


Parish: Chichester	Ward: Chichester North
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CC/20/01897/FUL

Proposal	Demolition of the existing dwelling at 22A Lavant Road and the construction of 4 no. dwellings and associated works.		
Site	22A And Land To The Rear Of 24 Lavant Road Chichester West Sussex PO19 5RG		
Map Ref	(E) 485805 (N) 107098		
Applicant	Mr & Mrs A Cunningham	Agent	Mrs Kerry Simmons

RECOMMENDATION: PERMIT WITH S106



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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit

1.2 The application was deferred at the Planning Committee meeting on 07.04.21 for the further information/amendments, as detailed below;

- i. Information about the use of the proposed nitrate mitigation land over the last 10 years.**
- ii. Confirmation as to whether revisions could be made to the scheme to allow for more of the existing hedging and trees at the site to be retained, particularly along the eastern boundary and in particular tree T13.**
- iii. Confirmation of whether the housing mix at the site could be amended so that one or two of the units are proposed to be smaller to improving the housing mix.**
- iv. Advice regarding the fire risk**

2.0 The Site and Surroundings

- 2.1 The application site comprises the whole of 22a and part of the rear garden of 24 Lavant Road, Chichester. The site is located within the settlement boundary on the east side of Lavant Road, opposite Hunters Way. 22a Lavant Road is a four bedroom two storey detached dwelling constructed of brickwork with clay tiles to the roof with a detached double garage to the south side elevation. The property is set back approximately 19m from the front boundary. To the front of the property there is a gravelled parking area with areas of trees and planting and an access onto Lavant Road. To the front boundary there is a timber fence and trees, a timber fence and hedging to the north boundary and trees to the south boundary. To the rear of the property there is a lawn, a patio, and areas of planting and trees with trees to the boundaries. The site is approximately 76m in length and 22-23m in width.
- 2.2 24 Lavant Road is sited to the north of 22a Lavant Road. The property is a two storey detached dwelling designed in the mock Tudor arts and crafts style. It is constructed of brickwork, timber beams and render with clay tiles to the roof. The property is set back approximately 19m from the front boundary. To the front of the property there is a detached carport and a gravelled parking area and an access onto Lavant Road. To the front boundary there is a timber fence, hedging and trees, a timber fence and hedging to the north boundary and hedging to the south boundary. To the rear of the property there is a lawn, an area of decking, three sheds and areas of plants and trees with a fence and trees to the rear boundary and trees to the side boundaries. The whole of the site as existing is approximately 76m in length and 21m in width.
- 2.3 There are detached residential dwellings to the north, east and west of the site, and to the south of 22a Lavant Road there is a two storey detached block of flats comprising eight flats.

3.0 The Proposal

- 3.1 Planning permission is sought for the demolition of the existing dwelling at 22a Lavant Road and the construction of 4 no. dwellings and associated works. Two semi-detached dwellings are proposed in the front of the site at no. 22a with one detached chalet bungalow to the rear, and the second detached chalet bungalow is proposed in what is currently the rear garden of 24 Lavant Road.
- 3.2 The semi-detached dwellings (plots 1 and 2) would be two storeys with an ensuite bedroom in each roofspace, and each property would have four bedrooms in total. The dwellings would be constructed of brickwork and tile hanging with clay tiles to the roof. To the front of these properties would be a parking area and a detached bin and bike store. The store would be constructed of oak cladding with clay tiles to the roof. To the rear of the properties they would each have a rear garden with fencing to the rear and north boundaries and trees to the southern boundary of plot 2.
- 3.3 The existing access for 22a Lavant Road is proposed to be retained to serve the development; it would be extended to serve the properties proposed to the rear. The two properties to the rear (plots 3 and 4) would be three bedroom detached chalet bungalows constructed of painted brickwork and cedar cladding with slate tiles to the roof. Both properties would have 2 parking spaces, private garden areas and a detached bin and bike store. The boundaries would comprise a mix of fencing and planting.

4.0 History

17/01073/FUL	REF	Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.
18/00002/REF	DISMIS	Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.
19/03077/FUL	WDN	Demolition of existing dwelling. Erection of 2 no. 4 bedroom semi detached houses, 1 no. 4 bedroom detached chalet bungalow, access, landscaping and associated works.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Chichester City Council**

Further comments (11.01.21)

As I explained to the agent, Kerry Simmons, recently, the objection to this one was based on the principle of the development, with the subdivision etc, and the impacts of the proposed details of development, neither of which would be changed to any significant degree by the nature and scale of the small adjustments now proposed by the agent. Therefore our objection still stands as submitted.

Original comments (18.09.20)

Objection as the proposal would unacceptably harm the character of the area, highway safety and biodiversity.

6.2 **Natural England**

No objection subject to appropriate mitigation being secured.

We consider that without appropriate mitigation the application would:

- damage or destroy the interest features for which Chichester Harbour Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Financial contribution to the Bird Aware Solent Scheme.
- Provision of nutrient reduction measures.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Advice on mitigation and standing advice provided.

6.3 WSCC Highways

Further comments (02.03.21)

The LHA has been re-consulted on this application following submission of revised plans. The applicant was requested to demonstrate the impact of the tree on visibility splays at the access and to demonstrate swept path tracking for a refuse vehicle.

Manual for Streets paragraph 7.8.6 states that *'The impact of other obstacles, such as street trees and street lighting columns, should be assessed in terms of their impact on the overall envelope of visibility. In general, occasional obstacles to visibility that are not large enough to fully obscure a whole vehicle or a pedestrian, including a child or wheelchair user, will not have a significant impact on road safety.'*

The applicant has provided visibility splays at a 3m, 2.4m, 2.2m and 2.1m X distance. Whilst the tree does restrict visibility for a vehicle at 2.4m X distance, the LHA is satisfied that the full envelope of visibility has been demonstrated for a vehicle as it emerges from the site and that the tree does not fully obscure an approaching vehicle. To gain the full 43m splay to the south, a vehicle's nose would be required to overhang into the highway, within the cycle lane. However, the applicant has demonstrated that a full 43m splay is achievable to the north which would enable the driver of an emerging vehicle to see an oncoming cyclist prior to pulling forward. Furthermore, as Lavant Road has good forward visibility in this location, it is anticipated that a cyclist would be able to see an emerging vehicle at the access and stop if required.

As previously advised, the applicant was requested to provide swept path tracking for a refuse vehicle to ensure that these could safely manoeuvre within the site. The applicant has not provided a swept path tracking plan for a refuse vehicle. However the revised waste strategy plan demonstrates that the bin collection point for all plots has been repositioned nearer to the site entrance. It is still unclear whether refuse vehicles will be required to enter the site, or whether they will service the site from the roadside. The LPA may wish to clarify this information prior to determination, and is advised to request a swept path tracking plan if necessary. The LPA may also wish to consult with the refuse collection authority regarding the suitability of any collection arrangements proposed with regard to carry and collection distances.

The applicant has provided a plan demonstrating the swept path tracking of a fire appliance; this shows that a fire appliance can enter the site in a forward gear, but would be required to reverse out of the site. Whilst ideally a fire appliance would have the ability to turn on site, the LHA would not anticipate that fire appliance movements would occur regularly and therefore would not raise a highway safety concern to this arrangement. The LPA is advised to consult the WSCC FRS team for views on the practicality of this manoeuvre and for any additional requirements as result of the fire appliance not being able to achieve access within 45m of the furthest points of plots 3 and 4.

Conclusion

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

Please refer to the LHA's previous response dated 4th January 2021 for comments relating to parking and turning, cycle storage and EV provision, and advised conditions.

Further comments (05.01.21)

This proposal is for demolition of existing dwelling at 22a Lavant Road and erection of four 4-bedroom dwellings. The site is located on Lavant Road which is an A-classified road subject to 30mph.

The LHA has been re-consulted on this application following submission of revised plans, reducing plots 3 and 4 to three bedroom dwellings.

West Sussex County Council was previously consulted on Highway Matters for CC/19/03077/FUL - demolition of existing dwelling and erection of 3 x 4 bedroom dwellings, construction of access, landscaping and associated works. The LHA did not raise any highway safety concerns to the proposal but did request modification in regard to the proposed new site access. The applicant withdrew the application. The LHA was also previously consulted on planning application ref: 17/01073/FUL for demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive. No highway objections were raised, however this application was refused by the Local Planning Authority (LPA). The refusal was appealed and the appeal was dismissed.

Access and visibility: The plans indicate that the existing access to the site will be utilised for the proposed new dwellings, and no alterations to the access are proposed. The access appears to be of sufficient width (approximately 6.4m width at the carriageway edge) and geometry for the proposal. The applicant proposes an internal access width of 4.8m for approximately 16m into the site. This would allow two vehicles to pass in opposing directions within the access way at slow speed. The access width reduces to 3.6m beyond this point. The applicant has provided a revised visibility splay plan indicating vehicular visibility splays of 2.4m into the access and 43m in each direction, in accordance with Manual for Streets (MfS). As with the previously provided plan, the LHA acknowledge that whilst the X distance is annotated as 2.4m, it does in fact appear to scale off at 2m. However, the LHA note that an X distance of 2.4m and splays in excess of 43m are achievable in this location, and maintainable wholly within the public highway. Data supplied to WSCC by Sussex Police over a period of the past five years reveals no recorded injury accidents within the vicinity of the site, caused by the road layout. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and turning: The proposed plans indicate that 11 parking spaces will be provided on site for the proposed development. Two parking spaces will be allocated to each dwelling, and three visitor spaces will be provided. The WSCC parking demand calculator expects that this would provide sufficient parking provision for the development. Each external parking space meets minimum specifications of 2.4 x 4.8m as set out in MfS. Each parking area is provided with sufficient space for vehicles to turn on site, enabling them to exit onto the public highway in a forward gear.

Sustainability: The plans indicate that a cycle store will be provided to the front of the site for Plots 1 and 2 and another store to the rear of the site for Plots 3 and 4. The LHA is satisfied with this arrangement. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Servicing: Consideration at the planning stage needs to be given to emergency access in order to satisfy building regulations. Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling. The minimum carriageway width for fire appliance access is 3.7m, which can be reduced to 2.75m over short distances providing sufficient operating space (3.7m) is provided within 45m as above. Fire appliances should not have to reverse more than 20m. The applicant should be aware that they may need to demonstrate that a fire appliance can access, operate and turn on site in an emergency in order to meet building regulations; mitigation measures such as sprinklers may need to be installed should this not be achievable.

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

If the LPA are minded to approve the application, the following conditions should be applied:

Vehicle parking and turning:

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking:

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved plan.

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

Electric Vehicle Charging Spaces:

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Construction plant and materials:

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Original comments (20.08.20)

This proposal is for demolition of existing dwelling at 22a Lavant Road and erection of four 4-bedroom dwellings. The site is located on Lavant Road which is an A-classified road subject to 30mph.

West Sussex County Council was previously consulted on Highway Matters for CC/19/03077/FUL - demolition of existing dwelling and erection of 3 x 4 bedroom dwellings, construction of access, landscaping and associated works. The LHA did not raise any highway safety concerns to the proposal but did request modification in regard to the proposed new site access. The applicant withdrew the application. The LHA was also previously consulted on planning application ref: 17/01073/FUL for demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive. No highway objections were raised, however this application was refused by the Local Planning Authority (LPA). The refusal was appealed and the appeal was dismissed.

Access and visibility: The plans indicate that the existing access to the site will be utilised for the proposed new dwellings, and no alterations to the access are proposed. The access appears to be of sufficient width (approximately 6.4m width at the carriageway edge) and geometry for the proposal. The applicant proposes an internal access width of 4.8m for approximately 16m into the site. This would allow two vehicles to pass in opposing directions within the access way at slow speed. The access width reduces to 3.6m beyond this point.

The applicant has provided a plan indicating vehicular visibility splays of 2.4m into the access and 43m in each direction, in accordance with Manual for Streets (MfS). The LHA acknowledge that whilst the X distance is annotated as 2.4m, it does in fact appear to scale off at 2m. However, the LHA note that an X distance of 2.4m and splays in excess of 43m are achievable in this location, and maintainable wholly within the public highway. Data supplied to WSCC by Sussex Police over a period of the past five years reveals no recorded injury accidents within the vicinity of the site, caused by the road layout. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and turning: The proposed plans indicate that 14 parking spaces will be provided on site for the proposed development. Three parking spaces will be allocated to each dwelling, and two visitor spaces will be provided. The WSCC parking demand calculator expects that this would provide sufficient parking provision for the development. Each external parking space meets minimum specifications of 2.4 x 4.8m and each garage spaces meets minimum internal dimensions of 3 x 6m as set out in MfS. Each parking area is provided with sufficient space for vehicles to turn on site, enabling them to exit onto the public highway in a forward gear.

Sustainability: The plans indicate that a cycle store will be provided to the front of the site for Plots 1 and 2 and cycle storage will be accommodated in the garage of Plots 3 and 4. The LHA is satisfied with this arrangement. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

Servicing: Consideration at the planning stage needs to be given to emergency access in order to satisfy building regulations. Vehicular access for fire appliances should be available within 45m of the furthest point of each dwelling. The minimum carriageway width for fire appliance access is 3.7m, which can be reduced to 2.75m over short distances providing sufficient operating space (3.7m) is provided within 45m as above. Fire appliances should not have to reverse more than 20m. The applicant should be aware that they may need to demonstrate that a fire appliance can access, operate and turn on site in an emergency in order to meet building regulations; mitigation measures such as sprinklers may need to be installed should this not be achievable.

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

If the LPA are minded to approve the application, the following conditions should be applied:

Vehicle parking and turning:

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

Cycle parking:

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

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

Electric Vehicle Charging Spaces:

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Construction plant and materials:

No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

6.4 WSCC County Fire Officer

Further comments (20.04.21)

My department deal with the supply of water for firefighting and the access for the Fire Service, which we consult on at an early stage so it is highlighted to the developer. The fact that the properties will be Timber framed is something that will be identified at the building regulation phase and they will need to meet with current building control regulations. If they meet and comply with all regulations they should be no different to any other modern house that is built.

As I mentioned in my previous consultations, any areas of any property not within the required distance from the position of a fire appliance will need to be mitigated by the installation of sprinklers.

Further comments (01.03.21)

Having viewed the plans attached the access for a fire appliance looks to be acceptable, the access measurements for the premises being within 50 metres needs to be taken from the rear of the fire appliance and not the centre as the first response fire hose used to extinguish a fire is connected located at the rear. With plots 3 and 4 being sprinklered the measurements given would be acceptable.

Further comments (25.01.21)

The access width for plots 1 & 2 at 4.8 metres looks to be a suitable access width, only issue there could be is the tree adjacent to the entry gateway. This will need to be kept trimmed back at all times to give a height clearance of at least 3.7 metres and 3.7 metres width to allow a Fire Appliance to pass below it, not sure what the height of a refuge vehicle is, I expect they would also need similar clearance. As there is no provision for the Fire Appliance to turn and make an exit the tree may once again be an issue for the appliance reversing back out onto the highway.

Plots 3 & 4 will need to be fully sprinklered to BS9251 to mitigate the insufficient access. The Sprinkler system will suppress or extinguish a fire which then gives the attending Fire Appliance crew time to run out flat wall hoses to supply water to the property for firefighting. The fire-fighting hose connected to the fire appliance pump, used to extinguish fires is only 50 metres in length and therefore would not fully reach all areas of these property.

Will also need evidence there is sufficient visibility splay for the Fire Appliance making entering and exiting the site, the tree may again make it restricted.

Original comments (14.01.21)

Having viewed the plans for this development of four new properties, evidence is required showing there is suitable access for a fire appliance that meets with Approved Document – B Volume 1: 2019 edition B5 Section 13. A swept path analysis is required showing there is adequate access and turning facilities to enable a fire appliance to attend the site and turn to make an exit, a fire appliance should not need to reverse more than 20 metres.

There is a supply of water for firefighting with a fire hydrant located on the corner of Hunters Way and Lavant Road and another further along Lavant Road, just past no. 26.

6.5 CDC Housing Environmental Health

The Environmental Housing Team has no comments to make on this application at this stage, but please note that all bedrooms should be a minimum of 6.5 sq. ms for single bedrooms and 9.5 sq. ms for double bedrooms.

6.6 CDC Housing Delivery Team

Further comments (16.03.21)

Applying the HEDNA 2020 mix requirements to such a small number of units is difficult and will result in fractions of units being delivered. Furthermore, the scheme would not be eligible for an affordable housing contribution as it falls below the site thresholds specified within Policy 34 of CLP. As you state the principle of development is acceptable in all other matters and the Council is unable to demonstrate a 5YHLS, a departure on this occasion from the HEDNA requirements is acceptable.

The Housing Delivery Team raises no objections to the proposal.

Original comments (11.11.20)

The application seeks to deliver 4 x 4 bedroom houses. In line with policy 34, no affordable housing contribution would be required as the site lies within a non-rural designated parish and proposes less than 10 dwellings.

The proposed mix of 4 x 4 bedroom dwellings would not be in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2018 (5% 1 bedroom, 25-30% 2 bedroom, 40-45% 3 bedroom and 25% 4 bedroom) in that it proposes too many larger units. Larger units are generally less affordable for first time buyers and will not provide suitable accommodation for older households looking to downsize. Taking the HEDNA 2018 into account, we would require the following market mix to be delivered:

1 x 2 bedroom
2 x 3 bedroom
1 x 4 bedroom

To conclude, the Housing Delivery Team is unable to support this application until it has been amended to meet the above requirements.

6.7 CDC Environmental Protection – Contaminated Land, Noise

Further comments (08.01.21)

No additional comments with respect to the minor amendments to this scheme.

Original comments (08.09.20)

Land contamination: The site appears to have been in residential use for many years and the potential for land contamination is considered to be low. Prior to the demolition of the existing property a survey should be undertaken to determine if there is asbestos present within the building. If asbestos is present, the Control of Asbestos Regulations 2012 should be followed.

In case unexpected land contamination is encountered during construction works condition DC13 should be applied.

Construction: Given the scale of development and the proximity of the site to neighbours a construction and environmental management plan (CEMP) should be put in place and condition PC06 should be applied.

Noise: The properties should be designed to ensure the internal noise levels meet the requirements of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The following suggested condition should be applied “Prior to development a scheme, shall be provided, that details measures to secure internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times) during night-time (23:00-07:00) within bedrooms. Where it is evident that windows shall be required to be closed, to achieve the internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the orientation of buildings, the citing of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified.”

Air quality: The development is not located within an air quality management area and it is not near any significant sources of local air pollution. An air quality assessment is not required. It is noted that WSCC has suggested conditions relating to cycle parking and electric vehicle charging points. We support these suggested conditions.

Lighting: Details of the proposed lighting scheme should be submitted prior to construction to ensure that light pollution from the development is reduced to a minimum.

6.8 CDC Environmental Protection – Ecology

Further comments (21.12.20)

Nutrient Neutrality: As detailed within the Nutrient Neutrality Report (Nov 2020) the proposal will cause an increase in nitrogen of 2.1 kg/N/yr. Due to this mitigation has been proposed at a parcel of land near West Marden which can be used as compensation land for woodland planting. We are satisfied that this would be suitable. Please can evidence that this has been agreed with the land owner be provided along with details of how this will take place. Due to the requirement to protect this mitigation plan in perpetuity this will need to be included within the Section 106 agreement.

Policy 40: Following submission of the Sustainability Statement (submitted on 17.12.2020), 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 20%. This will be achieved with a fabric first approach and through installing PV onsite.

Original comments (12.08.20)

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

Reptiles: Any vegetation removal must be done in stages, cutting to 15cm, then ground level 24hrs later and all arisings removed during the active reptile season between April and September to avoid any hibernating animals. The stone pile and compost heap will be deconstructed by hand during the active reptile season between April and September.

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

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

Nutrient Neutrality: Due to the calculation that there will be an increase of nitrogen of 3.2KG per year the applicant will need to provide mitigation against this to ensure that there is no adverse effect.

Policy 40: Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will;

Protect and enhance the environment

Achieve a maximum consumption of 110l of water per day per person

Complies with building for life standards or equivalent replacement

Sustainable design including the use of re-used or recycled materials

Minimise energy consumption through renewable resources

Adapt to climate change

Historic and built environment protected and enhanced

Improvements to biodiversity and green infrastructure

Maintain tranquillity and local character

Provision of electric vehicle charging points

6.9 CDC Drainage Officer

Further comments (18.12.20)

We can confirm we have no comments to make in addition to those we made on 18th August 2020, which remain valid.

Original comments (18.08.20)

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 application form states that soakaways will be used to drain the development. This approach is acceptable in principle and based on our knowledge of the local geology it's likely to work in this location. The potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures. Any soakage structures should not be constructed lower than the peak groundwater level. Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction. We would also like to see dedicated discrete soak-away structures for each individual property. If you are minded to approve the application, to ensure the development is adequately drained we recommend the following condition is applied:

Development shall not commence until the 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 scheme.

Surface Water Drainage Proposal Checklist: The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the councils expectations and requirements for Surface Water Drainage Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

6.10 CDC Tree Officer

Further comments (20.05.21) (summarised)

T13 (Apple) is to be retained but the application proposes to crown lift to 3m and crown reduce by 4m. It is not a tree the Council would consider for a TPO (species type and being a back drop tree).

The fencing and ground protection as shown on the plans and proposed tree works seems acceptable, although works to the Gum tree are considered excessive. A lot of the boundary vegetation is being kept which will soften the development impact on the surrounding properties.

Further comments (04.02.21)

I have made my assessment from reviewing the tree report and seeing your photos of the Sweet Gum tree (9) in question; Within the Tree report the tree in question is rated as a category C tree (average), it is twin stemmed at base with a tight compression fork/union with included bark, so it has a weak/potentially hazardous main union and is a weak wooded tree. The proposed tree works seem excessive but if we don't consider the tree worthy of a TPO due to being a back drop tree, limited public amenity and being an average specimen of its kind, the issue of the works on it are irrelevant. Also, it doesn't affect or impact on the proposed layout of the site and the works could be carried out anyway. As such the issue of the proposed pruning of the tree against the planning proposal scheme is a limiting factor. I just brought it to your attention as the proposed tree works on the tree seemed excessive.

Further comments (23.01.21)

The 2 no. TPO'd trees at 24 Lavant Road – 1 no. Lime tree (T2 quoted as no. 5 on arb plan) – adjacent to the entrance to the property and 1 no. Oak tree (T1 quoted as no. 7 on Arb plan) – in the frontage SW corner subject to CC/70/00190/TPO These trees are both in situ (named on the TPO the wrong way around), been pruned in the past and seem to be adequately sound and health but are of average/fair conditions from a cursory review (these trees are both deciduous so not able to fully assess how healthy they are as we are in the dormant season). Photo 01117 (Lime on the left and Oak on the right of the photo)

The Oak tree in the footpath (west of the southern side of the entrance into 22A Lavant Road), is definitely in the highway and very likely owned/managed by WSCC Highways Section. Their email address if you need it is wscchighways@westsussex.gov.uk – the tree has knocks around the base on the north and west sides, tarmac all around with some edging tiles on the southern side of the base of the tree and seems to be adequately sound and health but of an average-average/fair condition from a cursory review (this tree is deciduous so not able to fully assess how healthy it is as we are in the dormant season). Photo 01118 is of the tree, 01124 is of the base showing wound areas, 011125 and 011126 are looking north and south (respectively) shows the tree in the footpath and the stem is adjacent to the bollard with the red top. DBH – was 64cm at 1.5m (above ground level) which would mean a radial root protection area of 7.70m from the stem of the tree.

The frontage of 22A Lavant is a low fence and behind is evergreen vegetation consisting mainly of Holly, Cherry Laurel and Portuguese Laurel mix.

The 3 no. TPO'd trees in the frontage of 22A Lavant Road subject to CC/70/00191/TPO – Cherry tree T1 – could not see this tree and only saw a stump roughly in the location where it should be photo 01122, the other two TPO'd trees - Lime tree T2 not in situ there was a small Maple spp. in its likely location and the Sycamore tree (T3) – there is a Sycamore in the location where T3 should be but I would have expected the tree to have a larger stem girth (size) and larger overall scaffold/canopy size. Girth is approx.. 40cm at 0.5m and multi-stemmed at 1m. Neither tree is affected/impact by the proposal photo 01123 shows the Sycamore as the dominant tree in the location.

The entrance of 22A Lavant Road – rom the road to the driveway is tarmac and then from the entrance it looks as if it is gravel (did not seem to be made up and had ruts where vehicle wheels have regularly travelled over it. I think with the TPO'd tree's around it and the highway tree the necessary ground protection needs to be sufficient in either temporary and/or final geosynthetic construction and I think due to the amount of movement detailed in a condition rather than open as it currently is..... Photo 01121

Further comments (21.01.21)

They need to confirm/clarify that the current drive with the temporary ground protection boarding will be sufficient to protect the trees' rooting areas prior and during construction – dependant on what vehicle movements they anticipate will access into the site.

On the Drawing Arbtech TPP 02 (Demolition) they provide possible solutions but no clear definitive type to alleviate/manage the issue. Nor do they stipulate the required construction of the permanent geosynthetic construction and they proposed solution will be submitted to the LPA 10 days before installation. This may not be acceptable.

Original comments (14.01.21)

As per our discussion earlier and our review of the report (Arb Method Statement) in accordance with BS 5837 2012 and BS 3998 2010) and the two plans by Arbtech TPP 02 Tree Protection Plan Demolition and Construction Phase.

The general details within the Arbtech Arb Method Statement (dated 20/10/2020) - of type of protection, location and /other points about no cement mixing within RPA's, limit leaching, no fires (quoted within 10m of the trees) we would normally condition. But no mention about where the site compound/hut will be located or stored materials?

The important issue then is the protective fencing and ground protection measures for the retained trees and within their RPA's;

So, after the tree surgery has taken place (stage 1) and before demolition starts as quoted at Stage 2 (in the report) the proposed protective fencing type which is detailed within Arbtech TPP plan 02 (demolition) Oct 2020. Two options have been quoted - wooden hoarding on a wooden frame or heras fencing on rubber feet with stabilizer struts. Is there a reason to propose both – they are equally adequate? Also, the stem protection system for tree 8 as proposed is fine.

The other important measure that needs to be in place throughout demolition and really until completion is the ground protection measures mainly at the frontage and around the trees (some TPO'd) root protection areas (RPA's) as shown on both the submitted plans - demolition and Construction phase.

The location is acceptable but what type/and what weight (pedestrian/vehicle) can go over it to limit root compaction and root damage has been quoted but is not fully specified nor are details annotated on any of the Arb documents. The Arb Method Statement states at stage 6 "Re-location of protective measures in accordance with the approved tree protection plan (Construction phase)" would it not be simpler to maintain the temporary ground protection measures until such time as the permanent confinement construction system (annotated details to be submitted) can be installed when less vehicle/machinery activity is being carried out or once the main development of the site has been completed and any kerbing should be carried out by hand digging.

Tree works/felling as proposed in accordance with BS 3998 (2010) generally seems ok but I do question the proposed heavy crown lifting by up to 9m on the N and NW sectors on the Sweet Gum tree (9) seems excessive.

No parking on the surrounding verges for site worker cars.

Conditions:

The method statement once the points raised have been added/amended and including the tree works.

Landscaping

May be a condition about construction site vehicles or any temporary parking not allowed on the highway and/or adjacent verge areas.

6.11 CDC Contract Services

Further comments (01.03.21)

We are happy with the amended plans, I can see the applicant has taking on board our requirements and provided a suitable response.

Original comments (25.01.21)

The council's policy in respect of waste collection from shared driveways is that the bins are presented at the entrance to the driveway. Therefore the collection points within this site would need to be moved closer to the driveway entrance.

The tree located to the right of the drive would prevent us from accessing and leaving the site safely. That said we shouldn't need to access the site if the collection points are moved closer to the entrance.

6.12 Southern Water

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

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

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

6.13 Building Control (Summarised)

Surface water soakaways should work very well in this area, and I would expect to see designs on the plans to indicate the size of soakaways required.

I agree with the fire service comments regarding the fire risk, that there should be no greater risk to the completed houses if built correctly.

The fire risk during construction is a responsibility for the contractor in keeping the site secure, Building Control have no input into this matter.

6.14 Third party objections comments

29 no. letters of objection were originally received for the application (following the submission of amendments to the proposed landscaping and tree retention and protection, 3 no. objections have been withdrawn),

- a) The rear dwellings overstep the rear building line and would be sited too close to the boundary causing overlooking, loss of amenity, privacy and views to the neighbouring properties.
- b) The rear dormers of the rear dwellings would overlook the neighbouring properties, they should be substituted for rooflights.
- c) The survey of Summersdale properties have identified 24 Lavant Road as an important contributor to the original character of the neighbourhood. The loss of half its back garden damages its setting and would impact on it and neighbouring amenities.
- d) The development would be cramped and create an overbearing sense of enclosure to the neighbouring properties.
- e) The properties along Lavant Road are characterised by large houses in large plots giving the area a spacious character. The development does would be out of character with the area and a detriment to the local environment.
- f) The proposal is overdevelopment which previous Planning Inspectors have concluded.
- g) A maximum of two dwellings at 22a Lavant Road would be the correct density.
- h) The semi-detached dwellings are a template of other recent development along the road, look like a block of flats and would represent visual degradation to the green street frontage.
- i) The dwellings at the rear are incorrectly called chalet bungalows.
- j) The site is on the main route from the north into the city, the development would harm the character of the approach into the city.
- k) Lavant Road needs protecting from overdevelopment and this development should be resisted to protect the area.
- l) The development would turn the front garden of 22a Lavant Road into a carpark.
- m) The development would cause an impact on parking in the area and increase traffic.
- n) Lavant Road is a dangerously busy road which had a serious accident recently and construction vehicles would cause a danger to highway safety.
- o) Does not object to the dwellings to the front but the rear dwellings would cause a dangerous impact on highway safety due to the extra residents.

- p) The access road would not reflect the character of the area, be too narrow and cause noise pollution.
- q) The tree report is incomplete as it does not include all the existing trees on the boundary. The development would involve the loss of these additional trees which would open up the site causing overlooking to the neighbouring property to the rear. The survey should be verified.
- r) The existing boundary trees screen the site, this would be lost through their felling. The proposed natural screening would be inadequate and take years to mature.
- s) The removal of the trees would have a detrimental impact on ecology in the area which would take a long time to be re-established and have an impact on the green character of the area.
- t) All the trees should be protected and additional screening foliage should be added.
- u) The trees on the southern boundary belong to the block of flats to the south.
- v) The Oak tree in the rear neighbouring property to Plot 4 would overshadow the garden of Plot 4 which would be detrimental to the amenities of the property and could cause the tree to be cut back which would be detrimental to the tree.
- w) The additional traffic caused by the development would increase air pollution.
- x) The rear dwellings would cause noise and light pollution to the neighbouring properties to the rear.
- y) Concern on the impact of local services and utilities.
- z) There is enough development in Chichester.
- aa) The development will not benefit the local community.
- bb) The development does not overcome the findings of the dismissed appeal.
- cc) The development is contrary to local and national policies.
- dd) The development would not contribute to affordable housing.
- ee) Planning decisions should be postponed during the present adverse health and political circumstances.
- ff) The new plans do not address the main objections with the original plans.
- gg) The amendments to the design do not improve the development.
- hh) The construction of the development may cause a fire risk, the Fire Service should be given details of the construction method and opportunity to review its advice.**

6.15 Third party support comments

3 no. letters of support have been received concerning;

- a) The development would be sympathetic to the surrounding area making good use of a large plot.
- b) The development would be a high quality and traditional design.
- c) The development would be a visual improvement on the existing property.
- d) The inclusion of two semi-detached properties with ample parking amongst large houses and flats in this area is supportable.
- e) The development would provide much needed housing.
- f) A precedent must have already been set for this type of development as new properties in the area appear to have a similar layout.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 49: Biodiversity

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

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 period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in Spring 2022, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted during 2023.

National Policy and Guidance

- 7.4 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.

7.5 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.

7.6 The following sections of the revised NPPF are relevant to this application: 2, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

7.7 Other documents that are material to the consideration of the application include:

- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- CDC Design Guidelines for Alterations to Dwellings and Extensions Planning Guidance Note 3

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

- 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 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 application are considered to be:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Sustainability
- vi. Drainage
- vii. Trees
- viii. Biodiversity

- ix. Impact on the Chichester and Langstone Harbours SPA
- x. Nutrient neutrality
- xi. Noise and lighting
- xii. Contamination
- xiii. Other Matters

i. Principle of development and the policy position

8.2 The application site lies within the settlement of Chichester, identified under Policy 2 of the local plan as a sub-regional centre, where new development is supported due to its range of services and amenities. The proposal comprises 2 no. four bedroom dwellings and 2 no. three bedroom dwellings. **When the application was first submitted, all four of the dwellings were proposed to be four bedroom dwellings. Following negotiations to improve the housing mix the two dwellings at the rear were reduced to two three bedroom dwellings. The applicant was advised that a wider mix would be preferable, however the agent has stated that as the net increase in dwellings is only three dwellings, the applicant is not willing to reduce the size of one of the units any further.** Although this is not fully compliant with the Council's required housing mix the Council's Housing Delivery Team recognise the difficulties of providing a fully compliant scheme on a small site and also the lack of 5 year housing land supply, and as a result they have confirmed that the proposed housing mix is acceptable in principle. In addition as a result of the lack of a 5 year housing land supply the housing policies in the local plan are out of date and in accordance with paragraph 11 of the NPPF, planning permission for new dwellings should be granted without delay unless there is conflict with the framework therefore unless the development is found to be in conflict with the NPPF. In this instance the principle of the development is considered acceptable. **It therefore remains that it is considered the mix of housing would not warrant refusal of the application.**

8.3 Permission has been previously refused and dismissed at appeal under application 17/01073/FUL for the erection of 2 no. four bedroom detached dwellings at the front of the site and 3 no. three bedroom detached properties to the rear of the site of 22a Lavant Road. Following this refusal planning permission was submitted under application 19/03077/FUL for the erection of 2 no. four bedroom detached dwellings at the front of the site and 1 no. four bedroom chalet bungalow at the rear of the site of 22a Lavant Road which was withdrawn. The principle of development was not a concern for either of the previous schemes and did not form part of the Inspector's reason for dismissing the refusal. In conclusion, it is considered that the principle of the increase in the number of dwellings at the site is acceptable.

ii. Design and impact upon character of the surrounding area

8.4 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity.

- 8.5 The character of the front of the site would be similar to that of the existing with the semi-detached dwellings being sited only 1m further forward than the existing dwelling with the land in front of the dwellings retained for parking as per the existing arrangements. Apart from the addition of tile hanging to part of the first floor of the dwellings, the main materials proposed would be the same as the existing dwelling. The dwellings have been designed with architectural detailing that reflects the character of the area and gable details that break up the massing of the buildings. Although dormers are not a feature of the existing dwelling, the dormer windows proposed to each dwelling have been designed so that in terms of scale and appearance they would sit comfortably on the roof slope, ensuring that they would not be obtrusive. In addition, dormer windows present on other dwellings within the locality, and therefore the proposal would not be out of keeping with the surrounding area. Whilst some tree works and felling are proposed to the front of the site, natural boundary screening to the front would be retained. In addition, wildflower meadow planting is proposed along the north boundary of the site adjacent to the proposed extended access which would help to soften the appearance of the extended drive.
- 8.6 Due to the proposed siting and size of the detached chalet bungalows to the rear of the site, they would have very limited impact on the visual character of the streetscene. During the course of the application the size and design of these properties has been amended from 2 no. four bedroom dwellings to 2 no. three bedroom dwellings. This amendment has allowed for the provision of more space around the dwellings. The proposed materials of brickwork and cladding together with the half-hipped roof design would break up the massing of the properties and prevent them from having an overbearing appearance. Whilst some of the rear garden of 24 Lavant Road would become Plot 4, it would still retain a rear garden and its visual character from the streetscene would not be changed.
- 8.7 One of the reasons that application 17/01073/FUL was dismissed at appeal was because the lack of space between the detached dwellings at the front of the site would have caused the properties to 'result in a cramped appearance that would be out of character with the more spacious pattern of development elsewhere in the street.' Due to the proposed dwellings at the front being semi-detached, their design and the size of the site, they would not cause the development to appear cramped. The Inspector was unable to support the three dwellings proposed to the rear as 'the mass and bulk of the dwellings would introduce a significant quantum of built form into this previously undeveloped area.' The current development proposes one dwelling to the rear on 22a Lavant Road and one to the rear of 24 Lavant Road. Due to only one dwelling being proposed to the rear of the existing dwellings, the development is not considered to be over intensification of the site.
- 8.8 When comparing the current proposal to the withdrawn application proposal (19/03077/FUL), it is considered acceptable in terms of design and impact on the area due to the size, siting and design of the dwellings and the layout of the site. The access proposed to the rear dwellings would be an extension of the existing access therefore a new access would not be created. Amendments to the design of the semi-detached dwellings include the provision of a hipped roof which has reduced the massing of these dwellings. Unlike the previous applications at the site, the proposed development would be appropriate to the site and the area as it would not be an over intensification of the use of the site and the design would be appropriate to the character of the area.
- 8.9 It is considered that the overall siting, size, design, materials, detailing and appearance of the development would be an appropriate addition to the area, and would not adversely impact on the character of the area.

iii. Impact upon amenity of neighbouring properties

- 8.10 The National Planning Policy Framework in paragraph 127 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.11 Due to the position of the dwellings within the site and their distances from surrounding properties and neighbouring gardens it is considered that the proposal would not result in any overbearing impacts or loss of light. Where rooflights are proposed it is considered that there would not have a harmful effect on the amenities of the neighbouring properties in regards to overlooking, subject to conditions to ensure the rooflights would be obscure glazed if less than 1.7m above the finished floor level.
- 8.12 In respect of the relationship with the neighbouring dwellings to the rear; both of the rear dwellings propose windows in the east elevation that would serve bedrooms. The neighbouring properties to the rear of the site are two storey dwellings with dormers in the rear roof. The Council's Design Guidelines for Alterations to Dwellings and Extensions states that two storey houses back to back should have a separation distance of 21m and 2.5 storey houses back to back should have a separation distance of 25m. As proposed there would be a minimum separation distance of 26.8m back to back between the proposed and neighbouring dwellings, in compliance with the Council's guidelines to ensure sufficient privacy amenity space. In addition, whilst some of the trees to the rear boundary are proposed to be removed, some would be retained which would help to act as a screening between the properties. It is therefore considered that the relationship between the proposed development and the neighbouring properties at the rear would not be unneighbourly.
- 8.13 The proposed siting of the dwellings and the positioning of the fenestration ensures the development has been designed so as not to cause overshadowing and interlooking between the proposed dwellings and adjacent properties. In order to ensure that the development does not cause an adverse impact on the amenities of the neighbouring properties in the future, conditions removing permitted development rights have been applied. It is considered that the proposal has been sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light. The proposal would therefore accord with the NPPF and policy 33 of the CLP.

iv. Impact upon highway safety and parking

- 8.14 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment. Furthermore, the level of parking provision should be in accordance with current West Sussex County Council guidance.

- 8.15 The existing access at 22a Lavant Road is proposed to be retained to serve the development. To the south-west of the access there is a tree, visibility splay plans have been submitted which show that visibility would not be effected by the tree. WSCC Highway Authority was consulted as part of the application and no objection has been raised. 11 car parking spaces and storage space for bikes are proposed. Each dwelling would have two parking spaces which would have electric car charging points and three visitor parking spaces are proposed for the site. The Highways Authority has confirmed that the car parking spaces would meet the minimum size specification, and sufficient space for vehicles to turn on site is provided. Conditions are recommended to ensure that the parking would be laid out in accordance with the submitted plans and retained as such, and that the bike storage is retained for this purpose.
- 8.16 A detached bin store for Plots 1 and 2 is proposed to be sited to the front of Plot 2, for Plots 3 and 4 bin storage is proposed adjacent to the north side of the access to the north-east of the rear garden of Plot 1. For bin collection days the bins would be collected from a collection point to the front of Plot 1 within the site. The Council's Contract Management department have confirmed that this arrangement is acceptable. It is recommended that a condition be imposed that requires that prior to occupation of the dwellings, the bin storage for the site is constructed in accordance with the submitted plans and shall remain as such thereafter.
- 8.17 Plans have been submitted demonstrating that a fire appliance would be able to access the site and reverse 20m down the access which would mean it would be sited just in front of Plot 1. From here the hoses could access the properties. In addition, plots 3 and 4 would have sprinklers. It is recommended that a condition be imposed requiring sprinklers be fully installed to BS9251 in plots 3 and 4 prior to occupation.
- 8.18 In order to ensure that construction of the development does not have adverse impact on amenities on the area including congestion at the site, it is recommended that a construction and environmental management plan is submitted prior to commencement of development
- 8.19 Subject to the recommended conditions the development would be in accordance with local and national policies on highway safety therefore it would not have an unacceptable impact on highway safety.

v. Sustainability

- 8.20 The submitted Sustainability Statement complies with Policy 40 of the Local Plan, which comprises a 10 point criteria for achieving sustainable design and construction for all new dwellings and new non-domestic dwellings. The development is committed to implementing measures to achieve a reduction in CO2 emissions of 20% which would be achieved with a fabric first approach and through the installation of photo voltaic panels (PV) on the dwellings. Restrictions on the use of water and the installation of electric vehicle charging points are included in the Sustainability Statement.
- 8.21 It has been demonstrated that the development would include sustainable construction and design measures such as recycling storage and the provision of cycle storage to reduce the energy demand and wider environmental impacts of the development in accordance with policy 40. Conditions are recommended in order to secure the proposed sustainability measures.

vi. Drainage

8.22 The site is within Flood Zone 1. Soakaways are proposed to be used to drain the development. The Council's Drainage Engineer has confirmed that this approach is acceptable in principle and based on their knowledge of the local geology it's likely to work in this location. It is important that the potential for on-site infiltration be investigated via winter groundwater monitoring and winter percolation testing as the results of such investigations should inform the design of any infiltration structures. A condition is recommended that requires full details of the proposed surface water drainage scheme be submitted prior to the commencement of development at the site. In addition it is also recommended that a hard landscaping scheme for the site be submitted prior to the construction of any dwelling above slab level to ensure that all hardstanding is permeable and in the interests of the site amenity.

vii. Trees

8.23 Trees and hedging are the prevailing form of boundary treatment at the site. **Three** individual trees, one group of trees and the partial removal of five groups of trees are proposed to be removed as a part of the application. **Tree T13, an Apple tree located in the north-east corner of 22a Lavant Road was originally proposed to be felled. Following the raising of concerns by third parties in respect of the impact that its removal would have on biodiversity, amenity and privacy, it is now proposed to be retained.** None of the trees with Preservation Orders are proposed to be removed. Concern was raised during the consultation process by third parties on the felling of trees at the site; consideration though has to be given that apart from the trees with Preservation Orders, works including felling could be undertaken to the trees without the requirement for planning permission. In addition during the course of the application, the dwellings have been sited further back from the boundaries to reduce the impact of the development on the retained trees.

8.24 Protection measures including fencing and ground protection is proposed to protect the retained trees during the construction works. Conditions are recommended to ensure that the retained trees are protected during the construction of the properties and that full protection details are submitted prior to any works commencing at the site.

viii. Biodiversity

8.25 A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey and an Assessment of Ecological Changes to Site were submitted as part of the application together with an Ecology and Sustainability Enhancement plan. Biodiversity enhancements for the site including the planting of a wildflower meadow, installation of bat boxes, bird boxes, hedgehog houses and hedgehog holes to fences are proposed. The Council's Environment Officer has raised no objections to the proposals. It is recommended that conditions be applied ensuring that the development is undertaken in accordance with the submitted reports and that enhancements are also conditioned. The proposal would therefore accord with national and local planning policies and is acceptable in this respect.

ix. Impact on the Chichester and Langstone Harbours SPA

8.26 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The development would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. In accordance with policy 50 of the Local Plan a financial contribution towards the Bird Aware Solent scheme is required in order to mitigate recreational disturbance as a result of the proposal. As there would be a net increase of 3 dwellings on the site the contribution required would comprise £801 for the four bedroom dwelling and £681 for each of the three bedroom dwellings. The applicant has agreed to pay this contribution.

x. Nutrient neutrality

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

8.28 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA via an 'appropriate assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.

8.29 The applicant has followed the methodology provided by Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' and established the nitrate calculations for this proposed development. This calculation has informed an Appropriate Assessment. Natural England's methodology sets out how to achieve nutrient neutrality and thereby addresses the existing uncertainty surrounding the impact of new development on designated sites. Specifically Natural England's advice sets out the methodology on how to calculate the nutrient budget generated from the development. Where the size of the site and the use of then is not changing, which is the case in this instance it is not necessary to calculate the existing nitrogen from the current land use.

8.30 The nutrient budget generated from the development would be 2.1kg/TN/yr which represents a nitrogen surplus from the WwTW and so requires mitigation to achieve nitrogen neutrality. In order to achieve nitrogen neutrality, appropriate mitigation measures that would remove a minimum of 2.1kg/TN/yr must be secured to ensure that at the time of the LPA undertaking the Appropriate Assessment it is certain that the neutralising nitrogen benefits will be delivered in the long term.

8.31 The mitigation measures indicate that in order to mitigate the increase in nitrogen, 0.26 ha of former agricultural land shall be removed from **use as lowland grazing with hay cuts taken and fertiliser used within the rotation to maintain yields** and replanted with broadleaf trees at a density equivalent to 100 per hectare. The agricultural land is graded 3/4 and is in West Marden. Appendix 1 of the nitrogen budget **and the nitrate mitigation proposal plan** shows the location of land to be removed from agriculture. **A photo of the land have been included in the Nutrient Neutrality Assessment and Management Report which shows hay cuts and hay bales on the mitigation land.** The repurposing of agricultural land, via tree planting or rewilding is a common practice of nitrogen mitigation, accepted by Natural England and therefore the proposed mitigation is considered to be acceptable. The landowner has confirmed agreement to the provision of the mitigation land. At the time of writing, the applicants are in the process of entering into a S106 agreement to secure the nitrates mitigation land and planting for the lifetime of the development. Once completed, the development would achieve nitrogen neutrality.

xi. Noise and lighting

8.32 It is important that lighting provided on the site is not harmful to amenity or wildlife. Control of the lighting for construction purposes would be included in the condition for the Construction and Environmental Management Plan (CEMP). In order to ensure that the lighting scheme for the development once constructed is controlled to prevent light pollution and harm to biodiversity, a condition is recommended requiring details of the lighting scheme be submitted prior to occupation of the dwellings. A concern has been raised about noise, however this is not a material planning consideration given that the development lies in a residential area where there are no significant noise issues, and however the impacts of the construction phase and the associated noise would be managed as part of the CEMP.

8.33 It is considered that due to the siting of the dwellings in a residential area, the noise produced by the surrounding use would not harm the amenities of the residents of the dwellings. Subject to the conditioning of the lighting scheme for the site, the development would not impact on light pollution in the area.

xii. Contamination

8.34 The site is within an area of contaminated land, however the Council's Environmental Protection Officer has confirmed that as the site appears to have been in residential use for many years and the potential for land contamination is considered to be low. In case unexpected land contamination is encountered during construction works, it is recommended that a condition be added requiring that in the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately.

8.35 There is potential that the existing property could contain asbestos. In order to determine if asbestos is present, it is advised that a condition be added requiring a survey be undertaken to determine if there is asbestos present within the building.

xiii. Other Matters

8.36 During the consultation of the application some comments submitted by third parties were in regards to non-material considerations and therefore are addressed below:

- a) Due to the proposed increase in the amount of residential floorspace at the site, the application is liable to pay Community Infrastructure Levy. The money from this would be put towards funding local infrastructure therefore the development would not have an adverse effect on local services.
- b) In line with policy 34 of the Local Plan as well as national policy, as less than six units of accommodation is proposed at the site, affordable housing is not required to be provided.
- c) The Right to a view is not a material consideration therefore these comments were not considered.
- d) That 'Planning decisions should be postponed during the present adverse health and political circumstances.' The planning system is able to operate at this time and it is important for both applicants and people affected by new development that certainty is provided by dealing with applications in the normal way, therefore there is no reason to postpone decisions.
- e) **The Council's Building Control Officer and WSCC Fire Officer have both advised that the construction of the proposed dwellings would not pose a threat in terms of fire safety. It is considered that the measures secured by condition would ensure that the proposal would be acceptable in this respect, and all other matters would be the subject of consideration at the Building Regulations Approval stage.**

Conclusion

8.37 Based on the above it is considered the principle of additional residential units at the site are acceptable, furthermore the scale and form of the proposal is acceptable in terms of the character of the area and impact to neighbouring amenity and the proposal is acceptable in all other respects. The proposal therefore complies with development plan policies and NPPF and the application is recommended for approval. **It therefore remains that the recommendation is to permit the application.**

Human Rights

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

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

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

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

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

- (a) the phased programme of demolition and 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, these should not be sited within the root protection area of any trees,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices, these should not be sited within the root protection area of any trees,
- (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, these should not be sited within the root protection area of any trees,
- (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,

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

4) No development shall commence on site, including demolition, until details of protective fencing to be erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 has been submitted to and approved writing by the Local Planning Authority. 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, 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.

5) No development shall commence on site, including demolition, until details of ground protection measures for all TPO trees and the Oak tree quoted as T8 has been submitted to and approved writing by the Local Planning Authority. Thereafter the ground protection shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees 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.

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

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

7) No demolition of the existing property shall commence until a survey to determine if there is asbestos present within the building has been undertaken and submitted to and approved in writing by the Local Planning Authority. If asbestos is present, the Control of Asbestos Regulations 2012 must be followed.

Reason: This condition is a necessary prior to demolition to ensure that the demolition does not have a harmful environmental effect.

8) Notwithstanding the landscaping details submitted with the application no construction of any dwelling above slab level shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

9) Notwithstanding the landscaping details submitted with the application no construction of any dwelling above slab level shall take place unless and until a detailed scheme of hard landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall detail materials and finishes of hard surfaces. All hard surfaces proposed must be permeable. No dwelling shall be occupied until the works have been undertaken in accordance with the approved details.

Reason: In the interests of amenity.

10) No part of the development hereby permitted shall be first occupied until the vehicle parking spaces and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

11) No part of the development hereby permitted shall be first occupied until sprinklers in accordance with BS9251 have been installed at Plots 3 and 4 thereafter shall be retained and maintained in full working order.

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

12) No part of the development hereby permitted shall be occupied until the refuse and recycling storage facilities have been constructed in accordance 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

13) No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Sustainability Statement and EV charging points constructed in accordance with the approved proposed ecology and sustainability enhancement plan 114 04. No dwelling shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use. Thereafter the EV charging facilities shall be maintained and kept operational in perpetuity.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

14) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying the 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.

15) Before first occupation of any dwelling hereby permitted details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and 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.

16) Prior to first occupation of the development hereby permitted details of the existing (those to be retained) and proposed boundary treatments shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- (b) details of the materials and finishes, and
- (c) provision of gaps within boundary treatments to allow small mammals to move freely

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

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance.

17) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

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

18) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

19) During construction any vegetation removal must be done in stages, cutting to 15cm, then ground level 24hrs later and all arisings removed during the active reptile season between April and September to avoid any hibernating animals. The stone pile and compost heap will be deconstructed by hand during the active reptile season between April and September.

Reason: In the interests of protecting biodiversity.

20) The visibility splays shown on plans 113DP07 and 133 DP01 shall be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority in perpetuity.

Reason: In the interests of road safety.

21) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

22) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Arboricultural Method Statement and the Tree Survey produced by Arbtech.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area.

23) Nothing in this permission shall authorise the felling, lopping, topping or uplifting of any tree on the site protected by a Tree Preservation Order other than as specified on the submitted application documents.

Reason: To clarify the extent of this permission.

24) 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.

25) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. {\bThe development shall not be first occupied until}

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

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

26) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and enhancements detailed in the submitted Assessment of Ecological Changes to Site produced by New Forest Ecological Consultants and the submitted Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey produced by Arbtech and the approved proposed ecology and sustainability enhancement plan 114 04. **The planting along the site boundaries which is to be retained and the Apple Tree (T13) shall be retained, and any part which is removed without consent or dies or becomes seriously damaged or defective during a period of five years from the date of the completion of the development, shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.**

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

27) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the bike and bin stores hereby permitted shall be used only for the storage of bikes and bins and for no other purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) hereby approved, no extensions or alterations or outbuildings shall be constructed or made without a grant of planning permission.

Reason: In the interests of protecting the visual amenities or the area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Plot 4 Floor Plan	1195-118-DP02		21.10.2020	Approved
PLAN - Tree Protection Plan - Demolition	Arbtech TPP 02 Demolition		11.05.2021	Approved
PLAN - Tree Protection Plan - Construction	Arbtech TPP 03 Construction		11.05.2021	Approved

PLAN - Site Plan	1195-103-DP05		11.02.2021	Approved
PLAN - Block Plan	1195-101-DP04		11.02.2021	Approved
PLAN - Context Plan	1195-102-DP03		19.11.2020	Approved
PLAN - Plot 1 Floor Plans	1195-104-DP01		28.07.2020	Approved
PLAN - Plot 2 Floor Plans	1195-105-DP02		21.10.2020	Approved
PLAN - Plots 1 and 2 Front and North Side Elevations	1195-106-DP02		21.10.2020	Approved
PLAN - Plots 1 and 2 Rear and South Side Elevations	1195-107-DP02		21.10.2020	Approved
PLAN - Plot 3 Proposed Floor Plan	1195-108-DP03		19.11.2020	Approved
PLAN - Plot 3 Elevations	1195-109-DP03		19.11.2020	Approved
PLAN - Plot 4 Elevations	1195-110-DP02		21.10.2020	Approved
PLAN - Bin and Bike Store	1195-111-DP03		19.11.2020	Approved
PLAN - Street Scene	1195-112-DP02		11.02.2021	Approved
PLAN - Proposed Visibility Splay Plan Including Bin Collection Point, Fire Appliance Access and Sprinkler Siting	1195-113-DP07		11.02.2021	Approved
PLAN - Ecology and Sustainability Plan	1195-114-DP04		11.02.2021	Approved
PLAN - Proposed Waste Strategy Plan	1195-131-DP01		11.02.2021	Approved
PLAN - Proposed Access and Parking Plan	1195-132-DP01		11.02.2021	Approved
PLAN - Visibility Splays Plan	1195-133-DP01		11.02.2021	Approved

PLAN - Proposed Swept Path Analysis Fire Appliance Vehicle Forward In/Reverse Out Plan	MBSK210210 P1		11.02.2021	Approved
PLAN - Proposed Nitrate Mitigation Site	1195-100-N 03		01.06.2021	Approved

INFORMATIVES

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

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

These make it an offence to:

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

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

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

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

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) S106 - This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QE6P37ERM2C00>