Chichester town centre. Proposal will create a new access onto Waterside Drive, a single carriageway 'D' class no through road, subject to a 30mph restriction and 5 metres in width. A Stage 1

Road Safety Audit has been carried out and identifies no problems with the access arrangements and is adequate to accommodate vehicle movements, based on the sight lines. No evidence to suggest the road is operating unsafely or exacerbates an existing safety concern. Principle of access is acceptable, subject to a s278 Agreement. The trip rate generated 7 movements during the AM peak and 6 during the PM peak would give rise to a more intensive use of the surrounding local highway network; however, the proposal is not anticipated to result in a severe cumulative impact on the operation of the local highway network, in accordance with paragraph 32 of the NPPF.

Construction - Given the construction of Waterside Drive, the applicant would be required to enter into a section 59 Agreement to enable the LHA to recover costs from the developer to the highway as a consequence of the development. The construction management plan should set out how deliveries are to be managed along Waterside Drive. The CMP would be sought through condition.

Layout - 4.8 metre wide shared surface for access road is suitable as this is a low speed, low traffic environment. Swept path diagrams have been provided. Applicant to liaise with CDC's Waste Collection Team. It is unclear whether the road will be built to adoptable standards; this would be achieved under a s38 Agreement.

Parking - there would be a shortfall of 4 spaces based on the WSCC parking demand calculator. Some overspill parking may occur, but it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions. The provision of 31 spaces for 16 units is therefore acceptable, given the accessible nature of the site and opportunities for sustainable travel. Matters of amenity would be for consideration by the LPA.

Further comments following additional information:

No objection

The comments previously applied for access, capacity and accessibility still apply. The revisions to the layout have not resulted in any significant change to the parking layout. The level of parking does not exceed the allocation from the WSCC Parking Demand Calculator.

The Technical Note provides further clarity on the proposed manoeuvring within the site. I would be satisfied that this goes further to demonstrate sufficient turning of a refuse vehicle within the site.

6.9 WSCC Flood Risk Management

Soakaways would be primary method to restrict run off and would in principle meet the requirements of NPPF, NPPG and associated guidance. These should be shown to work through an assessment carried out under BRE Digest 365. Details of finalised surface water drainage design and maintenance and management of SuDs system to be secured by condition.

6.10 CDC Environmental Health Officer

Potential for land contamination, owing to glasshouses being on the site. Condition N21G should be applied. Increase in traffic flow on A286 assessed as negligible and it is not predicted to have a significant impact on air quality levels given existing traffic flows on this road. Mitigation measures should be put in place however; for example, secure electric charging points for electric vehicles, and cycle parking. Measures to minimise dust and emissions should be taken during the construction phase.

6.11 CDC Housing Enabling Officer

A 30% quota of the net gain of units is required i.e. 4.8 units with the fraction taken as a commuted [in relation to 17 units]. The developer is proposing 2 units on grounds of viability. This is a serviced site on edge of town with no abnormal issues. I see no reason why full quota required by Local Plan is not viable. An open book assessment must be undertaken by independent valuer, as in LP policy 34. Split of market units and affordable units, in line with SHMA can be considered.

Further comments following additional information and assessment by District Valuer:-

There has been considerable discussion between all parties on the variables in the viability report. It is the District Valuer's opinion that the full quota of affordable housing on the site is not viable [in relation to 16 units]. The developer has in turn agreed to reduce the level of profit sought and to provide a commuted sum in lieu of affordable housing to conclude negotiations.

A sum of £250,000 has been offered with a slight change to the layout of a 3 bed unit to allow use of a loft space to create a 4 bed unit. This is a slight departure from the recommendations of the SHMA, in light of viability issues, no objection is raised.

The market mix is:

4 x 2 bed dwellings (25%)
8 x 3 bed dwellings (50%)
4 x 4 bed dwellings (25%)
16 (100%)

Because of the small number of affordable units (2) this site would provide, no registered provider would be likely to take them on and they would be offered as discounted or equity sales. By taking a commuted sum, the money can be used as a grant to help provide much needed affordable rented units in the District.

The acceptance of a commuted sum in this case is because of the particular circumstances of the site and the result of the viability report.

6.12 CDC Archaeology Officer

Site of this size, in this location should be trial trenched before development to identify deposits of significance that may be present and ensure preservation. Secure by condition.

6.13 CDC Drainage Engineer

Proposals for the site include drainage to soakaways. Investigations into soakage must include winter groundwater monitoring and percolation testing. Soakaway design must have the base above the highest recorded ground water level and store the 1 in 100 year storm event, plus 30% on rainfall intensity without causing flooding. Drainage design is to be conditioned. Maintenance manual should be agreed for shared drainage that is not to be adopted.

6.14 CDC Environmental Strategy Officer

Payment required towards Chichester Harbour SPA recreational mitigation scheme. Works to trees / vegetation to take place outside bird breeding season 1 March - 1 October. Enhancements in preliminary ecological appraisal - to be secured, along with 9 nesting opportunities for birds. Lighting to be minimised to protect bats and other nocturnal species.

6.15 CDC Design and Implementation Manager

No objection in principle, but layout is cramped and there are some unsatisfactory relationships with adjacent development. Necessary to reduce the number of units to ease the layout and amend building orientation to minimise the impact on neighbouring properties. Waterside Drive frontage - two blocks separated by the access road works in terms of a logical street rhythm. Queen's Avenue - seems cramped. Better to relocate units fronting onto Queen's Avenue to create an active frontage, utilising the existing site access. Public open space is limited and is not well overlooked. Architectural approach is acceptable. Design is dependent on a gabled roof form. May be some merit in some hipped roofs. Welcome a limited materials palette.

Further comments following additional information:

Design of unit 4 needs careful consideration. Flank elevation is a missed opportunity to create an entrance to the development. This should be a landmark building; plots 3 and 4 could be rearranged at right angles to create a strong corner in townscape terms. Loss of the unit adjacent to The Aylings results in better proportioned open space - degree of overlooking from units 3 and 4. Better if unit 6 could overlook this space. Note that there may be constraints in terms of maintaining an access off Queen's Avenue to the site.

6.16 CDC Planning Policy

Policy 2 identifies Stockbridge as a service village and focus for new development and facilities. Within defined settlement boundaries, presumption in favour of sustainable development. Policy 5 allocates a housing number of 50 units for Donnington (2014-2029) and requires sites to be identified in Neighbourhood Plans or Site Allocation DPD. Donnington is not undertaking a Neighbourhood Plan and no sites are identified in the Site Allocations DPD. Land at Southfields Close (12/04410/FUL; 14/00955/FUL) received permission for 112 dwellings, which counts towards indicative requirement in policy 5. Apuldram WWTW is subject to environmental constraints, which restricts 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 produced.

6.17 CDC Tree Officer

The construction of the road/drive on the western side of the tree (within the tree's root protection area) should be of a geosynthetic type to limit root damage/compaction (possibly hand dug). Drawing LLD 794 / 02 Rev 02.

The proposed tree planting of a Whitebeam, a number of Field Maple trees, Hazel trees (Aurea) and Silver Birch trees as shown on drawing LLD 794 /04 Rev 01 and detailed (sizes/planting information) on drawings LLD 794 /05 -07 Rev 01 seems reasonable.

The rest of the details protective fencing type/location, shrubbery/other planting layers and the proposed tree surgery/removal seems ok.

6.18 CDC Contracts Manager

Layout is insufficient size to cater for a refuse freighter. Turning head is tight, and bend to left and right is narrow. Tracking excludes wing mirrors and shows vehicles touching boundary properties and areas used by pedestrians. Poses safety questions. Even with this, believe site is not suitable for refuse freighters. Block paving problematic. Individual properties would require one waste and one recycling bin, either 140 litre for 2 person household or 240 litre for 4 person household.

Further comments following additional information:

Objection withdrawn. The applicant has addressed most of the concerns raised, and demonstrated the proposed unimpeded movement of our freighter throughout the site. Paving is to be laid to a highway standard capable of taking the weight of a 26 tonne refuse freighter. The site has one turning head; therefore require the route to be unimpeded by parked cars and see parking restrictions in place to prevent residents from parking outside designated bays.

6.19 25 Third Party Objection

- o Increased traffic and danger on highway
- o Double yellow lines needed either side of access to prevent overspill parking on Waterside Drive
- o Access on Waterside Drive already difficult, owing to parked cars
- o Yellow no entry sign needed at junction of Stockbridge Road and Grosvenor Road to alleviate congestion
- o Minor adjustments to layout - still cramped
- o Rotate plots D14, 15 and 16
- o Waterside Drive, Grosvenor Road and Bywater Way full of cars - No refuse collection at times, because refuse vehicle cannot get down the road
- o Single/double yellow lines, permit vouchers and other measures needed - cars park on bends
- o Plot 5 too close to The Aylings - overlooking, noise, loss of privacy
- o No precedent for 2.5 storey dwellings
- o Hedge on eastern boundary may be removed/not maintained

1 Third Party Support

- o Like the contemporary, modern style of development
- o Proximity and overlooking issue to The Aylings. 16 houses is ideal

4 Third Party Other

- o Meeting only 75% of maximum parking standard likely to result in Waterside Drive used for parking
- o Grosvenor Road/A286 junction is already a bottleneck - poor visibility and dangerous
- o Full length windows, yellow bricks, boxy porches and height of houses not reflective of streetscene
- o 17 dwellings optimal, but too densely packed and too tall
- o Chalet dwellings, 1.5 storeys tall, would solve overlooking and overshadowing problem, and give space to The Aylings annexe
- o Roofs have no overhang. Where will vents be for roof outer layer?

7.0 Planning Policy

The Development Plan

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

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Special Protection Areas

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 paragraph 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), 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 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

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

Planning Obligations and Affordable Housing Supplementary Planning Document
Surface Water and Foul Drainage Supplementary Planning Document

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district
- 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:

- Principle of development
- Impact on the character and appearance of the area
- Viability; housing mix and tenure
- Access, highway safety and parking provision
- Impact on residential amenity
- Flooding, foul and surface water drainage
- Ecology
- Other matters
- Infrastructure requirements

Assessment

Principle of development

8.2 The application site is identified in the Adopted Local Plan as being in the settlement boundary, where development is supported in principle, subject to compliance with policies of the Adopted Local Plan.

8.3 Policy 2 of the Local Plan identifies Stockbridge as a service village and a focus for new development and facilities, where the site has access to regular public transport, some limited shops and amenities, and is within walking distance of the City Centre. Policy 5 allocates a housing number of 50 units for Donnington (2014-2029) and requires sites to be identified in Neighbourhood Plans or Site Allocation Development Plan Document. Donnington is not undertaking a Neighbourhood Plan and no sites are identified in the draft Site Allocations Development Plan Document.

8.4 The Parish allocation for Donnington is already met and exceeded by the recent permission at Land at Southfields Close (12/04410/FUL; 14/00955/FUL), which granted planning permission for 112 dwellings and is implemented. Consequently, the addition of 16 units within the settlement boundary of Donnington parish would be a windfall site. It is considered that the site lies in a sustainable location, within a defined settlement for which the principle of additional dwellings is acceptable.

Impact on character and appearance of area

8.5 The prevailing character and pattern of development in the immediate area, is characterised by two storey terraced dwellings, with pitch roofs, in the form of residential-cul-de-sacs with small parking courts. There is a group of 5 x 1.5 storey chalet rendered bungalows located to the southwest of the site, permitted under application 13/02806/FUL. The proposal would take the form of a residential cul-de-sac of 1.5-2.5 storey terraced, and semi-detached dwellings with pitch roofs, of a contemporary design and appearance. A pedestrian access would be formed to provide some permeability through the site to the northwest onto Queen's Avenue and vehicular access taken from the southeast onto Waterside Drive.

8.6 The current layout has been the subject of amendments during the course of the application, following initial officer comments that the layout was too cramped. In terms of density, at 38 dph, the density proposed with this development, as amended, is lower than surrounding residential development on Waterside Drive, which equates to 50dph. The applicant has taken the advice of officers, and has sought to modify the design and layout of this scheme, by removing a dwelling, increasing the public open space provision and re-orienting one of the plots, resulting in a lower development density overall and an improved layout. The revised layout improves the relationship to 'The Aylings' to the northeast of the site and creates a better proportioned open space, with the inclusion of additional visitor parking spaces. The open space would be well-overlooked by plots 3 and 4. The flank elevation to plot 4 is amended with the insertion of a bay window at first floor level to create a more active frontage at the entrance into the development. Plot 5 is re-oriented with the front garden facing onto the parking court, to improve surveillance and provide a landscaped area. The active frontage onto Waterside Drive with two blocks of dwellings separated by an access road is considered to create a logical street rhythm, and the scale of development is limited to 1.5-2.5 storeys in height, with some of the dwellings incorporating dormer windows (plots 3, 4, 5, 6, 12, 13 and 16). This variety in building heights would break up the scale and mass of development.

8.7 The overall architectural approach to the design is acceptable, subject to a simplified materials palette that limits the use of horizontal timber cladding. Samples of all materials are recommended to be secured by planning condition.

8.8 Notwithstanding these revisions, officers raised concerns at the cramped site layout, notably in relation to limited turning space for refuse freighters, following the comments of Contract Services. The applicant has subsequently provided a Technical Note with further supporting evidence and vehicle tracking to demonstrate adequate turning space within the site for a refuse vehicle. The LHA and Contract Services have both reviewed the technical note and accompanying drawings and are satisfied that, overall, the amended layout and updated tracking is now capable of accommodating a refuse freighter with one turning head, provided there is an appropriate surface treatment and unimpeded access. Details of surface materials are recommended to be secured by condition.

8.9 In terms of landscaping, the site is predominantly laid to grass, although there is mature hedging (native, mixed and evergreen) on the site boundaries, as well as a number of Category B and C Trees to the site boundaries, which possess some visual amenity value. A small section of hedgerow and unclassified trees are to be removed from within the site, but the proposal seeks to retain and incorporate the remaining hedgerow and trees into the proposed landscaping scheme. Additional native tree planting is proposed along the north western site boundary fronting Queen's Avenue, across the site, as well as planting areas fronting Waterside Drive.

8.10 The Tree Officer has reviewed the layout and arboricultural method statement, and is satisfied that the proposed planting of a Whitebeam, a number of Field Maples, Hazel Trees and Silver Birch Trees, and their sizes, as shown on the submitted drawings, is acceptable. In relation Horse Chestnut Tree (T17) the construction of the road/drive on the western side of the tree (within the tree's root protection area) should be of a geosynthetic type to limit root damage/compaction (possibly hand dug) and this may be conditioned. Tree protection measures and proposed shrubbery planting and tree surgery proposed, is acceptable.

Viability; housing tenure and mix

8.11 Policy 34 of the Local Plan requires that a 30% affordable housing contribution will be sought as part of residential development on sites of 11 or more dwellings. If it can be demonstrated that affordable housing may not be appropriate, development of affordable dwellings on another site may be considered. Where this is not achievable, in exceptional circumstances, the Council will seek a financial contribution to enable the provision of affordable housing elsewhere within the District. The policy adds that where the applicant is unable to meet the requirements for the delivery of affordable housing, the Council will expect this to be demonstrated through an 'open book' process and an independent valuation undertaken.

8.12 The application is supported by a viability appraisal. With the agreement of the applicant, and in accordance with criterion 4) of policy 34, the application and the submitted viability assessment has undergone an open book assessment with the District Valuer. In summary, the viability appraisal submitted by the applicant concludes that, on the basis of the amended scheme, the proposed development is unable to sustain any affordable housing on site, to comply with policy 34, in addition to the required CIL payment of £152,772. This is on the basis of the increase in build costs and development finance; a ransom strip of £150,000 in the location of the proposed vehicular access onto Waterside Drive; the existing and residual land values; and drainage costs associated with the proposed development. The DVS has been challenged on the sales values and existing land value of the site by the LPA and has reviewed the appraisal, but the assessment by the District Valuer concludes that the proposal is unable to deliver the full quota of affordable housing.

8.13 Policy 34 states that, in the first instance, an alternative approach will be developed through negotiation that is likely to involve amending the tenure mix, and, if still demonstrated to be unviable, the affordable housing requirement may be reduced. During the course of negotiations, and in accordance with criterion 4) of policy 34, the applicant has offered to make a financial contribution towards the provision of off-site affordable housing in the form of a commuted sum of £250,000, equivalent to 2.3 units. This offer is made through a reduction in the profit margin a developer should reasonably expect in order to deliver a site and as a result of an amendment to the proposed unit mix on the site, with plot 7 amended to a 4 bed in lieu of a 3 bed unit.

8.14 The market mix now proposed therefore is as follows:

4 x 2 bed dwellings	(25%)
8 x 3 bed dwellings	(50%)
4 x 4 bed dwellings	(25%)
16	(100%)

8.15 The amended housing mix for the market units has been reviewed by Housing Officers and, whilst slightly departing from the SHMA, is considered acceptable in light of viability issues and the particular circumstances of the case. Housing Officers comment that on site affordable housing would be difficult to secure with a registered provider; the commuted sum may be used as a grant to provide much needed affordable rented units in the District. Officers have considered the information and are satisfied that, on the basis of the available evidence and following lengthy discussion with the applicant, the proposed scheme, as amended, would be capable of delivering a proportion of affordable housing in the form of a commuted sum, to be secured by Legal Agreement.

Access, Highway Safety and Parking Provision

8.16 It is proposed to close the existing crossover onto Queen's Avenue and form a single point of vehicular access onto Waterside Drive via a bell mouth with 6 metre kerb radii linking to the existing footway to the north and south. Waterside Drive is a 'D' Class no through road, with a 30mph restriction, approximately 5 metres in width. A Road Safety Audit has been carried out for the new access and identifies no problems with the proposed access arrangements.

8.17 West Sussex County Highways Authority raise no objection on highway safety grounds in terms of the access and visibility splays, and is satisfied that the access is adequate to accommodate the number of vehicle movements proposed. The level of trip generation proposed by the development equates to seven movements during the morning peak (08.00-09.00 hours) and six movements during the afternoon peak (17.00-18.00 hours). The LHA recognises that this will result in a more intensive use of the surrounding highway network, but is satisfied that this level of traffic movement will not have a severe cumulative impact on the operation of the local highway network. Road traffic accident data reveals no recorded injury accidents in the vicinity of the access onto Waterside Drive for the last 3 years. The principle of the new access is therefore acceptable and would be subject to a s278 Agreement.

8.18 The internal access road will be 4.8 metres in width in the form of a shared vehicular and pedestrian surface, which the LHA considers to be acceptable in this instance, as this will be a low traffic, low speed environment. Vehicle tracking has been provided for emergency service vehicles and refuse freighters following the comments of Contract Services, and revised tracking and alterations to the width of the new access. Contract Services has withdrawn their objection, on the basis of the technical note, which demonstrates sufficient turning space within the site to satisfactorily accommodate refuse freighters. As noted above, the applicant has since addressed the matter with additional vehicle tracking for a refuse vehicle and the LHA is satisfied that this overcomes the earlier objection. The layout incorporates a pedestrian access onto Queen's Avenue, providing a shorter route for pedestrians towards Chichester City centre via a footbridge over the A27 and two signalised crossings.

8.19 The layout as originally submitted showed a shortfall of 4 parking spaces based on the WSCC parking demand calculator (29 spaces for 17 units). Some overspill parking may occur, but the LHA does not consider this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions. Officers raised concerns based on this parking shortfall, given the limited width of the internal road layout and the provision of only 2 visitor parking spaces. The applicant has amended the scheme by increasing parking provision to 31 spaces overall, with 5 of these as unallocated spaces in key locations within the site close to the public open space. The LHA is satisfied with the level of parking provision in relation to the WSCC parking demand calculator. Cycle parking is also proposed for the units, to promote sustainable modes of transport and mitigate the impact on air quality.

8.20 The LHA requires the submission of a comprehensive Construction Management Plan (CMP), as site access will be possible only from Waterside Drive. The CMP will require, amongst other matters, details of how deliveries are to be managed to the site, in light of the carriageway width and other road users (Waterside Drive is a single carriageway, 'D' Class no through road, subject to a 30mph speed restriction and approximately 5 metres in width). The applicant would be required to enter into a section 59 Agreement of the Highways Act to enable the LHA to recover the costs of any damage to the highway as a consequence of the development. Full details of construction traffic and a management plan are recommended to be secured by planning condition.

8.21 Whilst the comments of third parties in relation to parking and congestion are noted, the LHA, as the statutory consultee, raises no objection to the amended layout on parking or highway safety grounds to sustain a refusal of permission.

Impact on residential amenity

8.22 In terms of overlooking, privacy and outlook, the proposed layout of dwellings generally orientates dwellings on a northwest-southeast axis to limit direct overlooking of neighbouring dwellings and rear gardens.

8.23 The rear gardens and first floor windows to plots 10-14 will face onto the public realm of Queen's Avenue and the rear gardens and first floor windows of plots 5-8, plots 1-2 and 15-17 will all face into the site. The rear gardens and first floor windows of plots 3 and 4 will face onto a parking court at Bywater Way to the west. Plot 5, as shown on the original layout, is now omitted and an area of public open space retained closest to the boundary and ancillary outbuilding/annexe at The Aylings.

8.24 In respect of plot 2, some limited, oblique overlooking from the first floor rear windows may be possible, but this will be confined to the rear gardens of plots 10, 12 and 14 Bywater Way at a distance of between 13-20 metres.

8.25 A condition is recommended to ensure that no further windows or openings are inserted in the flank elevations of plots 16, 2, 8 and 9 to protect the amenities of neighbouring properties and to limit direct overlooking. It is therefore considered that the proposal would not create an unacceptable impact on residential amenity sufficient to sustain a refusal of permission, subject to appropriate conditions.

Flooding, Foul and Surface Water Drainage

8.26 Soakaways would be the primary method to restrict surface water run-off and would in principle meet the requirements of NPPF, NPPG and associated guidance. Subject to investigations into soakage, to include water ground water monitoring and percolation testing, and ongoing maintenance and management of SuDs to be secured by condition, no objection is raised to the surface water drainage strategy by the Drainage Engineer and WSCC LLFA. The applicant confirms that the road is to be drained via infiltration and that the surface material to the road will be porous. Details of all surfacing materials are to be secured by condition.

8.27 The applicant proposes to connect to mains drainage. The site falls within the Apuldram Waste Water Treatment works catchment where policy 12 states that there are environmental constraints that restrict its capacity to accommodate future development. The policy requires that all proposals should achieve a higher than Building Regulations standard of 110 litres water usage per person per day. No surface water is to be discharged to the foul or combined sewer system. The Position Statement has allocated some limited headroom at Apuldram Waste Water Treatment Plan to deliver the Parish allocation for Donnington and Chichester City, and encourages demonstrating no net increase in the net flow to the sewer network. There is also very limited capacity for windfall sites, such as the current application. Once this capacity has been used up, sites that would have been served by Apuldram WwTw, must either ensure no net increase to the foul sewer network, or provide an on-site solution in the form of a pumping station to treat foul sewerage. The Council has recently published a Supplementary Planning Document on Surface and Foul Water Drainage, which is a material consideration, and is carefully monitoring the remaining headroom capacity at Apuldram Waste Water Treatment works. There is currently sufficient headroom capacity available for this proposed development of 16 units to connect to mains drainage. Officers are recommending that the application is permitted, subject to the completion of the s106 Agreement within 3 months of the committee resolution, to ensure that the necessary headroom capacity at Apuldram Waste Water Treatment Works is available for the delivery of the proposal. Therefore, an on-site solution, or connection to another Waste Water Treatment Works, is not necessary in this instance.

8.28 Southern Water raises no objection to the application. The Environment Agency makes no comment on the application, subject to there being adequate capacity at Apuldram Waste Water Treatment Works to accommodate foul flows from the proposed development, of which there is. The final details of foul water drainage would be secured by planning condition and a separate Legal Agreement through the Water Industry Act between the applicant and Southern Water.

Ecology

8.29 The site is currently laid to grass, cut regularly, and there are mature hedgerows and a number of category C and B trees on the site boundaries. The applicant has undertaken a Preliminary Ecological Appraisal, which identifies the site as being of low ecological potential.

8.30 The site and existing building on the site identify negligible bat roost potential, with an internal inspection of the loft space in the dwelling yielding no evidence to suggest bats are roosting and poor habitat suitable for bats surrounding the site. Grassland around the bungalow is amenity grassland and is generally uniform in nature, offering little by way of floral diversity. Grassland to the east is also considered to lack enough diversity to be considered as semi-improved grassland, and the isolation of this habitat by residential properties limits any potential for widespread species of reptile to be present. Consequently, no further reptile or bats surveys have been carried out by the applicant. The site has been surveyed for badgers, with no evidence of a badger sett or field signs, and no suitable habitat identified for dormice, water voles or otters were identified by the applicant.

8.31 No ecological mitigation is therefore sought with this application, as there will be no loss of habitat, but a scheme of ecological enhancement is proposed, to include: nesting opportunities for birds; incorporation of bat bricks into new buildings; the use of native tree and shrub species within a soft landscape scheme, which is recommended to be secured by planning condition.

8.32 The site falls within the 5.6 km Chichester and Langstone Harbour Special Protection Area's Zone of Influence where residential development is likely to have a significant effect on the SPA. This scheme does not propose a scheme of mitigation and therefore a contribution in accordance with the joint mitigation strategy outlined in Phase II of the Solent Disturbance and Mitigation Project is required. This is currently a sum of £176 per dwelling and is to be secured through a S106 Agreement (see paragraph 8.34 below).

Other Matters

8.33 Environmental Health Officers are satisfied that the proposal would not adversely affect air quality on the A286, given the anticipated traffic flows associated with the development. A condition requiring electric charging points for electric vehicles is not considered reasonable or necessary therefore. The site previously contained glasshouses associated with a former nursery, and a condition is recommended by environmental health officers to secure a contaminated land and remediation strategy. This condition is recommended.

8.34 There is archaeological potential on the site, owing to its proximity to the Chichester to Selsey Roman road and its location in the West Sussex coastal plain. A condition is necessary to ensure the site is trial trenched before development to identify deposits of significance that may be present and ensure preservation.

8.35 Specific environmental / sustainability features would be incorporated into the development, to include high insulation levels, low energy heating and hot water systems, low energy lighting installations and low mains water use sanitary fittings. A condition is recommended to secure these measures and to comply with policy 40.

Infrastructure Requirements

8.36 The Community Infrastructure Levy was adopted by the Council on 26th January 2016 and implemented on 1st February 2016. The proposed development would be subject to CIL, in accordance with the Council's Charging Schedule. The levy is £120 per sq metre for net internal residential floorspace to the south of the National Park.

8.37 In addition to CIL, the following items are recommended to be secured by way of a s106 Agreement:

- o Provision of and ongoing maintenance of a minimum of 190 sq metres of public open space
- o s278 highway works - formation of new vehicular access onto Waterside Drive
- o A financial contribution of £176 per dwelling (£2,816) towards the joint mitigation strategy outlined in Phase III of the Solent Disturbance and Mitigation Project
- o Payment of a commuted sum of £250,000 towards the provision of off-site affordable housing

Significant Conditions

8.38 Conditions are proposed in relation to materials, surface and foul water drainage, highway safety and access conditions, including visibility splays and a Construction Management Plan, archaeology, sustainable design and construction and contamination.

Conclusion

8.39 The proposal would make use of a previously developed site in a sustainable location, and would contribute towards housing supply. The development could be carried out without material harm to highway safety or residential amenity. The detailed design of the proposed dwellings is acceptable, subject to appropriate conditions, and matters in relation to contamination, sustainable design and construction, surface water drainage and archaeology could be resolved by planning condition. Sufficient capacity exists at Apuldram Waste Water Treatment Works to accommodate the proposed development. Infrastructure requirements are recommended to be secured by either a s106 Agreement or Community Infrastructure Levy (CIL) in accordance with the Council's Planning Obligations and Affordable Housing Supplementary Planning Document.

8.40 The proposal is therefore in accordance with the policies contained within the Adopted Local Plan and the NPPF, and it is recommended that permission is approved.

Human Rights

8.41 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. However in the event the Section 106 agreement is not completed by 2 May 2017 the application shall be referred back to the Planning Committee for determination.

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

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

2) The development hereby permitted shall be carried out in accordance with the approved plans:

PL02 rev D, PL03 rev H, PL04 rev E, PL05 rev D, PL06 rev C, PL07 rev C, PL08 rev A, PL09 rev B, PL10 rev B, PL11 rev C, PL12 rev A, PL13 rev C, PL14 rev C, PL15 rev B, PL16 rev A, PL17 rev A, PL18 rev A, Figure no. 1, LLD794/01 rev 01 and LLD794/02 rev 02.

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

3) Details of the means of disposal of surface water from roads, paved areas and roofs shall be submitted to and agreed with the Local Planning Authority before any work commences on site. Investigations into soakage must include winter groundwater monitoring and percolation testing. Soakaway design must have the base above the highest groundwater level, and store the 1 in 100 year storm event plus 30% on rainfall intensity without causing flooding.

Development shall not 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 scheme shall subsequently be implemented in accordance with the approved designs.

No building hereby permitted shall be occupied until the surface water and foul drainage works have been completed in accordance with the submitted plans.

Reason: To ensure satisfactory surface water drainage.

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

Reason: In the interests of road safety

5) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,

- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding or other appropriate security barriers,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public notification and procedures to manage the site to avoid and if necessary, react positively to any complaints or concerns
- measures to reduce dust, dirt and any other airborne contaminants and to avoid these passing beyond the site boundaries, including sheeted loads and dampening stockpiles where necessary
- waste management procedures including dealing with hazardous substances including evidence of any necessary surveys and compliance with the requirements thereof
- noise mitigation measures, including the timing of the use of machinery or groundwork that may cause disturbance lighting during works
- measures to prevent contamination including appropriate storage and handling of fuels and chemicals prohibiting burning on site

The approved Plan shall be implemented and adhered to throughout the entire construction period, unless any variation is approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area.

6) No works of construction or demolition shall take place outside the hours of 08:00-18:00 Mondays to Fridays, 08:00-13:00 Saturdays and no works shall take place on a Sunday or a Bank Holiday, unless prior written consent is given by the Local Planning Authority and notification given to neighbouring properties. A minimum period of 5 working days notice is required.

Reason: To protect the amenities of neighbouring properties.

7) No part of the development shall be first occupied until visibility splays of 2.4 metres by 30 metres to have been provided at the proposed site vehicular access onto Waterside Drive 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.

8) An archaeological investigation of the site shall be carried out in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works. The specification shall include proposals for an initial trial investigation and for preservation of the significance of deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of findings and subsequent publication of results.

Reason: In the interests of protecting and preserving archaeological remains on site.

9) The buildings hereby permitted shall not be occupied until space has been laid out in accordance with details approved by the Local Planning Authority for the turning, loading and unloading of vehicles and the parking for vehicles to the required standard clear of the public highway and such space shall not thereafter be used other than for the purposes for which it is provided.

Reason: In the interests of road safety and to accord with approved policy.

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

Reason: To ensure satisfactory foul water drainage.

11) No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and maintained as such thereafter in that material and finish.

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

12) Before work begins on the development hereby permitted details of site levels and longitudinal and latitudinal sections through the site of the dwellings from a fixed known datum point shall be submitted for the approval of the Local Planning Authority to show how the buildings shall be set into the ground. The development shall thereafter be carried out in accordance with the agreed details.

Reason: To secure satisfactory development.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no building, or shed, greenhouse or other structure, shall be erected anywhere on the application site other than as shown on the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over such structures in the interests of the amenities of the area.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no walls, fences, gates, or other means of enclosure shall be erected, or placed within the curtilage of any dwelling anywhere on the application site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

16) The building shall not be occupied until the road serving the development hereby permitted has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

17) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. 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 include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

18) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

19) Before development commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing:

- i) refuse bin storage (sufficient for 2 no. 240 litre wheeled bins);
- ii) secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

Reason: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

20) The development hereby permitted shall be constructed to achieve the sustainable design and construction requirements as set out in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

Reason: To ensure that the development is appropriately designed for the site, achieves high environmental standards and is adaptable for long term use.

21) The development hereby permitted shall not be begun until a scheme to deal with contamination of land or groundwater has been submitted prior to the commencement of development and approved by the Local Planning Authority and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

(1) A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The requirements of the Local Planning Authority shall be fully established before the desk-top study is commenced and it shall conform to any such requirement. Two full copies of the desk-top study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

(2) A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination, and its implications. The site investigation shall not be commenced until:

(i) A desk-top study has been completed, satisfying the requirements of paragraph (1) above.

(ii) The requirements of the Local Planning Authority for site investigations have been fully established, and

(iii) The extent and methodology have been agreed in writing with the Local Planning Authority. Two full copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay upon completion.

(3) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement, and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. Two full copies of a verification report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (2) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (3) above. The building hereby permitted shall not be occupied unless and until approval is granted for this Verification Report.

Note - the above requirements shall be carried out in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR11".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

Informative: For further information and technical guidance regarding the requirements of this condition applicants should contact the District Council's Environmental Protection Team (01243 785166).

22) Prior to the laying out of the road and drive, details of the surface treatment of the road/drive on the western side of T17 (Horse Chestnut Tree, T17) as shown on drawing LLD794/02 rev 02, to incorporate a geo-cellular confinement system, shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be constructed in accordance with the agreed details and maintained as such thereafter.

Reason: In order to mitigate the impact of the parking spaces on the Root Protection Area of the retained Horse Chestnut Tree and ensure the retention of trees important in the landscape.

23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting or amending that Order) no windows or other openings other than those shown on the plans hereby approved shall be formed in the walls of the development without a grant of planning permission from the Local Planning Authority.

Reason: To protect the amenities of adjoining residential properties.

24) Prior to the commencement of the development, details showing the proposed location, installation and ongoing maintenance of one fire hydrant (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.

Prior to the first occupation of any dwelling/unit hereby approved the fire hydrants shall be installed in accordance with the approved details (including connection to a suitable water supply which is appropriate in terms of both pressure and volume for the purposes of fire-fighting).

The fire hydrant(s) shall thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The F&RS Act 2004.

25) No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left unsevered. All in accordance with BS 5837:2012

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

26) Development shall not commence until full details of how the site and premises will connect to all relevant off site utilities and service infrastructure networks have been submitted to and been approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable on site infrastructure to facilitate these connections, including to the telecommunications and broadband networks. Details shall also be provided to demonstrate that existing infrastructure on the site and any services that may be affected by the proposal will be protected during the course of the development. The development shall thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with policies 8, 9 (33) and 39 of the Chichester Local Plan. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

27) The development hereby permitted shall be carried out in full accordance with the Ecological Enhancements, as detailed within the report dated April 2016 Preliminary Ecological Appraisal by Lizard Landscapes (Section 7) Rev. 01.22.04.16, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to enhance the biodiversity value of the site.

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 enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

3) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or www.southernwater.co.uk

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

5) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season (1st March -1st October). If works on trees are required within this time a CIEEM ecologist will need to check the site before any works take place (within 24 hours of any works).

6) 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 Katherine Rawlins.