

Parish: Chidham & Hambrook	Ward: Bosham
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CH/17/03622/OUT

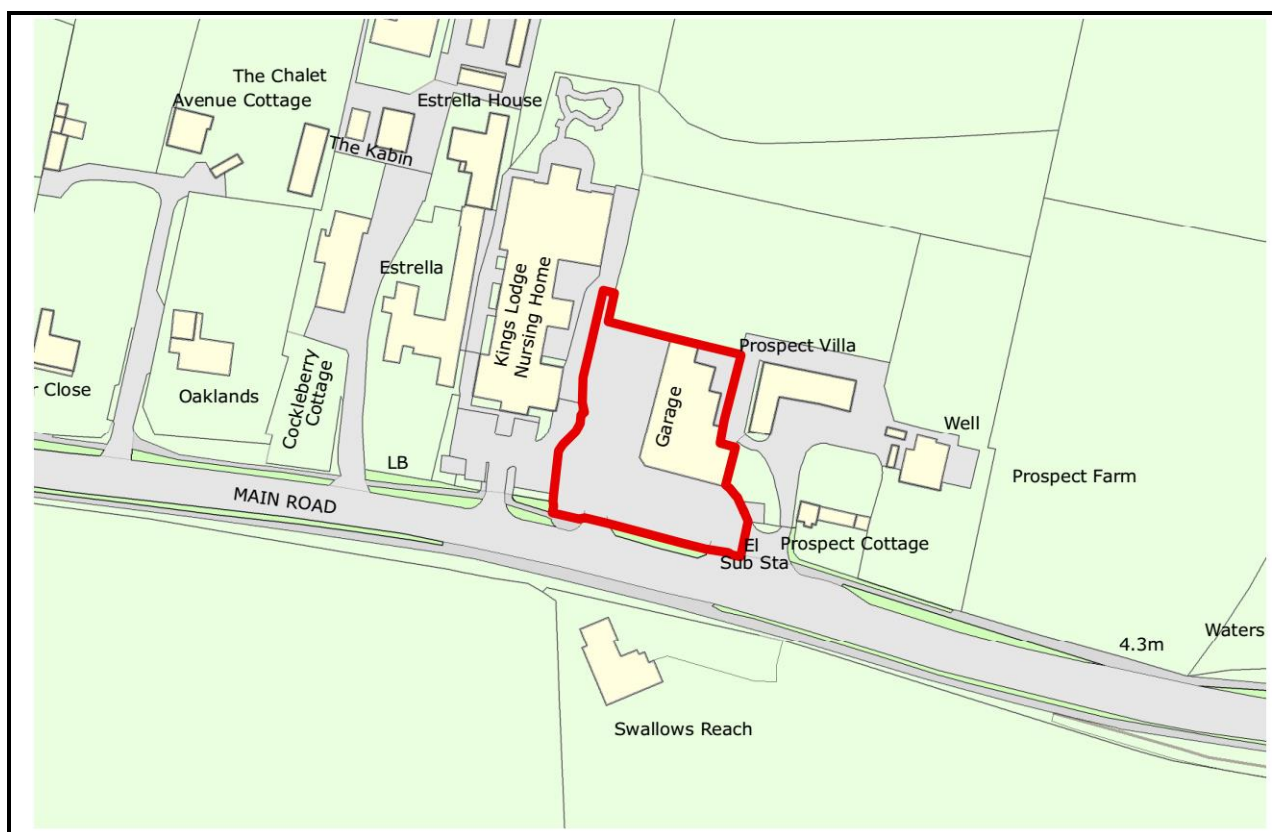
Proposal Outline application with all matters reserved except access for the re-use of previously developed land (comprising car showroom - sui generis use) for residential development of up to 5 dwellings and associated works.

Site Ronic House Main Road Bosham PO18 8PN

Map Ref (E) 479622 (N) 105318

Applicant Mr D Lewis

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the east of the settlement of Chidham, outside of any settlement boundary and to the north side of the A259 Main Road.
- 2.2 The site is flat and comprises a single storey car showroom with glazed and brick elevations to the north east of the site. To the west and south are approximately 30 parking spaces used for the external display of vehicles and customer and staff parking. The main access to the site is located to the south west and a low level brick wall forms the boundary to the roadside. A metal rail fence forms the boundary to the north and west, with planting and a close boarded fence to the east.
- 2.3 To the west of the application site is Kings Lodge Nursing Home; a three-storey brick building which has been significantly extended northward, over time. This is set back from the road, with off street parking to the front. To the east of the application site is a small cluster of single and two storey residential properties; simple brick construction and rendered. To the south of the site, beyond the A259 is a detached two storey property well screened by mature trees and hedgerows. The Bosham Channel lies beyond. The character of the area is semi-rural and is a transition into the open countryside between Chidham and Bosham.

3.0 The Proposal

- 3.1 The application seeks outline planning permission for the demolition of the existing car show room and a residential development of up to 5 dwellings, accessed from the A259. Indicative plans have been submitted providing a layout for five detached dwellings.
- 3.2 The application has been submitted for consideration in outline form for access only, with layout, scale, appearance and landscaping reserved for subsequent approval. An indicative layout and density has been submitted for illustrative purposes. This indicates a linear access road to the west of the site, with resident and visitor parking to the western boundary. Indicatively, the dwellings would be located to the east of the site, fronting onto the A259, and to the north east of the site, with a west facing orientation.

4.0 History

None relevant to the application

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO- adjoining
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO

6.0 Representations and Consultations

6.1 Parish Council

The Parish Council object to the application as it is outlined. The Parish Council would like to see more consideration given to the housing needs of the Parish residents including a mix of affordable housing, single storey dwellings and homes suitable for first time buyers.

6.2 Chichester Harbour Conservancy

24.04.2018 – No objection

The Planning Officer provided an update in respect of Ronic House, Bosham. He said that the Committee is not now able to maintain an objection on the grounds of policy 26 any further. Express concern about scale on the wider landscape and maintain an objection or ask the council to apply a condition to an outline consent that all dwellings would all be kept to a single storey. Members discussed the various options and members agreed a recommendation that a limitation on height of two storeys be applied.

22.01.2018 – Objection

Chichester Harbour Conservancy, objects on the basis that the development would be likely to increase the adverse effect to the setting of the Chichester Harbour AONB, contrary to Policy 43 of the Local Plan and the spirit of what the Examiner of the Chidham and Hambrook Neighbourhood Plan (NP) recognised as the need to give the AONB the highest protection under Policy 115 of the NPPF, through the implementation of NP Policy LP1. Also, that being employment land, the applicant has not demonstrated through Local Plan Policy 26 that the site has been marketed in accordance with the guidance of Appendix E to the Local Plan, as to why the site cannot continue in employment use, particularly given page 5 of the NP noting a lack of local employment opportunities.

6.3 Southern Water (summarised)

No objection.

No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5 metres of a public sewer.

6.4 WSCC Highways (summarised)

10.4.2018 - No objection.

The swept path drawing Figure 1.6 demonstrates that a 7.5t panel van can turn within the site in order to exit on to the public highway in a forward gear.

Previously vehicular visibility was demonstrated at 2.4m by 120m, in line with Design Manual for Roads & Bridges (DMRB) sight stopping distance requirements. A suitable level of visibility to the posted speed limit is achievable entirely within the publically maintained highway. An indication of pedestrian inter-visibility has also been annotated on the visibility splays plan by providing a 2m by 2m envelope either side of the access clear of obstructions to visibility above 0.6m. Details of this can be secured via condition and should be maintained in perpetuity.

As per the LHA's previous comments the existing secondary access will require closing off as per the proposed plans and the kerb line/ footway reinstated. The tactile paving either side of the retained access should also be carried out to a licence/ specification agreed with the Area Engineer.

Conclusion

The LHA does not consider that the proposal for 5 x dwellings would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

8.02.2018 - Additional information required.

- Sufficient level of parking provided
- Visibility splays as stated acceptable
- Pedestrian splays not been demonstrated- to be secured via condition
- Proposal not anticipated to result in a severe increase in vehicle movements
- LHA require further information to demonstrate that a safe and suitable access is achievable for all modes of transport, including larger vehicles.

10.1.2018 - Additional information required.

- Further information required on access and turning for larger vehicles.
- Pedestrian splays can be secured by condition
- Satisfied the existing access operating without evidence of highway safety concerns.
- Do not raise car parking capacity change
- Bin storage and collection point required.

6.5 CDC Economic Development

When this commercial property was originally built Main Road was part of the route from Chichester to Portsmouth. The A27 was extended approximately 30 years ago and now takes the majority of traffic away from this site. Main Road is now considered to be in a poor location for commercial occupiers who rely on passing trade as it is relatively isolated in terms of transport links, outside of any commercial hub and in a predominantly residential area.

Economic Development accepts the poor state of repair of the current building on site, including asbestos. We acknowledge that the cost of redeveloping the site for commercial purposes would be unviable.

For these reasons, Economic Development would not object to this proposal.

6.6 CDC Housing Enabling Officer (summarised)

No objection.

- No affordable housing contribution can be sought on schemes that deliver less than 6 residential units.

The SHMA recommends that market units should comprise the following mix:

- o 1-2 Bedrooms (35%)
- o 3 Bedrooms (50%)
- o 4+ bedrooms (15%)

Chidham Parish has a large number of 4+ bedroom units. Therefore, we would expect one less 4 bedroom house in lieu of a 2 bedroom property.

6.7 CDC Environmental Health Officer -Contaminated land

Given the previous use of the site for a garage and car showroom there is considered to be potential for land contamination at the site. Conditions PC20, PC21, PC22 and PO14 should be applied. An asbestos survey should be undertaken at the site in case there are any asbestos containing materials present 'informative INF38 should be applied.

It is proposed to develop 5 properties at the site and from the application form it is noted there will be a net decrease in car parking spaces at the site compared to its existing use. Given that the former use was as a commercial site it is considered unlikely that there will be an increase in vehicle movements to and from the site therefore the development is not considered likely to have a significant impact on local air quality. It is not considered necessary to submit an air quality assessment with respect to this development.

Nevertheless, measures to mitigate the impact of the development on local air quality should be put in place and the following should be considered:

' Secure, covered cycle parking should be provided at each property

' Cabling (minimum 7 kW rated) for electric vehicle re charging points should be put in place at the site to 'future proof' the site for this type of vehicle.

Given the proximity to off-site residential properties, a construction management plan should be submitted which covers dust control in particular. This should be agreed prior to commencement of the works and then enforced throughout the development works.

6.8 CDC Drainage Engineer

No objection subject to a condition requiring the proposed surface water drainage scheme to be submitted and approved prior to commencement of the development.

It is noted that there is a reference in the surface and foul water statement to a "combined sewer", we are not aware that there is a combined sewer in this area and surface water flows should not be directed to the foul network.

6.9 CDC Environmental Strategy Officer (summarised)

No objection.

- Lighting scheme to take into consideration the presence of bats in local area.
- Works to trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season 1st March-1st October
- A contribution to offset the recreational disturbance is required due to the sites location within the Chichester Harbour AONB buffer

6.10 1Third Party Comment

- a) Increase in traffic should change mph to increase safety

6.11 Applicant/Agent's Supporting Information

- Confirm the type and style of dwellings will be informed by the Parish Council's comments when it comes to preparing a more detailed design of the new dwellings at a reserved matters application stage.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 3: The Economy and Employment Provision
Policy 26: Existing Employment Sites
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
Policy 45: Development in the Countryside
Policy 47: Heritage
Policy 48: Natural Environment

Policy 49: Biodiversity

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

7.3 Chidham and Hambrook Neighbourhood Plan:

LP1 Housing and Windfall sites

EM1 Flooding and Drainage

EM2 Chichester Harbour Zone of Influence

EM2 Landscape and Natural Environment

H1 Housing Type and Tenure

H2 Local Need Housing Mix

DS1 New development

DS2 Parking

DC3 Soft Landscaping

National Policy and Guidance

7.4 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.*

7.5 Consideration should also be given to paragraph 17 (Core Planning Principles), 17, 22, 29, 50, 56, 57, 60, 61, 93 and 115.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning

applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD
Joint Chichester Harbour Area of Outstanding Natural Beauty SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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) Principle of development
- ii) Loss of a business use
- iii) Impact on visual amenities and character of the area
- iv) Impact on amenities of neighbouring properties
- v) Highway safety
- vi) Drainage
- vii) Biodiversity
- viii) Other matters

Assessment

- i) Principle of development

8.2 The application site lies outside any settlement boundary as defined by policy 2 of the Chichester Local Plan and policy LP1 of the Chidham and Hambrook Neighbourhood Plan (CHNP), where new development is generally resisted unless it requires a countryside location or meets an essential local rural need. However, policy LP1 of the CHNP refers to windfall sites, which are identified as sites accommodating development of ten or less units on previously developed land. This allows for sites not identified in the Neighbourhood Plan to come forward and the suitability of each site would be assessed in accordance with development plan policies. As such, sites outside the settlement boundary may be brought forward subject to compliance against other development plan policies. The site is located to the north of the A259

which has main public transport connections and cycle routes to the nearby settlements of Bosham (1.3km east) and Chidham/Hambrook (0.8km west) and the city of Chichester and is considered to be relatively sustainable despite its location outside of an identified settlement boundary .

- 8.3 The site is in an existing business use currently in operation as a car show sales business, which operates under a 'sui-generis' use class. The core principles of the NPPF and paragraph 111 encourage the effective use of land by reusing sites which have been previously developed, particularly if the site is not of high environmental or commercial value.
- 8.4 If it can be demonstrated that the site is no longer of high commercial value (as ii) below) due to its relationship with main transport networks and neighbouring settlements, it is considered the principle of development of the site to residential would be acceptable, subject to assessment of the additional material planning considerations as outlined below.

ii) Loss of a business use

- 8.5 Historically the site was occupied by a petrol station, upon this ceasing trading it transferred into a car showroom and forecourt use. The site is currently being used by Lewis Motors for car sales as part of a SsangYong car franchise, following the former franchise Saab ceasing trading in the UK. Due to sustained financial losses since 2007 this use is due to cease. For the purpose of planning the lawful use is sui generis.
- 8.6 A detailed confidential Commercial Viability Report has been provided with the application. The report focuses on B1 (a), B2 and B8 uses of the site. The report has carried out a full assessment on the existing business use, demonstrating the financial losses experienced since 2012. It notes that the existing showroom has limited capacity to display vehicles. Manufacturer's specifications normally dictate at least 9-10 vehicles; however the existing showroom only has space for 4. Subsequently the use of the existing building is unlikely to meet any major car dealership specifications in terms of showroom space.
- 8.7 In addition there is no storage for car parts and other equipment on the ground floor, only at first floor where this is impractical. The existing entry doors to the building would not be suitable for industrial users due to the small loading door, which does not meet the required specifications of 5m in height and 4m wide. Furthermore, noise and disturbance associated with potential HGV deliveries from an alternative use would adversely impact on the amenities of neighbouring residential properties.
- 8.8 Subsequently it is concluded that due to the small size and restricted layout of the existing building, with its proximity to neighbouring properties, compliance with the required specifications for car show rooms is not possible on the constrained 0.18ha site.
- 8.9 The report sets out a full assessment of the condition of the existing building, noting its budget construction and use of asbestos throughout. In addition the concrete lintels are in poor condition, which are thought to be due to the corrosion of the steel reinforcement, which could be due to the presence of high alumina cement, which

has now been banned. There is evidence of water damage throughout the entire building and the requirement for the wholesale replacement of all timbers and the flat roof. As a result the showroom has a low energy performance rating 'E', measuring at 107, where new buildings measure typically at 25. Subsequently a significant amount of investment would be required to bring the existing building up to modern standards, however due to the condition of the building it is not considered viable to repair and the wholesale replacement of the building would be required.

- 8.10 The report has also explored the option of changing the use of the site. One option could be to revert the building back to a Petrol Filling Station (PFS), however due to the decline in the number of petrol stations due to competitive pricing of larger companies, the gradual introduction of electric cars and the sites location, it is not considered this would be a viable use. The use of the site for business use (B1-B8) has also been explored, however due to a number of large scale modern sites proposed and implemented to the west of Chichester close to the application site (2km); the site's constraints with neighbouring amenity; the fact that rental returns on this type of building, or a new one in this location would not cover its basic costs; the need to redevelop the site and its distance from main road networks, it is considered that the applicant has demonstrated that the site is unlikely to be re-used for employment uses. The CDC Economic Development team agree that Main Road is now a poor location for commercial occupiers who rely on passing trade and is relatively isolated in terms of transport links, outside of any commercial hub, in a predominately residential area.
- 8.11 The report provides a confidential breakdown of the costings and commercial viability of the redevelopment of the site for a business use. This has relied on well founded assumptions, based on nearby commercial developments in Bosham, Hambrook and Chichester. It found a substantial negative land value, meaning the development would not generate any land value whatsoever. Thus, any speculative office redevelopment of the site would be unviable, and this evidence would satisfy both the Local Plan Policy and the NPPF.
- 8.12 Over the last 18 months the premises have been marketed for sale or to let, instructing specialist sales agents and advertising nationally. A targeted sales approach has also been undertaken. These approaches however have not resulted in any interest. The erection of marketing boards has not been carried out, this is due to the display of such boards being off putting for prospective purchasers of the cars and concern about guarantee and validity. Overall the marketing exercise undertaken has been proportionate to the business use operating and subsequently it is considered to meet the requirements of Appendix E of the CLP.
- 8.13 Overall it is considered the submitted report is sufficiently detailed to demonstrate that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses because redevelopment of the site to new commercial enterprises would not be viable in this location. The requirements of policy 26 and appendix E have therefore been met. Subsequently it is considered that the loss of the business use of the site would be acceptable and compliant with local and national development plan policies.

iii) Impact upon visual amenity and character of the area

- 8.14 Policy 45 of the CLP seeks to protect the landscape, character, quality and tranquillity of the countryside, protecting it from inappropriate development. Policy 43 refers to the Chichester Harbour AONB and seeks to ensure the natural beauty and locally distinctive features of the AONB are conserved and enhanced.
- 8.15 The indicative layout proposes a cul de sac form of development, with a linear access road and three properties fronting the A259 and two properties facing west onto the access road. The site would be read in the context of existing built up residential developments of varying heights and densities adjoining the site.
- 8.16 Whilst the application site does not fall directly within the Chichester Harbour AONB, it is visible from the AONB which is located to the south of the A259. Any development on this site would have the potential to affect the setting of the AONB and therefore when the application progresses to the reserved matters stage the proposed scale, appearance and design of the dwellings would need to be subject to careful consideration. The Chichester Harbour Conservancy has recommended that a limitation on height of the properties to two storeys should be applied to any outline permission granted. It is considered that due to the adjoining properties to the west being 3 storeys and to the east being predominately single storey, a limit to the scale of the proposed buildings would be appropriate in order to provide an appropriate transition between plots; leading into the open countryside to the west, and to ensure the landscape impacts are satisfactorily mitigated.
- 8.17 Overall it is considered that, due to the location of the application site alongside existing residential development, the erection of suitably designed dwellings on the site would not result in adverse impacts on the character of the area and the AONB provided the scheme is of a high quality design. Matters relating to layout, scale and appearance would be subject to consideration under any future reserved matters application.

iv) Impact upon the amenity of neighbouring properties

- 8.18 As the application is in outline form with means of access for determination at this stage only, the impact on neighbouring properties would be a matter to be considered as part of a later reserved matters application in relation to layout, scale, appearance and landscaping. However, considering the indicative plans submitted in terms of layout, the proposal would respond well to the properties to the east and west, meaning the relationship and orientation would likely not give rise to overbearing impacts. The design would be subject to further consideration at reserved matters stage, at which point the design of the properties would need to ensure that there would be no undue overlooking or other unneighbourly impacts.

v) Highway safety

- 8.19 The existing vehicular access to the west of the site on to Main Road would be utilised by the proposed development. The Local Highway Authority (LHA) raise no objection to this, subject to the secondary access to the east being closed off. The visibility requirements of 120m visibility splays in either direction would be able to be achieved within the publically maintained highway. The LHA are satisfied that the existing access has been operating safely, and suitable visibility can be achieved, thereby ensuring that the development would benefit from a safe and adequate

means of access. In addition, pedestrian visibility splays of 2m by 2m either side of the access and within the site would need to be provided and kept clear of obstructions over 0.6m in height. These details can be secured by condition.

- 8.20 It is noted by the LHA that the change of use to residential is likely to see a reduction in vehicular movements. The WSCC Car Parking Demand Calculator indicates a total demand of thirteen spaces for the development. A total of fourteen spaces would be provided and the LHA has confirmed that this would be sufficient. The indicative plan indicates a turning head on site for larger vehicles to ensure they can enter and exit the site in a forward gear
- 8.21 As such, sufficient information has been submitted to demonstrate that the proposal is capable of achieving a safe access in accordance with policy 39 of the Chichester Local Plan, subject to conditions relating to visibility splays and parking provision.

vi) Drainage

- 8.22 A foul sewage and surface water drainage statement has been provide with the application. The statement states that foul water would be connected to the foul water sewer and the surface water drainage would comprise permeable surfaces and trench soakaways. The Council's Drainage officer raises no issues in principle, however advises that winter groundwater monitoring and percolation tests to inform the location/depth of the proposed soakage features would be required to support the detailed design. It is appropriate to make such details the subject of a condition in the event that permission is granted, given the outline nature of this proposal, although it may be necessary for the applicant to provide such details as part of any reserved matters application in relation to layout.

vii) Biodiversity

- 8.23 The site lies within the 5.6km 'zone of influence' of the Chichester and Langstone Harbours Special Protection Area, and as such could have significant environmental impacts on this internationally important designation. To mitigate the likely impacts, the applicant has agreed to enter into a full S106 Unilateral Undertaking agreement and make a financial contribution towards the Joint Solent Mitigation Strategy to overcome the harm of the development. It is therefore considered that the proposal complies with the provisions of Policy 50 of the CLP.
- 8.24 It is therefore considered that the proposal would not result in a significant environmental impact on the Chichester and Langstone Harbours Special Protection Area.

viii) Other matters

- 8.25 The outline application does not at this stage seek to agree the housing mix of the scheme, it has however been confirmed by the applicant that he is willing to take into consideration the comments of the Parish Council and ensure the housing mix is SHMAA compliant. It is recommended that a condition is imposed requiring details of the housing mix to accord with recommendations as made by the Housing Enabling Officer.

CIL

- 8.26 The proposal would result in the creation of three new residential dwellings and would therefore be liable for CIL charge

Conclusion

- 8.27 Based on the above assessment it is considered the proposal has demonstrated the retention of the site in commercial use is no longer viable and therefore the principle of the redevelopment of the site for residential is considered acceptable. The proposal therefore complies with development plan policies and the application is recommended for approval.

Human Rights

- 8.28 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) (i) Approval of the details of the (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to layout, scale, appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

- (ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

- 2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990

- 3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 1067/DPA01 REV 01, 1067/DPA03 REV 02 1067/DPA02 REV 01

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

4) 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, roofs, windows and doors 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.

5) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) 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 anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) 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,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) 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.

6) Development shall not 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. 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. Attenuation will be designed to accommodate the 1 in 100 year event +40%. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To secure adequate drainage

7) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

8) If the Phase 1 report submitted in condition 7 identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

9) If the Phase 2 report submitted in condition 8 identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

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, energy

consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

11) Prior to the installation of any external lighting details including luminance levels and direction, shall first be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance to the details and maintained in perpetuity. Any lighting scheme must take into consideration the presence of bats.

Reason: In the interests of protection of protected bat species and the dark night skies.

12) No part of the development shall be first occupied until such time as the vehicular access and tactile paving on both sides of the access point serving the development have been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

13) No part of the development shall be first occupied until such time as the existing vehicular access onto Main Road has been physically closed in accordance with the approved planning drawings.

Reason: In the interests of road safety.

14) No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Main Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

15) No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

16) No part of the development 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 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.

18) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

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

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

20) The construction of the development and associated works 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.

21) The buildings hereby permitted shall not exceed 2 storeys in height .

Reason: In the interests of the character and amenity of the locality, and the landscape setting of the Area of Outstanding Natural Beauty.

22) As part of any future reserved matters that may be submitted and prior to any development hereby permitted commencing, a scheme setting out the housing mix for private and/or affordable housing units shall be submitted to and approved in writing by the Local Planning Authority. The housing mix must take into consideration the comments of the CDC Housing Enabling Officer dated 26.03.2018. Thereafter, the scheme shall be carried out fully in accordance with any such scheme as may be agreed.

Reason: To ensure that an appropriate housing mix and SHMA compliant development is carried out.

INFORMATIVES

1) S106

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

2) This permission shall not purport or be deemed to grant approval to the details submitted as supplementary information in support of but not forming part of the outline application.

3) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).

4) The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

5) 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) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Caitlin Boddy on 01243 534734