

Parish: Fishbourne	Ward:
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FB/18/03401/FUL

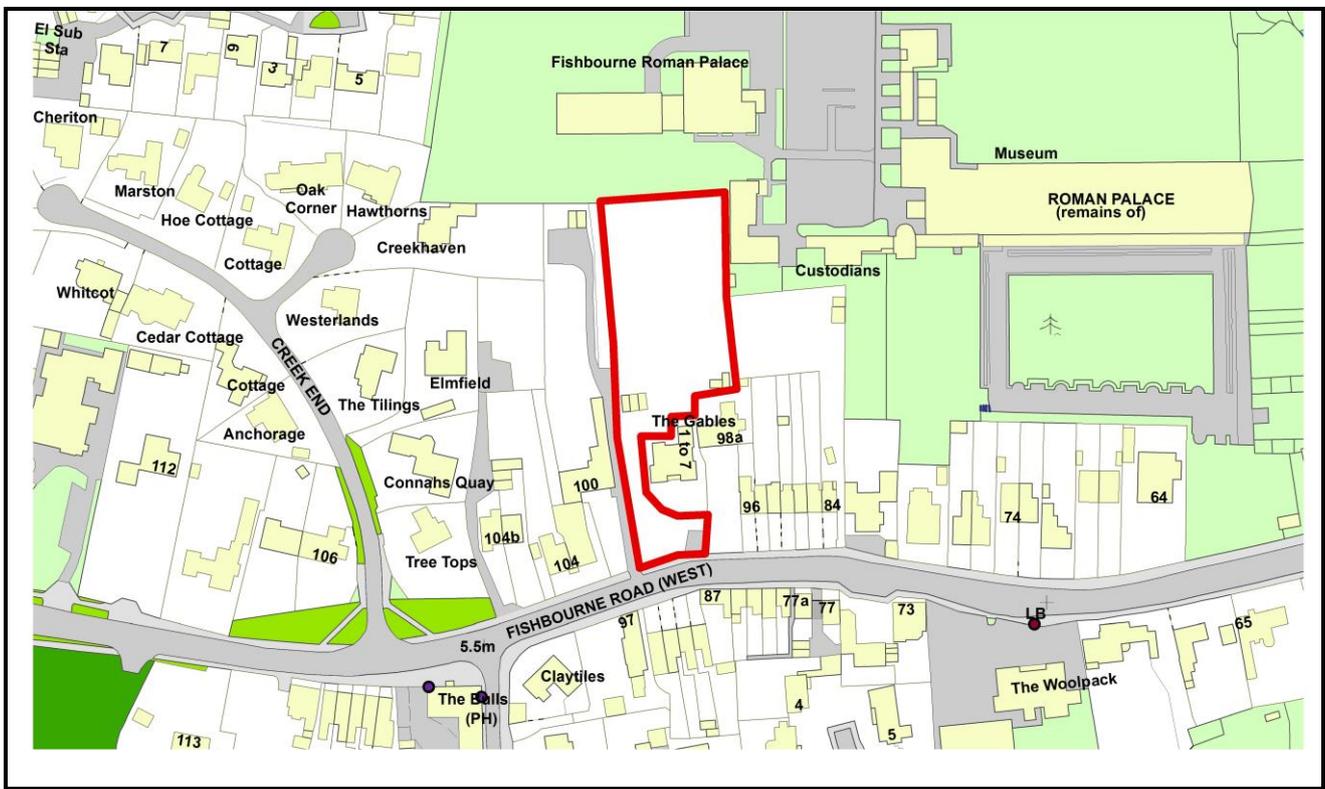
Proposal Erection of 5 no. age restricted bungalows, with access, parking, landscaping and associated works.

Site 98 Fishbourne Road West Fishbourne PO19 3JL

Map Ref (E) 483823 (N) 104718

Applicant Seaward Properties Ltd

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

- 1.1 Red Card: Councillor Moss Important information/opinion to raise in debate (This is a site outside SPA but with much needed accommodation for older residents. I believe we need a clear debate).
- 1.2 Officer's recommendation to permit is a departure from the Development Plan.

2.0 The Site and Surroundings

- 2.1 The application site is located within the Parish of Fishbourne, to the north of the settlement boundary and Conservation Area. The site comprises approximately 0.28ha of land to the north of number 98 Fishbourne Road, a 2 storey dwelling converted to bedsits. The application site is a rectangular shaped parcel of land, laid to grass and does not appear to be utilised as a garden in connection with the dwelling.
- 2.2 Access is achieved from Fishbourne Road (A259) leading to western side of 98 Fishbourne Road, to the rear of the site. To the north and east of the site is the Fishbourne Roman Palace and buildings associated with the museum. To the west is Willow Cottage and Blair Lusk, grade II listed dwellings. To the south east is 98A Fishbourne Road a residential property. To the south is the host dwelling 98 Fishbourne Road, an attractive converted dwelling which has been subject to a planning application, reference 17/03564/FUL for its demolition and construction of 6 purpose built flats.

3.0 The Proposal

- 3.1 The application proposes to erect 5 (age restricted 55+) bungalows on land to the rear of 98 Fishbourne Road. A linear access road would be located to the west of 98 Fishbourne Road to the rear of the site, where 3 x 3 bedroom bungalows would be situated to the north of the site, facing south onto a shared access drive. 2 x 2 bedroom bungalows would be situated to the south of the site, facing west onto the main access road.
- 3.2 Each dwelling would have a footprint of approximately 106m², measuring 18m long and 7.3m wide. They would comprise 2/3 bedrooms, with two bathrooms, kitchen and living/dining space leading out onto a private garden. Plots 7 and 8 would have single storey hipped roof garages and Plots 9, 10, 11 would have carports. Each property would be afforded 2 car parking spaces, in tandem. [Plot numbers on the plans start at 7].
- 3.3 Each dwelling would take a similar form, but would have varied fenestration detailing; plot 7 would have a hipped tiled roof, with exposed rafter feet and brick/flint elevations; Plot 8 would have a hipped roof with decorative finial tiles, exposed rafter feet and a bay window; Plot 9 would have a gable end with timber feature truss and contrasting brick plinth, arch and string course; plot 10 would have a hipped slate roof and brick elevations; Plot 11 would have a tiled gable end, with feature windows.

4.0 History

17/00992/FUL	REF	Demolition of the existing building and redevelopment of the site by the erection of a 3 storey building providing 6 no. two bedroom flats, with access and parking.
17/03564/FUL	PER	Replacement building providing six, two bedroom apartments, parking and associated works.

5.0 Constraints

Listed Building	NO- adjacent to
Conservation Area	Adjacent to Fishbourne Conservation Area
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	NO

6.0 Representations and Consultations

6.1 Parish Council

Further comments 16.07.2019

The latest amendments have addressed Fishbourne Parish Council's concerns. The Council supports this application.

Original comments 21.03.2019

No objection but comment: The Council agrees with the comments of the Housing Enabling Officer and supports the objection of the neighbour regarding the position of the bins.

6.2 Environment Agency

Having looked at the site on the map in our view this site would be considered within the following part of the Position Statement:

Minor development 1-9 dwellings within Settlement Boundaries of Chichester, Fishbourne and Stockbridge. No objection to developments connecting to Apuldram WwTW. Where possible applicants should seek to achieve no net increase in flows.

Whilst I note your concerns that it falls partly outside the settlement policy boundary I consider that given the scale of the development and proximity to the existing settlement that a connection to Apuldram Wastewater Treatment Works would be acceptable as long as Southern Water were happy to accept it.

The intention behind the Position Statement was to ensure that larger strategic development would need to consider their impact on the flow to the network or alternatively seek a connection to a neighbouring WwTW. We would wish to see that the developer adopt the requirements from the Local Plan in terms of high water efficiency standards.

6.3 Natural England (summarised)

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.

Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

Protected Landscapes

The proposed development is for a site within or close to a nationally designated landscape namely Chichester Harbour AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

6.4 Historic England (Summarised)

Further comments 3.07.2019

No further comments

Original comments 15.01.2019

No comments. Suggest seek the views of specialist conservation and archaeological advisors.

6.5 WSCC Highways

No objection

History - Previously the Local Highways Authority (LHA) has been consulted on matters at this location under application FB/17/00992/FUL which was for demolition of the existing building and redevelopment of the site by the erection of a 3 storey building providing 6 no. two bedroom flats, with access and parking, the LHA gave advice on the proposal but the application was refused for matters unrelated to highways safety. A second application was submitted under FB/17/03564/FUL which was for a replacement building providing six two bed apartments with parking; This was approved by the Local Planning Authority (LPA).

The LHA note a third application under FB/18/02987/FUL which sought to change the parking layout from that consented under FB/17/03564/FUL however this was withdrawn prior to the LHA being able to comment.

Summary

The proposal is for the Construction of 5 bungalows with associated works, the site is located on and accessed via Fishbourne Road West (A259) which is subject to a 30 mph speed limit.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there has been a recorded collision within the vicinity of the site; this however was not considered to have been caused by the presence of the existing access or road layout. Therefore there is no evidence to suggest that the existing access is currently operating unsafely.

Access

The existing access has been proposed to serve the development. The access arrangements as a whole appear to remain unchanged from that previously consented under FB/17/03564/FUL. Swept path analysis has been provided at the access point to demonstrate the tracking of a refuse vehicle measuring 11m. The diagram outlines that upon exiting the site, a refuse vehicle in order to adjoin the eastbound carriageway will be required to swing into the opposing westbound carriageway. The LHA have considered the impact of this arrangement, and advise that as this manoeuvre will only be required on a once weekly basis, it would not be anticipated have a severe detrimental impact on highways safety.

The access is of sufficient width at 5.4m to accommodate two vehicles side by side, this allows two vehicles to pass at the access point should conflict arise. This reduces the impact on the A259 by allowing the free flow of traffic to continue.

Visibility splays have not been provided alongside this most recent application, I therefore advise that a suitably worded condition is included to ensure the visibility remains achievable in perpetuity.

Visibility splays must be drawn from a 2.4m set-back distance from the kerbed edge of the footway and span in both directions to the kerbed edge. The splays must not intersect third party land, only land within the control of the applicant or within the Publicly Maintained Highway.

The driveway is to be constructed from gravel. This may result in material being dispersed onto the public highway affecting the surface of the road. The applicant should provide a gravel trap or area of block paving, or other bound material, at the point of access onto A259 (on land within the applicant's control; not within the publicly maintained highway).

The Local Planning Authority (LPA) should be advised that there is a discrepancy in the plans and the application form. The application form states that there will be changes made to the access on to the publicly maintained highway and the plans state that it will stay as existing. The LHA has assessed this proposal on the basis that the access will remain as existing and that there are no proposed works to widen this. Should the applicant propose to widen this access, further consultation would be required as a Minor Works license would be required to carry out the works on the highway.

Parking and Turning

The parking spaces are adequate in size to accommodate an average sized vehicle at 2.4m x 4.8m for a parking space/car port.

I have consulted the WSCC Parking Demand Calculator (PDC) to assess the number of parking spaces allocated to this development. The development has awarded two spaces per dwelling, the parking as demonstrated would be anticipated to satisfy the likely demand generated by the proposal. When considering the parking provisions I have also taken into consideration the sustainability of the site, a breakdown of this is available below.

The ability for a refuse vehicle to turn within the site has been illustrated in plan numbered '102253-T00'. The LHA are satisfied that the manoeuvre is achievable and would be a workable arrangement. It is considered that the available turning space would also be sufficient therefore to serve a domestic vehicle or delivery van visiting the site.

Sustainability

The site is located in a highly sustainable location within walking and cycling distance to a range of public services, amenities and employment options (800 metres from access). Bus (0 metres from property access) and rail links (500 metres from property access) provide a realistic travel opportunity for longer trips. It would not be anticipated that future occupiers of the development would be reliant on the use of a private motor vehicle. The applicant has demonstrated lockable and covered cycle parking in the form of sheds on the submitted plans, which if this application is approved, is advised to be sealed via condition to promote sustainable transport alternatives.

Construction

Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from Fishbourne Road West. A comprehensive construction management plan would be sought through condition should permission be granted. The construction management plan should amongst other things set out how deliveries are to be managed along Fishbourne Road West in light of the carriageway width and presence of other vulnerable road users.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.6 CDC Environmental Health Officer (summarised)

- Low potential for contamination but recommend a watching brief is applied.
- An air quality assessment is not required.
- Condition applied to secure cycle parking
- The applicant should consider installing electric vehicle charging points to future proof the site.
- A construction management plan required.

6.7 CDC Housing Enabling Officer

Further comments 25.06.2019

Following my previous comments dated 6th March 2019, the applicant has submitted revised plans which seek to alter the internal layout of the bungalows. Having reviewed the floor plans, I can confirm that there is no capacity within the 2 bedroom bungalows for a 3rd bedroom. The mix of units now correctly reflects the SHMA recommendations of 2 x 2 bedroom and 3 x 3 bedroom bungalows.

To conclude, the Housing Delivery Team raises no objections to this proposal.

Original comments 6.03.2019

Following my previous consultation dated 16.01.19; the applicant has submitted revised plans for 2 x 2 bedroom and 3 x 3 bedroom bungalows, as per my previous comments. However, having reviewed the plans for the 2 x 2 bedroom units, the internal layout has not substantially changed from what was previously submitted. The "study" for these units at 16m² is large enough to accommodate a third bedroom, which conflicts with my recommendations.

To conclude, until the floor plans for plots 7 and 8 are amended to show a 2 bedroom bungalow without the capacity for a 3rd bedroom, the Housing Delivery Team is unable to support this application.

6.8 CDC Archaeology Officer

The archaeological evaluation of this site has demonstrated that it is unlikely to contain deposits of interest. In the circumstances no further archaeological intervention or mitigation of impact is warranted.

6.9 CDC Drainage Engineer (Summarised)

Further comments 12.07.2019

No further comments to make.

Original comments 29.01.2019

Flood risk-the proposed development is within flood zone 1 and we have no historic flooding records. Therefore, we have no objection to the proposed scale or location of development.

Surface water drainage- the application form states that surface water will be disposed of to existing watercourse, it is unclear in the documents submitted where this watercourse is located.

Furthermore, infiltration should be fully investigated first. Winter groundwater monitoring and infiltration testing at the proposed location of infiltration structures is required. Surface water drainage should be designed to accommodate the 1 in 100 year plus 40% climate change rainfall event. Conditions recommended

6.10 CDC Environmental Strategy Officer (summarised)

- Any lighting scheme to take into consideration presence of bats
- Continued management of the site must take to ensure a reptile habitat does not develop on site.
- Works to trees or vegetation should only be undertaken outside of the bird breeding season between 1st March and 1st Oct
- A number of enhancements required to be incorporated into the scheme.
- Recreational Disturbance is the only HRA issue.

6.11 Third party objections

One third party letter of objection has received concerning;

- a) Development not suitable for older population due to size and maintenance
- b) Unaffordable development

6.12 Third party support

One third party letter of support has been received concerning;

- a) Meets the needs of Fishbourne/older generation
- b) Not over development
- c) Sensitive to the Roman Palace
- d) Should remain as age restricted properties

6.13 Third party other

One third party letter providing comments has been receiving concerning;

- a) Concern regarding the location of the bin collection point

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 Fishbourne Neighbourhood Plan was made on the 31st March 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 12: Water Resources in the Apuldram Wastewater Treatment Catchment

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk

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 Fishbourne Neighbourhood Plan:

Policy D1 Design

Policy ENV3 Flood Risk Mitigation

Policy ENV4 Biodiversity

Policy H1 Heritage

Policy T1 Sustainable Transport

National Policy and Guidance

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

At the heart of the NPPF is a presumption in favour of sustainable development, For decision-taking this means:

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

b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 Consideration should also be given to sections 4 (Decision-Making), 9 (Promoting Sustainable Transport), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment), 16 (Conserving and Enhancing the Historic Environment) which are relevant to this case

- 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 documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Fishbourne Conservation Area Character Appraisal.
- The Apuldram Position Statement
- Waste Storage and Collection Guidance for New Housing Development
- Surface Water and Foul Drainage Supplementary Planning Document

7.8 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
- 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) Impact on visual amenity and character of the area
- iii) Appropriateness of housing mix
- iv) Impact on heritage assets
- v) Impact upon amenity of neighbouring properties
- vi) Highways
- vii) Ecological considerations
- viii) Drainage
- ix) Other matters

Assessment

i) Principle of development

8.2 The application site is located outside of any settlement boundary as defined within the Fishbourne Neighbourhood Plan. It would therefore fall within the rest of the plan area as defined by policy 2 and policy 45 of the Chichester Local Plan 2014-2029 (CLP). Policy 45 states that "development in the countryside should be restricted to that which requires a countryside location and meets an essential, small scale and local need". The NPPF seeks to promote the effective use of land (para 117) in meeting the need for homes and other uses and gives weight to proposals that develop underutilised land.

8.3 Within the countryside net increase in residential development is not normally supported. The settlement boundary is however situated directly to the south and to the west of the application site. The site is also surrounded by development; residential properties are located to the west, south and south east and buildings associated with the Fishbourne Roman Palace are located to the north and east. It does not therefore appear as an isolated plot of land or represent an extension into the open countryside. The site is not a viable parcel of agricultural land, nor does it appear to be utilised as garden land in association with the flats at 98 Fishbourne Road. The site is within close proximity to the services and amenities of Fishbourne and nearby Chichester City. It is considered by officers the site is within a sustainable location, with no landscape impacts.

- 8.4 The Council can demonstrate a 5 Year Housing Land Supply; however the proposed development would provide an additional 5 dwellings on a windfall parcel land which would provide a contribution. The applicant submitted the application on the basis that the dwellings would be restricted to age 55+, however, whilst there is a recognised need to provide accommodation for an aging population there is no planning policy within the Fishbourne Neighbourhood Plan (FNP) or the CLP that expressly requires the provision of such housing. It is considered that the proposal would be acceptable whether it was intended for people aged 55+ or not, and therefore it is considered unreasonable to restrict occupancy by age via a planning condition. The scheme benefits from providing single storey dwellings which could provide accessible accommodation for those requiring single level living, and this is important to meet the needs of the aging population and also those of any age with disabilities or limited mobility.
- 8.5 Whilst the proposal would represent a conflict with Policy 45, as the development does not require a countryside location, given the assessment above, this particular site would represent an exception to the normal policy presumption and the development in this location can be justified.
- 8.6 For the reasons set out above the site is considered to represent sustainable development. Policy 1 of the CLP encourages development to be approved where it is demonstrated that it is sustainable and consistent with the development plan. Whilst there is conflict with elements of policy 45 of the CLP, this is outweighed by the benefits of the development by providing additional housing, and housing accessible to those who may require accommodation on a single level, and the proposal would not result in harm to the character and appearance of the area. The principle of the development on this site is therefore considered acceptable.
- ii) Impact on visual amenity and character of the area
- 8.7 Policy 45 of the CLP seeks to protect the landscape, character, quality and tranquillity of the Countryside, protecting it from inappropriate development. Policy 33 of the CLP and policy D1 of the FNP seek to ensure that development is of a 'good design', reflective and in keeping with the local character and appearance of the area.
- 8.8 The site is surrounded by residential development to the south, south east and west. To the north and east are buildings associated with the Fishbourne Roman Palace. Consequently, whilst the parcel of land is currently laid to grass with no buildings, the proposed development would be viewed in the context of the surrounding buildings, thereby not appearing isolated or out of character with the predominantly residential area.
- 8.9 The development proposes a cul de sac form of development, with the existing access utilised from the A259, leading along the western side of '98 Fishbourne Road'. Two west facing properties would face onto the linear access road and three properties would be situated south facing onto a smaller drive to the north of the site. The layout maximises the land potential whilst providing sufficient space for meaningful landscaping to the front of the properties and around plot 8, thereby softening the appearance of the built form of the development and allowing for wildlife enhancements within the site.

- 8.10 Each of the five properties would have a similar plan form; however each dwelling has been designed with different fenestration detailing, including bay windows, eaves detailing, hipped and gabled roofs and a mix of materials, to add variety within the street scene and to be reflective of the historic character and materials within Fishbourne. This would respond to the requirements of policy D1 of the FNP which seeks to ensure materials are good quality, complementary to the existing palette of materials used within Fishbourne.
- 8.11 The Chichester Harbour Area of Outstanding Natural Beauty (AONB) lies to the southern side of the A259m, approximately 65m from the application sites. The proposed dwellings would be set behind the 2.5 storey replacement flats '98 Fishbourne Road' and be single storey reflecting the traditional materials and design of existing dwellings within Fishbourne. Therefore it is considered the proposal would not result in harm to the setting of the AONB and the development would therefore accord with policy 43 of the CLP which seeks to ensure the conserve and enhance the natural beauty and locally distinctive features of the AONB.
- 8.12 It is considered that due to the location of the application site alongside existing residential and built development, combined with their single storey nature and variation to fenestration detailing and high quality materials, the erection of dwellings on the site would not result in adverse impacts on the character of the area and the setting of the AONB and the proposal would comply with national and local planning policy in this respect.

iii) Appropriateness of housing mix

- 8.13 Policy 33 of the CLP refers to new residential development and seeks to secure an appropriate housing mix, in line with the Strategic Housing Market Assessment (SHMA), which provides an evidence base of the current housing market and need across the market area of West Sussex. Policy 33 seeks to ensure the housing mix on all size residential developments, including smaller schemes such as this proposal.
- 8.14 The proposed dwellings broadly have the same footprint of each other, however the housing mix provides for two 2 bed units and three 3 bed units which would be in line with the required housing mix. The Councils Housing Officer confirms they have no objection to the size of the properties and confirm the housing mix would be acceptable. The proposal would therefore accord with the requirements of policy 33 of the CLP.

iv) Impact on heritage assets

- 8.15 S. 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, the NPPF stresses the importance of protecting heritage assets, stating that LPA's should take account: of the desirability of sustaining and enhancing the significance of a heritage asset, the positive contribution that conservation of heritage assets can make to sustainable communities and to the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore, Policy 47 of the Local Plan requires new development to recognise, respect and enhance local distinctiveness and the character of the area. Policy H1 of the Fishbourne NP seeks to ensure the protection of the Historic Environment.

- 8.16 The southern part of the site lies adjacent to the designated heritage asset of the Fishbourne Conservation Area. To the west are the Grade II listed 'Willow Cottage' and 'Blairlusk & Rancby' and to the east lies the Grade II listed terrace 'Nos.84-96 Fishbourne Road'. To the North and East is the Scheduled Ancient Monument of the Fishbourne Roman Palace.
- 8.17 The site access is directly off Fishbourne Road and an existing drive leads to the west of the property to the vacant application site. The proposal would utilise this existing access, albeit the access would be upgraded landscaping would be provided, so there would be limited visual change here. The proposed dwellings would be located to the rear of the flats, and therefore largely concealed from views within the Conservation Area. There is existing back land development within the context of the Conservation Area, and it is considered that the proposed development, by reason of its layout, design and form, situated to the rear of the flats, would preserve the character of the Conservation Area. Furthermore, the design of the properties, their single storey nature and the landscaping proposed would not result in harm to the settings of the neighbouring listed buildings.
- 8.18 The application has been accompanied by an Archaeological Evaluation which has demonstrated that due to the history of the site that no in situ archaeological remains or deposits associated with the Fishbourne Roman Palace site were found. The CDC Archaeology Officer has assessed the report and agrees with the conclusions that no further archaeological intervention or mitigation of impact is warranted.

vi) Impact upon amenity of neighbouring properties

- 8.19 Policy 33 of the CLP requires new development to protect the amenities of neighbouring properties and para 127 of the NPPF seeks to ensure that design provides a good standard of amenity. The proposed dwellings, by reason of their single storey nature and layout, would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light. The proposal would therefore accord with policy 33 in this respect.

vii) Highways

- 8.20 Policy 39 of the CLP seeks to ensure that new development has acceptable parking provision with adequate and safe means of access and egress to the highway. The proposal would utilise the existing access point onto the A259 and the Local Highway Authority(LHA) are satisfied this access has been operating safely, and suitable visibility can be achieved, albeit subject to condition thereby ensuring that the development would benefit from a safe and adequate means of access.
- 8.21 The development proposes a total of ten parking spaces for the development, with each dwelling afforded with two. The LHA have confirmed these parking requirements would satisfy the likely demand generated by the proposal. The layout of the site also provides a turning head on site for larger vehicles to ensure they can enter and exit the site in a forward gear. The LHA are satisfied that the manoeuvre is achievable and workable arrangement.
- 8.22 A central bin collection point has been negotiated to be removed due to neighbour impacts and the drag distance of the bins from each of the plots would be within the accepted distance of 25m without this bin collection point.
- 8.23 Policy T1 of the FNP refers to Sustainable Transport and sets out that development proposals will be supported only if they show how they will contribute to a policy of sustainable travel within the village. The proposed dwellings would be provided with cycle stores to the rear of each of the properties, allowing for alternative modes of transport to the car to be stored on site. It is considered that this provision for cycle stores meets the requirements of policy T1 of the FNP, it is also noted that the Parish Council has no objection to the proposal as amended.
- 8.24 Overall, 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, and that the requirements of the FNP would also be met.

viii) Ecological considerations

- 8.25 Policy 49 of the CLP seeks to ensure the biodiversity value of a site is safeguarded. The accompanying Preliminary Ecological Appraisal identified the site has a low ecological potential, but proposes some wildlife enhancements to the site, including the provision of integrated bat and bird boxes within new dwellings and hedgehog boxes within the landscape buffer at the north of the site. Additionally, the inclusion of native species within any proposed landscaping scheme is proposed and details of the landscaping is the subject of a recommended condition.
- 8.26 The application site falls within 5.6km of the Chichester and Langstone Harbours Special Protection Area where under policies 50 of the Chichester Local Plan a net increase in new residential development would cause significant impacts on these areas of special protection and require mitigation against their harm.

8.27 Officers have undertaken a Habitat Regulation Assessment, screened the proposal and undertaken an Appropriate Assessment as required by Natural England. This concludes that subject to a contribution towards the protection of the bird's species the proposal would not have an adverse impact on the integrity of the European protected site.

8.28 The recommendation is to grant a permanent permission and the applicants have agreed to enter into an agreement and pay the required contribution for mitigation measures within the Special Protection Area. As such the proposal would comply with policy 50 and 51 of the Chichester Local Plan 2014-2029.

vii) Drainage

8.29 Policy 42 of the CLP seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. Policy D1 of the FNP seeks to ensure that development proposals adopt the principles of sustainable drainage. The site is located in flood zone 1 and there are no historic records of flooding. As proposed, surface water would be disposed of via an existing watercourse, although it is unclear where this is located. Winter groundwater monitoring and infiltration testing should be carried out to determine the design of the surface water drainage scheme and a condition is recommended to ensure these details are provided prior to the commencement of development.

8.30 The proposal seeks to connect to the existing mains drainage. The Apuldram position statement advises that development outside the settlement boundary should not connect to Apuldram. In consultation with the Environment Agency it has been confirmed that the site, by reason of its proximity to the existing settlement and the scale of development, would actually be considered under the part of the position statement which refers to minor development within the settlement boundary. Therefore the EA would not have an objection to the proposed development connecting to Apuldram.

8.31 Overall the proposal would not be at risk of flooding and would be able to connect to Apuldram for foul sewage disposal. Subject to conditions regarding surface water details prior to implementation, the proposal would comply with policy 42 of the CLP.

viii) Other matters

8.32 A third party has raised concern the size and form of the properties would result in an unaffordable form of development. The size of the development of 5 dwellings would mean it would not meet the requirements for an affordable housing provision/contribution. The Council does not have control over the pricing of individual dwellings and therefore the Local Planning Authority is unable to restrict the sale price of the new dwellings.

Conclusion

8.33 Based on the above assessment it is considered the whilst the proposal would be a departure from the development plan, which seeks to provide new dwellings within existing settlement boundaries, it would represent a sustainable form of development and officers give significant weight in the planning balance to the fact the site lies adjacent to the settlement boundary, surrounded by development on all sides of the site. The proposal would contribute to the 5YHLS and there would be no adverse impacts on the landscape, heritage, wildlife or highways. Nor would the proposal result in harm to neighbouring amenity. It is thereby concluded the proposal whilst not fully compliant with policy 2, 45 of the CLP and policies D1, ENV3, ENV4, H1, T1 of the Fishbourne Neighbourhood Plan, it would represent a sustainable form of development. The proposal would therefore comply with policies 1, 2, 12, 33, 39, 40, 42, 43, 45, 47, 48, 49, 50 and the application is recommended for approval.

Human Rights

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

RECOMMENDATION

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

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

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

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

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) **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.

4) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

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

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

6) No development shall commence on site, until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate a water efficiency standard of 110 litres or less per person per day. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

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

7) Prior to development above above slab level a full schedule of all materials and finishes, including but not exclusive of fascia, soffits, guttering and samples of such materials and finishes to be used for external walls and roofs of the building(s) shall first be 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.

8) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

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

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

10) 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.

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

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

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

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

12) No part of the development shall be first occupied until maximum achievable visibility splays have been provided at the existing site vehicular access onto Fishbourne Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

13) **No part of the development hereby permitted shall be first occupied** until the vehicle turning space(s) has been constructed within the site in accordance with the approved site plan. This space(s) shall thereafter be retained at all times for its designated use.

Reason: In the interests of road safety

14) 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.

15) 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.

16) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

17) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking ,re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established on any of the Open Space or Amenity Areas within the application site.

Reason: To secure the long term retention of the open/amenity areas and in the interests

18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the garage and carports hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

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

19) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted 'Update Ecological Appraisal' by EPR dated 23 November 2018

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

The application has been assessed and the decision is made on the basis of the following plans and documents submitted:

Details	Reference	Version	Date Received	Status
PLAN -	102253-T001	A	21.06.2019	Approved
PLAN -	1714-01B		21.06.2019	Approved
PLAN -	1714-13ZB		21.06.2019	Approved
PLAN -	1714-31J		21.06.2019	Approved
PLAN -	1714-32B		21.06.2019	Approved
PLAN -	1714-33L		21.06.2019	Approved
PLAN -	1714-34A		21.06.2019	Approved
PLAN -	1714-35A		21.06.2019	Approved
PLAN -	1714-36		21.06.2019	Approved
PLAN -	1714-37		21.06.2019	Approved
PLAN -	1714-38		21.06.2019	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

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

3) 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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PJZPUAERFKD00>