


Parish: Oving	Ward: North Mundham And Tangmere
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O/20/02471/FUL

Proposal	Erection of 143 dwellings, with associated access, parking, public open space, landscaping, extension to residential curtilages of existing properties along Oving Road and other associated works.		
Site	Land At The Corner Of Oving Road And A27 Chichester PO20 2AG		
Map Ref	(E) 488007 (N) 104890		
Applicant	Redrow Homes Ltd	Agent	Pegasus Group

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The 6.2 hectare application site is located at the corner of the junction of Oving Road (to the north) and the A27 (to the west), to the south and east there is agricultural land. There are 8 existing dwellings and a Jehovah's Witness hall adjoining the northern boundary, fronting Oving Road. Oving Road leads into Shopwhyke Road to the east, to the north of Shopwhyke Road is the Shopwhyke Lakes strategic development site subject to Policy 16 of the CLP, the development of which is well underway with residential properties fronting Shopwhyke Road.
- 2.2 The application site is flat and comprises a former agricultural field with scrub and a small number of trees on the boundaries. A more robust hedgeline forms the site boundary with the A27 to the west. There is an underground high pressure gas main running north-east to south-west approximately mid-way across the site with its associated easement zone and this has had a bearing on the layout of the proposed development.

3.0 The Proposal

- 3.1 The proposal seeks full planning permission for the erection of 143 dwellings with associated access, parking, outdoor space, landscaping and infrastructure. The site already benefits from planning permission for 100 dwellings (see site history below) and that permission is currently being implemented by national housebuilder Redrow Homes. This application is therefore for a further uplift of 43 dwellings on the extant approval. The application is a re-submission of planning application reference O/19/01951/FUL for 143 dwellings which was refused on 12 June 2020 and against which decision an appeal has been lodged. The applicant has amended the current application to address the previous reasons for refusal which in summary were: concerns regarding the grouping and pepper-potting of the affordable housing; issues relating to layout and design including the site permeability due to the lack of a footpath/cycle link to Oving Road in the north-west corner of the site; concern regarding the built forms in the south-western corner of the site; the failure of the applicant to properly address the criteria in Local Plan policy 40 on sustainability; and the absence of the necessary S.106 agreement to secure the affordable housing and other infrastructure necessary to make the application acceptable in planning terms.
- 3.2 In terms of housing provision, the application proposes the following housing mix:

43 Affordable dwellings

Equating to 30% of the proposed dwellings, of which there would be 30 affordable rent and 13 shared ownership units.

6no. 1 bedroom (14%)

18no. 2 bedroom (42%)

15no. 3 bedroom (35%)

4no. 4 bedroom (9%)

100 Market dwellings

30no. 2 bed houses (30%)

54no. 3 bed houses (54%)

16no. 4 bed houses (16%)

3.3 The dwellings would be predominantly two storey in height and arranged as a mix of detached, semi-detached and small terraces. There would be one block of three storey flats in the south-western corner of the site. The density of the net developable area of the site is 35.3 dph.

3.4 The proposal also comprises;

- Estate roads with a 6m wide principal street leading to secondary streets and a series of cul-de-sacs and private drives.
- 299 car parking spaces (2.09 per dwelling).
- 71 garages (57 detached and 14 integral).
- Allocated and visitor parking spaces.
- Secure cycle parking in sheds for plots without garages.
- 2,674sqm of public open space including an area of equipped play space (a LEAP) of 470sqm.
- Public open space to the south-west of the site, measuring approximately 300sqm.
- A network of footpaths around the site perimeter.
- A 3m wide off-site combined footway/cycleway linking to Oving Road from the north-west corner of the site.
- Hard and soft landscaping including boundary treatments and planting (a 5m wide landscape buffer to the west and south boundaries).
- Underground foul sewage pumping station and electricity substation.
- Solar PV panels on 23 dwellings.
- 29 dwellings to have active electric vehicle charging facilities installed.

4.0 History

16/00271/EIA	EIANR	To provide 99 dwellings (Use Class C3), with associated access, parking, outdoor space landscaping and infrastructure.
16/02254/OUT	NDET	Outline application for the development of the site to provide 100 no. dwellings (use class C3), with an associated access, parking, outdoor space, landscaping and infrastructure. APPEAL ALLOWED
19/00629/ADV	PER	1 no. non-illuminated stack sign and 2 no. non-illuminated flags on aluminium poles.
19/00873/ADV	PER	5 no. flags on aluminium poles.
19/01416/REM	PER	Reserved Matters application for all matters except Access - Erection of 100 dwellings and associated works in relation to outline planning permission ref: O/16/02254/OUT.

19/01951/FUL	REF	Erection of 143 dwellings, with associated access, parking, public open space, landscaping, extension to residential curtilages of existing properties along Oving Road and other associated works. APPEAL IN PROGRESS
19/02075/DOC	REF	Discharge of condition 7 from planning permission O/16/02254/OUT.
19/02719/FUL	PER	Construction of temporary access, parking, landscaping and cabin, for use as a sales area.
19/02720/ADV	PER	2 no. stack signs, 3 no. flags on poles, 1 no. V board, 2 no. Leader boards and 6 no. close board hoarding fences.
19/02901/DOC	SPLIT	Discharge of conditions 5, 8, 10, 11, 13, 16, 18, 19 and 20 from planning permission O/16/02254/OUT.
19/02954/DOC	PER	Discharge of Condition 7 of outline permission O/16/02254/OUT (APP/L3815/W/16/3165228) - Construction Environmental Management Plan.
19/03026/DOC	PER	Discharge of condition 12, 14 and 17 from planning permission 16/02254/OUT (Appeal Ref: APP/L3815/W/16/3165228).
20/00076/DOC	PER	Discharge of Condition 9 of Planning Permission O/16/02254/OUT (APP/L3815/W/16/3165228) land contamination Phase 2 intrusive investigation report.
20/00935/DOC	PER	Discharge of condition 20 from reserved matters approval O/19/01416/REM.
20/02038/DOC	PER	Discharge of condition 18 of permission O/16/02254/OUT (Appeal Ref: APP/L3815/W/16/3165228).
20/02119/DOC	SPLIT	Discharge of conditions 10 (Remediation Implementation), 13 (Drainage) from Planning Permission 16/02254/OUT (Appeal Reference APP/L3815/W/16/3165228).

20/03220/DOC	REF	Discharge of Conditions 4 (External Finishes schedule, and Materials Plan) and Condition 5 (External Works Sheet, 1,2,3 and 4) of reserved matters approval O/19/01416/REM.
20/03221/DOC	PER	Discharge of Conditions 6 (Oving Road PV Calculations and PV Location Plan) of reserved matters approval O/19/01416/REM.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **Oving Parish Council**

Comments received 23/10/2020 on current application

The PC unanimously agreed to object to this application in support of CDC's first three objections to application O/19/01951/FUL being the preceding application plus to reiterate OPC's previous comments submitted regarding O/19/01951/FUL.

We would like a condition added to this application requiring that a scheme for the disposal of foul water is submitted and approved by Chichester District Council prior to occupation. The Parish Council would like a second condition for the installation of electric charging points next to visitor parking bays.

I trust that the Parish Council's comments will be taken into consideration.

Comments received 25/10/2019 on previous application 19/01951/FUL subject of current appeal

Oving Parish Council's planning committee met last night to discuss planning application O/19/01951/FUL and would like it noted that they unanimously agreed to OBJECT to this application with the following comments.

The committee consider plots 73 & 78 to be too close to existing properties on Shopwhyke Road that back onto this site and request that these be removed or relocated elsewhere on the proposed plan.

Planting along the western edge appears to be sparse and should be intensified to increase absorption of road noise from the A27 and provide better screening of the acoustic fencing for the residents of the site.

Consideration should be given to establishing an access point on the southern boundary towards the south eastern corner to enable future access to facilities of the proposed AL3 site of the Chichester Local Plan Review.

6.2 Chichester Harbour Conservancy

Recommendation - Holding objection: until the development can be shown to be nitrate neutral to Natural England's written satisfaction and that better pedestrian integration between the site and Chichester be achieved, to the written satisfaction of Highways England.

(CDC Planning Officer Comment: The 143 dwellings will discharge to Tangmere WwTW which does not discharge into the waters of the Solent Maritime SAC so there is no nitrate issue to mitigate for. The securing through the proposed S.106 agreement of the pedestrian/cycleway link from the NW corner of the site to Oving Road addresses the matter of better integrating the site with existing and proposed sustainable access routes into Chichester delivered through the Shopwyke Lakes development).

6.3 Environment Agency

On the basis that foul drainage from the site will be directed to Tangmere Wastewater Treatment Works once the pipeline connecting Chichester city to the works is complete then we have no objection to the planning application. We would wish to see a foul drainage scheme to confirm the development will connect to Tangmere WwTW and that the timing and phasing of this connection is set out in discussions with Southern Water. A condition is recommended in this regard.

6.4 Southern Water

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted.

(Planning Officer Comment: Foul water discharges from the site are to be via mains sewer to Tangmere WwTW. It is understood at the time of preparing this report that the developer Redrow Homes has started works to install a new foul water rising main along Oving/Shopwyke Road from the application site to the CALA/Hanbury site and that these works are programmed for up to 16 weeks.)

6.5 Highways England

Having assessed the application, Highways England is now satisfied that the proposed pedestrian and cycle access arrangements to/from the A27 to the development are acceptable in principle (subject to detailed design). Accordingly, subject to necessary conditions, Highways England does not object to the development proposals as they will not have a detrimental impact on the safe and efficient operation of the A27 Trunk Road. A range of conditions are recommended including a footway/cycleway access in the NW corner of the site, CMP, details of acoustic fence on the A27 facing side, a scheme to safeguard and maintain the geotechnical stability of the A27 during construction and occupation of the site, details of landscaping on A27 facing side of the site. The applicant will be required to make a relevant contribution to the Local Plan A27 junction improvements. A contribution in line with the "Other Chichester City" development zone is appropriate equating to a total of £373,945 (143 dwellings x £2,615/dwelling).

6.6 Natural England

No Objection subject to CDC securing appropriate mitigation. With regard to European Sites, Natural England does not object to the granting of this permission subject to the advice given below. Natural England advises that the specific measures previously identified and analysed by your Authority to prevent harmful effects on coastal European Sites from increased recreational pressure should be applied to this proposed development at appropriate assessment. Your authority has measures in place to manage these potential impacts through the agreed strategic solution [*the Bird Aware Solent scheme*] which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development. Providing that the appropriate assessment concludes that these measures must be secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other adverse impacts identified by your authority's appropriate assessment, Natural England is satisfied that this appropriate assessment can ascertain that there will be no adverse effect on the integrity of the European Site in view of its conservation objectives.

(Planning Officer Comment: Officers have carried out an Appropriate Assessment which has concluded that provided the developer makes a financial contribution to the Bird Aware Solent scheme in accordance with the adopted methodology and secured through the S.106 agreement which the developer has agreed to do, then the development satisfies the Habitats Directive and there would not be a likely significant impact on the Chichester Harbour SPA).

6.7 WSSC - Highways

The scheme is broadly similar to that as proposed under O/19/01951/FUL (the scheme currently at appeal). It is broadly acceptable in highway terms with regard to internal layout and parking etc. Some specific details (e.g. tactile paving, pram ramps, installation of rumble strips etc.) in-and-around the layout might need some minor amendments at the detailed design stage but such matters could, in the opinion of the CHA, be secured by way of suitably worded highway-related conditions. A non-motorised route in the north-western corner of the site leading to/from the A27 and Oving crossroads which the applicant has agreed to provide should be secured by a S106 Agreement with such works consequently being delivered through a S38/278 Agreement at an appropriate time to be agreed.

The CHA asked that the cycle infrastructure be considered in-light of Local Transport Note 1/20 (LTN 1/20). This has been done in-part - namely the cycle parking provision, but does not appear to have been undertaken for the actual paths themselves. Section 1.6 of LTN 1/20 does still acknowledge that shared foot and cycle paths can still be used in certain circumstances and states that "*shared use routes away from streets may be appropriate in locations such as canal tow paths, **paths through housing estates**, parks and other green spaces*". As such, it appears that retaining the shared-style routes within the development and in the guise shown concurs with the current design advice.

The [site] access has gone through appropriate design and safety checks for the earlier 100 home scheme and the increase in traffic is only moderate. Parking appears adequate and in-line with current advice.

Conclusion - Should the LPA be minded to decide the application on the basis of the information provided so far, the CHA is not minded to object to the proposals subject to: S.106 agreement (Travel Plan, NW footway/cycleway connection to/from A27 Oving Crossroads, real time passenger bus information and new bus stops on Shopwhyke Road (the latter two if not already secured from other developments)).

Planning conditions should cover - Access, visibility splays, emergency access, internal access roads, car parking including visitor parking and electric vehicle parking, cycle parking and construction management plan.

6.8 WSSC - Flood Risk Management

No Objection

Current surface water flood risk based on 30year and 100year events - low risk

Modelled groundwater flood hazard classification - high risk

Records of any historic flooding within the site - no

6.9 WSSC - Fire and Rescue

Requirement for fire hydrants as a fire and rescue authority must take all reasonable measures for securing that an adequate supply of water will be available for the authority's use in the event of fire.

6.10 CDC - Housing Enabling Officer

The numbers and the affordable mix are acceptable and compliant with the Strategic Housing Market Assessment recommendations.

While I would want to see a strictly SHMA compliant mix I would not object to the proposed mix which is slightly changed from the previous one with five fewer 1 and 2 bedroom units and one fewer 4b. The corresponding increase has been made on the 3b houses.

The pepper-potting is still unacceptable and does not meet policy which requires no more than 10 affordable units together on a non-strategic site. Drawing P18-1586 01 REV A0 shows 11 and 15 affordable consecutive units and this needs to be addressed to be planning policy compliant.

(Planning Officer Comment: The issue of pepper-potting is addressed in the Assessment section of this report)

6.11 CDC - Environmental Health Officer (Noise)

The noise mitigation proposals outlined in the Noise Assessment are accepted. It is stated that the Noise Assessment has been based on the layout design plans Pegasus Design drawing P18-1586_01AM-1 Oving Road Site Layout 143. As was previously the case for 19/01416/REM (Redrow Homes 18.12.2019), the applicant shall be required to produce a "Statement of Scheme of Noise Protection", to confirm the mitigation measures that shall be implemented as part of the development. The following points would be expected for any such scheme that was seeking approval and the points are drawn from the Noise Assessment:

- Glazing and ventilators used in the development shall meet the minimum performance levels and sound insulation specifications.
- The acoustic fencing shall meet minimum performance levels. It is recognised that a 4m high fencing structure is high and potentially imposing. It may be an option to place a smaller fence on to an earth bund to create the desired 4m height and maintain the same acoustic performance.
- The garden fencing for the whole development shall be at least 1.8m high and meet the specifications detailed in Section 10.4.6 of the Noise Assessment.
- Validation testing.

6.12 CDC - Environmental Health Officer (Contaminated Land)

The submitted reports highlight that there may be unexpected areas of contamination at the site and if these are encountered, a procedure is detailed to ensure such areas are dealt with appropriately. Conditions are recommended in order to ensure that the remediation required is carried out at the development and in order to verify that the remediation has been completed successfully. A gas assessment has been carried out at the site and the report concludes that gas protective measures are required at the site. A scheme should be submitted to show that these measures are to be put in place at the site for approval by the authority prior to installation. Once the measures have been installed, verification should be provided to that effect. A condition is recommended in this regard.

6.13 CDC - Environmental Strategy Officer

Following submission of the Ecological Mitigation and Enhancement Plan (Dec 2020) we are satisfied that the site mitigation and enhancements proposed are suitable and a condition should be used to ensure this takes place. Following submission of the Sustainability Statement (Dec 2020) we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 19%. This will be achieved with a fabric first approach and through installing solar PV's.

6.14 CDC Archaeology Officer

Archaeological evaluation of this site has demonstrated that that nothing of archaeological interest is likely to have survived its former use as a quarry. In the circumstances there is no archaeological reason to recommend either refusal or any other mitigation measures.

6.15 CDC - Conservation and Design Officer

Materials - It is considered there is a good amount of variation within the proposed material palette particularly in key locations such as around the focal public open space.

Character - based on traditional character on the whole well detailed to front elevations. Most side and rear elevations are lacking in detail however this is not of concern unless they are highly visible.

Connections - There is limited opportunity for connection on to Shopwyke Road so it is considered the development is as connected as it can be here. Within the site there is one spine road and a series of dead end roads and closes so the development is relatively fragmented. This is slightly overcome through the pedestrian connections. There have been limited alterations to the layout of the housing following application 19/01951/REM.

The site layout has been designed to provide a barrier with the A27. The green space located between the housing and the A27 is reduced within this scheme, compared to the previous approval, however it is still considered that a sufficient amount of open space is provided within the development. The 4m height of the proposed acoustic screen is likely to appear very dominant and unsightly particularly from within the development. It appears vegetation is proposed to soften this, for the appearance of the Western edge of the development it is important that the vegetation type is lasting, well maintained and will have sufficient height to provide covered to adequately soften the appearance of the fence.

Street surfaces - The street surfaces show some variation in surface finish which should encourage reduced vehicle speeds particularly in shared surface areas.

Footways and paths - On the whole these are located in positions where they are overlooked by homes which enables passive surveillance and should encourage users to feel more secure.

Car Parking - There are different approaches to car parking throughout the site. This is most successful where private driveways are proposed as part of a landscaped frontage. Within the current layout all the car parking is located in situations where it is overlooked.

6.16 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 proposal is to discharge to a local watercourse (at the southern boundary) at a restricted rate (3.4 l/s) with excess water attenuated in a series of basins around the development for events up to the 1 in 100yr + 40% CC. This approach is acceptable in principle due to the nature of the ground conditions (made ground) ruling out an infiltration based solution.

Conditions recommended regarding full details based on SuDS and future management and maintenance of the SuDS system.

6.17 Sussex Police

No major concerns with the proposals. The development in the main has outward facing dwellings with back to back gardens which has created good active frontages with the streets and the public areas being overlooked. Various measures identified to make the environment safe by creating good natural surveillance through clearly identifiable and defined private and public routes and spaces. Careful choice of landscaping so as not to impede surveillance.

6.18 3 Third Party Objections

- inadequate provision for cyclists in the NW corner of the site (*Planning Officer Comment: the application has subsequently been modified to provide the off-site connection in the NW corner*)
- application seems designed to maximise the numbers of dwellings that can be built in a small area and only provides the minimum levels of insulation with no attempt to be sustainable. Transport Assessment seems to deliberately underestimate the car use it will generate.

6.19 Agents Supporting Information

The application is accompanied by a comprehensive suite of supporting documents which can be read in full on the Council's website but which cover the following matters: Addendum Planning Statement; Design and Access Statement; Ecological Impact Assessment Update; Ecological Mitigation and Enhancement Plan; Flood Risk Assessment Addendum; Transport Assessment; Travel Plan; Road Safety Audit; Habitat Regulations Assessment; Sustainability Statement; Noise Assessment Report; Air Quality Assessment; Arboricultural Impact Assessment.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no neighbourhood plan for Oving.
- 7.2 The principal policies of the Chichester Local Plan 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 4: Housing Provision

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 13: Chichester City Transport Strategy

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 52: Green Infrastructure

Policy 54: Open Space, Sport and Recreation

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

- 7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation, significant further work has been identified and the Council is currently reviewing its Local Development Scheme (LDS). At Council on 12 March the revised LDS timetable was agreed. Adoption of the LPR is now anticipated in March 2023.
- 7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1: Presumption in Favour of Sustainable Development

S2: Settlement Hierarchy

S3: Development Hierarchy

S4: Meeting Housing Needs

S6: Affordable Housing
S12: Infrastructure Provision
S14: Chichester City Transport Strategy
S20: Design
S23: Transport and Accessibility
S24: Countryside
S26: Natural Environment
S27: Flood Risk Management
S28: Pollution
S29: Green Infrastructure
S31: Wastewater Management and Water Quality
AL3: Land East of Chichester

Part 2 - Development Management Policies

DM2: Housing Mix
DM3: Housing Density
DM8: Transport, Accessibility and Parking
DM16: Sustainable Design and Construction
DM18: Flood Risk and Water Management
DM22: Development in the Countryside
DM24: Air Quality
DM25: Noise
DM26: Contaminated Land
DM28: Natural Environment
DM29: Biodiversity
DM30: Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
DM31: Trees, Hedgerows and Woodlands
DM32: Green Infrastructure
DM34: Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019 and related policy guidance in the NPPG.
- 7.6 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.*

7.7 The following sections of the revised NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Interim Position Statement for Housing Development
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Chichester Landscape Capacity Study

Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.

7.10 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

7.11 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 empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- 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:

- The Principle of development and the Policy position
- Highways and Accessibility
- Affordable Housing
- Layout and Density
- Design, Scale and Appearance
- Landscaping
- Sustainability
- Other Matters (A27 Noise, Biodiversity, Residential amenity, Drainage)

The Principle of development and the Policy position

8.2 The applicant Redrow Homes already benefits from outline planning permission (16/02254/OUT) for 100 dwellings on the application site following a successful appeal decision in 2017. The subsequent reserved matters approval (19/01416/REM) for the development was granted on 23 December 2019. The developer having cleared the pre-commencement planning conditions, has implemented the planning permission and houses are now being built on the site. The principle of building houses on this site is therefore now firmly established notwithstanding that under the current Local Plan it is outside of the settlement boundary for Chichester and in the countryside or Rest of Plan Area. However, because the site has permission to be developed it is proposed as part of the Local Plan Review to encompass it within the revised settlement boundary for Chichester. The site also adjoins a significantly larger land parcel of around 35 hectares to the south and east which under draft LPR policy AL3 is proposed as the East of

Chichester Strategic Site and allocated for a mixed use, residential-led development of 600 plus dwellings. The fact that the site is currently within the countryside area in policy terms should potentially weigh against any further provision of housing there above and beyond the 100 dwellings which the planning inspector allowed on appeal. Prima facie the erection of a further 43 dwellings on the site is contrary to Local Plan policy 45. However, this needs to be considered in the context of the Council not being able to demonstrate a 5 year housing land supply. The proposal offers the opportunity to help address the housing supply issue without going beyond site boundaries where the principle of housing is already agreed.

- 8.3 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5 year housing supply and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2023, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has committed to using the Interim Position Statement for Housing Development (IPS). Considering the current application against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the proposals score well which reinforces the opinion that developing further a site where there is an existing housing approval is a tenable and pragmatic approach. It is relevant to consider each of the IPS criteria in turn:

1) The site boundary in whole or in part is contiguous with an identified Settlement Boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).

The site is immediately adjacent to the existing settlement boundary for Chichester formed by the A27. This criterion is therefore satisfied.

2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy.

Chichester is the most sustainable settlement in the District at the top of the settlement hierarchy. The additional 43 dwellings proposed on a site where 100 have been permitted is not considered inappropriate in this locational context. The criterion is therefore satisfied.

3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.

This matter was addressed in the appeal in respect of the 100 dwellings. The inspector did not consider that the site possessed any particular landscape value or was important to retain as a landscape gap. There is no actual or perceived coalescence likely to arise from permitting this development indeed the direction of travel in the draft LPR would see a very much larger adjoining land parcel to the south and east being developed.

4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.

The permitted 100 dwelling scheme allowed on appeal achieved a density of development of 29.7 dwellings per hectare (dph) for the net developable site area. This is a relatively inefficient use of the available land particularly given the sustainable location adjacent to Chichester City. The density of the proposed increased development of 143 dwellings for the net developable site area would rise to 35.3dph. The increased level of development accords with the Council's 'benchmark' density value of 35dph for greenfield sites and is considered acceptable. The proposal meets this criterion.

5) Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

The site is not visible from the Chichester Harbour AONB. Any distant views possible from higher ground in the South Downs National Park would not be able to differentiate the uplift of an additional 43 homes from the 100 homes that have permission to be constructed on the site. The proposal would comply with this criterion.

6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not affect the potential or value of the wildlife corridor.

The criterion is not applicable in this instance. The site is not adjacent to any of the proposed East of City Strategic Wildlife Corridors.

7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

It is considered the proposal would meet the above criterion. Wastewater disposal to Tangmere WwTW will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the Section 106 agreement and/or by planning conditions.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

With the Council's declaration of a Climate Change Emergency in July 2019 there is a continuing and developing requirement for application proposals to respond to the criteria in Local Plan policy 40. The applicants have submitted a Sustainability Statement which proposes to install photovoltaic arrays on the roof slopes of 23 properties sufficient to offset a further 27,059.37kg/year of CO₂, thereby ensuring the site's net emission rate better Part L1A of the Building Regulations by 19%. The 23 properties that will have PV's installed will generate 60.7kWp. The developer is additionally proposing a fabric first approach to reducing carbon emissions and water consumption of less than 110 litres per person per day. 20% of properties (29 dwellings) will have active electric vehicle charging facilities installed. Overall the proposals are considered to meet policy 40 and there is no objection from the Council's Environment Officer. Subject to conditions the criterion is considered to be met.

9) Development proposals shall be of high quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The development is of a high standard of design and provides an acceptable layout (see later assessment). This criterion is satisfied.

10) Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The vehicular access to the development from Oving Road is already approved as part of the 100 dwelling development and has been delivered. The proposals additionally now deliver an off-site combined pedestrian and cycleway link in the NW corner of the site to Oving Road and thereon either to the at-grade toucan crossing for the A27 or to the new foot and cycleway bridge to be delivered during 2021 across the A27 as part of the Shopwyke Lakes development. The development additionally provides scope for off-site footway and cycle linkages beyond the south and east site boundaries should there be future development on the adjoining land as proposed in the draft Local Plan Review. The criterion is considered to be complied with.

11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

This criterion is considered to be satisfied. The site is located within EA flood zone 1, as an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development.

12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

The foul water discharges from the development are to be routed to Tangmere WwTW where there are no issues with nitrates and impact on the Solent Maritime SAC. The criterion therefore is not relevant to this proposal.

13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery.

The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.

Redrow Homes are currently on site building the 100 dwellings for which they have planning permission and subject to obtaining permission for the additional 43 dwellings would carry on building so there would be no delay in the delivery of the housing subject to the discharge of any conditions.

8.4 Notwithstanding the above assessment of how the proposals address the relevant IPS criteria, officers are also mindful of the previous application for 143 dwellings which is at appeal. The following assessment therefore includes consideration of the degree to which the issues of conflict identified on that application (summarised above in para 3.1) have been resolved.

Highways and Accessibility

- 8.4 The point of vehicular access to the development from Oving Road has been agreed and has now been constructed with appropriate visibility splays as part of the permission for 100 dwellings on the site. The accessibility issue on the site particularly in respect of non-motorised off-site connections and onward links to Chichester City is now proposed to be addressed through the provision in the north-west (NW) corner of the site of a 3m wide combined cycleway and footway (LTN 1/20 compliant) which will provide residents with easy access to either the existing at grade toucan crossing on the A27 or the new cycle/foot bridge over the A27 which is to be constructed later this year as part of the highway improvements package stemming from the Shopwyke Lakes development. The off-site connection will be secured by condition. In securing the NW access which is supported by both WSCC and Highways England it is considered that the related reason for refusal on the appeal application is satisfactorily addressed. The internal layout of the development also provides for a potential footpath link to any future development which may come forward on land to the south of the site and footway and cycle links to the east. The 6 metre wide Principal street for the development which abuts the eastern boundary again provides the opportunity for future connectivity.
- 8.5 In terms of parking provision, the 299 spaces meet the requirements of WSCC Highways and provide a mixture of on-street, on-plot, courtyard and garage parking. The developer is required to provide electric vehicle charging facilities and 29 dwellings are to have active electric vehicle charging facilities installed. In terms of the additional 43 dwellings, the increase in trip rates over those for the 100 dwellings which are an existing commitment, would result in 28 two-way vehicular trips in the weekday morning peak hour and 29 two-way vehicular trips in the weekday evening peak hour. WSCC Highways having considered the transport assessment in this regard has raised no objection, the cumulative impact of additional traffic generation would not be severe or constitute a reason for refusing the application on highway grounds (NPPF paragraph 109).

Affordable Housing

- 8.6 The 15 'consecutive' affordable units referred to in the consultation response from the Council's Housing Enabling Officer are located on the eastern edge of the site. These units already have planning permission under the approval for 100 dwellings (19/01416/REM) and are currently being built. The distribution of 11 affordable units on the western side of the site are not considered to be 'consecutive'. The dwellings in this area are physically separated by roads and parking areas, there is an avoidance of an over dominant single tenure, the affordable units are tenure blind and the applicant has now introduced 2 no. intervening market units at plots 88-89 to avoid an over presence of affordable units. In terms of the pepper-potting of affordable housing that would result from this application for 143 dwellings the resultant clusters are:
- Plots 17 to 31 - cluster of 15 affordable properties (as already approved in the Reserved Matters application for 100 dwellings);
 - Plots 113 to 121 - cluster of 9 affordable properties (single block of flats);
 - Plots 104 to 107 - cluster of 4 affordable properties;
 - Plots 90 to 97 - cluster of 8 affordable properties; and
 - Plots 81 to 87 - cluster of 7 affordable properties.
- Notwithstanding the Housing Officers comments it is not therefore considered that the 11 units referred to form a single location or cluster of affordable housing that would be contrary to the pepper-potting objectives set out in the SPD.
- 8.7 The proposed mix and tenure of the affordable housing has been varied since the refusal of the previous application and is accepted by the Housing Enabling Officer. In terms of the previous reasons for refusal for the scheme which is now at appeal it is considered that the affordable housing component has been satisfactorily addressed and complies with Policy 34 of the adopted Local Plan.

Layout and Density

- 8.8 The proposed layout of the development builds on the previously approved layout for 100 dwellings. There is some necessary re-ordering of the dwellings on that previous layout but the focus for the additional 43 dwellings is primarily in the south-west and west parts of the site which formed large areas of open space in the approved 100 dwelling development. The proposals would result in a net density of 35.3dph which only modestly exceeds the Council's benchmark density of 35dph in Paragraph 17.6 of the supporting text in the Local Plan and in such terms is a more efficient and effective use of the available land than the approved scheme as specifically advocated in government policy (NPPF paragraph 117).
- 8.9 Notwithstanding the increased density of development associated with the additional 43 dwellings, the proposed development still provides more than the required level of green open space. The Council's Open Space Calculator requires a total of 1,995sqm of public open space for the proposed number and mix of dwellings of which 460sqm should be provided as equipped play space and 1,535sqm as amenity open space. The development provides a total of 2,674sqm of public open space including an area of equipped play space (a LEAP) of 470sqm and a triangular parcel of open space land in the south-western corner of the site which measures approximately 300sqm. The proposed open space in the centre of the site would provide a focal point for the development with adequate overlooking from windows to promote natural surveillance.

- 8.10 Around the perimeter of the site there would be swales and a 5 metre wide soft landscaping buffer with a 3 metre wide footpath/cycle path. This would provide an appropriate transition to the open countryside to the east and south of the site and provide good pedestrian permeability within the site. Criterion 10 of the IPS states that 'Development should be sustainably located in accessibility terms, and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities to upgrade existing linkages.' For the application currently at appeal the lack of commitment of the developer to deliver the footpath/cycle link and the associated off-site highway works to the north-west corner of the site was a key reason for refusal. As the application comprises a housing only development with no onsite services, convenient onward connectivity to the City centre by sustainable means is paramount. The north-west link is regarded as an important piece of sustainable transport infrastructure for the site, providing as it will a more direct means of accessing the City Centre via either the existing toucan crossing over the A27 or the footway/cycleway bridge over the A27 that will be constructed later this year as part of the package of transport improvements secured for the adjacent Shopwyke Lakes development. Whilst it is acknowledged that the Planning Inspector did not require such an off-site link for the 100 dwelling scheme (16/02254/OUT), the current proposal seeks a not insignificant uplift in the number of dwellings by 43%. Furthermore, the proposed additional dwellings would be sited closer to the western boundary of the site meaning that without the NW link a greater distance would need to be travelled to access off-site services and facilities in Chichester. The delivery of the link is therefore considered to be a necessary requirement.
- 8.11 During consideration of this application, officers in conjunction with Highways England and WSCC Highways have now negotiated with the applicant a 3 metre wide connection in the north-west corner of the site which will be delivered through planning conditions and/or through the S.106 agreement.
- 8.12 The proposed layout results in a large number of junctions throughout the site to provide access to individual cul-de-sacs. The hierarchy of road widths with secondary streets leading to private drives serving small groups of properties is considered to aid the legibility of the development. The principal street running diagonally NE to SW through the site would have a turning head that would abut the eastern site boundary. This could provide an opportunity for the proposed development to connect to future development to the east, should draft policy AL2 of the Local Plan Review be adopted by the Council. The layout of the development would allow adequate access and turning for refuse vehicles as well as sufficient bin storage and collection points.
- 8.13 In terms of layout, it is considered that the criticisms identified on the scheme which is at appeal have been adequately addressed in this re-submitted application. Additional tree planting has been introduced to break up and soften the areas of hardstanding for parking provision for the affordable housing groupings and the flat block in the south-west corner of the site has been repositioned to improve the relationship with Plots 122-125 which have been rotated. The north-east elevation of the flat block has also been redesigned to remove overlooking windows. Amendments to the street at Plots 63-73 have also been carried out to create an improved street scene, and sense of place within the courtyard. Overall the revised layout of the development is now considered acceptable and would contribute to creating a sense of place. The proposal would therefore be in accordance with policies 33, 39 and 54 of the adopted Local Plan.

Design, Scale and Appearance

- 8.14 The scale of development is all at 2 storey with the exception of the 3 storey block of 9 apartments in the south-west corner of the site. The proposed materials palette for the dwellings comprises 3 types of facing brick, tile hanging to match the roof tiles of which there are 3 types and the use of white roughcast render. The Redrow Homes architectural style is quite distinctive amongst rival volume housebuilders with its pattern book echoing an Arts and Craft influence including the use of projecting bay windows, gable roofs, hipped roofs with dropped eaves, decorative tiling and brickwork and distinctive small paned windows. There are 15 dwelling styles proposed on this development and further variation is provided in the selection and application of the materials within each house type. For consistency the house types and materials palette are the same as those approved for the 100 dwellings. The Council's Design Officer has commented that there is a good amount of variation within the proposed materials palette particularly in key locations such as around the focal public open space. Dual aspect properties located at the corners of junctions address the street-scene and create active frontages and the mix of hipped and gable roof designs is considered likely to result in a varied and interesting roof scape.
- 8.15 The additional uplift in housing on the site will therefore reflect and extrapolate what has already been approved and is being built for the 100 dwellings. The proposals are therefore considered to comply with Local Plan policy 33.

Landscaping

- 8.16 As referred to earlier in the report the application benefits from an excess of green amenity space and aside from the large area of central open space which contains the LEAP, and the individual on-plot planting, this is best expressed through the wide grassy margins which are proposed around the site perimeter, particularly to the west boundary with the A27 and to the south, but also to the east and across the site frontage with Oving Road to the north. These areas to the west, south and east will have shrubs and long mown grass and incorporate swales as part of the surface water drainage strategy which will be sown with a wildflower meadow mix. A 5m wide planted landscape buffer to be managed by the estate management company will be provided on the west and south boundaries. The principles of the proposed landscaping again follow those agreed as part of the approved 100 dwelling scheme and are acceptable.
- 8.17 In terms of hard landscaping and enclosures, throughout the development boundary treatment would comprise 1.8m high timber fencing between plots and brick walls on all boundaries that front a highway or public open space and this is considered to be an appropriate solution. As part of the proposed noise mitigation from the A27 a 4 metre high timber acoustic fence is to be erected approximately 5m inboard of the red line site boundary on the west boundary. The position of the acoustic fence is to be on the same alignment as the 3m high acoustic fence permitted for the 100 dwelling scheme and will wrap around the south boundary in the same way extending again on the approved alignment approximately 54m eastwards into the site. Whilst the height of the fence is proposed to be increased, the application retains the existing well vegetated boundary hedging with the A27 at approximately 2.5 to 3 metres high which will for the most part screen and soften its appearance. Similarly on the east side of the acoustic fence

proposed planting will soften this aspect also. A fundamental and irreversible change to the character and appearance of the land east of the A27 has already been accepted by the Council in approving the 100 dwelling proposals and within this context the addition of a further 43 dwellings albeit with development brought closer to the A27 is not considered to present a harmful landscape impact that would weigh against permitting the development.

Sustainability

- 8.17 In terms of Local Plan policy 40 the developer has committed to measures to achieve a reduction in CO2 emissions of 19% over Building Regulations Part L1A. This will be achieved with a fabric first approach and through installing solar PV's on 23 dwellings. Additionally 29 dwellings will be equipped with active electric vehicle charging facilities and water consumption per person per day will be restricted to 110 litres through the installation of eco sanitary ware and flow restriction devices. The Council's Environment Officer has raised no objection to the developers intended approach and the proposals are considered to be an acceptable response to policy 40 and IPS criterion 8. The proposed measures will be secured by condition.

Other Matters

- 8.18 A27 Noise - The addition of 43 dwellings to the site will bring dwellings closer to the A27 and potentially therefore disturbance from traffic noise. The proposed terrace of 2 storey dwellings aligned N-S on the west side of the site would be approximately 52 metres back from the metalled edge of the A27, the 2 storey flat block A, 34 metres back and the 3 storey flat block C, 37 metres back. The Council's Environmental Health Officer has accepted the Environmental Noise Assessment provided by the applicants and the recommendations attached in the consultation response will be secured by condition to ensure that the living environment experienced by the residents in these dwellings is acceptable. The acoustic boundary fencing along the west and south boundaries combined with boundary walls and fences and enhanced window glazing are considered likely to result in a satisfactory living environment both externally in private gardens and indoors.
- 8.19 Biodiversity - The applicant has submitted an Ecological Mitigation and Enhancement Plan which sets out measures to improve the biodiversity of the site notwithstanding that it is to re-developed with housing. To that end the proposals include provision of hibernacula for reptiles and a buffer zone of 1m between the canopy edge of the existing hedgerow along the western boundary of the site and the proposed acoustic fencing in order to safeguard the existing hedgerow and habitats in and around it. Garden boundary fences will include small gaps underneath to allow the free passage of hedgehogs and small mammals and 23 bat boxes/integrated bat bricks, 9 swift bricks/boxes and 10 built-in house sparrow terraces are to be provided. The Council's Environment officer has considered the package of measures and confirmed that the mitigation and enhancements proposed are suitable subject to a condition being imposed to secure them.
- 8.20 Residential Amenity - The proposed housing respects the Council's design guidelines in terms of minimum separation distances for back-to-back and side-to-back relationships and in a number of instances minimum distances are noticeably exceeded. The side-to-back relationship with existing properties fronting Oving Road at around 14 to 18 metres exceeds the standard.

Drainage

- 8.21 Surface Water - The site lies in flood zone 1 and is therefore at the least risk of flooding. The surface water drainage strategy is founded on the principle of SuDS and will rely on a series of shallow attenuation basins located around the site perimeter which will discharge to a local watercourse (at the southern boundary) at a restricted rate (3.4 l/s). Excess water will be attenuated in the basins for events up to the 1 in 100yr + 40% for climate change. An infiltration based solution is not possible given the made nature of the underlying ground. No objection subject to appropriate conditions is raised by the Council's Drainage Engineer.
- 8.22 Foul Drainage - The site will dispose of its foul water off-site by mains drainage to the Tangmere WwTW via a new foul water rising main which is to be installed along Oving/Shopwyke Road from the application site to the pumping station at the CALA Homes/Hanbury site at Shopwyke Lakes and these works are programmed to take up to 16 weeks. There are currently no nitrates issues with regard to discharges from Tangmere WwTW.

Significant Conditions

- 8.23 The key conditions that are recommended to make this development acceptable have been discussed in the relevant sections of this report. These conditions would include details of the off-site pedestrian and cycle access link in the north-west corner, a construction management plan, surface water drainage and its long-term management and maintenance, sustainability components, soft landscaping and tree protection measures and ecological mitigation and enhancements. The approved 100 dwelling scheme has similar controls in place and these will be extrapolated where necessary to cover the additional 43 dwellings resulting from this application.

S.106 Agreement

- 8.24 The current full application will require a fresh Section 106 agreement which consolidates the obligations agreed under the S.106 for the outline permission ref. 16/02254/OUT with the additional requirements generated by the uplift of the proposed 43 additional dwellings on the same site. At the time of preparing this report work was progressing on preparing the agreement, which the applicants have confirmed they will enter into. The anticipated final heads of terms are:

- Provision of 30% Affordable Housing (43 dwellings) with the tenure mix and size as specified in paragraph 3.1 above. Appropriate management by an approved body and a nominations agreement.
- Recreational Disturbance Mitigation Contribution at Chichester and Langstone Harbours SPA in accordance with Local Plan Policy 50 and Planning Obligations and Affordable Housing SPD. £uplift for the additional 43 dwellings resulting from the application in addition to that already secured on the approved 100 dwelling scheme.

- Provision, management and on-going maintenance of Open Space Land and Equipped Play Area.
- 5m wide Landscape Buffers on west and south boundaries.
- £373,945 A27 Junction Improvements contribution in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.
- Provision of a 3m wide off-site pedestrian/cycleway link to Oving Road in the north-west corner of the site.
- Bus Stop and Real Time Passenger Bus Information.
- Travel Plan
- S.106 Monitoring Fee £5,106

This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters.

Conclusion

8.25 The applicant Redrow Homes is already on the application site building out a permission for 100 homes. The principle of developing this land is therefore already firmly established and the associated appearance and character change to that land has therefore been implicitly accepted as an inevitable and irreversible consequence of that position. The additional 43 dwellings on top of what has been permitted will increase the site density to 35 dph which the Council has set as its benchmark for most developments. In so doing it is considered that the development makes a proper and effective use of the available land in accordance with government policy in the NPPF. Notwithstanding that the site is in the countryside or Rest of Plan Area under the current adopted Local Plan, the Council's housing policies are out of date and there is no 5 year housing land supply. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major applications as it ordinarily would. The site is sustainably located and appropriate for housing and no technical objections have been raised such as cannot be addressed by the imposition of suitable conditions. The application is considered to have satisfactorily addressed the reasons for refusal on the previously refused application for 143 dwellings on this site which is currently at appeal and for which the Council's evidence would need to be submitted shortly after the Committee meeting. Should the application be approved it is anticipated that Redrow Homes would withdraw its appeal.

8.26 The application will deliver much need housing including an extra 13 units of affordable housing over the 30 already secured by the 100 dwelling permission and will help to address the Council's housing supply shortfall. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

8.27 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 2 years from the date of this permission.

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: P18-1586_01 Sheet No.01 Rev AU; P18-1586_01 Sheet No.02 Rev AU; P18-1586_11; P18-1586_12 Rev H; P18-1586_13 Rev B; P18-1586_15 Rev G; P18-1586_16 Rev F; P18-1586_17 Rev B; Housetype Pack P18-1586_18E, December 2020; P18-1586_24 Rev B; P18-1586_26 Rev B; P18-1586_50; 7490-EV-PV-001; P18-1586_31 Rev E; P18-1586_32 Sheet No.1 Rev C; P18-1586_32 Sheet No.2 Rev C; P18-1586_33 Sheet No.1 Rev C; P18-1586_33 Sheet No.2 Rev C; P18-1586_33 Sheet No.3 Rev C; P18-1586_33 Sheet No.4 Rev C; P18-1586_33 Sheet No.5 Rev C; 6549/SK04 Rev C; 6549/SK05 Rev B; 6549/SK06 Rev B; 6549/502 Rev D; 6549/503/01; 6549/503/02; 6549/503/03; 6549/503/04; 6549/503/05; 6549/503/06; 6549/503/07; 6549/503/08; 6549/503/09; 6549/SK10 Rev D; 6549/71 Rev A.

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

3) No development shall commence on site, until protective fencing has been erected around all trees, hedges, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 and as set out in the Arboricultural Impact Assessment (reference 200907-5.1-OPCH-AIA-PM) and the Tree Protection Plan (drawing number 200907-4.2-ORA27CH-TPP-NC). Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

4) No works shall commence until the details of a scheme to safeguard and maintain the geotechnical stability of the A27 during construction and occupation of the site have been submitted to and been approved in writing by the Local Planning Authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority (who shall consult Highways England).

Reason: To ensure that the A27 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

5) No development shall commence until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority. The scheme shall include:
 - A precast concrete floor with a ventilated sub floor void installed with a minimum depth of 150mm at all properties on site.
 - A gas resistant membrane system installed which is fully lapped and sealed in accordance with the manufacturer's instructions.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured.

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

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

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.

7) **Before occupation of the first dwelling on site** a scheme for validation testing of internal and external noise levels shall be submitted to and be approved in writing by the Local Planning Authority. The scheme for validation testing shall set out the survey method statement and intervals to submit testing results to the Local Planning Authority. Thereafter, the testing of noise levels shall be carried out in accordance with the scheme and the results of such testing shall be submitted to and be approved in writing by the Local Planning Authority in line with the intervals agreed in the scheme for validation.

Reason: To ensure an acceptable noise environment in the interests of the amenities of future occupiers of the site.

8) **The development hereby permitted shall not be commenced** until such time as a scheme to dispose of foul drainage to Tangmere Wastewater Treatment Works has been submitted to and been approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall be implemented as approved.

Reason: To ensure that foul water discharges from the development do not cause environmental harm to the special water environment of Chichester Harbour SPA in accordance with policy 12 of the Chichester Local Plan: Key Policies 2014-2029.

9) **Development shall not commence** until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

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

10) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Ecological Mitigation and Enhancement Plan (Dec 2020) produced by ECOSA and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:

- areas of wildflower grassland planting
- infilling gaps in tree lines or hedgerows with native species
- the provision of 17 no. bat brick/boxes to be installed into the dwellings and a further 6 no. bat boxes/nest boxes to be installed on retained trees on the site boundaries
- the provision of 9 no. swift bird bricks installed into the dwellings and 10 no. built-in House Sparrow Terraces
- the provision and retention of 2 no. hibernacula for reptiles
- gaps to be provided at the bottom of garden boundary fences to allow free movement of hedgehogs and small mammals across the site.

Reason: In the interest of conserving and enhancing biodiversity.

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

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

12) Details of the form and appearance of the proposed 4 metre high acoustic fence shall be submitted to and be approved in writing by the Local Planning Authority in consultation with Highways England **before the development commences**. The fence shall thereafter be erected in accordance with the approved details.

Reason: In the interests of amenity and road safety.

13) Notwithstanding the Solar PV locations shown on drawing number 7490-EV-PV-001, **there shall be no development above slab level** until detailed calculations and plans have been submitted to and been approved in writing by the Local Planning Authority which shall demonstrate that the development will meet the electricity generation levels set out in section 7.3 'Renewable Technology' of the Sustainability Statement prepared by JSP Sustainability and dated December 2020. Thereafter Solar PV shall be installed and fitted flush with the roof plane and ready for use in accordance with the approved details prior to the occupation of the associated dwellings.

Reason: To ensure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

14) Notwithstanding any details submitted to the contrary or details previously approved by the Local Planning Authority in respect of reserved matters approval O/19/01416/REM dated 23.12.2019 **the finished surface of roads, pathways, driveways and parking spaces shall not be laid** until a full schedule of all materials and finishes for such surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of surfacing materials unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and highway requirements.

15) Notwithstanding any details submitted to the contrary **no development/works shall commence above slab 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 buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality.

16) **Before construction of the final wearing course of the internal roads** within the development hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority of the surfacing materials which shall be suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The final wearing course of the internal roads shall thereafter be constructed in the approved surfacing materials.

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

17) **Before first occupation of the 115th dwelling** on the development hereby permitted a detailed scheme of highway improvement works as shown on the Cole Easdon Consultants drawing number 6549/SK10 Rev D 'Proposed Footway/CyclewayLink' (or such other scheme of works substantially to the same effect) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with Highways England and West Sussex County Council Highways Authority.

Reason: To accord with the terms of the application and to provide a convenient and sustainable off-site connection to the existing pedestrian and cycle network and links to Chichester City in accordance with Policy 39 of the Chichester Local Plan: Key Policies 2014-2029.

18) **Before first occupation of the 130th dwelling** on the development hereby permitted the highway improvement works as approved pursuant to Condition 17, including any necessary transfer of lands to enable the construction and maintenance of the scheme, including visibility splays, signage, lining, safety audit recommendations and any TROs as might be required, shall be constructed and opened for use to the general public.

Reason: To accord with the terms of the application and to provide a convenient and sustainable off-site connection to the existing pedestrian and cycle network and links to Chichester City in accordance with Policy 39 of the Chichester Local Plan: Key Policies 2014-2029.

19) **No development shall commence on the Sustainable Urban Drainage System (SuDS)** 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.

20) **No dwelling shall be first occupied** until Electric Vehicle (EV) charging facilities are provided for that dwelling in accordance with the provision shown on plan no. 7490-EV-PV-001. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020) including the technical specification of the Electric Vehicle charging point facilities and no dwelling which is shown to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

Reason: To accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

21) **Before first occupation of any dwelling** 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 schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

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

22) **Before first occupation of any dwelling**, details showing the precise location, installation and ongoing maintenance of 1 (one) fire hydrant to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrants shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Services Act 2004.

23) **No dwelling shall be first occupied** unless and until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and retained for that purpose thereafter.

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

24) **No dwelling shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it - including where shown visitor/unallocated spaces, associated footways and turning heads - have been constructed, surfaced and drained in accordance with the approved drawings. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application, adopted guidance and in the interests of road safety.

25) **No dwelling shall be first occupied** unless and until the garden boundary fencing for that dwelling where shown on plan no. P18-1586_12 Rev H4 and the 4 metre high acoustic fencing on the south and west site boundaries and the 1.8 metre high acoustic fence on the north boundary as shown in Figure 9 have been erected in accordance with the specifications detailed in Section 10 of the 'Environmental Noise Assessment' by Noise.co.uk Ltd (Prepared 28th August 2020, Ref: 19424B-1-R2). Once erected the boundary fencing for each dwelling and for the site shall be maintained as approved in perpetuity.

Reason: In the interests of providing a satisfactory noise environment for the residents of the development.

26) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure

27) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in 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). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

28) **No dwelling shall be first occupied** until details of the enclosure for the pumping station and substation have been submitted to and been agreed in writing by the Local Planning Authority. Thereafter the enclosure of the pumping station and substation shall be carried out prior to the occupation of the first dwelling of the development hereby approved. The enclosure of the pumping station and substation shall be maintained and retained in perpetuity.

Reason: In the interest of the amenities of the future occupiers of the site.

29) **No dwelling shall be first occupied** until refuse and recycling storage facilities and bin collection points for the respective dwelling has been provided in accordance with the approved plans. 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.

30) **No dwelling shall be first occupied** until an emergency vehicular access onto Shopwhyke Road has been constructed in accordance with plans to be submitted and approved by the LPA after consultation with the Local Highway Authority. Once constructed, it shall thereafter be used for emergency purposes only.

Reason: To ensure that emergency access is provided suitable for its intended purpose.

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

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

32) All hard and soft landscape works shall be carried out in accordance with the submitted and hereby approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **The works shall be carried out in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before first occupation of any dwelling.** Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure the provision and establishment of a reasonable standard of landscape planting in accordance with the approved designs.

33) The existing hedge along the west site boundary shall be retained and protected during the course of the development in accordance with BS5837:2012. Any part of the hedge which is removed without consent or becomes seriously damaged during construction of the development, shall be replaced as soon as is reasonably practicable in the next planting season, whichever is the earlier, with replacement hedge plants of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of preserving the visual amenities of the area.

34) 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

INFORMATIVES

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

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

3) The 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).

4) 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 its website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

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.

6) The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works (e.g. those required under S38 and/or S278). The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. For the A27, the applicant should contact Highways England. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

7) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover any proposed adoptable on-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to a S38 Agreement being in place are undertaken at their own risk.

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

9) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

For further information on this application please contact Jeremy Bushell on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHIZNERGV300>