

Parish: Chichester	Ward: Chichester West
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CC/19/03139/FUL

Proposal	Demolition of existing single storey building housing 3 flats and construction of 17 new flats, with associated external work; and extension to existing bin store.		
Site	22 Freeland Close Chichester West Sussex PO19 3SA		
Map Ref	(E) 484199 (N) 104797		
Applicant	Chichester District Council	Agent	Mr Jonathan Moore

RECOMMENDATION DEFER FOR CONSULTATION WITH NATURAL ENGLAND REGARDING THE APPROPRIATE ASSESSMENT AND, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND, PERMIT WITH S106



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1.0 Reason for Committee Referral

The District Council is the applicant and the application site is on land owned by the Council.

2.0 The Site and Surroundings

- 2.1 The application site is approximately 0.10 hectares (ha) in size and is located on the western edge of Chichester City, just outside, but adjacent to the defined Settlement Boundary. The red edged application site (22 Freeland Close) sits within a wider site known as Westward House, indicated by the blue edge, as detailed on the submitted Location Plan (0010/Rev A03). The site is predominantly flat (site levels fall north-west to the south-east boundary) and is bounded by a tree belt and the A27 to the west and residential development to the north, east and south.
- 2.2 Freeland Close is a residential cul-de-sac, which is accessed via Fishbourne Road East to the south of the site. The application site is bounded by Freeland Close to the west, north and south. Vehicular and pedestrian access is taken from Freeland Close, which leads to an area of hardstanding used for car parking.
- 2.3. The site is currently occupied by a detached single-storey building, constructed circa 2004 (ref.03/00721/FUL); comprising three flats, communal space and an office, with a car park to the east. The existing building is currently used by Chichester District Council (CDC) to meet the needs of homeless households, by providing short stay accommodation.
- 2.4 Located outside of the red edged application site to the south, there is a large oak tree which is subject to a Tree Preservation Order (TPO). Soft landscaping currently surrounds the existing buildings and a 1.8m high boundary fence is positioned to the north of the application site. The site is located within Flood Zone 1 (low risk).
- 2.5 Further to the south of the site (approx. 30m) is the existing bin store serving Westward House (to the east).
- 2.6 The immediate area is predominantly residential in character, comprising two-storey dwellings to the north, east and south-east on Freeland Close, including affordable housing directly opposite the application site at Westward House. Further to the south-east lies the Tesco Superstore and Petrol Filling Station and to the south is the underpass link to Fishbourne Village.

3.0 The Proposal

- 3.1 The application seeks planning permission for the demolition of the existing single-storey building and the construction of a new flatted development, comprising 17 new flats in total, laid out in an 'L shape' block, along with associated landscaping, parking, extension to the existing bin store and other external works. The proposed development would comprise of the following:
 - 13no. 1-bed, 2 person studio flats;
 - 1no. 1-bed, 2 person flat; and,
 - 3no. 2-bed, 3 person flats.
- 3.2 The proposal is for new short stay temporary accommodation to serve as an extension of the services currently provided by Westward House, which also comprises short stay accommodation and is operated and managed by CDC housing services. It is noted that a planning application (ref.19/03147/FUL) relating to Westward House has been received

concurrently for: 'Change of use from existing short stay accommodation into 3no. 1 bed flats and refurbishment of existing office space'.

- 3.3 The proposed development involves the erection of three, attached 2.5/2-storey blocks of flats. The 2.5-storey 'Block 1' would comprise 9no. self-contained studios, each measuring 37sqm. The 2-storey 'Blocks 2 & 3' would comprise 4no. self-contained, 1-bed and 2-bed flats, each measuring 61sqm. In addition, 'Blocks 2 & 3' would also comprise 4no. studio flats, which would be accessed internally from 'Block 1'. The proposed studio flats would all share a common access and stair core, whilst the larger flats would have their own access and stairs.
- 3.4 The proposed development would be orientated to the south, fronting Freeland Close and would be set back from the highway by areas of hard and soft landscaping.
- 3.5 The design of the flatted development encompasses elements of a contemporary design style. The proposed development would be constructed in face brickwork, with projecting brick detail above the entrances and to the flank elevations and would incorporate pitched roofs (natural slate) and projecting bay window features, finished in standing seam metal (brown colour).
- 3.6 Four car parking spaces are proposed to be retained within the application site, located to the east of the proposed development. In addition, the occupiers of the proposed flats will be able to utilise the existing, underused car parking facilities at Westward House, which allows for approximately 32 vehicles and is located to the south-east of the application site. On-road parking spaces are also available on Freeland Close, to the immediate west. The approximate car parking requirement by residents is between 10 and 12 cars during peak occupancy hours. This is supplemented during working hours by staff and visitors who usually require 5 spaces at maximum.
- 3.7 Cycle storage would be provided as part of the current facilities serving Westward House. The proposal is for the current cycle storage area (comprising 4 bike rings which accommodate 8 bicycles) within the courtyard of Westward House to be extended to serve both sites. The submitted Parking Statement indicates that a further 3 rings (6 bicycle spaces) would be added to the existing cycle store. Furthermore, it is noted that in practice, residents may also choose to bring their bicycles into their properties. Cycle storage facilities are recommended to be secured prior to commencement by way of condition.
- 3.8 Refuse facilities would also be provided as part of the current facilities serving Westward House. The proposal is for the current bin storage area at Westward House to be extended to serve both sites. In addition, a new access point would be created on Freeland Close, which would provide safer servicing of the site. In order to service the proposed development and Westward House the submitted plan (0021/Rev A) indicates that 6 x 1100 litre waste bins and 6 x 1100 litre recycling bins would be provided. Refuse facilities are recommended to be secured by condition.

4.0 History

98/02198/ADV PER 1 no. signboard "Tower".

03/00721/FUL PER106 3 self-contained flats, communal room, staff facilities and car parking.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

No comment.

6.2 Environment Agency

With regards to the submitted drainage statement it seems a pragmatic approach to consider the development as a net increase in <10 dwellings and as such be consistent with the position statement that there should be no objection to the connection to Apuldram Wastewater Treatment Works. The Environment Agency would recommend that the LPA also confirm with Southern Water that they are able to accommodate the development within the sewer network itself.

The Environment Agency would recommend that planning conditions are included on any permission to ensure that the new development meets the highest standards of water efficiency in line with the CDC Local Plan policy and seek to further reduce any additional flows to the sewer network.

6.3 Southern Water

Further comment

Southern Water can confirm that they are able to accommodate the development within the sewer network.

Original comment

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

The submitted drainage strategy states 50% betterment of existing surface water flow which is satisfactory to Southern Water. Surface water may be discharged to the existing sewer, provided the rate of discharge to sewer is no greater than existing contributing flows.

The disposal of surface water from this development shall follow the hierarchy within Part H3 of Building Regulations:

- a) An adequate soakaway or some other adequate infiltration system.
- b) A water course.
- c) Where neither of the above is practicable: a sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SuDS). Under current legislation and guidance SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Advice provided for applicant in relation to offering drainage for adoption.

Should this application receive planning approval conditions are recommended.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.4 Natural England

Recreational disturbance

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).

Deterioration of the water environment

With regard to the integrity of the designated sites, we advise that there is currently uncertainty as to whether the increase in waste water from new development incorporating overnight accommodation in the Solent catchment will avoid an adverse effect on the international sites. If there will be a net increase in dwellings, and net increase in nutrients entering the Solent designated sites via sewage treatment works, then mitigation measures may be required to avoid an adverse effect.

If your Authority determines that the proposal will lead to a net increase in dwellings, Natural England's advice is that this proposed development, and the application of measures to avoid or reduce the likely harmful effects (recreational disturbance and water quality), may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment.

6.5 WSCC Highways

Further comment

With regards to the additional car parking information WSCC are satisfied the development can be accommodated within the existing car parking.

This development will provide temporary accommodation for people who have found themselves homeless, and often do not have a car. Therefore the expected demand for parking spaces will be much lower.

The new flats will be able to utilise the existing car parking facilities of Westward House, of which there are 32 spaces. This is in addition to the 4 spaces provided on the site of the flats, and the free parking spaces available on Freeland Close.

Original comment

No objection is raised subject to recommended conditions.

The site is considered to be in a sustainable location and the connection of footways provide access on foot to the local Tesco superstore; and a subway under the A27, which links the rest of Fishbourne Village with all of its amenities.

Cycle storage should, where possible, be provided for each dwelling.

A demolition/construction management plan should be submitted to the LPA to ensure the works are well managed and the highway maintained clear and free of obstructions at all times.

6.6 CDC Drainage Engineer

Flood Risk: The site is wholly within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The applicant has stated they propose to drain surface water to "main sewer". Their outline scheme involves a restricted discharge (2.62l/s) to the adjacent surface water sewer, with flows attenuated for the 1 in 100yr event + CC in a tank under the parking area. In accordance with the hierarchy for surface water drainage this will only be acceptable if infiltration is demonstrated to be unviable by winter groundwater monitoring and percolation tests. The need for further testing is identified in their "FRA & Drainage Strategy" report. They have used indicative levels / rates found at a nearby site which indicate that shallow infiltration may be viable.

If infiltration proves unviable the proposed scheme is acceptable in principle and should adequately drain the development. Therefore if you are minded to approve the application we recommend a condition is applied to ensure the development is adequately drained.

6.7 WSCC Lead Local Flood Authority

The FRA and Drainage Strategy included with this application state that below ground attenuation with restricted discharge to the main sewer would be used to control the surface water runoff from the site.

As indicated by the District Drainage Engineer, infiltration should be shown to have been fully investigated for the above to be an acceptable drainage strategy.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles. The drainage designs should demonstrate that the surface water runoff generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the runoff from the current site following the corresponding rainfall event.

The maintenance and management of the SuDS system is required.

6.8 CDC Environmental Health

Noise

The site is close to the A27 and is therefore subject to significant traffic noise. The applicant has submitted an Acoustic Design Statement which includes:

- A baseline noise assessment - based on on-site sound level measurements in 2018.
- Consideration of the appropriate standards with respect to the protection of occupants from traffic noise.
- Suggested noise mitigation.

When the results of the baseline noise assessment are considered against ProPG External Noise Level Guidelines, the Daytime Noise levels are in the Medium risk of adverse effect range, whilst night time levels are in the upper end of the Medium risk towards high risk range. The relative size of the dwelling units and the site, mean it is not possible to arrange them in a way that presents non-habitable rooms only, on the façade closest to the A27. Suitable noise mitigation is therefore required to make the dwellings habitable.

The Acoustic Design Statement [Page 13, point 4.8] recommends the Standard level of mitigation - standard wall construction (based on BS 8233:2014), thermal double glazed window unit (6/6 - 20/6), acoustic trickle vent providing at least 39dB Dn,e,w to achieve a façade attenuation of 31 dB.

Page 13, point 4.7 is pertinent:

'The specific acoustic performance requirements of the glazing and ventilation system are dependent on the exact layout of the building, room size, and wall and roof design. This assessment has been based on generic assumptions for room size, façade area and typical wall construction. The assessment of internal noise levels has therefore been undertaken to demonstrate that facades exposed to the highest noise levels on site, i.e., those facing the A27, may be specified to achieve the required level of attenuation'.

The report demonstrates that a suitable level of insulation is feasible, and the recommended level of attenuation is specified. I would recommend that, prior to occupation the finished units are subject to post-completion testing to demonstrate that the standards have been met.

Based on my reading of the application, my conclusion is that the proposal should not be refused on noise grounds. However suitable conditions are required to ensure that noise mitigation, of a standard equal to, or better than, that proposed by the applicant's Acoustic Design Statement, is incorporated into the build. The submission and approval of a post-completion test report would enable the applicant to demonstrate that the standards have been met.

The site is in close proximity to existing dwellings and therefore a condition will be required to ensure the demolition and construction phases can go ahead in line with good construction practice with respect to noise, dust and vibration. In my view this is best addressed by the submission of a suitable Construction and Environmental Management Plan to the LPA for approval.

Land Contamination

A desk based (phase 1) study has been submitted produced by Ground & Water dated December 2019. The phase 1 risk assessment identified potential pollutant linkages and it was recommended that a phase 2 investigation was carried out. A second report was also submitted, (a ground investigation report) also produced by Ground & Water dated December 2019. The site investigation has been undertaken in line with appropriate guidance and it concludes in section 7 that no elevated levels of contaminants were found above the guideline levels. The report concludes that the following should be put in place:

- An asbestos management strategy should be put in place with respect to the building to be demolished so that any asbestos containing materials are identified and removed from site in accordance with appropriate Regulations. This could be incorporated into an appropriately worded Construction Management Plan (CMP).
- A discovery strategy should be put in place in case unexpected contamination is encountered at the site during demolition or construction works.

If unexpected contamination is discovered, it is likely that a remediation strategy would be required to deal with the contamination.

Air quality

Given the proximity of the development to the A27 we would expect an air quality assessment to be submitted, in line with the requirements of IAQM document Land-Use Planning & Development Control: Planning for Air Quality January 2017. The requirement to protect the development from poor air quality and the requirement to reduce noise impact should complement each other in that good design in the building layout can reduce impacts from both poor air quality and noise.

6.9 CDC Housing Enabling Officer

The Council's Housing Division has been working to deliver new accommodation on this site to meet a statutory purpose since its acquisition in 2017. The existing bungalow forms part of the larger accommodation facility at Westward House which provides short stay accommodation for people identified as statutorily homeless. Since the implementation of the Homeless Reduction Act in 2018, the Council has been presented with increasing levels of homeless applications and is having particular difficulty finding temporary accommodation to meet the demand. The Council has become increasingly reliant on bed and breakfast, primarily outside of the district, to meet the increase in demand. This is difficult for the households involved and incurs significant costs to the public purse. Furthermore, it is considered unacceptable by the Ministry of Housing, Communities and Local Government to accommodate families in bed and breakfast except in an emergency and for a maximum of 6 weeks.

The proposed development has been considered against current and past trends of households placed into short stay accommodation. Options appraisals were presented to the Council's Senior Leadership with the current proposal being the most favourable option as it maximised the potential of the land whilst contributing to meet the need. The proposal will seek to deliver the following mix of accommodation:

- 13 x 1 bedroom studio flats.
- 1 x 1 bedroom wheelchair accessible flat.
- 3 x 2 bedroom flats.

The dwellings floor areas meet the nationally described space standards and are all self-contained. This will promote independent living whilst Housing Advice and Tenancy Sustainment officers work with the residents to find permanent accommodation through the housing register or private rented sector. The proposed development is also responsive to the recent climate change emergency declared by Council and the emerging local plan policy DM16 through a "fabric first" approach and inclusion of photo voltaic (solar) panels across the 6 pitches of the roof, thereby reducing the carbon footprint of the building. This will reduce the running costs compared to a standard construction scheme.

The scheme will be delivered by the Housing Division with the full support of a number of other Council departments and a team of specialist consultants. The Housing Delivery Team is confident that this is a deliverable scheme which will contribute to meeting an identified need for temporary accommodation and meet a statutory purpose of the local housing authority.

To conclude, the Housing Service fully supports this proposal.

6.10 CDC Archaeology Officer

This site should be expected to contain features and deposits of archaeological importance similar to those revealed prior to the development of adjacent sites in the 1990s. In the circumstances it would be appropriate to impose a standard condition designed to secure an investigation of the site and the preservation through record of anything of interest that it might contain. Condition recommended.

The scope of the investigation will depend on the degree of preservation of the archaeological deposits and the impact of the development. It would be advisable to test the former through preliminary trial trenching and to mitigate the latter through the use of a sympathetic foundation design such as a suitable array of low-impact piles.

6.11 CDC Environmental Strategy Officer

Bats: The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that bat bricks are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.

Nesting Birds: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March to 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work). We would like bird boxes to be installed on the buildings/and or trees within the gardens of the properties.

Enhancements: We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include;

- Any trees removed should be replaced at a ratio of 2:1.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species (as detailed above).
- Bat and bird boxes installed on the site (as detailed above).
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes included on the site.

Recreational Disturbance: For this application we are satisfied that the only HRA issue is recreational disturbance and as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

Policy 40: We are satisfied that the information provided within the Energy and Sustainability Statement (Nov 2019) meets our requirements within Local Plan Policy 40: Sustainable Construction and Design, and a condition should be used to ensure this is followed.

6.12 CDC Contract Services (Waste)

Bin store location

The proposal is for the current bin storage area at Westward House (approx. 30m to the south of the application site) to be extended to serve both sites. Presently CDC service the bin store for Westward House via the car park of Westward House. However, there has been discussion to service the shared bin store from Freeland Close, in order to eliminate the need for a refuse freighter to enter the site. Furthermore, the construction of the bin store is still to be decided by CDC.

Bin allocation

In order to service the proposed development and Westward House it is expected that 6 x 1100 litre waste bins and 6 x 1100 litre recycling bins would be required.

Servicing the site

Other than servicing the bin store from Freeland Close there will be no changes to the way CDC service the site. In fact it would be much safer to service the site from the road, in comparison to entering the car park.

6.13 Third Party representations

None received.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan (CLP): Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester City at this time.
- 7.2 The principle planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 8: Transport and Accessibility

Policy 12: Water Management in the Apuldram Wastewater Treatment Catchment

Policy 33: New Residential Development
Policy 35: Affordable Housing Exception Sites
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) 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 of 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.
- 7.4 Consideration should also be given to the following paragraph and sections: Sections 2 (Achieving sustainable development), 3 (Plan-making), 4 (Decision-making), 5 (Delivering a sufficient supply of homes), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 11 (making effective use of land), 12 (Achieving well-designed places), and 14 (Meeting the challenge of climate change, flooding and coastal change). The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 7.5 The Government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB

will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- Position Statement on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment
- CDC Waste Storage and Collection Guidance

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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. The principle of development
- ii. Highways safety and parking
- iii. Design, layout and impact on visual amenity
- iv. Residential amenity
- v. Standard of accommodation and amenity space
- vi. Surface water drainage and foul disposal
- vii. Ecology and biodiversity
- viii. Nitrates
- iv. Sustainable design and construction
- x. Other matters

Assessment

i. The principle of development

8.2 As outlined above, the application site falls just outside, but adjacent to the defined Settlement Boundary of Chichester City. Policy 35 of the Chichester Local Plan (CLP) states that where there are no available and deliverable sites within a settlement, affordable housing may be permitted on exception sites outside of Settlement Boundaries to meet a specific local need, where proposals are located adjacent to the Settlement Boundary and in all circumstances are modest in scale and well related to the settlement, local services and facilities.

- 8.3 The proposed development would provide additional short stay temporary accommodation at Freeland Close, to supplement the existing services at Westward House. The scheme would essentially replace the existing building, which has been used by CDC to meet the needs of homeless households. The provision of affordable housing units would assist in meeting housing supply for Chichester City and the housing strategy, and meet a need for affordable housing within the City.
- 8.4 The site lies adjacent to the settlement boundary of Chichester. Chichester City is designated as the Sub Regional Centre for the plan area within the hierarchy provided by CLP Policy 2 which is seen as the place for the provision of a wide range of facilities and services to support the role of the City Centre. There are a range of transport options here and also a variety of facilities and services within safe walking, cycling and bus services in close proximity to this site. In this respect the site is considered to be located within a sustainable location.
- 8.5 The proposed development has been assessed on this basis and is deemed to be acceptable in principle as an affordable housing exception site adjacent to the Settlement Boundary, with reasonable access to jobs, shops, services and public transport. However, the specific impacts the development has on this site must be considered as to whether the proposal is appropriate in detail and whether visual harm and/or harm to neighbouring amenity would occur. The detailed assessment is set out below.

ii. Highways safety and parking

- 8.6 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan asserts that development should be designed to minimise additional traffic generation.
- 8.7 The site will provide much needed temporary living accommodation to families who find themselves temporarily homeless. The site is considered to be in a sustainable location and the connection of footways provide access on foot to the local Tesco superstore; and a subway under the A27, which links the rest of Fishbourne Village with all of its amenities.
- 8.8 The existing and proposed development forms part of the larger short-stay accommodation facility at Westward House and therefore it is proposed that residents will use the main car park directly to the south-east of the application site. The Westward House site's current parking capacity allows for 32 vehicles. In addition, there is on-road parking available to the west of the site on Freeland Close. Four parking spaces would also be retained on site (to the east), which could be secured by planning condition. As stated above the additional parking provision would be supplemented by the existing underused parking on the Westward House site.
- 8.9 The composition of residents at Freeland Close and Westward House are those found to be homeless and in need of short-stay accommodation, many of whom do not own a car. The approximate car take by residents is between 10 and 12 cars during peak occupancy hours. This is supplemented during working hours by staff and visitors who usually require 5 spaces at maximum. The submitted Parking Statement states that 'parking has not presented a problem to the temporary accommodation facility even at times where the

properties are 100% occupied'. The proposed parking provision is considered acceptable in this instance, given the circumstances outlined above. Parking provision is proposed to be conditioned.

8.10 Cycle storage would be provided as part of the current facilities serving Westward House. The proposal is for the current cycle storage area (comprising 4 bike ring which accommodates 8 bicycles) within the courtyard of Westward House (approx. 60m to the east of the application site) to be extended to serve both sites. The submitted Parking Statement indicates that a further 3 rings accommodating 6 bicycles would be added to the existing cycle store. Furthermore, it is noted that in practice, residents may also choose to bring their bicycles into their properties. Cycle storage facilities are recommended to be secured by way of condition.

8.11 WSCC has been consulted as part of this application (as the Highway Authority) and raise no objection, subject to conditions securing a Demolition and Construction Management Plan, vehicle parking and cycle storage. In the view of the LPA, the proposal would therefore meet the definition of sustainable development set out within the NPPF.

iii. Design, layout and impact visual amenity

8.12 Policy 33 of the CLP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; In addition that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

8.13 The site has extensive mature screening and soft landscaping on its boundary to the west. The existing building on the site is of no particular architectural merit, and the surrounding area is not subject to a specific landscape or heritage designation. There is no objection therefore to the removal of the existing building and replacement with an appropriate residential development, noting the principle issues above.

8.14 The density of dwellings proposed on the site would be comparable with the other developments within the wider area that include a mix of flats in particular. There are a number of examples of development to the rear of the Fishbourne Road East frontage and overall the layout of the proposed development is considered to respect this varied character.

8.15 The scale of the buildings and the relationships with the neighbouring properties is considered appropriate in the context of the wider, residential area. Block 1 would occupy a corner plot and as such allows for a taller (2.5-storeys), more prominent building. Blocks 2 and 3 would step down in height to two-storeys, and as such would respect the majority of the built form to the east. It is considered that the resultant development would sit comfortably within the plot. Furthermore, planting would surround the development, which would help soften the appearance of the built form. A suitable landscaping scheme would be secured by way of planning condition.

8.16 The proposed development would be constructed in face brickwork, with projecting brick detail above the entrances and to the flank elevations and would incorporate pitched roofs (natural slate) and projecting bay window features, finished in standing seam metal (brown colour). Windows and doors are of an appropriate residential scale and positioned to make

best use of natural light and privacy. The elevations would comprise of projecting features and set-back elements which would add relief and interest to the development. Recessed window openings provide greater articulation and the use of a simple palette of high quality materials would reinforce the modern design approach. All materials are recommended to be secured by condition.

8.17 It is considered that the proposed development would provide a distinctive building that exhibits a number of interesting and high quality features that are necessary to make simple modern architecture successful.

8.18 The layout generally provides a good degree of natural surveillance from outward facing units, providing active frontages facing onto the internal road. The proposed development is therefore in accordance with the aims and objectives of the NPPF. Overall the variety in the scale and appearance of the building and the layout of the development, as proposed, is considered appropriate within the context of the site and in accordance with the NPPF and Local Plan Policy 33.

iv. Residential amenity

8.19 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and Policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.20 Given the orientation and separation distance from the adjoining neighbouring properties, it is not considered that the proposed development would have a significant impact on neighbouring amenity, in terms of loss of light, outlook or increased sense of enclosure. The proposed development is therefore in accordance with the aims and objectives of the NPPF and Policy 33 of the CLP.

v. Standard of accommodation and amenity space

8.21 Paragraph 127 of the NPPF 2019 also requires developments to promote health and well-being, with a high standard of amenity for future users. Local Plan Policy 33 requires that new residential development provides a high quality living environment for future occupants, in keeping with the character of the surrounding area.

8.22 Having regard to the indicated floor areas, access to natural light and the provision of an acceptable outlook, it is considered that the proposed dwellings would provide an acceptable standard of living environment for future occupiers. Furthermore, the flats are provided with approx. 113m² of private amenity space to the rear, and the future occupiers would be within walking/cycling distance from public open spaces of the South Downs National Park and Chichester Harbour AONB.

8.23 The site is situated in close proximity to the A27 and is therefore subject to significant traffic noise. The applicant has submitted an 'Acoustic Design Statement', which includes; a baseline noise assessment, based on on-site sound level measurements; consideration of the appropriate standards with respect to the protection of occupants from traffic noise; and, suggested noise mitigation.

- 8.24 The noise measurement indicates that windows of dwellings closest to the A27, at the most exposed western facade, would need to be kept closed at times to maintain an acceptable internal sound level, with the fitting of acoustically glazed windows to remain shut, in order to provide acceptable internal noise levels within bedrooms and living rooms. The report recommends acoustically configured glazing with attenuating mechanical ventilation on all facades with direct line of sight to the A27.
- 8.25 The Environmental Health Team has assessed the submitted information and in order to address the issues and provide an acceptable living environment, they have recommended a number of planning conditions to secure a suitable scheme of noise mitigation and attenuation for the development.
- 8.26 The site is located adjacent to the A27 on its western boundary and, although not within an Air Quality Management Area, given its close proximity to a major transport route, the impact on air quality is a material consideration.
- 8.27 In terms of air quality, the Environmental Health Team recommend that an air quality assessment is to be carried out and a scheme for protecting the future residential occupiers from air pollution shall be submitted to the Local Planning Authority (LPA) prior to commencement. Any necessary mitigation measures would thereafter be implemented prior to occupation of the building. Subject to the above conditions the proposed development would provide an acceptable standard and quality of living accommodation for future occupiers in accordance with Policy 33 of the Local Plan.
- 8.28 The proposed development is therefore in accordance with the aims and objectives of the NPPF and Policy 33 of the CLP.

vi. Surface water drainage and foul disposal

Surface water drainage

- 8.29 The site is located within Flood Zone 1, the lowest risk for flooding. Policy 42 of the CLP encourages development to areas at the lowest risk of flooding; it also requires that as a minimum, there is no net increase in surface water run-off. Surface water drainage would be dealt with in a sustainable way by discharging runoff to the surface water sewer at a rate 50% less than the existing site. Surface water would be stored within an attenuation tank designed to cater for the 1% AEP (1:100 year) storm with 40% additional storage to allow for climate change.
- 8.30 Where there is capacity, direct and uncontrolled infiltration should be utilised and as such, in accordance with the hierarchy for surface water drainage, the proposed strategy of storage within attenuation tanks will only be acceptable if infiltration is demonstrated to be unviable by winter groundwater monitoring and percolation tests. The need for further testing is identified in the submitted 'Flood Risk Assessment and Drainage Strategy' report. The submitted report uses indicative levels/rates found at a nearby site which indicate that shallow infiltration may be viable.
- 8.31 The CDC Drainage Engineer has no objection to the application being approved, subject to the recommended conditions and advisories. Following further testing required by condition a suitable scheme will be required to provide either direct infiltration or attenuated release, through tanking. Notwithstanding what method is found to be

appropriate, it is considered that there is a technical solution that will allow the land to be suitably drained of surface water. The principle is therefore acceptable.

Foul disposal

8.32 The site is located within the Apuldram Waste Water Treatment (WwTW) catchment area. Policy 12 of the CLP states:

'Proposals for development in the catchment should be able to demonstrate no adverse impact on the water quality of Chichester Harbour. All proposals for new development in the catchment should conform to the following water management measures:

1. All new homes should achieve the higher building regulations standard of 110 litres per person per day including external water use;
2. No surface water from new development shall be discharged to the public foul or combined sewer system; and
3. Where appropriate development should contribute to the delivery of identified actions to deliver infiltration reduction across the catchment.

Planning permission will be granted for development where the provision of water infrastructure is not considered detrimental to the water environment, including existing abstractions, river flows, water quality, fisheries, amenity and nature conservation.'

8.33 The Council has also published a Supplementary Planning Document (SPD) on Surface and Foul Water Drainage, which is a material consideration. In addition, and more recently, a joint Position Statement has been issued by the Environment Agency and Southern Water on managing new housing development in the Apuldram (Chichester) Wastewater Treatment Works Catchment, as defined by Policy 12 of the Chichester Local Plan (Position Statement). The Position Statement has been adopted by the Council (reported to Committee on 19th December 2018). Southern Water state that for major development, prior to approval applicants will need to demonstrate no net increase in flows to the sewer network of the Apuldram WwTW. Whilst the site lies outside of the Settlement Boundary the principles remain the same and both the EA and SW have confirmed there would be capacity in the sewer network for the proposals and have not raised objection to the proposals.

8.34 Due to the nature of the development as short stay accommodation, there is expected to be a high turnover of occupants, with some units requiring maintenance during a vacant period. As such, it is expected that the properties will not always be occupied to maximum capacity. Usual indicative occupancy rates are around 82.5%. It is therefore envisaged that the proposed development building will not contribute as much foul drainage as an affordable or market development would do, which are usually fully occupied.

8.35 Accounting for the reduction in units at Westward House and the average occupancy of the existing temporary housing facilities of 82.5%, the Environment Agency and Southern Water have commented that impact of the development would be akin to that of minor development and therefore the proposal should be treated as such under the joint position statement, set out above. It is therefore considered that any increase in flow would fall within the capacity of the treatment works and would not have a material adverse impact on the water quality of Chichester Harbour.

8.36 The proposed development is proposed to be fitted with low flush toilets and aerated taps; there will not be any provision of baths, as all units will have showers, restricting further the overall flow contribution to the waste water treatment works at Apuldram. This is seen to be an enhancement on the existing bathroom and plumbing facilities. A condition is recommended to ensure that the development will achieve the higher building regulations standard of 110 litres per person per day including external water use. It is also important to ensure that both this application and the associated application at Westward House are implemented, so as to ensure the reduction in the number of units at Westward House is realised, as it is on this basis that the impact on water quality is considered acceptable. The Environment Agency and Southern Water have been consulted on this and raise no objection to the proposal, subject to appropriate conditions.

8.37 In light of the considerations set out above, the proposal would accord with Policies 12 and 42 of the CLP.

vii. Ecology and biodiversity

8.38 The applicant has carried out an Ecological Impact Assessment of the development site. The site supports a low number of foraging and commuting bats and has suitability for badgers and breeding birds.

8.39 The CDC Ecologist advises that a precautionary approach should be taken and that continued management of the site takes place. Given the tree coverage across the site, there is potential for nesting birds; therefore, vegetation clearance would need to take place outside the bird breeding season. Conditions are recommended requiring protection of the hedgerow during construction, sensitive lighting, recreational disturbance mitigation, sustainable construction/design and to secure biodiversity protection and enhancements.

8.40 The application is supported by an arboricultural report. This report sets out that one healthy tree will need to be removed from within the site, in order to facilitate the development. To mitigate and maintain the net number of trees, a replacement tree (Silver Birch) will be planted within the site. The submitted arboricultural report sets out precautions are recommended to safeguard retained trees within the site. A condition would be imposed to secure tree/hedgerow protection and landscaping details.

viii. Nitrates

8.41 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram WwTW and therefore the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

8.42 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA via an 'appropriate assessment' to assess the impact on the designated sites in accordance

with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.

- 8.43 In order to provide the LPA with the necessary information to undertake an Appropriate Assessment, the applicant has followed the methodology provided by Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' and has set out the nitrate calculations for this proposed development (ref.19/03139/FUL) for 17 units together with the proposed development at Westward House (ref.19/03147/FUL) for 3 units. Natural England's methodology sets out how to achieve nutrient neutrality and thereby address the existing uncertainty surrounding the impact of new development on designated sites. Specifically Natural England's advice sets out the methodology on how to calculate the nutrient budget generated from the development and then adjust it taking into account existing nitrogen from the current land use. This will provide the total level of nitrogen that needs to be neutralised to achieve nutrient neutrality for the development.
- 8.44 The applicant has set out the nitrate calculations for the site based on both 100% occupancy and 82.5% occupancy. The occupancy of 82.5% is considered the most appropriate for this development of short stay accommodation, for the reasons set out in detail at paragraph 8.38 above. The nutrient budget generated from the development (assuming an 85.2% occupancy rate) and including a 20% buffer is 8.148kg/TN/yr and therefore represents a nitrogen surplus from the WwTW and so requires mitigation to achieve nitrogen neutrality.
- 8.45 In order to achieve nitrogen neutrality, appropriate mitigation measures that would remove a minimum of 8.148kg/TN/yr needs to be secured to ensure that at the time of the LPA undertaking the Appropriate Assessment it is certain that the neutralising nitrogen benefits will be delivered in the long term. In this instance it is proposed to secure this mitigation 'indirectly' by permanently converting agricultural land (with higher nitrogen loading) elsewhere within the catchment area to alternative uses with lower nitrogen loading. By changing the land use in perpetuity, this will in effect neutralise the additional nutrient burden that will arise from the proposed development, achieving a net zero change at the designated sites in a timely manner.
- 8.46 Subject to Natural England's approval of the Appropriate Assessment undertaken by the Local Planning Authority, and relevant conditions ensuring occupation of no more than 20 units at both Westward House and Freeland Close (that is the units proposed in applications 19/03139/FUL and 19/03147/FUL), this application would accord with Policy 12 of the CLP.

ix. Sustainable design and construction

- 8.47 Policy 40 of the CLP requires all new dwellings to demonstrate sustainable design and construction.
- 8.48 The applicant has submitted an 'Energy & Sustainability Statement' (November 2019) as part of application. The proposal will employ the following measure to reduce carbon emissions:
- Fabric first approach.
 - Passive design measures (e.g. south facing/large windows).
 - Space and hot water needs will be met through efficient services.

- The use of high efficiency lighting (LED fittings).
- Units will have a water consumption of less than 110 litres per person per day.
- Photovoltaic (PV) array on roof will provide a large proportion of the building's energy demand.
- Ecological enhancements would be secured.
- Sustainable location and transport (e.g. cycle storage).
- The use of sustainable materials, pollution prevention and effective waste management.

8.49 The applicant has stated that measures would include a fabric first approach to increase the thermal quality of the building. The fabric first improvements would amount to an 11.71% improvement over current (2013) Building Regulations Part L. In addition, on the east and west facing roofslopes there would be the provision of 102 solar PV panels to generate renewable energy. Details of how the solar PV panels would be installed on the roof would be secured by way of planning condition.

8.50 There are two options put forward in the submitted 'Energy & Sustainability Statement' depending on the electric hot water system to be used. Both option would use solar 102 PV panels, but with slightly different areas of panels.

8.51 Option 1 (Electric storage heaters with hot water immersion) 27.37% overall improvement compared to Building Regulations minimum. That is: 11.71% from the fabric improvements and 15.66% from solar PV.

Option 2 (Electric storage heaters with point of use water heaters) 27.56% overall (11.71% plus 15.85%).

8.52 In policy terms the options are indistinguishable and both deliver an acceptable level of renewable energy provision.

8.53 The applicant states that the estimated maximum water consumption would be 108.04 litres per day. This would be less than the standard of 110 litres per day set out in Policy 40 of the CLP and would be secured by planning condition. A detailed scheme for sustainable building techniques and renewable energy would also be secured by condition in line with the submitted details.

8.54 The CDC Environmental Strategy Officer has reviewed the submitted information and is satisfied that the information provided within the 'Energy and Sustainability Statement' meets the requirements set out within Policy 40 of the CLP.

8.55 In light of the above, subject to the recommended conditions the proposal would accord with Policy 40 of the CLP.

x. Other Matters

Archaeology

8.56 The CDC Archaeologist has assessed the site as having archaeological potential based on previous investigations of the adjacent site in the 1990s. These investigations identified important evidence dating from the Iron Age, Roman, Medieval and Post-Medieval periods. It is, therefore, recommended that further investigations of the site take place prior to any development commencing, which will be secured by condition.

Contamination

8.57 A desk based (Phase 1) study has been submitted produced by Ground & Water dated December 2019. The Phase 1 risk assessment identified potential pollutant linkages and it was recommended that a Phase 2 investigation was carried out. A second report was also submitted, (a ground investigation report) also produced by Ground & Water dated December 2019. The site investigation has been undertaken in line with appropriate guidance and it concludes in Section 7 that no elevated levels of contaminants were found above the guideline levels. A precautionary planning condition would be imposed to deal with any possible effects of land contamination, in accordance with local and national planning policy.

Significant Conditions

8.58 The significant conditions required to make this development acceptable have been discussed in the relevant sections of this report. These include a Construction Management Plan, drainage details, tree/hedgerow protection, archaeology, materials, landscaping, ecological protection and enhancements, sustainability measures, noise insulation, air quality, contamination, lighting, car parking, cycle storage, waste storage, hours of construction and a condition which ties this application with planning application ref.19/03147/FUL.

Planning obligations

8.59 The site is located within 5.6km of Chichester and Langstone Harbour, where an increase in residential development is subject to mitigation measures to offset the harm caused to protected bird species through recreational use. In order to offset any impacts of the additional dwellings it is necessary for a contribution to be secured through an agreement, in accordance with Policy 50 of the Local Plan and the Habitats Regulations.

8.60 A legal agreement (Unilateral Undertaking) is required to secure a mitigation payment for Recreational Disturbance. The relevant mitigation amount would be £5458.00. The applicant has entered into a legal agreement and secured the required contribution, therefore this issue has been addressed.

CIL

8.61 The development is CIL liable, however as the applicant is providing the residential units as affordable housing, there is an opportunity to exempt themselves from charges.

Conclusion

8.62 This application proposes 17 new flats, all of which have been proposed as affordable housing. The development is sympathetic to the character and appearance of the local area and would not cause harm to residential amenity.

8.63 The proposal caters for the transport demands it creates and is also sustainably located. The application has also demonstrated that the site will be serviced by appropriate infrastructure and would not result in surface water flooding.

8.64 For the reasons set out above the proposal is considered to be in accordance with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, the submitted legal agreement (Unilateral Undertaking) and payment, permission is granted.

Human Rights

8.65 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 CONSULTATION WITH NATURAL ENGLAND REGARDING THE APPROPRIATE ASSESSMENT AND, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND, PERMIT WITH S106 and the following conditions and informatives:-

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

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

2) The development hereby permitted shall be carried out in accordance with the 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 method of access and routing of vehicles during construction;
- (c) the provision made for the parking of vehicles by contractors, site operatives and visitors;
- (d) the loading and unloading of plant, materials and waste;
- (e) the storage of plant and materials used in construction of the development;
- (f) the erection and maintenance of security hoarding;
- (g) the provision of road sweepers and/or wheel washing facilities (and other works) required to mitigate the impact of construction upon the public highway (including the provision of temporary traffic orders);
- (h) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles;
- (i) measures to control the emission of noise and vibration during construction (measures shall be in accordance with the provisions detailed in "BS5228:2009+A1

(2014) Code of Practice for Noise and Vibration Control on Construction and Open Sites - Part 1: Noise and Part 2: Vibration),

(j) 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;

(k) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;

(l) waste management including prohibiting burning and litter;

(m) details of the removal and disposal of soil comprised in the part of the existing bund to be removed in order to facilitate the development;

(n) details of public engagement both prior to and during construction works; and,

(o) An asbestos management strategy.

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) Notwithstanding any details submitted, **no development shall commence** until full details of the proposed overall site-wide surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter 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 dwelling/unit shall be occupied until the complete surface water drainage system serving the building 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) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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

6) **No development shall commence** until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the SuDS System, 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.

7) **No development shall commence on site, including demolition**, until protective fencing has been erected around all trees, shrubs, hedgerows and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and the details described within the submitted arboricultural reports and plans. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree, tree group or hedgerow to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs, hedgerows and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

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

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

9) **Notwithstanding any details submitted, no development shall commence above ground level**, until an air quality assessment has been carried out for the proposed development and a scheme for protecting the future residential occupiers of the building from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing

by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the development hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwelling(s) in respect of atmospheric pollution.

10) Notwithstanding any details submitted, no development shall commence above ground level, until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full 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.

11) Notwithstanding any details submitted, no development shall commence above ground level, until a scheme for Ecological Enhancements and a program for its implementation has been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

- Any tree removed will be replaced at a ratio of 1.2.
- Wildflower meadow planting used.
- Two bird and two bat boxes installed on site.
- Two bat tiles/bricks integrated into the buildings onsite facing south/south westerly, positioned 3-5m above ground.
- Two log piles on site.
- Grassland areas managed to benefit reptiles.
- Filling any gaps in tree lines or hedgerows with native species.
- Gaps at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes installed on site.

Thereafter the strategy shall be implemented fully in accordance with the approved details.

Reason: To ensure that the protection of the species 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.

12) No development shall commence above ground level until a sustainability strategy outlining details of the sustainable design and construction for the development hereby permitted, including: (1) sustainable building techniques including fabric first and renewable energy technologies such as Solar PV and/or Solar Thermal (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Energy & Sustainability Statement and details of the positioning, methods of mounting and design of renewable energy equipment) and (2) how a reduction in the impacts associated with traffic or pollution will be achieved, 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 of the development unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change.

13) Notwithstanding any details submitted, no development shall commence above ground level, until a scheme for protecting the proposed development from external noise, including road traffic; has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include pre occupation validation testing.

The scheme shall include:

(i) An assessment of existing noise levels in the area including road traffic. All measurements shall be made according to British Standard 7445-1:2003 and British Standard 7445-2:1991.

(ii) Prediction of noise levels at the proposed residential façades including predictions at each storey above ground floor for both day and night periods; and predictions of noise within the proposed building(s).

(iii) Noise mitigation measures including consideration of building orientation, glazing types, inclusion of acoustic ventilation, bunding, fencing and any other measures to protect the future occupiers.

(iv) A scheme of validation testing upon completion of the development to demonstrate that the following sound levels have been achieved:

Living/Dining Room

Between 07:00 and 23:00, 35 LAeq, 16hour

Bedroom/Studio

Between 07:00 and 23:00, 35 LAeq, 16hour

Between 23:00 and 07:00, 30 LAeq, 8hour and 45 LAfmax

The approved scheme shall be implemented as approved and **no occupation of the development hereby permitted shall occur** until testing has been completed that demonstrates compliance with the above figures. Once compliance has been demonstrated the scheme shall be maintained in perpetuity thereafter.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life as a result of the new development.

14) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

15) **No part of the development hereby permitted shall be first occupied**, until the refuse and recycling storage facilities have been constructed in accordance with the approved plans and details (0021/Rev A and 0022/Rev A01). Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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

16) The residential units hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new unit must not exceed 110 litres per person per day, as set out in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **The development hereby permitted shall not be first occupied** until the requirements of this condition for that unit have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the units and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

17) **Prior to occupation of the development hereby permitted**, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall specify: areas of new hard and soft landscaping to be re-instated. The scheme for soft landscaping shall include such matters as: species; plant sizes; spacing and density/numbers of trees/shrubs to be planted; the phasing and timing of planting/re-instatement works; and, provision for future maintenance. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The scheme for hard landscaping will include: construction details; drainage; existing and proposed levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; and, details and samples of the hard surfacing materials. The approved scheme **shall then be carried out in full within the first** planting and seeding seasons following the first occupation of any part of the building or the completion of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority; and, any trees or plants which, within a period of 5 years from the date of planting die, fail to establish are removed or become seriously damaged, defective or diseased shall be replaced in the next planting season with others of the same species, size and number as originally approved, unless otherwise first agreed in writing by the Local Planning Authority.

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

18) In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified it must be reported in writing immediately to the Local Planning Authority. **The development hereby permitted 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.

19) **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.

20) **Prior to first occupation of the development hereby permitted**, details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting scheme for the site shall take into consideration the presence of bats in the local area and the scheme shall minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

21) 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.

22) At no one time shall more than 20 residential units be occupied at the premises the subject of applications 19/03139/FUL (22 Freeland Close) and 19/03147/FUL (Westward House).

Reason: To ensure levels of nitrogen discharging into Chichester and Langstone Harbours SPA do not exceed that stated in the Appropriate Assessment and ensure compliance with the Conservation of Habitats and Species Regulations 2017.

Decided Plans

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 - SITE SURVEY (A1)	0001	REV A	20.12.2019	Approved
PLAN - EXISTING FLOOR & ROOF PLAN WITH ELEVATIONS (A1)	0002	REV A	20.12.2019	Approved
PLAN - PROPOSED GROUND & FIRST FLOOR PLANS (A1)	0014	REV A	20.12.2019	Approved
PLAN - PROPOSED ELEVATIONS (A1)	0016	REV A	20.12.2019	Approved
PLAN - PROPOSED STREETSCENES (A1)	0017	REV A	20.12.2019	Approved
PLAN - PROPOSED PERSPECTIVES (A1)	0019	REV A	20.12.2019	Approved
PLAN - DRAINAGE STRATEGY (A1)	01656-C-500	REV P1	20.12.2019	Approved
PLAN - PROPOSED BLOCK PLAN (A1)	0011	REV A01	24.12.2019	Approved
PLAN - PROPOSED TECHNICAL SITE PLAN (A1)	0012	REV A01	24.12.2019	Approved
PLAN - SUBSTITUTE PLAN 6/2/20 PROPOSED SECOND FLOOR AND ROOF PLANS (A1)	0015	REV A01	07.02.2020	Approved
PLAN - SUBSTITUTE PLAN 28/02/20 - SITE LOCATION PLAN (A4)	0010	REV A03	28.02.2020	Approved
PLAN - ADDITIONAL	0022	REV A01	28.02.2020	Approved

PLAN 28/02/20 PROPOSED BIN STORE, SITE PLAN AND PLAN (A3)				
PLAN - ADDITIONAL PLAN 28/02/20 PROPOSED BIN STORE ELEVATIONS (A3)	0021	REV A	28.02.2020	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) In order to expedite the discharge of Condition 4 the applicant is advised to complete the CDC Surface Water Supplementary Guidance Document and the Surface Water Drainage Checklist, which are available online at:
<https://www.chichester.gov.uk/landdrainage>.

3) A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link
<https://beta.southernwater.co.uk/infrastructure-charges>.

4) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

5) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q2PTJZER0SR00>