

Parish: Southbourne	Ward: Southbourne
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**SB/16/03803/FUL**



**Proposal** The construction of 55 no housing units with associated parking, landscaping and access on the Land.

**Site** Nellies Field Main Road Nutbourne West Sussex

**Map Ref** (E) 477890 (N) 105576

**Applicant** Pallant Homes Limited

**RECOMMENDATION TO DEFER FOR S106 THEN PERMIT**

		
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## **1.0 Reason for Committee Referral**

Red Card: Cllr Brown - Important information to raise in debate (Surface Water Drainage and Character of the Development)

## **2.0 The Site and Surroundings**

2.1 The proposal site is located in the parish of Southbourne and in the settlement boundary of Nutbourne West. Southbourne, with shops, schools, doctors surgery and other services, lies approximately 1km to the west of the site. It is approximately 1.1km to Nutbourne train station with its services west to Portsmouth and Southampton and east to Chichester. Chichester City lies 7km to the east of the application site. The site is accessed via the A259 which connects to the A27 at Chichester and Emsworth.

2.2 The site lies to the north of the A259 where there is currently a field access entrance. The application site is rectangular in shape, the majority of which lies behind the existing housing of Nutbourne West, which form part of a very linear growth of development on the north side of the A259, with most dwellings fronting the main road.

2.3 The application site is currently a flat agricultural field with an established hedgerow on all boundaries. A watercourse, the Ham Brook, runs to the west of the site but the site itself lies in Flood Zone 1. A Public Right of Way (footpath WSx/257/1) also runs to the west of the site and is inside the red line of the application boundary.

2.4 In the immediate vicinity of the site, the character of the area is predominantly housing development, varying from historic and listed properties to post war, modern, housing. A petrol station with small convenience shop lies 0.16km south west of the site.

## **3.0 The Proposal**

3.1 This application proposes 55 dwellings on a neighbourhood plan allocated site to the west of Nutbourne in the parish of Southbourne, approximately 3.388ha in size. The proposal includes open space, allotments, equipped play area and parking. The housing is proposed within the centre of the site, falling within the part of the wider site which is identified as being within the settlement boundary of Nutbourne East, as set out in the Southbourne Neighbourhood Plan. The developed area constitutes about 2.05ha of the site, with the remaining land (outside the settlement area) being allocated for landscaping, allotments, play area and parking and contributing to the setting of the site. Also proposed as part of the application is additional parking for 1-4 Elm Grove, Main Road.

3.2 The application proposes the following mix of dwellings:

2no 1 bedroom flats  
2no 2 bedroom flats  
25no 2 bedroom houses  
19no 3 bedroom houses  
7no 4 bedroom houses  
55 dwellings total.

Of the above, 11 units would be affordable rented dwellings and 6 shared ownership totalling 17 affordable units, totalling 31% of the total units proposed.

The following mix is proposed for the affordable units:

**Affordable Rent (11 units)**

- 1no 1 bed 2 person Flats
- 1no 1 bed 2 person Flats
- 1no 2 bed 4 person Flats
- 1no 2 bed 4 person Flats
- 4no 2 bed 4 person Houses
- 2no 3 bed 5 person Houses
- 1no 3 bed 6 person Houses

**Shared Ownership (6 units)**

- 6no 2 bed 4 person Houses

3.3 The majority of the houses would be 2 storeys, with some of the larger dwellings (large 3 bed./ 4 bed) being 2.5 storey. Some variation in ridge and eaves height amongst the dwellings is proposed together with varied elevational treatment. The main palette is two quality red bricks, with the key corner units having additional treatment including render. Ridge heights vary between 8.5m and 9.5m.

**4.0 History**

06/03653/CMA

PER

Proposed Access Track and Outfall/Bank Strengthening Works in association with new combined sewer drainage system.

**5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	Development lies in the settlement boundary, the remaining open space and landscape sits within the countryside.
AONB	NO
SPA Buffer	YES
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	Flood Zone 1
Historic Parks and Gardens	NO

**6.0 Representations and Consultations**

## 6.1 Southbourne Parish Council

The Parish Council's comments on the above application are as follows:

1. Southbourne Parish Neighbourhood Plan (SPNP) - The application complies in principle with the SPNP and therefore the Parish Council supports the development. There is no objection to the additional 5 dwellings.
2. Public Open Space - In accordance with the SPNP the provision of Public Open Space, an equipped children's' play area, allotments, provision for wildlife is welcomed. The Parish Council wishes to express an interest in taking responsibility for the maintenance of the Open Space areas around the development and would wish to be included in discussions to this effect.
3. Surface and Waste Water Drainage - However, there is considerable local concern about the provision proposed for surface and waste water drainage. The Parish Council has raised these issues in the Neighbourhood Plan and in its comments at the pre-application stage. The Plan was very clear that the community wanted to use this opportunity not just to 'not make existing problems any worse' but to investigate the possibility of alleviating existing problems with foul water and drainage. If this could be done in partnership with the developers, so much the better, although the expectation has always been that at least some of this work would be undertaken by the community. The Parish has recently been awarded an Operation Watershed grant to investigate and better understand the nature of existing problems and to look for solutions.

It is in the context of action by both the developer on-site and by the community independently that the Parish Council supports this application, and it will continue to look for opportunities to improve things for local residents. Categorical assurance from the District Council is therefore requested that planning permission will not be granted until it is satisfied from its consultations with the relevant authorities that potential and existing flooding problems are not going to be exacerbated in the locality as a result of this development.

4. Traffic - There are local concerns about the speed of traffic on the A259 and the safety of residents crossing the road to reach bus stops and the proposed Public Open Space. It is requested that consideration be given to a 30 mile an hour speed restriction along this part of the A259, and the provision of a light controlled pedestrian crossing on the A259 in the vicinity of the site.
5. Parking - The provision of parking spaces for use by the residents of nos. 1-4 Elm Grove is welcomed. Clarification is sought about any cost to the residents of nos. 1-4 Elm Grove for the use of the proposed dedicated parking spaces.

## 6.2 Chidham and Hambrook Parish Council

Chidham & Hambrook Parish Council considered this application for the site in the neighbouring parish of Southbourne. Concern was raised about the adequacy of the surface drainage on the site particularly in light of comments raised by Southern Water in their response to the planning application. It was also noted that the Neighbourhood Plan specified that there would be a buffer zone to the southern edge of the site and this appeared to be absent on the submitted plans.

### 6.3 Chichester Harbour Conservancy

Recommendation: No objection, subject to securing:-

- (a) the public open space shown on MH Architects drg 14-076 PL04 Rev AN;
- (b) planning conditions to secure the new planting and maintenance within a five year period after first planting; and, ecological mitigation/enhancement measures set out in the submitted September 2016 report by The Ecology Co-op (Author Sam Lunn), with consideration also to be given to the installation of Swift bricks in the new housing
- (c) securing a S.106 covering:-
  - (i) provision, future maintenance and retention of the public open spaces within the development; and,
  - (ii) recreational disturbance payment under Local Plan Policy 50 for the net gain of dwellings on the site, as the site is within 5.6km of the Chichester Harbour AONB.

### 6.4 Southern Water

The exact position of the combined sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

No development or tree planting should be located with 3.5m either side of the centreline of the combined sewer. No new soakaway should be located within 5m of a public sewer. All existing infrastructure should be protected during the course of the construction works.

Southern Water cannot currently accommodate the needs of this application with the development providing additional local infrastructure. The proposed development would increase flow into the wastewater sewerage system and as a result the increase the risk of flooding in and around the area, contrary to paragraph 109 of the NPPF.

Conditions requested:

- Details of foul disposal and a implementation timetable
- To enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure

### 6.5 Highways England

Highways England has no objection to this proposal provided that the application makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'. The development falls within Southbourne Parish strategic location and therefore requires a contribution of £99,172.

### **Further comment**

Thank you for your correspondence with regard to the contribution fee towards the Chichester Bypass Local Plan mitigation schemes as prescribed in the councils SPD. Please take this communication as Highways England's formal acceptance of the contribution amount of £99,165.00 in line with SPD calculations to be entered into the s106 agreement. In relation to our previous requested sum of £99,172.00 which appears to be erroneous it is noted that the actual sum is only £7.00 less.

## 6.6 Portsmouth Water

Not in a groundwater protection area and therefore has no comment to make.

## 6.7 Police

Plots 52-55 should have a fencing height minimum of 1.8m as robust defensive barriers

Gates to the side or rear of the dwellings must be robustly constructed of timber and be the same height as the adjoining fence and be lockable.

Areas of play should be situated in an environment that is simulating and safe for all children, be overlooked, with good surveillance.

The footway behind plots 12, 42-55 would provide too much permeability. Gabled end windows may help the permeability and overlooking of this area.

## 6.8 WSCC Highways

Modification of the access arrangements is recommended, as set out in the following report, to address an outstanding safety issue arising from the Road Safety Audit: Stage 1.

Access - A simple priority junction with the A259 is proposed, which does not include a right hand turn lane provision, this is considered to be an appropriate junction type which accords with Design Manual for Roads and Bridges guidance.

Visibility splays have been based on the recorded 85th percentile speed, and utilises Manual for Streets parameters. The splays in both directions are in accordance with the guidance.

A Road Safety Audit: Stage 1 has been undertaken. The Auditor has highlighted three problems and made recommendations to resolve. The Auditor raises the issue of the existing bus stop being in the visibility splay to the east of the access, and that a bus using the stop would obscure visibility in this direction. The Designer has not accepted the problem or recommendation, indicating that the stop is not intensively used and that traffic flows exiting the access are such that it would present low risk. However, the lay-by serving the bus stop is of considerable length, and there appears to be sufficient space for the bus stop to be relocated to the eastern end of the lay-by. If necessary, it is bordered by public highway to allow minor modification of the lay-by to accommodate the cage to the east of the adjacent access. Whilst this would then relocate the bus stop into the eastern visibility splay of the adjacent access, the cage is currently positioned in the leading direction splay, which is of greater importance when emerging from an access. As such, it would be an overall improvement. It is recommended that the access arrangements are modified to incorporate this amendment, and that delivery of the works is secured via Section 106. The relocation would require an amendment to the existing Traffic Regulation Order.

The Applicant proposes to connect into the existing pedestrian network, which in turn provides access to bus services (via a refuge island) and local services.

Trip Generation and Capacity - Parish allocations included in the adopted Local Plan (LP) have been subject to strategic modelling exercises associated with the transport evidence base. The evidence established that improvement to the A27 (in particular the A259/A27 junction) would be necessary to facilitate development in the west of the Chichester District. As such, a financial contribution would be necessary to mitigate the impact of the development, as advised by Highways England. No capacity improvement on the local highway network is considered necessary to mitigate the impact of the development.

Internal Layout and Parking - It is unclear as to whether the Applicant intends to offer the internal layout for adoption. In the absence of a Design Audit relating to the internal layout, the LHA cannot guarantee that the internal roads would be either suitable or desirable for adoption.

However, the following comment is offered.

- Visibility splays at internal junctions should be a minimum of 2.4m x 25m
- Segregated provision is provided adjacent to initial access road; the detailed design should ensure appropriate treatment for visibility impaired users to identify transition from segregated to shared use provision
- Use of lower speed signs on entrance to development due to vehicles having exited an 'A' class road with speeds in excess of 30mph
- Consideration should be given to providing a direct and segregated footway provision to the park, given that this route is likely to see use by young children and/or groups of children
- Parking has been provided in accordance with the WSCC Parking Demand Calculator

#### Conditions

The following conditions are recommended should permission be granted:

- Access
- Car parking space
- Cycle parking
- Construction Management Plan
- Travel Plan

#### S106

Should the application be permitted without modification, the following obligation is recommended:

- The development and implementation of a highway works scheme to relocate the eastbound bus stop to a location outside of the visibility splay.

#### Further comment

West Sussex County Council (WSCC), in its capacity as the Local Highway Authority (LHA), has been reconsulted on the proposed development of 55 dwellings at Nellies Field, Nutbourne. Comment made by the LHA on the 10th January raised no objection to the proposed development, subject to modification to the location of the bus cage within the lay-by.

The Applicant has submitted a revised plan which relocates the cage to the eastern side of the lay-by, thus satisfying 3.2 of the Road Safety Audit. No objection is raised, subject to conditions raised in the previous response.

In respect of access, the condition should be superseded to the following:  
“No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with drawing 2015-D1006-304.  
Reason: In the interests of road safety”.

As the bus lay-by is located outside of the red line boundary, it will be necessary to secure the relocation via S106 obligation. The following wording supersedes the suggested obligation in the original response – “The bus cage shall be relocated in accordance with drawing 2015-D1006-304”.

### **Further comment**

Thank you for the additional information. I’ve reviewed the revised CMP and I’m satisfied with its content.

The Applicant will need to get consent to undertake works associated with temporary access and to erect signs in the highway. This can be obtained prior to commencement.

### **6.9 WSCC Public Rights of Way**

Public Right of Way (PROW) FP 257 runs to the west of the proposed development. The surface of the PROW must not be altered in any way without the prior consent of WSCC's RoW team. Should planning consent be approved by the Local Planning Authority this would not.

It should be noted that:

- Any alteration to, or replacement of, the existing boundary with the PROW or the erection of new fence lines, must be done in consultation with WSCC's RoW Team to ensure the legal width of the footpath is maintained and there is no unlawful encroachment.
- No structure, for example gates or stiles, may be erected on the PROW without the prior consent of WSCC's RoW Team.
- Access along the PROW by contractor's vehicles, deliveries or plant is only lawful if the applicant can prove they have a vehicular right of access. Parking on the PROW is considered an obstruction and is not permitted.
- If the PROW's surface is considered damaged as a result of the development then the applicant will be required to make good the surface to a standard satisfactory to WSCC's RoW Team.
- Should any building works, demolition or construction encroach upon the PROW then a Temporary Path Closure Order may be required, for which an application must be made to WSCC's RoW Team.

### **6.10 WSCC Flood Risk Management**

Modelled surface water flood risk - Low risk

Modelled groundwater flood risk susceptibility - Low risk

Record of any historic local flooding - Yes (Reports indicate flooding within 250m of the site)

Ordinary watercourses nearby - Yes



#### 6.11 CDC Environmental Health Officer (Contaminated land and air quality)

A preliminary ground investigation (dated December 2015) and groundwater and gas testing (dated October 2016) report have been submitted with the application. No significant evidence of soil or groundwater contamination was noted. From the gas monitoring results, no special precautions have been recommended to protect the future development from ground gases.

Notwithstanding the above, given the size of the development it is recommended that the developers employ a watching brief while constructing the site.

The following conditions and comments should be noted:

- In the event that contamination is found at any time 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 condition N21G part 2 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of N21G part 3.

We do not require an air quality assessment of the development however it is recommended that opportunities are taken to encourage modal shift and reduce air quality impacts. The following mitigation measures should be considered:

- i. Secure, covered cycle parking should be provided at each property.
- ii. Provision for re-charging electric vehicles should be put in place at the site to encourage the use of low/zero emission vehicles.
- iii. Links to the existing cycle route to the south of the site should be put in place to encourage this form of transport.
- iv. During construction of the site a Construction Management Plan should be put in place to minimise environmental impacts including dust and other airborne emissions.

#### 6.12 CDC Housing Enabling Officer

The developers have moved from a 50:50 rent/intermediate mix to the one presented now with an approximate 70:30 split. The policy compliant 30% quota requires 16.5 affordable units, with the fraction to be taken as a commuted sum. They are now willing to provide an extra whole unit, giving 17 affordable homes. The affordable rented unit mix is roughly in line with the SHMA recommendations and helps meet the current housing need in Southbourne. After considering local housing need and stock I am satisfied that the proposed mix would meet local need and that the proposals are now acceptable.

#### 6.13 CDC Archaeology Officer

I agree that the significance of the archaeological interest that has been revealed by evaluation warrants recording ahead of development and that this would be appropriately achieved as outlined in the project specification for an archaeological excavation (Ref. PNC15/232exc) submitted with the application. This process should be secured following a standard planning condition.

#### 6.14 CDC Drainage Engineer

The proposals state that surface water drains to a permeable paved road system with perforated carrier pipe taking water that doesn't infiltrate to ground through to an outfall at the adjacent ditch. The overall construction is almost a metre deep, and the groundwater monitoring shows that for some months of the year the water table can reach between 250mm below ground level and practically ground level. In this situation the carrier pipe will have to drain groundwater and the surface water may not get into the system quickly enough to prevent flooding. Ground water will potentially drain too slowly to allow for the design capacity for surface water.

It may be worth submitting a tanked permeable paving solution following the same broad strategy but with no infiltration and a control structure at the outlet. It would have to be ensured that suitable capacity for surface water remains for the design storm.

Conditions:

Drainage design

Maintenance manual

Easements to watercourses are required for access and maintenance.

#### **Further comment following further information on design received**

The drainage design as proposed (most recent revision) is acceptable and no further condition will be required. We have worked closely with the consultant to ensure that the surface water drainage design does not pose a risk to the development or off-site for the 1 in 100 year storm event plus climate change allowance.

#### 6.15 CDC Environmental Strategy Officer

The mitigation and enhancements proposed in the Ecological Mitigation Statement are acceptable and should be conditioned:

- Pre construction work including erecting reptile exclusion fencing around the construction zone at the site and provision of 2 new reptile habitats, including a new area of grassland
- Retention and enhancement of all boundary hedgerow
- Lighting plan
- Two bat boxes and incorporation of features on 5 new residential dwellings closest to northern boundary.

Site lies in the 5.6km zone of influence for Chichester Harbour. Recreational Disturbance Mitigation Payment required.

#### 6.16 CDC Conservation and Design Manager

I note that there have been some changes to the proposed street elevations to introduce more variety of building forms, particularly facing onto the proposed green. As previously stated the lack of variety in eaves and ridge lines and roof forms results in an overly housing estate character rather than the character of the existing settlement being extended.

Consideration could be given to increasing the heights of corner units (17/18 and 19/20) to create more prominent corner features - if the alignment could be reversed with 18/19 set forward of 19/20, it could be used to provide a way of slightly enclosing the street scene as viewed from the east to create a bit of a focal point.

Similarly the proposed block of 4 flats seems very visually insignificant and there seems to be a missed opportunity to create a more visually dominant corner feature to help orientate the scheme.

Some of the areas of parking, particularly within Area B seem overly dominant. If possible the parking should be broken up more.

I suggest a distinct hierarchy of roads be introduced which should reflect a predominantly rural character.

### 6.17 Third Party Objection

29 third party objections received.

- Reports of local flooding and site flooding
- Construction traffic and parking
- Not enough car parking spaces proposed on the development resulting in overflow onto A259
- Loss of privacy for existing residents
- Increase in traffic from new residents
- Doctors and infrastructure are lacking/ high demand
- Many houses have been built in the local area increasing pressure on services and infrastructure
- Impact on AONB and geese
- Materials and house styles proposed are unsympathetic to local area
- These properties could become second homes
- Price out of reach of the community
- High density of housing
- The proposal would result in coalescence of communities
- Less properties to allow for less dense development
- Lack of safe pedestrian crossing
- High speeds along the A259
- Highway flooding
- Left turn only
- Query for safety of cars turning right
- Lack of school places
- No recreational space
- Play area for small children only, no alternative for older children
- Clarity over footpath should be clear on plans
- Open feel lost
- View of the downs lost
- No buffer - overbearing feeling from development for existing houses
- Loss of arable land
- Concern for public footpath
- Land forms part of a strategic gap

- No shops in the area
- Reduce the number of dwellings
- Noise

#### 6.18 One Third Party Other

Chichester and District Cycle forum seek contributions from the developer to support CHEMROUTE

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

During the course of the application the following amendments have been made:

- Layout - the layout has been changed slightly on the advice of the CDC Design Manager to allow for properties to be set further back from the road, and to provide prominent features in the street scene.
- Design - the design of a few of the dwellings have been altered consistent with advice from Sussex Police in regards of Secure by Design guidance and for the visual amenity of the development
- Internal layouts - 13 properties have had their internal layout adjusted to ensure the bedroom proportions are consistent with Environmental Health Housing standards.
- Highway access arrangements - the access plans have been updated in light of the findings of the Safety Auditor resulting in the need to move the bus stop on the A259 slightly east to maintain good visibility.
- Sustainable drainage - the Sustainable drainage programme has been revised to include a tanked system due to high levels of winter groundwater.

### **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 Southbourne Neighbourhood Plan was made on the 15 December 2015 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 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 41: Off-site Renewable Energy  
Policy 42: Flood Risk and Water Management  
Policy 47: Heritage and Design  
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

#### Southbourne Neighbourhood Plan

Policy 1: Development within the Settlement Boundaries  
Policy 2: Housing Site Allocations (part iv)  
Policy 3: The Green Ring  
Policy 7: Environment

#### 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), 30 (Reduction in Greenhouse Emissions), 32 (Transport Statement and Assessment), 36 (Travel Plan), 42 (High Quality Communications Infrastructure), 49 (Housing Applications), 50 (Delivering a Wide Choice of Homes), 94 (Mitigating Climate Change), 95- 98 (Low Carbon Future), 109- 118 (Conserving and Enhancing the Natural Environment), 141 (Significance of Historic Environment), 186- 187 (Decision Taking), 196 (Plan- Led System), 197 (Presumption in Favour of Sustainable Development), 203-206 (Use of Planning Condition), 215- 216 (weight to emerging plans).

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:

National Planning Practice Guidance (NPPG)  
Affordable Housing and Planning Obligations 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

### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. The principle of development
- ii. Access, highway safety and parking
- iii. Housing mix and tenure split
- iv. The impact of development on the character and appearance of the area
- v. Surface water and foul drainage
- vi. Ecology
- vii. Impact on residential amenity

### Assessment

#### **The principle of development**

8.2 The application site is an allocated housing site for 50 dwellings in the Southbourne Neighbourhood Plan (SNP). Policy 5 of the Chichester Local Plan (2015) (CLP) requires small scale housing sites to address the specific needs of local communities and should be brought forward in the Site Allocations DPD or through a Neighbourhood Plan. Southbourne is required to deliver an indicative number of 50 homes within the Parish, outside of the village. The Neighbourhood Plan allocated this site to meet this requirement. In addition Policy 20 of the CLP requires an additional 300 dwellings to be provided within the village of Southbourne which has been allocated on other sites in the SNP.

The SNP was formally made in December 2015 and now forms part of the Development Plan for decision making. Policy 2 (part iv) of the SNP allocates 50 dwellings on the site, subject to complying with seven criteria:

1. The site is accessed from the A259 Main Road only;
2. The site provides a significant landscape buffer along all its boundaries, comprising structural landscaping, public allotments, informal open space and a children's play area;
3. Appropriate drainage works to prevent flooding downstream;
4. makes provision for car parking spaces to benefit dwellings adjoining the site;
5. includes an archaeological Heritage Statement;
6. Incorporates Sustainable Drainage Systems (SuDS) to prevent increases in surface water flood risk; and
7. Pay towards the Solent Recreational Mitigation Payment.

8.3 The proposal, whilst for 55 additional homes rather than the allocated 50, is consistent with the above seven criteria of Policy 2 of the SNP. It is considered that the increase of 5 dwellings would not be detrimental to the aims and purposes of the SNP and is discussed further below in relation to the impact on density and the character and appearance of the development.

8.4 Due to the allocation of the application site within the made Southbourne Neighbourhood Plan, it is quite clearly a demonstration of a locally preferred location for housing in the Parish and therefore in principle this application is supported by both the SNP and Local Plan Policies 1 and 5 which seek sustainable development and the delivery of 50 new homes in Southbourne Parish (outside the village of Southbourne). The settlement boundary of Nutbourne has also been amended through the SNP and now includes this site. The site has been specifically allocated in Policy 2 of the SNP (part iv) and therefore is also consistent with Policy 2 of the CLP which permits development inside settlement boundaries.

8.5 Whilst the principle of development has been established as acceptable, this proposal should however also be consistent with the Development Plan as a whole and therefore the issues of highway safety and access (Policy 8 and 39), housing mix (Policy 4 and 34), landscape impact (Policy 33 and 48), drainage (Policy 40 and 42) and other environmental impacts (Policy 33, 40, 49 and 52) are considered further below.

### **Access, highway safety and parking**

8.6 This proposal is accessed from the A259, as specified in SNP Policy 2 (part iv, criterion 1). The access is considered acceptable following revisions to the access layout which result in the relocation of the bus lay-by. This follows on from safety issues raised in the Stage 1 safety audit. As the bus lay-by is located outside of the red line boundary, it is necessary to secure the relocation of the bus stop and associated off-site highway works via a S106 obligation..

8.7 The proposal requires the relocation of the bus stop from directly outside of the site on the A259 to slightly east of its current location, to maintain an adequate and safe visibility splay.

8.8 The proposal includes the provision of 104 car parking spaces, comprising on-curtilage and on street parking. Where on curtilage parking is provided within garages, the garages meet the internal measurement standards and are recommended to be subject to a condition that they remain available for use. Additional parking spaces are also proposed at the southern end of the site close to the site access for the allotment users (7 spaces) and parking for 1-4 Elm Grove, Main Road (8 spaces with lockable bollards) who currently do not benefit from off street parking, as required by the Southbourne Neighbourhood Plan. The parking is in excess of the requirements under the WSCC Parking calculator, as the site provides additional parking for both the allotments and residents at 1-4 Elm Grove, Main Road. With regard to cycle provision, a condition is recommended for the implementation of safe and secure storage of cycles for the residential units. Cycle parking is also provided for the allotments.

8.9 With regard to trip generation, WSCC Highways consider that the trip generation resulting from the development will not result in any adverse impact on highway capacity or highway safety. There is, however, a need to mitigate the impact of development on the A27. The Planning Obligation and Affordable Housing SPD sets out the methodology for securing the financial contribution towards the A27 Chichester Bypass junction improvements.

Prior to commencement of development the applicant is required to enter into a S278 Agreement with Highways England to secure a financial contribution of £99,185 and this will be secured within a S106 agreement.

8.10 It is considered that the site is in a sustainable location with good access to the A259 and public transport in the form of the bus stop directly outside the site and the nearby train stations of Nutbourne and Southbourne. There is good access to a cycle lane from the site and footpaths both leading east and west.

8.11 A number of third party objections have been received in relation to the speed of traffic travelling along the A259, construction traffic and parking resulting from the development, increase in congestion and safety concerns for vehicles crossing on-coming traffic. As set out above, the application is supported by both revised details for the access and a Stage 1 Safety Audit and meets the WSCC parking calculator. WSCC Highways does not raise objection to the application and they do not consider, at this time, that a reduction in speed on the A259 in the vicinity of the site is needed. The applicant has submitted a Construction Management Plan that WSCC Highways are satisfied with; this includes the use of banksman to aide vehicles leaving/ joining the A259. Constructors parking will take plan entirely on the site. The details of the Construction Management Plan will be controlled by condition. A contribution is sought towards the A27 junction improvements, in line with the methodology set out in the Planning Obligation and Affordable Housing SPD.

8.12 In summary, the highways arrangement, parking and access are all considered consistent with criteria of Policy 39 of the CLP, Policy 2(IV) of the SNP and Paragraph 32 of the NPPF.

### **Housing mix and tenure split**



8.13 Policy 34 of the CLP requires proposals over 10 dwellings to provide 30% affordable homes in a mix which is consistent with the SHMA. Policy 33 (New Residential Development) requires proposals to also provide an appropriate mix of dwellings and this would apply to both market and affordable housing.

8.14 The housing tenure mixes have been revised during the consideration of the application and now a scheme of 55 houses with 17 affordable dwellings is proposed. The development would be required to provide 16.5 affordable units in a 70/30 split of affordable rented and intermediate housing. The developer has proposed to provide a full additional dwelling and not pay a financial contribution equivalent to 0.5 of a dwelling. The mix within the affordable element is consistent with the aims of Policy 34 to provide a 70/30 split and this would be secured through the S106 Agreement. The public benefit of providing a full additional affordable dwelling is given weight by CDC Housing Officers.

8.15 There is some pepper-potting of the affordable units across the site and these are generally indistinguishable from market properties consistent with Policy 34 of the CLP.

8.16 Third party objections have been received concerning the potential of the dwellings being second homes and unaffordable for local people. There is no national or local policy to prevent such development being second homes and therefore such a restriction would be unlawful and not meet the tests of a planning obligation. The planning cannot control the price of the market houses, however 17 affordable units are proposed in a mixture of sizes and tenures. This proposal is compliant with the SHMA and is therefore also consistent with policies 33 and 34 of the CLP.

## **The impact of development on the character and appearance of the area**

### Layout

8.17 The layout of the proposed development is centred on a road network with a single entrance road which runs east- west (5m wide) with two further roads running to the north (also 5m wide), one central to the site and the other bordering the public open space to the east. There is a clear hierarchy of roads within the development. The residential element is bounded by a significant area of open space to the west, north and east, which comprises informal open space, a children's equipped play area, allotments and landscaping. The applicant has proposed a mown or made path through the informal open space areas which connect in a circular walk. The open space to the west of the site provides a buffer between the ordinary water course and the Public Right of Way which is on the western boundary of the site. The open space to the east provides a large area of meadow open space as well as a formal equipped children's play area in the north east corner of the site. Adjacent to the site entrance are the allotments and allotment parking area. The open space, equipped children's play area and allotments are considered to be not just a benefit to prospective home owners on the site but also to local residents in the Nutbourne area and are in accordance with the requirements of SNP Policy 2 (part iv, criterion 2).

8.18 The housing is laid out within the part of the site identified as being within the settlement boundary, as set out in the SNP. Within this area the larger, detached houses are located on the eastern part of the site facing the public open space and play area. A corner plot (plot 23) marks the entrance to the site.

The housing is predominantly semi-detached dwellings in the southern part of the site, with higher density development comprising rows of small terraces (3-4 dwellings), flats and three courtyard style parking areas towards the centre and in the north-west corner of the site. A central green acts as a focus point within the development. A condition securing such boundary treatments. New boundary hedging is proposed along both the western and northern boundaries of the housing, to soften the impact of the development when viewed from the adjacent areas of open space.

## Design

8.19 There is variation with the housing types and the proposal now has variation in both eaves and ridge heights. The ridge heights vary between 8.5m and 9.5m and include hipped, gable and pitched roofs. There are number of different house types within the development and therefore whilst there is some repetition of design this is not considered to result in the feeling of monotony or lack of interest in the built form.

8.20 The local vernacular is varied and contains a mix of Victorian, Edwardian and post war housing styles, with 4 Grade II listed buildings in the existing residential development to the south of the site which all range from the 18th Century or earlier. There is a predominance of red brick houses. It is acknowledged that this development proposes a modern vernacular and appears different to existing housing stock in Nutbourne. The design incorporates references to local vernacular, such as treatments of window headers and the hipped roof form seen at dwellings directly opposite and adjacent to the site entrance. There is however considerable variance in the immediate vicinity of the application site and it is considered by officers that the new development would respect the local character and this would be aided by the proposed palette of materials.

8.21 It has been raised by third parties that the development is constrained to the middle of the site and overly dense. The development lies within the revised settlement boundary of the SNP which restricts the developable areas to that shown on the plans. The proposal provides density of development of 27dph, when excluding areas of open space, which is considered to be appropriate. It is considered by officers that nearly all properties would have a view of the open space and the denser parts of the development would only be viewable from within the site, the development would respect the character of the surrounding area. Officers do not consider that the site would appear overdeveloped.

8.22 The development would not harm the character and appearance of the area to any material degree nor would it adversely impact on the setting of the listed buildings. The proposal is therefore consistent in regards of its design and appearance with Policies 33 and 47 of the CLP.

## Landscaping and open space

8.23 Landscaping plans have been submitted and these show soft landscaping comprising a mix of wild flower seed, bulbs and mixed hedgerow of which some is defendable planting to the rear of garden boundaries. Mown grass paths have also been shown on the plans across the meadow land and to the west of the site.

8.24 Hard landscaping proposals include gravel parking areas for the allotment car parking spaces and designated parking for the properties on the main road. Fencing is proposed as low level post and rail along all public areas.

8.25 The developer has also added enhanced landscaping to the southern boundary. This results in a 2m landscaped strip between the boundary with existing houses and the rear fence of the proposed dwellings on the southern boundary. As this is also within the easement area for the foul sewer considerable planting has to be undertaken, which does not allow for 'heavy' planting which could affect the sewers integrity. In proposing this additional landscape buffer it has reduced the garden lengths for the new properties. Buffer landscaping is also proposed on the southern and western boundaries of the allotments and the southern and eastern boundary of the parking area provided for 1-4 Elm Grove.

8.26 In summary, it is considered by officers that the scheme has achieved a well-designed layout, considerate of the local vernacular and character of the area. The proposed residential development is located in the centre of the site, in compliance with the revised settlement boundary. The informal open space, children's play area and allotments would be a benefit to the local community not just the residents of the new development. The proposal would be consistent with policy 33 of the CLP and policy 2 of the SNP.

## **Surface water and foul drainage**

### Surface Water

8.27 The site is located in Flood Zone 1 but is adjacent to the Ham Brook, an ordinary watercourse which becomes a main river south of the site. The surface water drainage scheme proposes surface water to be captured in underground storage tanks located within the sub base of the road, with the flow leaving the site restricted to existing drainage rates.

The surface water is proposed to discharge from the site into a series of ditches and the ordinary watercourse (Ham Brook) at a greenfield run off rate via a control structure. The surface water drainage scheme has been designed so that there is no risk of groundwater entering the system. There was concern in regards of infiltration of water as the ground water modelling indicated that the groundwater levels during winter period can be only 250mm below ground level. CDC Drainage Officers have worked closely with the applicant's drainage consultant to ensure that the surface water drainage design does not pose a risk to the development or off-site for the 1 in 100 year storm event plus climate change allowance (30%).

8.28 The third criterion of Policy 2 (part iv) of the SNP requires appropriate drainage works to prevent flooding downstream and the sixth criterion of Policy 2 (part iv) of SNP requires the proposal on this site to incorporate Sustainable Drainage Systems to prevent in surface water flood risk. CDC Drainage Engineers have assessed the scheme and are content that the scheme, with underground storage tanks and a control structure at the outlet has suitable capacity to prevent surface water flood risk and flooding downstream. The drainage proposal is considered to be consistent with Policies 40 and 42 of the CLP which requires proposals to demonstrate that the proposals include measures to adapt to climate change and to reduce the risk of flooding.

## Foul Water

8.29 The intention of the applicant is to discharge foul water from the site to the network which drains to Thornham WWTW. There is currently capacity at the Treatment Works but there is insufficient capacity in the local infrastructure (i.e. pipework) to cater for the flows and as such without upgrades there would be an increased risk of flooding of sewage contrary to paragraph 109 of the NPPF. The applicant has undertaken a Level 2 capacity check with Southern Water which proposed to upgrade the existing off site infrastructure by increasing the pipe width size from 525mm to 1200mm. These details for the proposed means of foul disposal and an implementation timetable are required by condition for agreement in consultation with Southern Water.

8.30 The applicant has also provided detailed plans showing the exact position of the existing sewer on site, which has been confirmed and agreed by Southern Water. In order to protect the public combined sewer, which runs along the southern boundary of the site and protect residential amenity for the existing properties fronting the A259, a condition is recommended removing permitted development rights for any new buildings in the rear gardens on plots 1-11 on the southern boundary of the site.

8.31 The proposal is in accordance with Policy 9 and Policy 42 of the CLP which requires to proposal to deliver appropriate infrastructure for the development. Conditions and informatives are recommended to secure the infrastructure and its ongoing maintenance.

## **Ecology**

8.32 The application is supported by a Phase 1 Habitat Assessment which indicates that there were no signs of badgers on the site. There is a likelihood that the woodland strips on the northern and western boundary hold some low value roosting habitats and that bats would commute within the hedgerow. There is also limited evidence of reptile activity.

8.33 The CDC Environmental Strategy officer raises no objection to the proposal subject to mitigation and enhancements including the implementation of reptile exclusion fencing, the creation of two new reptile areas and the retention and enhancement of all boundary hedgerow. It is also proposed the site's lighting plan is controlled via condition. Furthermore two bat boxes and features on 5 new residential dwellings closest to northern boundary are required to be included as part of the proposal.

8.34 The site lies in the 5.6km zone of influence for Chichester Harbour SPA and therefore a sum of £181 per dwelling is required in accordance with Policy 50 of the CLP.

## **Impact on residential amenity**

8.35 There have been a number of responses received from third parties in the immediate vicinity of the site raising concern regarding the impact on residential amenity for occupiers of the existing properties, particularly to the south of the site. Initial public consultation on this application site indicated that there would be an access road on the southern boundary of the site, allowing rear vehicle access for existing properties fronting the A259. This would have allowed a further separation distance for both existing and proposed new occupants.

A sewer runs along the southern boundary of the site and as a result Southern Water has requested that there is a 3m easement each side of the pipe, with no development within it. For this reason the current scheme proposes rear gardens (with a minimum depth of 8m) and then a 2m landscaped buffer on the southern boundary. The proposed rear gardens and landscape buffer combined with the existing rear gardens is considered to provide appropriate back to back distance and give sufficient privacy to ensure no adverse impact on the residential amenity of both existing and proposed residents.

8.36 During the construction phase the amenity of residents is likely to be disrupted and therefore the applicant has submitted a Construction Management Plan which has secured details of working practices. Construction working hours are included within the CMP, which will be secured by condition, ensuring that local residents have some respite from construction activities. Working hours are restricted to Monday- Friday 07.30- 18.00, Saturday 08.00- 13.30 and no working on Sunday or Bank/ public holidays.

8.37 The amenity of existing residents is proposed to be improved through the provision of allocated parking for 4 dwellings (1-4 Elm Grove) on the site to alleviate existing parking issues on the A259. This is consistent with criterion 4 of policy 2 (part iv) of the SNP and will be secured through the S106 agreement.

8.38 The proposal, subject to appropriate conditions, would be consistent with criterion 6 of Policy 33 which requires proposals to respect public amenity.

## **Other matters**

### Archaeology

8.39 The application was supported by an Archaeology Statement consistent with criterion 5 of Policy 2 (part iv) of the SNP. The site has some historical significance and therefore archaeological works should be carried out, and documented before foundations and roadways are laid. This is recommended to be secured by condition. The proposal would be consistent with Policy 47 of the CLP.

### Section 106 Agreement

8.40 A S106 is required for this application to secure:

- 30% affordable housing (17 dwellings), tenure mix and size
- Relocation of the bus lay-by and associated off-site highway works, in accordance with drawing 2015-D1006-304
- A27 contribution – prior to commencement of development to enter into a S278 Agreement with Highways England to secure a financial contribution of £99,165 towards the A27 Chichester Bypass junction improvements
- Provision, maintenance and management of the allotments
- Provision of 8 car parking spaces for residents of 1-4 Elm Grove and maintenance and management arrangements
- Provision, maintenance and management for the open space, landscape buffer and children's play area
- Maintenance and management of SUDs
- Chichester Harbour SPA mitigation – financial contribution of £181 per dwelling

8.41 Further to the S106 obligations above, the development is CIL liable at a rate of £120 per sqm as the site is in the south of the Plan Area. As there is an adopted neighbourhood plan, the parish would receive 25% of monies collected.

### Conclusion

8.42 This proposal for 55 houses is consistent with Policy 2 (part iv) of the SNP which allocates the site for 50 dwellings, subject 7 criteria. Although it proposes 5 more dwellings than allocated in policy 2 (part iv) of the SNP, the resultant density represents 27dph, which is considered appropriate for this semi-rural location. The proposed housing site would also have an attractive setting with over 1ha of open space on the west, north and east, along with boundary enhancements, a children's play area and allotments.

8.43 The design and layout of the dwellings is considered to be respectful of the local vernacular and it would not result in harm to listed buildings in the locality. The impact on the highway network has been assessed and the development would not result in a severe impact and would allow residents to travel sustainably by bus, cycle or train to Portsmouth or Chichester. The development would not result in harm to residential amenity beyond construction or to wildlife and the natural environment. The housing development would also manage surface water through a SUDS system which manages for extreme rainfall events of a 1 in 100 year flood plus 30% for climate change.

8.44 Based on the above it is considered the proposal complies with development plan policies 1, 2, 5, 9, 33, 34, 39, 40, 41, 42, 47, 48, 49 and 50 of the CLP and Policies 1, 2, 3 and 7 of the SNP and Paragraphs 17, 30, 32, 36, 42, 49, 50, 95, 95- 98, 109- 118, 141, 186-187, 196, 197, 203-206 of the NPPF and therefore the application is recommended for approval.

### Human Rights

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

## **RECOMMENDATION**

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

1) The development hereby permitted shall be begun before the expiration of 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 not be carried out other than in accordance with the approved plans: 14-076-01A, 14-076- 02A, 14-076- 03AS, 14-076- 04E, 14-076- 05F, 14-076-09J, 14-076- 55B, 14-076- 56B, 14-076- 57C, 14-076- 58C, 14-076- 60C, 14-076- 61A, 14-076- 63A, 14-076- 64B, 14-076- 65B, 14-076- 66B, 14-076- 67B, 14-076- 68B, 14-076- 69A, 14-076- 70A, 14-076- 71B, 14-076- 72C, 14-076- 73E, 14-076- 74B, 14-076- 75C, 14-076- 76B, 14-076- 77B, 14-076-78B, 14-076- 79B, 14-076- 80B, 14-076- 81B, 14-076- 82C, 14-076- 83C, 14-076- 84C, 14-076- 85A, 14-076- 86, 14-076- 90, 14-076- 91, 2015-2676-001J, 2015-2676-007, 2015-D1006-300B, 2015-D1006-301B, 2015-D1006-302A, 2015-D1006-303A, 2015-D1006-304A, 27793-101T3, 01-30F, SW-01-85, 27793-101P5, 27793-102P6, 27793-103P5, 27793-104P2, 27793-05P4, JN.670007-154.0Z0801A, 55492-002-001, TND26606-1B, TND26606-1B Sheet 1, TND26606-1B Sheet 2, TND26606-4

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

3) **Prior to the commencement of development** details of the method to protect the combined sewer during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented in full throughout the construction of the development.

Reason: To protect existing infrastructure. 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) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage on and off 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.

5) ) **Prior to the commencement of development** details of the method to protect the alignment of the existing public right of way (number FP 257) including how it will be clearly demarcated, signed and fenced throughout the course of the construction of the development, shall be submitted to and approved in writing by the Local Planning Authority. These details shall be implemented in full throughout the construction of the development. The existing public right of way (number FP 257) shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted.

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

6) **Prior to the commencement of development** the details of:

- two bat boxes, including the appearance, proposed locations and timetable for implementation, and
- the features to be included in the five new properties closest to the northern boundary of the site for the common and soprano pipistrelle bats

shall be submitted to and approved in writing by the Local Planning Authority. The details provided should be in accordance with the Ecological Mitigation Statement dated 30 September 2016 (The Ecology Co-Op). These details shall be implemented in full accordance with the approved details.

Reason: For the protection of Bats (a protected species). 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) **Prior to the commencement of development** the reptile fencing, new grassland and two new hibernacula shall be implemented in accordance with the Ecological Mitigation Statement dated 30 September 2016 (The Ecology Co-Op) and as specified in Section 3 of that document. The reptile fencing shall be retained for the duration of the construction of the development and the new grassland area and two new hibernacula shall be retained in perpetuity.

Reason: To ensure that reptiles are not harmed during the construction period. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

8) **Prior to the commencement of the development** the boundary trees and hedgerow shall be protected with heras fencing, details of which are to be first submitted to and approved in writing by the Local Planning Authority. The details to be submitted to the Local Planning Authority shall include scaled plans. The fencing shall be installed in accordance with the approved details prior to construction of the development.

Reason: In the interests of protecting the natural environment as corridors for wildlife. 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.

9) **Prior to the commencement of development** an archaeological investigation of the site shall be carried out in accordance with the project specification (ref. PNC15/232exc) submitted with the application. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of findings and subsequent publication of results.

Reason: for the recording of the archaeology of the site which has historic importance.



10) **Prior to the commencement of development** details demonstrating how the development hereby permitted will be designed and constructed to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless any variation are specifically agreed in writing by the Local Planning Authority.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the principles of sustainable development as set out in the NPPF.

11) **No development shall commence** until details showing the approximate location of 3 fire hydrants (in accordance with West Sussex Fire and Rescue Guidance Notes) have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services.

Prior to the first occupation of any dwelling, details showing the precise location, installation and ongoing maintenance of the fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The fire hydrant(s) shall thereafter be 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 comprising the construction of the superstructure of any dwelling** hereby permitted shall take place unless and until details of a scheme setting out the means of illuminating the development's access roads, parking areas, open spaces and other areas outside of domestic curtilages and the phasing of such works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved works.

Reason: In the interests of amenity. Drainage design

13) **No part of the development shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with drawing 2015-D1006-304.

Reason: In the interests of road safety.

14) **No part of the development shall be first occupied** until the car parking and bollards for the car parking spaces for 1-4 Elm Grove have been constructed in accordance with the approved site plan (14-076 Drawing 03 Revision AR). Where car parking is also garages these shall also be constructed prior to occupation of the dwelling and shall be 3m x 6m internal dimension. These spaces and bollards shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the approved uses.

15) **No part of the development shall be first occupied** until the Applicant has implemented the measures incorporated within the approved Travel Plan Statement dated October 2016 (Document reference PAHL/15/2676/TPO3). The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

16) **No dwelling shall be occupied** until the secure and safe cycle storage for that dwelling has been implemented in accordance with site plan 14-076 drawing 03 Revision AR. Secure and safe cycle storage to serve the allotments shall be implemented in accordance with site plan 14-076 drawing 03 Revision AR prior to the occupation of the 55 dwelling. The cycle storage shall thereafter be retained at all times for its designated purpose.

Reason: To promote sustainable methods of transport consistent with the Travel Plan.

17) The dwellings hereby approved shall be constructed in accordance with the Materials Schedule Plan 14-076 04 Rev E, unless otherwise agreed in writing by the Local Planning Authority.

Reason: for the visual amenity of the development and for clarity.

18) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A and E; of Part 1 Schedule 2 shall be erected or made on properties shown as plots 1-11 on site layout 14-076 Drawing 03 Revision AR without a grant of planning permission.

Reason: In the interests of protecting the combined foul drain to the south of properties shown as 1-11 on the site layout and for the amenity of neighbours and the surrounding area.

19) The maintenance and management of the watercourse and culvert shall be carried out in accordance with application document Maintenance of Watercourse and Culvert dated 1 November 2016.

Reason: to protect the river and surface water and allow easement to the watercourse.

20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garages hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the properties as shown on plan (site plan 14-076 drawing 03 Revision AR).

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

21) The development hereby approved shall be carried out in complete accordance with the drainage strategy and the approved document 'Foul and Surface Water Drainage Design Statement with Summary Calculations Revision B' By Archibald Shaw received 6 March 2017 and 'Management and Maintenance of Sustainable Drainage Systems Revision A' by Archibald Shaw received 6 March 2017 and STD.01.30 REV F ; 05 REV P4; 101 REV P5

Reason: For the adequate drainage of the site.

22) The development, hereby approved, shall be carried out in full accordance with the Landscape Plans TND 26606\_1B Site Layout; TND 26606\_1B Sheet 2 and TND 26606\_1B Sheet 3.

Reason: for the visual and recreational amenity for the local area.

23) The ongoing landscaping of the site shall be carried out in accordance with the Open Space & Informal Open Space Landscape Management & Maintenance Plan by VSW Landscapes Limited, dated 10 November 2016. The approved landscaping scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

24) The development, hereby approved, shall be carried out in full accordance with the details contained in the Construction Management Plan (Revision A) dated 6 January 2017 (Pallant Homes).

Reason: For the safety of highways users and considerate construction

25) 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. **The development shall not be first 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.

26) The development, hereby approved, shall be carried out in full accordance with the finished slab levels as shown on plan 27793 101 Rev T3 'Drainage General Arrangement'.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.

27) The development, hereby approved, shall be carried out in full accordance with the boundary landscaping details as shown on plan 14-076 03AS 'Proposed Site Layout'.

Reason: In the interests of amenity.

## INFORMATIVES

1) The applicants attention is drawn to the comments of the CDC Drainage Officer in his consultation response in December 2016 noting that a watercourse easement to the Ham Brook is required for access at all times.

2) 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).

3) 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.

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

5) 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.

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

7) 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).

8) The developers attention is drawn to the comments of the WSCC Public Rights of Way Team and that separate consent would be required to close the PROW if building works including demolition of construction encroach on the path, or alteration to, replacement of or the erection of new fence lines or new structures (such as stiles) on the PROW. The WSCC Public Rights of Way Team can be contacted at: 1st Floor Northleigh, Tower Street, Chichester, West Sussex, PO19 1RH. Phone: 0330 22 26692

For further information on this application please contact Rhiannon Jones.