

Parish: Birdham	Ward: West Wittering
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**BI/17/00316/FUL**

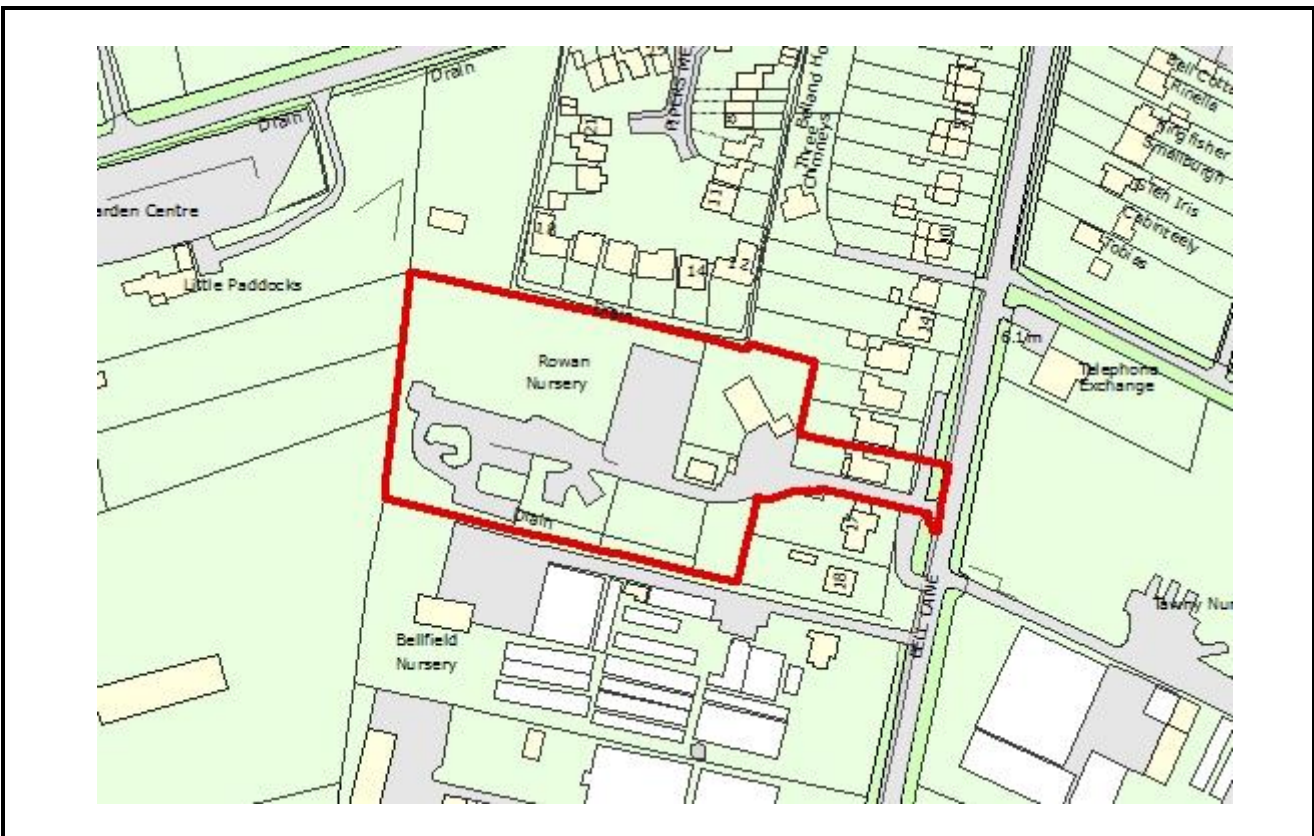
**Proposal** Demolition of existing 2 no. bungalows and construction of 27 no. dwellings (including 7 no. affordable units), access road and associated landscaping.


**Site** Rowan Nursery And Pippins Bell Lane Birdham Chichester West Sussex PO20 7HY

**Map Ref** (E) 481782 (N) 99298

**Applicant** Mr John Matuszewski (Martin Grant Homes)

**RECOMMENDATION TO DEFER for S106 then PERMIT**



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**1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

2.1 The entrance to the site is located towards the northern end of Bell Lane, approximately 200m south of the roundabout linking to the A286 Main Road. The site is rectangular and is bounded on 3 sides by established vegetation and two group TPOs, one on the west and north of the site. The overall site area is approximately 1.09 hectares, including the site entrance, existing bungalows, caravan site and gardens. The main part of the site is set behind the row of dwellings fronting Bell Lane with the existing access being widened through the demolition of a dwelling, Pippins.

2.2 Pippins, a bungalow, has a frontage with Bell Lane. To the south of Pippins is an access road (approximately 5m wide) which currently leads to the main part of the application site where there is a detached bungalow with associated outbuildings in the north-east corner of the site (28 Rowan Close). The bungalow to the north of the existing site access, Pippins, is included within the application site.

2.3 In the remaining part of the site ground levels are very similar to the surrounding residential development and are particularly flat. As well as the dwellings along Bell Lane to the east, there is further residential development, at Pipers Mead, to the north, screened from the site by mature Monterey Pines and Oak trees, the majority of which are protected by a Tree Preservation Order. A Tree Preservation Order also exists to the west of the site, which covers all of the trees on the boundary. To the south is Bellfield Nursery and the land to the west is open fields.

2.4 The site comprises a large caravan storage area (a use related to the site for almost 40 years), as well as a touring caravan site. The applicant maintains that a nursery is still the lawful use for the land, and there are no planning records to indicate that the touring caravan site has been granted permission in the past.

2.5 The site is located to the south of the historic core of Birdham, with most of the village facilities located to the north of Main Road. In terms of the development plan the site is located within the settlement boundary of Birdham which was revised in the made Birdham Neighbourhood Plan to include this site.

## **3.0 The Proposal**

3.1 This proposal seeks full planning permission for 27 dwellings, including details of access road and associated landscaping. The proposal would deliver 25 net new dwellings with the demolition of two existing properties on the site: Pippins fronting Bell Lane and a dwelling internal to the site, both of which are bungalows. The proposal also includes a widened vehicular access from Bell Lane, pedestrian access to the site and an area of public open space within the site. All properties would not exceed two storeys in height and would be made up of the following mix:

Affordable rented  
2 x 1-bed flats  
4 x 2-bed houses  
1 x 3-bed houses

## Market

1 x 2-bed bungalow  
4 x 2-bed houses  
2 x 3-bed bungalows  
9 x 3-bed houses  
4 x 4-bed houses.

3.2 The developable site area is 1.09 hectares, which gives an average density of 24.7 dwellings per hectare. The proposals also provide 64 parking spaces, including 10 visitor spaces. The parking would comprise both on plot and garage parking. Secure cycle parking will be provided for each dwelling either within a garage, or a lockable store within the rear garden.

## 4.0 History

86/00066/BI	PER	Agricultural associated dwelling on intensive agricultural nursery (glasshouses). Dwelling as bungalow.
79/00088/BI	PER	Use of part of land in addition to winter storage for summer storage of caravans approx. 10 vans.
82/00082/BI	REF	All year storage of touring caravans - change of condition no. 2 BI/88/79 from 10 vans to 40 caravans.
13/00284/FUL	PER106	Demolition of existing 2 bungalows and construction of 27 dwellings (including 10 affordable units), access road and associated landscaping. Provision also of an alternative recreational area to the south, accessed via a footpath link.
16/03354/FUL	WDN	Variation of condition 4 of permission BI/13/00284/FUL - prior to the occupation of the first dwelling the vehicular access shall be constructed in accordance with plan ITB7126-GA-001 ref F including the provision of visibility splays.

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO

AONB	NO - 1.4km to north
Tree Preservation Order	YES
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

The Parish Council are strongly opposed to this application.

Whilst it is accepted that engineers have examined and passed the drainage proposal put forward by the applicant, no explanation has been given that addresses the height difference between that proposed and the development opposite which uses the same system of drainage.

In addition the design submitted, in the opinion of the Council, does not reflect the local vernacular and gives the impression of a cramped development.

### **6.2 Chichester Harbour Conservancy**

Recommendation - Objection.

The proposed variations from certain conditions and S.106 clauses related to 13/00284/FUL, are considered to have a harmful impact on the adjacent AONB, purposes of its designation and life opportunities of those living/working within and sustaining it. These variations are summarised as cancellation of:-

- o suitable alternative recreational area (SARA),
- o provision of a footpath link to the SARA, and,
- o 3 affordable housing units (on grounds of viability)

The footpath link surfacing and field ditch bridging thereto to link to the approved SARA were approved under application 16/01491/DOC on 29.9.16, in respect of condition 26 to BI/13/00284/FUL.

It is also unclear whether the Solent Recreation Disturbance Project (SRDP) payment of £176/net new dwelling is the financial contribution referred to in lieu of the SASA.

The Conservancy does not agree with this approach and takes a different stance to Natural England. Such an approach seems to also be contrary to the objectives of Policies 52 and 54 of the Chichester Local Plan, which seek to create green infrastructure and promote recreation and healthy lifestyles.

The concept of providing a footpath, was not only to link the SARA to the development site, but also to link to the existing public footpath network, which itself provides an alternative in tandem

with leaflets under condition 19 to 13/00284/FUL for walking dogs away from the Harbour SPA/SAC/SSSI/Ramsar designations there.

That is still a legitimate objective and even if the council is minded to allow non-provision of the SARA under conditions 2 and 27 of 13/00284/FUL and Clauses under Section 12 of the first schedule to the S.106 dated 21 October 2014, the footpath link would at least still tie into the local network of public footpaths, walking people away from the coast.

Finally, in terms of providing for the social and economic well-being of those living in the AONB or close to it, whose working lives could be helping to sustain the natural beauty of the AONB and purposes of its designation, the loss of 3 units of affordable housing is opposed and stands contrary to Policy 12 of the Birdham Neighbourhood Plan.

### 6.3 Southern Water

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to Paragraph 109 of the NPPF. Alternatively discharge of foul at flows no greater than existing levels if proven to be connected, would not increase flows in the foul system. Evidence should support this type of connection.

Suggested conditions:

- No new development or tree planting should be located with 3m either side of centre line of the foul sewer.
- No new soakaways should be located with 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.
- Development not to commence until a drainage strategy and implementation timetable is agreed

Suggested informative:

- Applicant to enter in to formal agreement with Southern Water to provide the necessary infrastructure required.

### 6.4 Natural England

This application is within 5.6km of Chichester and Langstone Harbours SPA and will lead to a net increase in residential accommodation. Subject to the financial contribution as required through Chichester District Council's interim policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

### 6.5 Police

Secured by Design principles have been incorporated into the proposal and are noted in the Design and Access Statement.

It is recommended all perimeter fencing is no lower than 1.8m.

## 6.6 WSSC Highways

West Sussex County Council, in its capacity as the Local Highway Authority, has been consulted on the proposed development at Rowan Nursery and Pippins. Consent has already been granted for a development of 27 dwellings at this location, and the current application seeks to alter the housing mix and remove the recreational space to the south. Neither alteration has a material impact on the operation of the local highway network.

A TAD contribution to delivery highway works has previously been sought, but it is anticipated that the CDC CIL Charging Schedule would replace the TAD contribution. No works are required to be secured in a S106. All highway conditions applied to the existing consent should be replicated should consent be granted to the new application.

Works within the highway boundary would be subject to a Section 278 Agreement, and it is anticipated that essential highway works will be retained within the boundary. However, the extent of any adoption required to facilitate access arrangements will be considered at the detailed design phase. It has been identified through preliminary detailed design work that the current piped drainage system in the highway will need to be reopened to a ditch fronting both sides of the development, to ensure sufficient drainage capacity.

## 6.7 WSSC Flood Risk Management

Modelled surface water flood risk: Low Risk

Modelled ground water flood risk susceptibility: High Risk

Record of historical flooding within the site: No

Ordinary Watercourses nearby: No

Incidents of flooding in other locations in Bell Lane have been reported.

## 6.8 CDC Environmental Health Officer

Given the use of the land as a nursery and more recently caravan pitches and storage, there is potential for localised land contamination at the site. If any evidence of buried waste is encountered at the site, conditions should be applied in order that a gas risk assessment can be undertaken.

Before demolition of the structures at the site, an assessment of whether any structures contain asbestos should be made. If asbestos containing materials are present at the site the Control of Asbestos Regulations 2012 must be followed with respect to the handling and disposal of such materials.

A transport assessment has been undertaken for the development. It concludes that a small number of additional vehicular trips would be generated by the development (compared to the existing traffic generation). The predicted vehicle flow (Annual Average Daily Traffic AADT) for the development is approx. 200 vehicles per day (an increase over the existing traffic flow of 185 AADT) which is considered not significant and therefore an air quality assessment is not required. However it is recommended that mitigation measures are put in place to minimise the impact of the development on local air quality. The applicant has submitted a Travel Plan which includes measures that will potentially benefit local air quality.

Conditions recommended:

- o Safe and secure cycle storage
- o A welcome pack advising occupants of non car modes of transport in the local area
- o Construction Management Plan which includes a section on dust management.

#### 6.9 CDC Housing Enabling Officer

30% Affordable Housing contribution would be sought on the net increase (25 units) and therefore 7.5 units are required in line with policy 34 of the CLP. The 0.5 of a dwelling could be provided as a commuted sum.

The applicant is proposing to deliver 7 units on site and no commuted sum. The Council's Planning Obligation and Affordable Housing (PO&AH) SPD sets out the formula for calculating the commuted sum and requires the commuted sum calculation to only be applied to all net additional dwellings. Once the calculation is applied it shows that as more than 30% of the total net floor space will be affordable floor space, a commuted sum is not therefore required. Therefore, the proposed affordable housing contribution of 7 units on site is policy compliant.

The applicant is proposing all 7 units as affordable rented.

2x2 bedroom flats

4x2 bedroom houses

1x3 bedroom house

It is requested that the 2x2 bedroom flats are delivered as 2x1 bedroom flats.

The applicant has advised that an RP is willing to deliver all 7 units as affordable rent. In this current climate, where registered providers are generally seeking to deliver more shared ownership properties, this proposal is welcomed, especially taking into consideration that the affordable units delivered at the Tawny Nursery site was a 50:50 affordable rented/shared ownership tenure split. Therefore the provision of all rented would make up the rented units lost on the Tawny Nursery site.

#### **Further comment:**

Following my consultation response dated 30th March 2017, the applicant has submitted revised plans to convert units 9 and 10, the affordable 2 x 2 bedroom flats, to 2 x 1 bedroom flats, which the Housing Delivery Team supports.

All previous comments still stand. To conclude the Housing Delivery Team supports this application.

#### 6.10 CDC Archaeology Officer

The heritage desk-based assessment provided with the application concludes that:

The site is considered to have a moderate potential for below-ground archaeological remains associated with a possible Roman road and a putative later prehistoric field system. Groundworks associated with the proposed development are likely to have a negative impact upon any such remains. The true nature and scale of that impact would be dependent upon the form and preservation of any remains present.

Recommended condition:

- o No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority.

#### 6.11 CDC Drainage Engineer

The proposed means of surface water drainage is via attenuation and restricted discharge to the local network of ditches at a rate of no greater than 5l/s. It is proposed that the storage/attenuation will consist of permeable paving.

Following previous discussions between the developer and this department, approval was previously granted for this scheme (in relation to application 13/00284/FUL), on the basis that the improvements detailed in the letter dated 8th April 2013 (included as an addendum to the Flood Risk Assessment submitted for this application) are undertaken. As the surface water drainage information submitted with this new application appear to be unchanged, we remain satisfied that the site can be adequately drained.

Recommend conditions:

- o Full details of the proposed surface water drainage
- o Full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual

#### **Further comment**

I have now taken the opportunity to discuss this matter further with Dom Henly (Senior Engineer). In your email below you state that the local Parish Council have objected to the above application's surface water drainage proposal and therefore it will need to be heard at committee.

In response to these comments, we would like to state that; although it is true that the two sites (Rowan Nursery and Tawny Nursery) both ultimately discharge their surface water run-off into the Earnley Rife, their discharge points are at different levels, at the back of their relative sites and on opposite sides of Bell Lane. On the Rowan Nursey site, in order to facilitate sufficient attenuation, combined with a gravity discharge, alterations to the finished ground level were required. No such changes to the finished ground levels were required on the Tawny Nursery site.

Our comments in response to consultation, in relation to a particular planning application reflect our view regarding the technical feasibility of the submitted surface water drainage scheme, for the site in question. We are therefore unlikely to make comparisons with other sites. Ultimately, we are satisfied that the site can be adequately drained and therefore we have recommended that a condition be applied that requires a detailed design to be approved prior to construction. This stance is supported by the fact that a detailed surface water scheme was recently approved under application 16/01491/DOC for a similar proposal on the site.



## 6.12 CDC Environmental Strategy Officer

### **Bats**

As detailed within the Ecological Impact Assessment the updated Preliminary Roost Assessment (undertaken in Nov 2016) showed there was evidence of bats roosting within the buildings on site. Due to this a further bat emergence survey is required to determine if bats are roosting on site prior to determination.

The bat emergence survey needs to be undertaken by a suitably qualified ecologist during the active breeding period (between May and September) and submitted for our approval with the planning application.

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

### **Reptiles**

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop on site. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

### **Nesting Birds**

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

### **Recreational Disturbance**

This proposal will have an in-combination effect on the Solent Maritime SAC in combination with all other residential developments within the 5.6km zone of influence. In line with the Solent Disturbance and Mitigation Project Phase 3 report and Natural England's letter of the 31 May 2013 (below) avoidance measures will need to be secured.

'Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided.'

The preferred method would be to collect a contribution towards the implementation of the joint project outlined in the Phase 3 report. The level of contribution to the interim scheme will be £176 per unit (now £181 per unit). Such a planning obligation should be payable at commencement in order to ensure that avoidance measures are in place before first occupation.

### **Further comment on the submission of further information**

Following submission of the updated 'Bat Mitigation Strategy, Revision B - 07/03/2017 we are satisfied that the mitigation proposed would be suitable based on a high conservation status roost being present onsite. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

### 6.13 8 Third Party Objections

- o The applicant has no legal right to discharge water in their SUDSs scheme under their control or ownership they are required to serve a notice to land owner and this has not been undertaken.
- o Concern over flooding, particularly in regards of the surface water scheme
- o The viability report has not been disclosed
- o Concern over foul system and capacity
- o Concern over boundary ownerships
- o Inadequate provision of parking within the development, which will result in residents parking on the grass verge
- o Concern for access to existing properties on Bell Lane, prevented by construction traffic.
- o Noise and disturbance for residents whilst development under construction. Site operating hours should be adhered to.
- o The local area was flooded badly in 2012 and this development could make the situation worse and more vulnerable to flooding.
- o Raised level of new road is of concern as it will direct the flow of water towards Byways.
- o The roadway will allow easy overlooking of Byways by drivers and pedestrians despite the height of fencing.
- o The wheel washing was proposed in the previous application to the rear of Byways and there is concern of water flow towards the property.
- o Location of affordable homes is of concern
- o Raising the development will cause flooding to surrounding properties
- o Management of estate and drainage system needs to be clarified and enforced
- o The tree survey is out of date
- o Query of the ability to install tree protection fencing for all of the trees within the TPO area to the north of the site.
- o Loss of habitat with loss of hedgerow
- o Impact on northern drain line

### 6.14 Applicant/Agent's Supporting Information

The applicant has provided the following documents in support of the application:

- o Design and Access Statement
- o Ecological Impact Assessment
- o Energy Statement
- o Flood Risk Assessment
- o Heritage Desk Based Assessment
- o Interim bat mitigation strategy
- o Enhanced bat Mitigation strategy (with conservation roosts)
- o Transport Assessment
- o Tree Survey

The applicant has amended the application to alter the mix of affordable housing. 2 x 2 bedroom flats have been amended for 1 x 2 bedroom flats as requested by the CDC Housing Enabling Officer.

## **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 Birdham Neighbourhood Plan was made on the 19 July 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:

### **Chichester Local Plan: Key Policies 2014-2029**

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 3: The Economy and Employment Provision  
Policy 4: Housing Provision  
Policy 5: Parish Housing Sites 2012- 2029  
Policy 9: Development and Infrastructure Provision  
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  
Policy 54: Open Space, Sport and Recreation

### **Birdham Neighbourhood Plan**

Policy 3 - Habitat Sites  
Policy 4 - Landscape Character and Important Views  
Policy 5 - Light Pollution  
Policy 6 - Biodiversity  
Policy 7 - Integration and Sense of Community  
Policy 10 - Footpaths and Cycle Paths  
Policy 11 - Village Severance  
Policy 12 - Housing Development  
Policy 13 - Settlement Boundary  
Policy 16 - Housing Density and Design  
Policy 17 - Housing Need  
Policy 18 - Flood Risk Assessment  
Policy 19 - SUDS Design and Management  
Policy 20 - Surface Water Run-off  
Policy 21- Wastewater Disposal

## 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), 75 (Public Rights of Way), 93 (Environmental Sustainability), 96 (Development to minimise energy consumption), 109 (Enhancing the Natural Environment) and 118 (Conserve and Enhance Biodiversity).

7.5 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities 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 SPD  
Surface Water and Foul Drainage SPD

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:

- 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:

- i) Background and principle of development
- ii) Appearance of development and the impact on the character of the area
- iii) Housing mix and tenure
- iv) Loss of SARA land and footpath link
- v) Surface Water and Foul Drainage
- vi) Neighbour amenity
- vii) Other matters

### **Assessment**

#### **Background and principle of development**

8.2 This is an application which, in many respects, is identical to a previously approved application (13/00284/FUL) which was implemented by a technical start in October 2016. At the time of writing this report no further works have been undertaken on the site beyond that which the Council was notified of in regards to the technical start (new access road and tree protection fencing).

8.3 Application 13/00284/FUL was permitted for 27 dwellings (net gain 25) with 10 affordable housing units (40%), open space, play area and landscaping, along with an additional portion of land (approximately 2 hectares) 300m to the south east of the main site, connected by a new footpath also part of the permitted application. This extra land was required as a Suitable Alternative Recreation Area (SARA) as mitigation to the Chichester Harbour SPA prior to the agreement between Natural England and Chichester District Council for a mitigation package in relation to recreational disturbance. The 2013 application was permitted under the FAD interim planning statement and was given a 2 year planning permission.

8.4 In 2016 an application for the discharge of a number of conditions was received and later approved.

8.5 The principle differences between this proposal and the 2013 permission is that there are three fewer affordable houses, and three additional market units (30% affordable housing) and the removal of the SARA land to the south west of the site and the connecting footpath. During the assessment of this current application there has been an amendment to the affordable housing mix at the request of CDC Housing Officers and a minor amendment to the layout to separate two semi-detached properties. The access and parking arrangements remain the same. The parking numbers accord with the WSCC parking calculator and WSCC Highways raise no concerns to highways safety or visibility in regards to the access.

8.6 Since the previous grant of permission, the Council has adopted the Chichester Local Plan Key polices: 2014 - 2029 and has a 5.7 year housing land supply (published in November 2016). The Birdham Neighbourhood Plan has also been adopted (July 2016). Furthermore the applicant notified the Council in 2016 of its implementation of the 2013 application planning permission by the installation of part of a roadway within their land ownership.

8.7 The legalities of the implementation of planning permission 13/00284/FUL has been questioned by local residents in their representations to this application. Whilst the Council has not received any application for a certificate of lawful development, Officers have investigated this issue and in consultation with the Council's Principal Solicitor, are satisfied that this permission has been lawfully implemented. The permission is therefore considered extant and this is a material consideration when considering the current application.

8.8 In July 2016 the Birdham Neighbourhood Plan was made a formal part of the Development Plan. The Neighbourhood Plan has revised the settlement boundary for Birdham and includes this site within the revised settlement boundary and also identifies this site as a site with planning permission for housing, delivering 27 dwellings (25 net increase) contributing to the Birdham Parish housing requirement of a minimum 50 houses, as set out in Policy 5 of the CLP and policies 12 and 12 of the BNP.

8.9 It is therefore considered that the principle of redevelopment of the site to provide 27 dwellings would be consistent with the Birdham Neighbourhood Plan which identifies this site for housing and that the site falls within the revised settlement boundary where development is to be expected. Weight is also given to the fact that the application site benefits from an extant permission for the same number of dwellings. For these reasons, the principle of housing development on this site is consistent with Policies 2, 5 and 33 of the CLP and Policies 1, 12, 13 and 17 of the Birdham Neighbourhood Plan (BNP).

### **Appearance of development and the impact on the character of the area**

8.10 The new housing is laid out principally around a shared surface arterial road, with three feeder accesses off the main access road to the north. An area of open space is located to the north of the site, adjacent to the access road. The layout of the site is considered appropriate to provide good access and permeability in an attractive form whilst minimising the impact on the existing dwellings.

8.11 The design and layout of the dwellings are largely unchanged from the original approval and the elevations are identical in appearance. The approved scheme (16/04148/FUL) with the same layout was considered in terms of the townscape and landscape character, to form a natural and self-contained extension to the settlement. The only difference in this proposal is that 2 x 1 bedroom flats have been amended following their change from 2 bedroom properties and now have a smaller footprint and also an amendment proposing a semi-detached pair of dwellings to be detached (plots 6 and 7). These changes are considered to be positive, whilst also providing the required affordable housing mix.

8.12 There are 2 groups of trees protected by Tree Preservation Orders along the north and west boundaries. All new dwellings are located outside of root protection areas and the Council's Tree Officer is satisfied that they can be adequately protected during construction, which is recommended to be secured by condition.

8.13 The proposal represents an average of 24.7 dwellings per hectare. Given the proposed developments semi-rural location, where it is visually more important to effect a softer transition from the urban built form to the rural countryside, it is considered that this density is acceptable.

### **Housing mix and tenure**

8.14 Paragraph 34 of the CLP requires proposals to provide 30% affordable housing when the total number of dwellings is greater than 11 net dwellings. 25 net dwellings are proposed as part of this scheme and there is therefore a requirement to provide 7.5 affordable units with the 0.5 of a unit to be paid in a commuted sum. The Council's Planning Obligation and Affordable Housing SPD sets out the formula for calculating the commuted sum, which is applied to all net additional dwellings. As the calculation shows that more than 30% of the total net floor space will be affordable floor space, a commuted sum is not required in this instance.

8.15 As set out in paragraph 3.1, the housing mix in this application proposes an alternative mix to that approved under 13/00284/FUL, which was approved under a different development plan requiring 40% affordable housing. The CLP now requires 30% in combination with CIL. This proposal results in three additional market dwellings and three less affordable units than originally permitted, delivering seven affordable units in total. However, all seven affordable units proposed would be affordable rented. Concern is raised by the Harbour Conservancy that the proposal is contrary to Policy 12 (BNP) due to the loss of 3 affordable units. This is not however correct as the development plan policies does not require the delivery of 10 units but 7 (together with CIL), based on a requirement of 30% affordable housing.

8.16 In relation to tenure, CDC Housing Officers have given weight to the fact that all of the units would be affordable rented. In this current climate, where registered providers are generally seeking to deliver more shared ownership properties due to Government rent reductions, this proposal is welcomed, especially taking into consideration that the affordable units delivered at the Tawny Nursery site was a 50:50 tenure split (affordable rented: intermediate). Therefore, the provision of all rented accommodation in this proposal would help make up the deficit, in policy terms for Birdham Parish, on the Tawny Nursery site.

8.17 The proposal is for 18 market units and the mix of dwellings is slightly inconsistent with SHMA guidance for market units, with two additional three bed units and one additional 4 bed unit than would normally be sought. However, it is noted that the mix is in general conformity with what was proposed in the 2013 approval and that the affordable rented units will be more onerous on the applicant to deliver in terms of cost and for this reason the development not being entirely SHMA compliant is considered to be acceptable in the context of the public benefit of the delivery of 7 affordable rented units.

8.18 In summary on this issue the housing mix is considered acceptable, albeit with a slight deviation away from the SHMA guidance. Significant weight is given to the delivery of 7 affordable units to the area. Overall the proposal would be consistent with both policies 33 and 34 of the CLP and policy 12 of the BNP. The affordable housing mix will be secured through a S106 agreement.

### **Loss of SARA land and footpath link**

8.19 The application site boundary for 13/00284/FUL was larger than shown in this current application, as it included a separate 2ha parcel of land 300m south-east of the housing site with a linking footpath between the two parcels, to provide an area for recreation and dog

walking to off-set the impact of the development on the Chichester Harbour SPA, which lies 1.3km to the north of the site. This additional parcel of land was required at the time in order to mitigate the impacts of the increase in residents on the SPA when Chichester District Council, in partnership with Natural England, did not have an agreed mitigation package in place. There is now a commitment by both the District Council and NE to a scheme of mitigation, as set out in Policy 50 of the CLP and in the Planning Obligations and Housing SPD. A sum of £181 per dwelling (total of £4525 for the 25 dwellings (net increase)) is to be secured through a S106 agreement, consistent with policy 50 of the CLP and SPD. This is considered acceptable by the Council's Environmental Co-ordinator and Natural England.

8.20 However, Chichester Harbour Conservancy has objected to this current proposal because of the loss of the recreation area and connecting footpath, which linked to a Public Right of Way (PROW). The footpath's delivery was requested by the Chichester Harbour Conservancy during the 2013 application and was secured through a S106 agreement to enable access to the recreation area. The delivery of the footpath alone, and its linkage to the wider public Right of Way network was not considered necessary for the acceptability of the development at that time and was not subject to any condition or required to be delivered through the S106 as a standalone element of the scheme. In this respect it should be noted that The PROW that the recreation area would be closest to is currently accessed 400m south of the application site on Bell Lane. There is currently no permissive path to the west of the site.

8.21 Whilst it is regrettable that potential future footpath connectivity would not be assisted as part of this proposal there is now no longer a policy requirement for the delivery of a separate parcel of land with the footpath link to make the scheme acceptable and there are significant financial implications for the developer to do so, mainly through the purchase and long term maintenance of a satellite parcel of land. Consistent with policies in the BNP about connectivity, occupants of the site would be able to access the PROW by the segregated footpath on Bell Lane. There is also a segregated footpath north of the site towards the centre of Birdham where there is a local shop.

8.22 Open space within the development as shown in this proposal is consistent with the requirements of the Planning Obligations and Affordable Housing SPD, without the need for the additional parcel of land as permitted under 13/00284/FUL. Subject to a financial contribution to the Solent Recreation Mitigation and Disturbance Project to be secured via a S106 agreement, this proposal would be consistent with Policy 50 of the CLP.

### **Surface Water and Foul Drainage**

8.23 This proposal utilises the principle of the previous drainage scheme proposed on the site under the 2013 approval, which sees the land raised by 50cm, particularly around the access road, the use of permeable pavements and the flow of surface water to drainage channels on the western and southern boundaries of the site. The raising of the land is required to facilitate a gradient on the flat site and so that sufficient attenuation, combined with a gravity discharge is achieved.

8.24 The 2013 application was permitted with a S106 agreement and subject to conditions which required further details on SUDs and foul drainage. An application for a discharge of condition was received and approved for SUDS in 2016 prior to the developer commencing a technical start on the site (16/01491/DOC). The Parish Council has objected to this application due to the SUDS proposals and concerns regarding flooding as a result of the raised land



levels to facilitate the drainage scheme when a new housing site across from the application site manages their surface water without any increase in land levels.

8.25 Since the approval of 16/01491/DOC the guidance has changed in relation to SUDS, and now requires a 1 in 100 year event plus 40% storage capacity for climate change variance. A condition is therefore recommended requiring the applicant to submit additional details of the capacity of the site (previously 30% now 40%).

8.26 CDC Drainage Officers are satisfied that the site would be able to deliver the required drainage increase (with the addition 10% requirement) and would manage surface water appropriately and not increase the risk of flooding elsewhere from development on the site but the demonstration of drainage calculations and therefore revised drainage plans should be required by condition. As part of the on-going maintenance of the site, a SUDS maintenance manual is required and for works to be undertaken to ensure they are capable of infiltration and attenuation of surface water. The S106 obligations require the on-going maintenance and a notification that the SUDS scheme has been implemented as approved and details are also required by condition.

8.27 With regards to the foul drainage of the site, Southern Water has indicated that there is currently inadequate capacity in the foul sewer infrastructure to accommodate the development. The applicant is required to enter into a legal agreement with Southern Water for the required upgrades and a condition is recommended requiring the details of the on and off-site foul drainage details, including the necessary upgrades, are required prior to commencement. The foul sewage works will be required to be installed prior to the occupation of the first dwelling on site.

8.28 It is considered by Officers that subject to appropriate conditions and securing the on-going maintenance of the SUDS by an estate management company that the issue of sustainable drainage and foul water management would be consistent with Policies 9, 33 and 42 of the CLP and Policies 18, 19 and 20 of the BNP.

### **Neighbour Amenity**

8.29 A number of third party consultee responses have been received in relation to the impact on amenity from the proposed development. Of particular concern is the maintenance of access for properties on Bell Lane, who utilise the shared access point for Rowan Nursery along with noise, flooding and overlooking.

8.30 With regards to the access, the submitted plans show that the new access arrangement would maintain access both north and south off the shared access point, as it is currently, to properties fronting Bell Lane. The concern for residents is the impact on their access rights during the construction phase and the implementation of the agreed access, which would also be subject to a S278 agreement with West Sussex County Council. The timing and details of the access works, together with the construction management plan are recommended to be made subject to a condition to ensure that access is maintained for residents at all times during the construction period.

8.31 Any noise annoyance during the construction phase would be limited to the operational hours of the site which are recommended to be controlled by condition to exclude Saturday afternoon, Sunday and bank holiday working. The development would not harm neighbour amenity in regards of noise beyond the construction phase of the development.

8.32 Flooding has been addressed above (paragraphs 8.23 to 8.27 above). The residents of Byways, directly north of Pippins (to be demolished) are concerned about the flow of water towards their property from the new access road and from the wheel washing during the construction phase. With regards to the flow of water from the access road, although the new access road is proposed to be at a higher level than the existing site levels (raised by 0.5m), the applicant has proposed a permeable surface and a landscape buffer which would allow infiltration of water; furthermore a French drain would be incorporated close to the boundary of the property to also capture surface water flow. A condition is recommended requiring the applicant to submit a construction management plan, which will include drainage during the construction phase.

8.33 The occupants of Byways are also concerned in relation to the loss of amenity from overlooking from users of the road due to the height of the access road. The new access road is proposed to be 0.5m higher than the existing levels to allow infiltration of water, as part of the wider drainage scheme across the site. The current boundary treatment between the application site and Byways is marked by low level (approx. 1m) close boarded fencing, enhanced in some areas with trellis panels above. There are a number of windows in the side elevation of Byways which have an outlook towards the site (southern elevation). A landscaped buffer and 1.8m close boarded fencing is proposed along the boundary of the site and Byways, as part of the new development which is considered sufficient to protect the amenity of the occupants of Byways. Details of boundary protection during the construction phase will be required as part of the Construction Management Plan.

8.34 In summary on this issue, it is acknowledged that there will be some disruption to local residents during the construction phase. However the imposition of conditions concerning a construction management plan and operating hours, appropriate drainage and landscaping will ensure that the proposal does not result in significant harm to residential amenity consistent with Policy 33 of the CLP.

## **Other Matters**

### *Boundary concerns*

8.35 Two representations from third parties querying the site boundary and ownership have been received during the course of the application. The applicant has previously provided their land registration details which confirm the site boundary as submitted and that the drainage and all development would be achieved on land within their control.

### *Archaeology*

8.36 A submitted Archaeological assessment has indicated that there is moderate potential below-ground archaeological remains associated with a possible Roman road and a putative later prehistoric field system. Groundworks associated with the proposed development are likely to have a negative impact upon any such remains. The true nature and scale of that impact would be dependent upon the form and preservation of any remains present. It is therefore recommended that condition requiring a written scheme of investigation to be submitted and is subsequently undertaken.

## *Ecology*

8.37 A Ecological Impact Assessment has been provided with the application with a further roost assessment, which indicates evidence of bats roosting with the buildings on site. An enhanced Mitigation Strategy was submitted during the course of the application which undertakes a precautionary approach and assumes a high conservation status roost being present on site. The mitigation package includes lead bat access tiles on garage roofs and bat boxes for trees. It is recommended that the Mitigation Strategy including the mitigation methods are conditioned.

8.38 Works to trees and hedgerows capable of being best nesting habitat should be undertaken outside the bird breeding seasons and taking measures to ensure the site does not become suitable for reptiles.

## Significant Conditions

8.39 A number of conditions are recommended including, details of materials, landscaping plans and on-going management, details of the access, cycle parking, vehicle turning and construction method statement in line with recommendations from WSCC Highways.

8.40 Further details of SUDS and foul drainage is required to ensure the development has the appropriate infrastructure. Tree protection and the hand digging of trenches with the root protection area of the TPO trees are also recommended for condition to prevent harm to these important trees.

8.41 Details of screen walls and fences, street lighting and site levels and bins, as well as ensuring archaeological works are undertaken is also considered necessary to recommend for condition. As detailed in paragraph 8.33 and 8.34 there are also a number of recommendations for the protection of ecology.

## Section 106 Agreement

8.42 The development requires a Section 106 agreement to secure elements of the scheme which make it acceptable in planning terms, including the affordable housing and the delivery and ongoing maintenance of the landscaping and SUDs system.

8.43 Financial contributions are also required to be paid to the Recreation Disturbance Mitigation Project for the net increase in dwellings, totalling £4525. The development lies in the south of the plan area where CIL is required for new residential floorspace and is charged at £120/sqm. This development would trigger the need for in excess of £259,000 to be paid in CIL monies, of which the parish would receive 25% for having a made neighbourhood plan (approx. £64,750).

## Conclusion

8.44 This proposal is similar to a previous approval on the site, which is extant following a technical start in 2016. This application differs to the extant permission in so far as the 2ha parcel of land, with connecting footpath no longer forms part of the application, but instead the applicant will enter into a S106 Agreement to provide a financial contribution to the Solent Recreation Disturbance Mitigation Project, to mitigate the harm to the Chichester Harbour SPA. This application also varies from the extant permission in so far as it proposes 3 fewer

affordable units (previously 10 now 7), which would deliver 30% rather than the previously required 40% affordable units. These affordable units will be delivered as affordable rented units. The site would still deliver 27 dwellings (25 net) with landscape areas, open space, access and car parking.

8.45 It is considered that despite the development plan changing since the previous approval, the principle of development is acceptable in light of the both the Local Plan and Neighbourhood Plan policies. Furthermore the Council now has an agreed package of mitigation with Natural England which allows developers to provide a financial contribution to a wider mitigation project, and therefore there is no justification in planning terms to require the delivery of the additional parcel of land when the site is able to deliver open space in accordance with the Planning Obligations and Affordable Housing SPD. Whilst the loss of a connecting footpath is unfortunate, the PROW can still be accessed via a segregated footpath along Bell Lane 400m to the south of the site. As the proposal is unchanged in appearance, and this is considered to be consistent with the character of the area, it is not considered that this development would harm the semi-rural feel of Birdham or the appearance of the street scene.

8.46 Based on the above, and the planning balance, it is considered the proposal complies with development plan policies 1, 2, 4, 5, 9, 33, 39, 40, 42, 48, 49, 50 and 54 of the CLP and policies 3, 6, 10, 12, 13, 16, 17, 18, 19, 20 and 21 of the BNP and therefore the application is recommended for approval.

### Human Rights

8.47 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

### **RECOMMENDATION**

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

1) The development hereby permitted shall be begun before the expiration of 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: 020 Rev C, 021 Rev B, 022 Rev B, 023 Rev A, 024 Rev D, 025 Rev C, 03 Rev A, 031 Rev A, 032 Rev A, 033 Rev B, 034 Rev C, 035, 036 Rev B, 037 Rev B, 038 Rev B, 039 Rev B, 04 Rev A, 040, 041 Rev A, 042 Rev D, 043 Rev A, 044, 045, 046, 047 Rev A, 9120/01 REV B SHEET 1 of 2, 9120/01 REV B SHEET 2 of 2, LOC REV A, 01 REV K, 02 REV G, 026 REV F, 028 REV D, 029 REV E, 030 REV C

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

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

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

**5) 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.

6) 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.

7) **No development/works shall commence** on the site until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. 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 proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. Any digging out of the ditch along the western boundary shall be done sensitively (by hand) within the root protection areas of the TPO'd trees. No dwelling shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. Once approved the details shall be implemented in full.

Reason: To ensure that the site is satisfactorily drained and to avoid flooding or pollution of the environment.

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

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

10) **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 and energy consumption maximising renewable resources has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved 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.

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

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

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

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

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

13) **No development shall commence** on the Sustainable Urban Drainage System (SUDS) until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SUDS system serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

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

14) **Prior to first occupation** of the dwelling(s) hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include;

- (a) scaled plans showing the location of the boundary treatments and elevations, and
- (b) details of the materials and finishes.

Thereafter the boundary treatments shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours.

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

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

16) **No part of the development hereby permitted shall be first occupied** until the vehicle parking 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.

17) **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.

18) **No part of the development hereby permitted shall be occupied** until details of the proposed street lighting has been submitted to and approved in writing by the Local Planning Authority. Once approved the details shall be implemented in full.

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

19) **No part of the development hereby permitted shall be first occupied** until details of bat and bird boxes to be installed on dwellings and/or trees have been submitted to and approved in writing by the Local Planning Authority for approval. Once approved the boxes shall be first be installed prior to the final unit being occupied and shall remain in perpetuity.

Reason: To enhance the biodiversity of the site.

20) **No part of the development shall be occupied** until such time as the vehicular access has been constructed in accordance with Plan ITB7126-GA-001 Rev F including the provision of visibility splays from the vehicular access onto Bell Lane, set back 2.4m from the edge of the carriage way and extending 120m to the north and south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level or as otherwise agreed.

Reason: In the interest of road safety.

21) 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. No development shall be occupied until:

i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and



- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

22) The foundations of any part building, hereby approved, shall only be hand dug where they are located within the canopy of the trees as shown in plans 9120/01 REV B SHEET 1 of 2 and 9120/01 REV B SHEET 2 of 2, within the TPO group orders on the northern and western boundaries and under the supervision of a qualified arborist. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

Reason: To ensure the tree is not adversely affected by the construction of the development.

23) The construction of the development and associated works, including deliveries to the site, shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

24) The development hereby approved shall be carried out in full in accordance with the details and methods of mitigation in the Bat Mitigation Strategy Revision B (07/03/2017) by CSA Environmental unless otherwise agreed in writing with the Local Planning Authority.

Reason: to ensure the conservation of a protected species

## INFORMATIVES

- 1) 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.
- 2) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.
- 3) 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.
- 4) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand

lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

5) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.

6) The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding within the limits of the highway, the provision of cranes over-sailing the highway.

7) The applicant will note no construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

For further information on this application please contact Rhiannon Jones on 01243 534549.