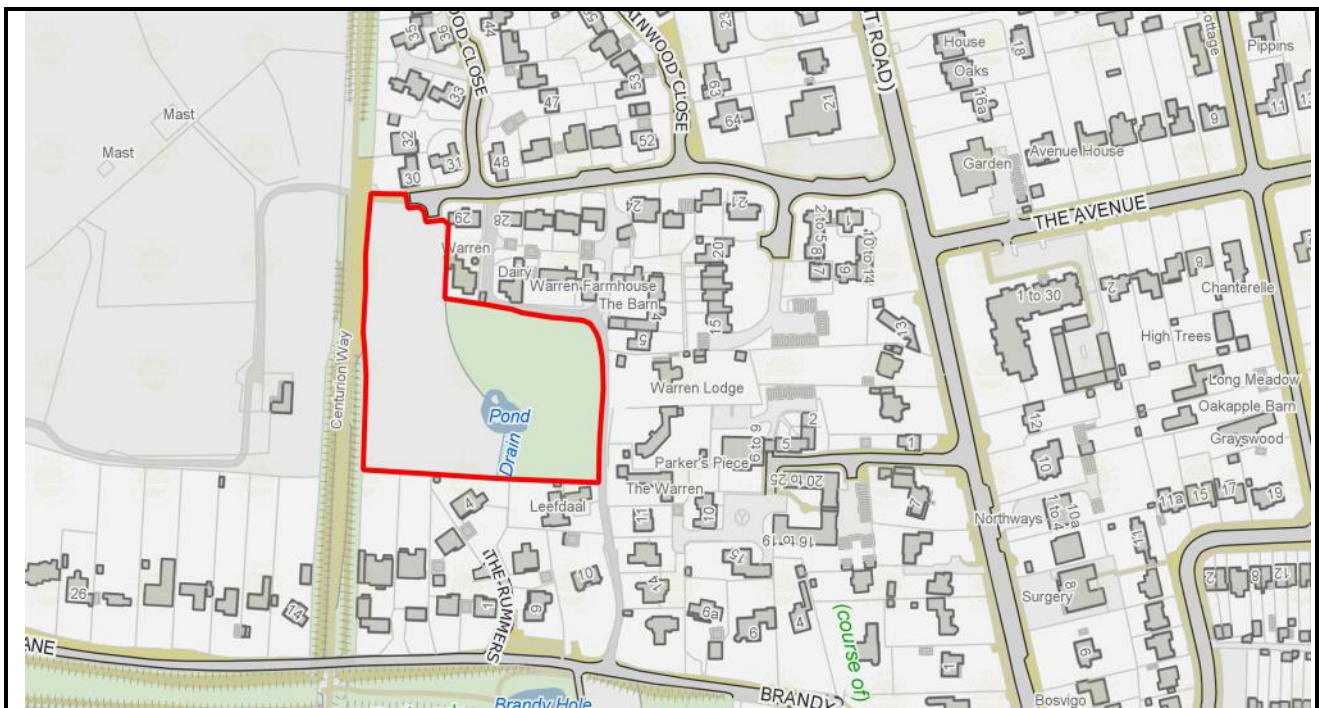



Parish: Chichester	Ward: Chichester North
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CC/20/01164/REM

Proposal	All outstanding Reserved Matters for the erection of 21 dwellings with associated vehicular access, parking and landscaping, pursuant to permission CC/98/02043/OUT.		
Site	Warrendell adjacent to Centurion Way off Plainwood Close, Chichester, West Sussex		
Map Ref	(E) 485540 (N) 106850		
Applicant	Mr Trevor Phillips	Agent	Mr Chris Purdy

RECOMMENDATION TO PERMIT



	NOT TO SCALE	Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803
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1.0 Reason for Committee Referral

Red Card: Cllr Richard Plowman - Exceptional level of public interest.

2.0 Site and Surroundings

- 2.1 Warrendell comprises a piece of vacant land extending to approximately 1.24 hectares located at the western end of Plainwood Close, adjoining the Centurion Way cycle path. The access to the site is from Plainwood Close (currently fenced and gated). Warrendell Farm Lane bounds the site to the east and north-east corner, comprising an unsurfaced, single track leading north from Brandy Hole Lane. The site is adjoined by existing residential development on three sides and is situated within the Settlement Boundary of Chichester.
- 2.2 The site became heavily naturalised over the years through the lack of any routine maintenance and was characterised by significant areas of overgrown undergrowth and scrub, with self-set maple, ash and silver birch trees. More recently clearance work to remove the scrub and self-set trees has commenced.
- 2.3 There are significant levels changes across the site with a 3-4 metre deep depression in the centre of the site and a small, heavily silted pond. The depression appears to be natural in occurrence and is possibly a 'sink hole' caused by the solution of chalk below the surface gravels and soil of this area leading to the collapse of the surface layers into the void created. The site is in Environment Agency Flood Zone 1.
- 2.4 The west site boundary with Centurion Way is open but lined with mature trees comprising Holm Oak, Larch, Oak and Willow several of which are protected by a Tree Preservation Order (TPO) dating back to 1971. At the southern end of this western boundary the site levels are some 2 metres higher than Centurion Way. The undulating site levels rise so that at the northern most point of the west site boundary they are approximately level with Centurion Way and Plainwood Close.
- 2.5 On the east site boundary with Warren Farm Lane, the site levels fall away steeply from the access track. Again there is a scatter of TPO trees on this part of the site. The south site boundary is defined by a combination of 1.8m high closeboard fencing backed by tall fir trees and weld metal mesh fencing with a yew tree hedge which forms the rear garden boundaries of those properties to the south.

3.0 Proposal

- 3.1 The site benefits from outline planning permission CC/98/02043/OUT for the erection of 21 dwellings with all matters reserved. This application seeks approval of the reserved matters of Layout, Scale, Appearance, Access and Landscaping in respect of 21 dwellings.

- 3.2 The proposed development would comprise the following dwelling mix:
- 2 x 2 bed flats
 - 4 x 3 bed flats
 - 12 x 3 bed houses
 - 3 x 4 bed houses
- 3.3 The proposal requires 30% affordable housing, which equates to 6.3 units in total for the development. With the Council's permission, 4no. dwellings for rent have already been provided off-site at York Road, Chichester by Affinity Sutton (Downland Housing) in lieu of part of the affordable housing obligation at Warrendell. These 4no. homes have now been occupied for about 14 years. The remaining balance of 2no. dwellings are to be provided as low cost affordable homes for sale on the site at not more than 50% of market value as 2-bed flats. An affordable housing commuted sum contribution based on the 0.3 as the outstanding balance and calculated according to the formula in the Council's Planning Obligations and Affordable Housing SPD was secured with the S106 Agreement attached to the outline permission.
- 3.4 In general terms, the layout proposes the dwellings to be positioned around the perimeter of the site, with an area of landscaped amenity space and retained pond in the centre. The affordable element (plots 20 and 21) is sited to the north-east of the pond. The 2 x 2-bed flats within this building would be delivered as 50% discounted sale to people with a local connection. Plots 7, 8, 9 and 10 would site the remaining 'flatted element', comprising 4 x 3-bed flats and are located south-west of the pond.
- 3.5 The proposed dwellings would all be 2-storey, constructed with elevations in a mix of brick and render, with hung tile to the first floor and finished with pitched tiled roofs. The form of the dwellings comprise detached and semi-detached (including the flatted elements). The overall density of the development is approximately 17 dwellings per hectare.
- 3.6 Whilst 'access' is a reserved matter, it is duly noted that there is an existing access to the site from Plainwood Close, which would be utilised to serve the development.
- 3.7 Access to the new housing will be obtained from Plainwood Close leading to a 5m wide internal road, which would 'fork' east and south into two 5m wide cul-de-sacs. The proposed development indicates provision for 54 no. car parking spaces on the basis of 1 space each for the 2 and 3-bed flats and 2 spaces each for 3 and 4-bed dwellings, as well as visitor spaces. Car parking is provided through a combination of garages, on-plot, courtyard parking and lay-by parking.
- 3.8 A 3m wide formal access link is also proposed to the north-west corner of the site. This link would branch west off the main estate road, providing a shared pedestrian / cycling link from the application site onto Centurion Way, as required by the S106 Agreement attached to the outline permission.
- 3.9 Amended plans have been received during the course of the application which sought to address landscape / highway matters, and have resulted in minor alterations to the layout and appearance of the proposal.

4.0 History

91/00456/CC	ALLOW	Residential development comprising 3 no. four-bedroom houses; 14 no. three-bedroom houses and 4 no. flats.
94/02028/TPO	PER	Lopping and topping, as required, to one Lime, one Larch, five Willows and seven evergreen Oaks. (See Schedule).
94/02393/FUL	PER	Conversion of disused railway to path and linear park for walkers and cyclists.
96/01805/FUL	PER	Traffic free path for pedestrians, cyclists and disabled.
97/00520/FUL	PER	Non-vehicular access to path for cyclists, pedestrians and disabled (Centurion Way).
98/02043/OUT	PER106	Outline application for the erection of 21 dwellings with associated vehicular access, parking and landscaping.
11/00799/TPA	PER	Crown reduce by 20% on 1 no. Holm Oak (T32) and 1 no. Lime tree (T33). Both trees subject to CC/71/00225/TPO.
20/03363/TPA	PER	Pollard (back to previous wound points) 1 no. Holm Oak (T32) and 1 no. Lime tree (T33). Both trees subject to CC/71/00225/TPO.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chichester City Council

No objection, subject to acceptable landscaping and planting details, and the inclusion of appropriate green measures such as solar panels and electric car charging points. We would request the pedestrian access to Centurion Way to be a shared pedestrian and cycle route, and that consideration is given to re-siting this to the south western corner of the site, through the car park and communal land. We would also request timber windows and doors and not UPVC.

6.2 Natural England

Proposals that comprise new development with overnight accommodation will have waste water implications. It is Natural England's view that these implications, and all other matters capable of having a significant effect on designated sites in the Solent, must be addressed in the ways required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

This only applies to developments where the treated effluent discharges into any Solent European site (Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Chichester and Langstone Harbours SPA and Ramsar site, Solent and Dorset Coast SPA or Solent and Isle of Wight Lagoon SAC), or any water body that subsequently discharges into such a site. It is for your authority to determine if this development meets these criteria.

6.3 Environment Agency

The EA have considered the application as submitted and can confirm that they have no further comments with regard to the foul drainage strategy. The principle of a mains sewer connection was established through the outline planning permission CC/98/02043/OUT and therefore the principles in the joint Environment Agency and Southern Water 'Position Statement on Management New Housing Development in the Apuldram (Chichester) Wastewater Treatment Works Catchment' do not apply.

The EA recommend that you consult with Southern Water to understand their position with regard to a connection to the sewer network in this location. The EA would recommend that all opportunities are taken to ensure that the development is as water efficient as possible.

6.4 Highways England

No objection, on the basis that Chichester District Council seeks an appropriate contribution to the A27 Local Plan mitigations in line with the SPD "Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass" of £2,615 per dwelling, which equates to £54,915.

6.5 Southern Water

No objection.

The proposed drainage layout regarding foul disposal is satisfactory to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act. The Council's Building Control officers/technical staff and the Environment Agency should be consulted regarding the surface water disposal.

6.6 Sussex Police

No major concerns with the proposal; however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

6.7 WSCC Highways

Further comment received 23.06.2021

The changes to the road width have been considered by WSCC as the CHA, no objection is raised.

The original outline planning permission stated that all roads would be 5.5m in width however since this time, the estate roads have been reduced to 5m in width. Manual for streets guidance p79, fig 7.1 illustrates a 5m road can safely accommodate two passing cars and if necessary, a car and a large hgv. Swept path diagrams for a Refuse Vehicle and Estate Car have also been submitted by the Transport Consultant, and confirm these vehicles can use the access into Plainwood Close safely.

As such WSCC raise no objection to the changes in width from 5.5m to 5m.

Further comment received 25.05.2021

The submitted Technical note addresses previous points which required clarification, regarding the location of tactile paving, dropped kerbs and the extent of the adoptable carriageway. The issues regarding the width of the Centurion Way formal link scheme have been resolved and a 3m wide path will be provided. A railing will be erected between the driveway of Plot 1, and the path to ensure this is not obstructed.

With regards to the access WSCC Highways recognise that the access was already in situ, and the S278 drawing provided in this application show how the access will be treated, which WSCC Highways are satisfied with.

WSCC raise no objection to the above proposal subject to the following conditions / informatives:

- CEMP
- Cycle parking
- Works within the highway (informative)

Further comment received 22.02.2021

The designer may need to clarify how the existing access to be retained will tie in with the new road. It is unclear how pedestrians on the south side of the existing road will cross over to the western side of the new road.

It could be useful to have the junction near plot 1 design as a vehicle crossover and thus allow pedestrians priority over vehicles.

The other comment relates to verge areas behind car parking bays. There will need to be hard paved areas to allow passengers to get off onto hard areas instead of grass.

Further comments received 15.02.2021

1. Access into the site is already in place and agreed in outline application CC/98/02043/OUT.
2. The site is well supported by pedestrian infrastructure. Footways are provided on one side of the access road. These are 2m in width and appear to be flush with driveways to give pedestrians priority.
3. Parking spaces are provided for each dwelling on plot. All spaces are either 2.4m x 4.8m for echelon spaces and 2m x 6m for parallel parking spaces.
4. Tactile paving may be required. Especially for crossing over the access road, as footways are most likely to be flush with the driveways.
5. The formal link into the Centurion Way has been widened to 3m which will support its use by cyclists.
6. The width of the driveway on plot 1 is 6m, but 3m of this will be required for access to the formal link scheme. WSCC are concerned the driveway will obstruct the route taken by the formal link, and measures should be sought to segregate these. This could be made by a low brick wall or fence.
7. Details of materials have been mentioned in brief i.e. the access will be tarmac; however, it is not clear what other materials will be used. Whilst not approved at this stage these will be checked at detail design stage forming part of any s38 agreement. It is not clear what surface materials will be used but generally contrasting materials would be used between roads and footways.
8. Details of the layout changes i.e. which areas will be public, and which areas will be private, need to be clarified for several reasons; but also, how they will tie into each other.
9. It is noticed there is a change in surfacing from tarmac access drive to the private road. What are these grey strips?
10. The landscaped amenity space has been designed with a circular themed footway. It is important access to these areas is possible for all, and the guidance in inclusive mobility should be used to ensure these areas can be accessed and used by everyone.

11. Parking has been allocated within the current guidelines set out by WSCC. 54 spaces are proposed, 44 allocated and 10 unallocated. WSCC is satisfied with this approach.
12. Parking spaces are provided within the recommendations set out in manual for streets at 4.8 x 2.4m for echelon spacing and 6m x 2.4m (slightly more generous) for parallel spacing. Visitor parking bays are evenly spread across the site.
13. Parking courts or areas where there are long sections of parking have been broken up with the use of trees or planting to soften the effect of long car parking lengths.
14. The southern car parking court does not provide a turning head anymore, and a new turning head has been created outside plots 7 and 8.
15. This revised turning head layout outside plots 7 and 8, need to be tracked with the largest vehicle.
16. Swept paths have been provided for the remaining areas of the site which have not changed. These show that fire, refuse vehicles and a standard car can use the access road and car parking spaces.
17. Electric vehicle charging points should be provided in line with the current WSCC EVC policy. This asks for at least 33% of all spaces to be linked to the network, with the remaining spaces connected later, or when required.
18. Cycle parking is provided in cycle stores or in the garages of each dwelling. These comply with standards and a total of 1 space per flats, and 2 spaces per house will be created.
19. Formal link scheme is provided in accordance with the S106 agreement, just the outstanding issue over the blocking of the access from the driveway in point 5, which needs to be clarified.
20. WSCC Transport Assessment Guidance confirms no capacity assessment is required if the site generates less than 30 movements in 1 hour. This development falls below this figure, with a peak AM flow of 13 trips and peak PM flow of 10 trips.
21. Trip Data shows there to be no issues with the number of additional trips the site will create.

Suggested conditions:

- CEMP
- Provision of adoptable highway (informative)
- Works within the highway (informative)
- Formal link scheme (informative)

Further comments received 01.04.2021

1. Tactile paving may be required. Especially for crossing over the access road, as footways are most likely to be flush with the driveways.

2. The width of the driveway on plot 1 is 6m, but 3m of this will be required for access to the formal link scheme. WSCC are concerned the driveway will obstruct the route taken by the formal link, and measures should be sought to segregate these. This could be made by a low brick wall or fence.
3. Details of the layout changes i.e. which areas will be public, and which areas will be private, need to be clarified for several reasons; but also, how they will tie into each other.
4. It is noticed there is a change in surfacing from tarmac access drive to the private road. What are these grey strips?
5. The landscaped amenity space has been designed with a circular themed footway. It is important access to these areas is possible for all, and the guidance in inclusive mobility should be used to ensure these areas can be accessed and used by everyone.
6. This revised turning head layout outside plots 7 and 8, need to be tracked with the largest vehicle.
7. Electric vehicle charging points should be provided in line with the current WSCC EVC policy. This asks for at least 33% of all spaces to be linked to the network, with the remaining spaces connected later, or when required.
8. Formal link scheme is provided in accordance with the S106 agreement, just the outstanding issue over the blocking of the access from the driveway in point 5, which needs to be clarified.

Original comment received 21.07.2020

1. Access into the site has been approved under outline planning application ref.98/02043/OUT, and provides suitable access with footways either side of the access road into the development.
2. Footways are 2m wide and continue on both sides. The eastern footway terminates just inside the access and an informal crossing point is provided to link into the western footway which continues into the site. The crossing point which includes tactile paving also provides a crossing desire line over into the proposed Centurion Way formal link scheme.
3. The footway reduces down to approx. 1.8m south of the link scheme which is acceptable for adoption purposes.
4. Tactile paving to ensure crossing points can be easily negotiated by mobility impaired within the sited at key desire lines to ensure access to the footways is achievable if using a mobility scooter, pushchair and to assist the visually impaired.
5. Main access road widths are 5.5m throughout and allow two cars to pass each other. Plans indicate part of this layout will be adopted. West Sussex County Council has specific requirements for the adoption of roads, and the applicant will need to liaise with the Implementation Team at WSCC, to progress the S38 road adoption agreement.

6. Turning areas have been provided at the end of what seems to be the private sections of the access road. The applicant must also provide a swept path to show turning can be provided in the adoptable carriage way.

7. If this can't be provided the extent of the adoptable carriageway may need to be revised.

8. There appears to be a change in material or height to the roads, where the adoptable road ends, and the private road begins. This is approximately three quarters of the way into the development access road.

9. Details of materials, and street furniture specs are not approved at this stage, and will be checked at detail design stage forming part of any s38 agreement. It is not clear what surface materials will be used but generally contrasting materials would be used between roads and footways.

10. Parking. Using the West Sussex County Council Calculator the development should provide in the region of 44 allocated spaces and 10 unallocated spaces. This has been provided in driveways, lay-bys and parking courts.

11. These spaces in the south-westerly corner also form a block of parking.

12. Parking spaces in relation to plots 11 and 12 seem to be located in the south westerly parking court. These seem to be a fair distance from these plots. It may be better if parking is located nearer to the properties they belong to and are inter-dispersed with planting to avoid 'parking courts' with what appears to be limited natural surveillance.

13. The courtyard/turning area in front of plots 9 and 10 could encourage parking here. It is also unclear how this space will be used. A vast area of roadway or footway will need to be designed to provide a focal point, or used to discourage it becoming just another parking area. More thought needs to be given to the design of this area.

14. Trip generation. The TRICS database has been used to calculate the number of trips associated with the new development. 109 daily two way vehicle movements equates to 13 trips in the morning peak hour, and 10 trips in the afternoon peak. These trip rates fall well below the threshold requiring junction capacity analysis.

15. Swept paths for both refuse vehicles and standard cars have been shown to be able to use the main access road, without any problems and can turn using the designated turning heads at the end of each access route. The drawings demonstrate there is suitable forward visibility of 25 metres around the bend to the left of the main access route.

16. Road Safety Audit. A stage one RSA has been Undertaken by Road Safety Answers Limited. In accordance with GG 119. One problem was identified. This related to an overhanging tree just inside the entrance on the left hand side of the access. In agreement with the auditor, the designer agrees the branches need to be removed.

17. A Stage 2 Audit will be required at detailed design stage as part of the s278/s38 agreement.

18. Formal link scheme. The definition of this in the S106 agreement linked with planning application 98/02043/OUT is as follows: 'a scheme to be provided by the owner to provide a pedestrian and cycle link to centurion way from the site such location as shown for indicative purposes coloured yellow on the plan 1 attached to this deed following consultation with the county council and district council'.

19. The formal link scheme must be approved prior to the commencement of any developer works, and as such the proposed 1.5m footway between plots 1 and 2 is not considered acceptable. Further plans and details must be submitted to the LPA for approval regarding this element of the scheme, and form part of the s38/s78 agreement.

20. Shared pedestrian/cycle paths should ideally be three metres in width. An absolute minimum for a two way share use path is 2m.

21. Road Traffic Casualty and Collision database shows there are no patterns to the occurrence of road traffic incidents, in the vicinity of the site.

22. Cycle parking is provided in line with WSCC cycle parking standards, these should provide covered and secure cycle storage.

6.8 Chichester Harbour Conservancy

No objection, subject to the SDMP payments (paragraph 3, first schedule of the S106 agreement dated 29 November 2018) being paid prior to commencement of the development, delivery of the open space land/wildlife pond area (paragraph 5, first schedule, of the aforementioned agreement) and delivery of sewage connecting pipe improvements to Apuldram WwTW prior to first occupation of any dwelling.

6.9 The Chichester Society

The Executive Committee considers that this application is unacceptable on sustainability grounds:

- i) No reference in the Design and Access Statement or the Transport Plan to the very narrow access shown on the Site Plan to the adjacent Centurion Way discouraging safe cycle use.
- ii) 54 car spaces for 21 dwellings is excessive and 36 cycle spaces is an under-provision.
- lii) No details submitted for renewable energy sourcing, electric car charging points or rainwater harvesting.

This Reserved Matters application requires the inclusion of further site sections, to demonstrate how the housing layout responds to the complex topography. There is we suspect a worsening of the effect of dwellings 16-19 upon the Warren Farm Lane outlook by them being closer and having 2-storey rear elevations instead of the single storey elevations shown at the Outline stage.

We therefore ask that this application is modified to incorporate the aspects we consider unacceptable. We are aware Plainwood Close residents are concerned at the public access to Centurion Way, but we feel this is an important feature which should be confirmed in the D and A and Transport Statements. The long gestation of this application has we feel necessitated the inclusion of up to date sustainability requirements.

6.10 CDC Conservation and Design Officer

Comments received 31.07.2020 in response to original scheme.

The positioning of the buildings to the perimeter of the site is considered to be beneficial in terms of working around the protected and distinct features of the site and using these to create a meaningful shared amenity space and pleasant outlook. The development has taken a traditional approach to its appearance and is considered in keeping with the nearby houses in Plainwood Close. Whilst it is not clear exactly what the proposed materials are it is considered this could be secured by condition. It is also considered beneficial for a condition to be added for roof verge and chimney details to be provided and approved to ensure these are appropriately detailed.

It is considered there are limited options for the development to connect with the existing residential development adjacent to the site. The introduction of the link to Centurion Way however is likely to be beneficial in terms of improving pedestrian connections both from within the site and the wider area.

There are a number of buildings or corner turning plots / with very visible side elevations that are not currently detailed appropriately. In particular this includes plot 1, 12 and 13 which all have very blank elevations in highly visible locations.

Accept for the retention and addition of trees the approach to soft landscaping across the site appears to be lacking and it is not clear currently what if anything is proposed. Clarification should be sought regarding this and if it is currently just trees and areas of grass this is likely to need addressing and improvement.

There is variation of the material palette within the proposed development however this does not appear well distributed within the street scene with a number of properties of the same palette being placed in a row. It is considered the proposed variation in the material palette could be better distributed and this would be more reflective of the adjacent housing development and improve the proposed street scenes.

Not all the proposed houses have garages it is not currently clear how bike and bin storage is provided for these properties.

There is limited information provided for boundary treatments within the development which currently only includes information for the rear garden fences. Are other boundary treatments proposed to the front of the plots, within the central amenity space or adjacent to plot 1 for example. There are a number of very visible rear garden side boundaries in publicly visible places which are proposed to be close boarded fences. It is considered that for a quality and consistent appearance going forward that in these locations brick built walls should be proposed. This will not only improve the quality appearance of the development it will also reduce the occurrence of mismatched replacements and be more reflective of the existing housing development adjacent to the site.

The hierarchy of the roads and pavements appears unclear. Where the road appears to change to shared surface pavements remain in place and to the East side of the development two pavements appear proposed adjacent to a shared surface road. Could the approach (particularly to the East side) be softened and truly become shared surface?

There are a good amount of chimneys proposed throughout the site. It is considered that on particularly visible plots such as corner turners like plot 1 projecting chimneys like those used on focal buildings in the adjacent existing development would add interest and be reflective of the existing character. It is considered that the roof form of plots 7-10 would benefit from chimneys being added to visually help break up the roof which has the potential to appear to be a crown roof from certain angles.

The layout of the site to the Southern boundary appears compromised (plots 7-15) in a number of ways:

- All of the flats (7-10) have their own private amenity space so it is not clear who the communal garden located to the rear of the flats is for particularly given the generous shared amenity space in the centre of the development. This is considered potentially to not be making the most effective use of this land and does not appear that it would be particularly well overlooked.
- The hardstanding / turning heads are currently likely to appear as large undefined areas of hardstanding. It is considered there is likely to be a way to achieve the need for turning head that could be more successfully integrated. There is a risk as currently designed that these areas become informal parking. These areas and the parking courts are also currently completely lacking in any soft landscaping or separation from the adjacent buildings.
- The BLF 12 guidance is to where possible avoid rear parking courts. In this case the courtyard carpark is largely concealed from public vantage points and is therefore not considered detrimental to the street scene. It would not however have a good amount of passive surveillance if the boundary treatments to the adjacent flats gardens are standard fences. This will leave many owners unable to see their car from their home and potentially reduce the feeling of security both for the vehicles and owners using the car park. It is considered that with the low density of housing and flats on the site parking courts should largely be avoidable.
- The positioning of plots 11-15 appears uncomfortable and is considered to relate poorly to the central amenity space. In particular the side boundary of plot 12 and 13 results in a narrow strip of land (due to drainage?) which then feels like a poorly fronted addition to the central shared amenity space. If this area of land needs to remain undeveloped it is considered that the development should better address how these can be integrated through the positioning of houses and landscaping.
- Plot 15 this plot appears uncomfortable and would have a very poor outlook over a parking court and hard surfacing with very minimal soft landscaping.

6.11 CDC Drainage Engineer

Further comments received 23.06.2021

The applicant has answered all our queries, and although there are still a few details to be resolved, these can all be picked up as part of the detailed design.

We can confirm we have no objection to the proposal at this stage, and are satisfied that the site should be able to be adequately drained within the proposed layout.

The detailed design of surface water drainage is conditioned pre-commencement as part of the outline application and so no further conditions are required.

Further comments received on 18.06.2021

We have taken a look over the attached drainage report. They have done some preliminary calculations for their surface water drainage scheme which is helpful. The calculations indicate that the pond would rise by around 0.5m which would not have a significant land take due to the topography.

I have a few further questions for the applicant / their consultant:

- Please can they provide the groundwater monitoring, including details of where the monitoring was undertaken. The report states that they are appended but I cannot see them. They also state that groundwater is 10.8m+ down, which is more than we would have expected. If this is the case then clearly this will not impact storage within soakage structures.
- There is a “drain” shown on the plans from the southern end of the pond, please can the applicant provide details of this, and any other ditches or pipes coming into or out of the pond. It is these that may impact the layout and so need to be considered at this stage.
- They have used a “normal” pond level of 27.56 in their designs, please can they confirm is the pond clay lined? because if groundwater is a 10+m down and infiltration rates are $1 * 10^{-5}$ then we would not expect any water to be retained in the pond for any significant period of time (assuming it only serves the site).

I have reviewed the calculations and subject to no issues with watercourses (open or culverted) in or out of the pond we are satisfied that there should be sufficient space around the pond for the surface water to be stored or drained to ground via soakaways.

Detailed design is conditioned pre-commencement as part of the outline application, so if you're minded to approve the application we are satisfied we have sufficient control to ensure flood risk is not increased on or off site.

Further comments received 14.06.2021

We do have some concerns over the proposed layout which are borne out of the following:

- The layout does not include the watercourses on the site, and the required 3m clear buffer from the tops of the banks – Please can the applicant be asked to add this to the layout to ensure there is no conflict.

- It is hard to tell how big the pond will need to be based on the information submitted to date – Please can the applicant provide calculations supported by their groundwater monitoring and percolation tests to demonstrate capacity.

We have based our comments on the basis of the pond infiltrating to ground, which they will need to prove as part of their detailed drainage design (conditions attached to outline app). It's worth flagging that If there is an existing positive discharge (outfall) from the pond then using the pond as storage may prove problematic, as this may increase the flow off-site post development.

Original comment received 22.07.2020

Flood Risk: The site is wholly within tidal/fluvial flood zone 1 (low risk) but our mapping shows areas of the site at significant risk of surface water flood risk (1 in 30 yr event & 1 in 100 yr event). These areas are all within the proposed open space with no "pathways" through the proposed dwellings. 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: Our records indicate there is a pond and ditch on site, which are both picked up on their drainage layout. The site layout seems to indicate that the pond will be retained for use as a SuDs basin although the ditch is not shown. Adequate capacity above the maximum existing pond water levels will have to be demonstrated. It is difficult for us to assess whether there is sufficient space for the proposed scheme within the existing layout at this stage.

The hierarchy for sustainable drainage must be followed with infiltration fully investigated. Winter infiltration testing and winter ground water monitoring will be required to support the detailed design. They mention that winter groundwater monitoring has been recorded over a number of years, this will be helpful in providing increased confidence in the detailed design.

It appears that alterations to the pond / ditches is proposed, and therefore please add an advisory that any proposals to discharge water to, alter or culvert this pond and watercourse would require land drainage consent.

We recommend that the applicant be asked to provide further details on their surface water drainage scheme, with rough calculations (to demonstrate capacity), details of any inflows/outflows to the pond (if they propose to use this to store / infiltrate) and any ground water / percolation rate information they have. Condition is recommended to secure full details of the proposed surface water drainage scheme to ensure the development is adequately drained.

6.12 CDC Environmental Health Officer

Land contamination

Given the former land uses at and near the site (woodland and area used for stockpiling of materials in relation to landfill, adjacent mineral railway) there could be potential for land contamination. We recommend an investigation of ground conditions is carried out at the site. Conditions should be applied in order that a phased site investigation and if necessary remediation / verification of ground conditions can be undertaken.

Air quality

The site does not lie within an air quality management area (AQMA) and it is located away from busy roads. However given the scale of the development, there is potential for it to result in air quality impacts on nearby receptors. An air quality assessment (AQA) should be undertaken covering impacts during the construction and operational phases of the development. The approach detailed in the Institute of Air Quality Management documents should be followed when undertaking the assessment (Land Use Planning & Development Control: Planning for Air Quality 2017 and Guidance on the Assessment of Dust from Demolition and Construction 2014). The AQA should be secured by condition.

It is noted that a Transport Statement has been produced by Bright Plan Limited (dated June 2020). The trip generation outlined in the document can be used to assess the impact on air quality from vehicles generated by the development.

The parking standards produced by WSCC should be followed with respect to cycle parking and electric vehicle charging point provision and conditions should be applied to secure these facilities. It is noted that a pedestrian access and PROW has been shown linking the west of the site to the Centurion Way. It is recommended that this route is designed to also accommodate cyclists as this will serve as a valuable link from northern areas of the City to the Centurion Way. The design of the route should accord with the requirements of the Governments cycling design guidance LTN1/20.

Noise

A noise impact assessment should be submitted to show that noise levels within the development will meet the requirements of BS 8233:2014 and this should be secured by condition. The approach taken in ProPG: Planning and Noise (2017) Professional Planning Guidance on Planning and Noise New Residential Development should be considered in order to assess the impact of transport noise. A noise assessment of plant or other fixed noise sources should be undertaken in accordance with the requirements of BS4142:2014+A1: 2019.

Lighting

An assessment of any external lighting scheme should be submitted and must comply with the relevant criteria within Guidance for the Reduction of Obtrusive Light (Institute of Lighting Professionals, GN01:2011).

Construction

During construction works measures to minimise noise, dust and other emissions should be put in place. Waste management should be conducted in accordance with Waste Regulations and there should be no on-site burning of demolition or construction materials. A construction environmental management plan should be put in place at the site to limit the impact of construction on neighbouring residents. Limits should be placed on the construction hours as suggested below:

Monday Friday 0730 1800 hours
Saturday 0800 1300 hours
Sunday and Bank Holidays no noisy works permitted.

It is recommended a CEMP is secured by condition in order to control potential impacts during construction works.

6.13 CDC Environmental Strategy Unit

Further comment received 25.05.2021

Sustainability

Following submission of the Sustainability Statement (February 2021) we are satisfied that the criteria detailed within policy 40 will be met. The commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 20% will be achieved with a fabric first approach and through installing PV onsite. We would like to see the incorporation of heat exchangers onsite, in the form of air sourced or ground sourced pumps or a combination of both in order to achieve a further reduction of CO2 emissions.

Landscaping

The Landscaping on the scheme will seek to increase the biodiversity of the site by introducing new trees and planting. Where possible we would like to see Hazel, Oak and Honeysuckle incorporated into the landscaping scheme as they are key for dormice.

Original comment

Bats

We are satisfied that the precautions and enhancements put in place for the treeline, hedgerows and bat foraging and commuting habitat within the Landscape and Ecological Management Plan (May 2020) is suitable. As a precautionary approach tree surgery to the large oak tree should be undertaken with extreme care in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. There are two other trees onsite which have potential for bats. Currently these trees are remaining untouched, however if this changes and works are required to these trees then further activity surveys would be required.

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. No lighting should be used near the western boundary and this area should be kept as a 'dark zone'

Reptiles

Following submission of the Reptile Translocation Report (March 2020) we are satisfied that the mitigation undertaken was suitable. No further work is required relating to reptiles.

Great Crested Newts

As a precaution and to ensure GCN habitat is retained the following precautionary measures must be undertaken;

- An ecological watching brief should be put together for the vegetation removal. Though this can only be done once the reptile mitigation has taken place.
- If a GCN is found all works must stop immediately and Natural England consulted.
- Rubbish / spoil should not be left onsite in suitable GCN habitat areas.

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 (with 24 hours of any work).

Sustainable Construction and Design

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.

6.14 Third Party Representations

26 Third Party letters of objections have been received concerning:

- Pedestrian and cyclist access to Centurion Way remains unspecified.
- The link to Centurion Way should cater for cyclists.
- Confirmation that a topographical survey has been commissioned.
- 'Preliminary' foul and surface drainage layout remains uncompleted.
- Concern regarding the removal of trees along Warren Farm Lane.
- Impact on the environment.
- Protected trees.
- Impact on archaeology and Scheduled Ancient Monument.
- Too many dwellings on the site.
- The land is too steep.
- Other nearby developments are sufficient to contribute to housing need.
- Awkward layout due to topography of land.
- A new full application should be submitted.
- Homes should be ecologically designed and sustainable.
- It is not clear as to what the site levels will be.

- Sectional plans are missing.
- Loss of privacy.
- Loss of view.
- Air / noise / visual pollution from traffic.
- Tranquillity will be eroded.
- Impact on local character.
- Houses set over four levels.
- Design is unsuitable for disabled residents or visitors.

4 Third Party comments from local residents, the Summersdale Residents Association and Sustrans / Chichester District Cycle Forum have been received concerning:

- No documents on file.
- Boundary details need to be confirmed and any boundary treatment should be of good quality and positioned carefully.
- Cycle path needs to be at least 3m wide.
- New access link should be signposted.
- Council should consider issuing a Compulsory Purchase Order.
- Sections are missing.
- Remaining trees are under threat.
- How will communal/amenity areas be managed?
- Trees have already been removed.

7.0 Planning Policy

The Development Plan

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

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 4: Housing Provision

Policy 5: Parish Housing Sites 2012- 2029

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 10: Chichester and Infrastructure Provision

Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 52: Green Infrastructure
Policy 54: Open Space, Sport and Recreation

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

7.3 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation 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 in Spring 2023.

7.4 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1 Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S3 Development Hierarchy
S4 Meeting Housing Needs
S5 Parish Housing Requirements
S6 Affordable Housing
S12 Infrastructure Provision
S13 Chichester City Development Principles
S14 Chichester City Transport Strategy
S20 Design
S21 Health and Wellbeing
S23 Transport and Accessibility
S26 Natural Environment
S27 Flood Risk Management
S28 Pollution
S29 Green Infrastructure
S31 Wastewater Management and Water Quality
S32 Design Strategies for Strategic and Major Development Sites

Part 2 - Development Management Policies

DM2 Housing Mix

DM3 Housing Density

DM8 Transport, Accessibility and Parking

DM16 Sustainable Design and Construction

DM18 Flood Risk and Water Management

DM22 Development in the Countryside

DM23 Lighting

DM24 Air Quality

DM25 Noise

DM26 Contaminated Land

DM28 Natural Environment

DM29 Biodiversity

DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham

Harbours Special Protection Areas

DM31 Trees, Hedgerows and Woodlands

DM32 Green Infrastructure

DM34 Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. 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, 4, 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 The following Supplementary Planning Documents are material to the determination of this planning application:

- CDC Waste Storage and Collection Guidance (January 2017)
- The CDC Design Protocol (December 2013)
- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions (September 2009)

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
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- 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

8.0 Planning Comments

8.1 The main considerations are:

- i. Principle of Development
- ii. Layout and Design
- iii. Scale and Appearance
- iv. Residential Amenity
- v. Landscaping
- vi. Biodiversity and Ecology
- vii. Sustainability
- viii. Other Matters

i. Principle of Development

8.2 With the granting of outline planning permission (CC/98/02043/OUT refers), the principle of building up to 21 dwellings on the application site has been established. Subject to satisfactory resolution of the design, layout, scale, appearance, access and landscaping of the site therefore, it is accepted that this amount of new housing will be built on this site.

ii. Layout and Design

8.3 The applicant has submitted a Design and Access Statement (DAS) together with sections, and elevations of each building proposed which demonstrates how the development will sit comfortably within its setting and surroundings.

8.4 The description of the outline permission allows for 21 dwellings on this site, which translates to approximately 17dph. The housing mix reflects the density requirements with an emphasis on smaller/family dwellings, predominantly providing a range of 2/3-bed houses/flats, and three 4-bed dwellings.

- 8.5 Whilst the density of new housing at around 17dph is significantly below the Council's benchmark figure of 35dph and arguably therefore, a less efficient and effective use of the available land, this is a direct and unavoidable consequence of the particular and tricky site constraints and was considered in detail at the outline stage. The lower density established by the grant of the outline planning permission allows the existing pond and TPO trees to be retained, whilst taking account for the topography of the site and creating a pleasant layout for the residential development.
- 8.6 The applicant previously confirmed that there are no proposals to bring in spoil to level off the site but rather to work with the prevailing landform. Whilst section drawings and topographical survey / ridge heights, have been submitted with the application, officers require detailed section drawings to be submitted and approved prior to any development commencing on the site to show exactly how the development is to be set into the ground. Significant alteration to the land levels would not be acceptable given the potential to impact on the existing site ecology, influence the pathways for surface water drainage on the site, and thus potentially increasing off-site run off. Pre-commencement conditions relating to 'site levels' and any 'earthworks', to ensure a satisfactory relationship results between the new development and the adjacent buildings and public areas are attached to the Outline permission.
- 8.7 The site's shape and topography ensures that the majority of the central area is given over to amenity space and landscaping, together with the retained pond, with the existing vegetated periphery providing a landscaped amenity along the site edges. The proposed dwellings actively front onto the internal roads. The area of public open green space provides a focal point in the centre of the site and is overlooked and framed by housing. Areas of communal land to the rear of the proposed dwellings and between plots 12 and 13 are considered as part of the overall landscaping and topography of the site and are acceptable. Amended plans have been received which have addressed the concerns of the Conservation and Design Officer, including improving the outlook of the dwelling on plot 15. A condition is recommended requiring details of boundary treatments, including notwithstanding the submitted information, that a number of publically visible rear garden side boundaries to be brick walls rather than close boarded fencing, details of any treatment to front boundaries and the details of the railing to be erected between the driveway of Plot 1 and the pedestrian/cycle path.
- 8.8 Access to the new housing will be obtained from Plainwood Close leading to a 5m wide internal road, which would 'fork' east (running parallel with the northern boundary) and south into two 5m wide cul-de-sacs. The tree lined boundary to the west also integrates a 3m wide shared footway/cycleway access link to Centurion Way. Amended plans have been submitted to address a number of detailed layout issues including clarifying the road hierarchy and provision of pavements and shared surface areas and amendments to the parking courts. WSCC Highways has been consulted on the proposal and raises no objection to the scheme and level of parking provided.

- 8.9 The S106 Agreement attached to the outline permission required, amongst other elements, that a 'formal link scheme' be provided by the Owner to provide a pedestrian and cycle link to Centurion Way from the site in the northern part of the site. The S106 Agreement identifies that the formal link shall be located in the northern part of the site, as shown in yellow on Plan 1 included in the S106 Agreement. This RM application complies with the S106 Agreement in terms of the requirements for the formal link to be a shared pedestrian and cycle route and its location. It is noted that the Parish Council request the formal link to be resisted to the SW corner of the site through the car park and communal land, however this would not comply with the terms of the S106 Agreement.
- 8.10 The drainage officer has confirmed that subject to final detailed design details being agreed through the discharge of the surface water drainage condition attached to the outline application, he has no objection to the proposal at this stage and is satisfied that the proposed site layout will enable the site to be adequately drained.
- 8.11 Overall it is considered that the layout and design of the development is acceptable. The layout has been amended to accord with the comments of the Council's Design Officer and WSCC's Transport Planner and is considered to be acceptable.

iii. Scale and Appearance

- 8.12 The proposed dwellings are designed to reflect nearby architectural styles. The design vernacular of the scheme is traditional in character, comprising elevations in a mix of brick, render, and tile hanging to the first floor with pitched tiled roofs. Notwithstanding the submitted details, the final palette and distribution of materials is recommended to be secured through planning condition.
- 8.13 The scale of the proposal accords with the parameters of the outline permission, notably Condition 32, which restricted the maximum height of dwellings to 2.5 storeys. The proposed dwellings would all be 2-storey in height, and would comprise a mix of detached and semi-detached properties, with the flatted elements taking the form of traditional, 2-storey dwellings.
- 8.14 On the east site boundary with Warren Lane, the site levels fall away steeply from the access track. In order to manage the sloping ground levels, Plots 16-19, which comprise a pair of 3-bed semi-detached properties, would feature 'split level floors', with the associated rear amenity spaces of Plots 16-20 accommodating terraces.
- 8.15 The overall height of the proposed dwellings reflects the residential nature of the site. The variety of house types across the development provides an appropriate mix and also provides visual interest and variety to the scheme.
- 8.16 With regard to the original elevations the Conservation and Design Officer raised concerns with regard to a number of buildings or corner turn plots with very visible side elevations that were not appropriately detailed, in particular plots 1, 12 and 13. Through the course of the consideration of the application amended plans have been received to address this. A projecting chimney has been added to the side elevation of Plots 1 and 13 and additional fenestration has been proposed for Plots 12 and 13. The amended elevations have successfully addressed officer concerns, adding interest to the visible elevations and reflecting the existing character.

8.17 There is good garden depths across the site, and whilst it is acknowledged Plots 16-21 would have somewhat restricted rear gardens due to the uneven ground levels, it is considered the presented design solution would successfully manage the constraints of the site.

iv. Residential Amenity

- 8.18 The existing residential properties located to the east, are set-back back from Warren Farm Lane, by virtue of their generous front gardens. Given the separation distance of the dwellings to the east, from the Plots 16-21, and the existing and proposed landscaping, it is not considered the proposed development would significantly impact on the residential properties set to the east, in terms of overlooking and loss of light.
- 8.19 The internal road (serving Plots 13-21) to the north would run parallel with the northern site boundary. The submitted Habitat Enhancement Plan details that all the existing trees would be retained to the northern boundary, together with additional tree planting and new native hedging. In between the internal road and the site boundary, further bat friendly planting and wildflower lawn planting is proposed. Again, given the separation distance from the existing residential properties to the north and the existing and proposed landscaping, it is not considered the internal access road in this position would cause significant harm to residential amenity, in terms of noise and disturbance.
- 8.20 The close proximity of the adjacent dwelling at No.4 The Rummings (built 2005) which at its closest point is approximately 6 metres off the site's south boundary is acknowledged. No.4 The Rummings is set at an oblique angle to the application site boundary, with the rear of the dwelling facing north-west. The properties at Leafdaal and Balboa are set at a similar distance off this boundary. The Outline permission considered that the set-back, orientation and window positions of the new dwellings; together with layout and boundary treatment, could be satisfactorily controlled as part of the detailed design work submitted with the reserved matters.
- 8.21 The proposed layout, set-back, orientation, window position, landscaping and boundary treatment has been considered as part of this application. Plots 9 to 15 would all be set at an oblique angle to the southern boundary, in order to avoid direct view into any rear facing windows of the existing properties to the south. Plot 15 would be set nearest to the southern boundary, but would retain a separation gap of approx. 6-7m from the boundary line. Furthermore, the southern flank elevation of Plot 15 would not feature any windows, in order to prevent overlooking towards Leafdaal and Balboa. The submitted Habitat Enhancement Plan details that the southern boundary would comprise new native hedging along its entirety, together with the retention of existing trees. Furthermore, 8no. new trees are proposed to be planted along the southern boundary at carefully selected points, between Plots 12 -15, so as to provide additional boundary screening.
- 8.22 In light of the above, in terms of the impact on the occupiers to the south of the site, it is not considered the proposed development would significantly impact on No4. The Rummings, Leafdall or Balboa, in terms of overlooking, increased sense of enclosure or loss of light.

v. Landscaping

- 8.23 The current landform on the site essentially comprises a dish, steeply sided to the east with a pond located towards the centre. The levels vary significantly across the site and the submitted plans detail how the development of 21 homes would be laid out. The proposed houses have been designed to take advantage of the existing land profile rather than attempting to alter it. For instance, on the east site boundary with Warren Farm Lane, split-level housing is proposed which would give the appearance of a single storey dwelling when viewed from Warren Farm Lane.
- 8.24 The applicant's Landscape and Ecological Management Plan (LEMP, May 2020) and Habitat Enhancement Plan, outlines a number of measures to improve the biodiversity of the site. The submitted Arboricultural Impact Assessment Method Statement (March 2020) details that the current proposals have been designed around the existing mature trees and do not require any existing trees or vegetation to be removed. Poor quality shrub, scrub and self-set trees have previously been removed from the site as part of reptile mitigation works and to enable surveys of the land.
- 8.25 The centre of the site incorporates a focal amenity space which will be landscaped and will utilise and enhance the existing pond. New native tree planting and wetland planting are proposed within the centre of the site. To the north, east and southern boundaries new native hedging is proposed to reinforce the boundary. The submitted plans also show areas of wildflower planting to the north and to the south-east and south-west corners of the site. A detailed landscaping scheme, including planting and maintenance strategy is recommended to be secured by way of condition.

vi. Biodiversity and Ecology

- 8.26 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected or which are of importance to biodiversity is avoided or mitigated.
- 8.27 The applicant's Landscape and Ecological Management Plan (LEMP, May 2020), details a number of measures to improve the biodiversity of the site. The Council's Environment Officer has assessed the proposals and made a number of recommendations (see earlier in this report) which in the event of the application being approved could be secured by condition. Precautionary measures are recommended to ensure Great Crested Newt habitat is retained and to ensure any tree surgery to the large oak tree is undertaken with extreme care in relation to bats. There is no ecological reason to resist the application.
- 8.28 Conditions are recommended requiring protection of the trees / hedgerow during construction, sensitive lighting, sustainable construction/design and to secure biodiversity protection and enhancements.

vii. Sustainability

- 8.29 The site lies within the Settlement Boundary, with reasonable access to jobs, shops, services and public transport.

8.30 The central principle of the design will be investing in a Fabric First Approach. The building would be designed to minimise heat loss through increased levels of insulation and considered junction details (reduced thermal bridging). The design would also incorporate Solar Photovoltaics (PV) panels into the south facing roofs, with consideration also given to the inclusion of Air Source Heat Pumps. The submitted Energy Statement also details that 20% of all parking will accommodate electric vehicles by including charging points. A condition in relation to sustainable design and construction is included on the outline permission and further details relating sustainable measures including insertion of Solar PV into the roofs and details of the EV charging facilities are recommended to be secured by condition on this permission.

8.31 The development has also committed to a water saving of 110 litres per person per day which achieves a betterment in terms of the current Building Regulations where the maximum is 125 litres per person per day. It is considered that in terms of the relevant criteria in Policy 40 and the Council's recent declaration of a climate change emergency the development demonstrates that it will deliver a proportionate and acceptable response. The applicant's commitment in this regard is secured by planning conditions attached to the outline permission and recommended on this reserved matters application.

viii Other matters

Air Quality

8.32 In terms of air quality, the EHT consider that the proposal is likely to have an impact on local air quality (from vehicle movement and possible plant (e.g. heating / ventilation units) installed at the site) and recommends that an Air Quality Assessment is carried out, to include a scheme for protecting the existing locale from the effects of air pollution arising from road traffic and/or any other sources of air pollution. A condition is recommended to secure an Air Quality Assessment.

Lighting

8.33 A condition requiring details of any future lighting proposals for the site is also recommended to protect the character of the environment and ecology and to avoid light spillage where lighting is required.

Noise

8.34 The Environmental Health Team (EHT) recommend a condition to ensure a noise impact assessment is carried out; to show that noise levels within the development site will meet the required standard. Mitigation measures may need to be presented to demonstrate appropriate noise levels can be achieved to support residential living.

A27 Contribution

8.35 Whilst the comments from Highways England are duly noted, it is considered that a request for an A27 contribution could not be substantiated for 21 dwellings, as it would not comply with the qualifying criteria set out in Paragraph 4.50 of the SPD. The applicant has already secured planning permission for the principle of the development, through the approval of the Outline Planning Permission. As such, the LPA cannot now secure a contribution as part of the remaining reserved matters.

Nitrates

8.36 This is a Reserved Matters application. The outline permission was granted in 2018, prior to when Chichester and Langstone Harbour was designated in a 'declining' state by Natural England (this happened in February 2019), and therefore the granting of the principle of 21 dwellings did not need to consider the issue of nitrates at that time. The LPA considers that the outline is the permission, and as such, the LPA cannot secure mitigation as part of the remaining reserved matters.

Significant Conditions

8.37 This is an application for the approval of Reserved Matters and it should be noted that the bulk of the planning conditions controlling and managing the development are attached to the overarching outline planning permission. These conditions required the submission of further details on various matters such as contaminated land, levels, archaeology, construction and environmental management plans, landscape and ecological management plans, surface and foul drainage, utilities, sustainable design and construction and cycle parking. Whilst some of these details have been submitted indicatively in order to inform this Reserved Matters application (e.g. Energy Statement, Landscape and Ecological Management Plan), final approval will be required under separate discharge of condition applications.

8.38 In view of the above, the recommendation below is subject to a limited number of conditions relating to the Reserved Matters including, the carrying out of the development in accordance with the submitted LEMP, securing detailed landscaping proposals, and ensuring various parking, pedestrian and cycling infrastructure is provided at an appropriate time and in an appropriate manner.

Conclusion

8.39 The principle of residential development within the application site has already been established through the approval of the outline permission (ref.CC/98/02043/OUT).

8.40 The application provides 21 dwellings within the Chichester Settlement Boundary. Development scale and density has been guided by existing development, and is compliant with local and national policy, with the maximum building storey heights set out in the outline conditions. The height of the development is domestic in scale, at two storeys, with the dwellings positioned around the perimeter of the site, allowing for an area of landscaped amenity space and retained pond in the centre. It is considered that the design responds well to the scale permitted within this self-contained site.

8.41 The proposals accord with the reserved matter criteria for access, appearance, landscaping, layout and scale of development and subject to the relevant conditions set out below, are acceptable having regard to the material planning considerations. The development will provide the provision of affordable housing in accordance with the outline planning permission. It is considered that the proposal is in accordance with the aims and objectives of the NPPF and the relevant policies contained within the Chichester Local Plan.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

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

2) **No development/works shall commence**, until an ecological watching brief (once the reptile mitigation has taken place) for the vegetation removal, has been submitted to and approved in writing by the Local Planning Authority; and the development subsequently carried out in accordance with the approved details. Rubbish / spoil should not be left onsite in suitable Great Crested Newt habitat areas. If a Great Crested Newt is found all works must stop immediately and Natural England should be consulted.

Reason: In the interests of ecology.

3) **Notwithstanding any details submitted, no development/works shall commence above ground level** until, a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings and all hard surfaced areas have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

4) **No development/works shall commence above ground level**, until an air quality assessment has been carried out for the proposed development and a scheme for protecting the future residential occupiers of the dwellings from the effects of air pollution nitrogen dioxide/airborne particulate matter (PM10) arising from road traffic has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to first occupation of the dwellings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the health of the occupiers of the proposed dwellings in respect of atmospheric pollution.

5) No development/works shall commence above ground level, until a fully detailed landscape and planting scheme for the site has been submitted to and 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 for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and will seek to increase the biodiversity of the site by introducing new trees and planting. Where possible Hazel, Oak and Honeysuckle should be incorporated into the landscaping scheme as they are key for dormice. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. 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 the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

6) Notwithstanding the submitted details, no development shall commence above ground level until a revised sustainability strategy outlining details of the sustainable design and construction for the development hereby permitted, detailing: Sustainable building techniques, including fabric first and renewable energy technologies such as Solar PV and Air/Ground Source Heat Pumps (including full details of the savings in carbon compared to Building Regulations minimum in line with the submitted Energy & Sustainability Statement and details of the positioning / location, form, methods of mounting, design / appearance, technical specification of renewable energy equipment, including acoustic performance). This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. The approved strategy shall be implemented as approved prior to first occupation of the development unless any variation is agreed in writing by the Local Planning Authority.

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

7) No development above ground level shall commence until detailed drawings of the treatment of verges for all roofs (main roofs, garages and pitched roof porches) and chimney details have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the treatment used is appropriate in the interest of amenity and to ensure a development of visual quality.

8) No development/works shall commence above ground level, until a scheme for protecting the proposed development from noise; including noise from external mechanical plant, has been submitted. Any site wide noise mitigation measures shall be implemented **prior to first occupation of the site** and any noise mitigation specific to an individual dwelling shall be implemented **prior to the first occupation of that dwelling**, unless alternative implementation arrangements are agreed. The noise mitigation measures shall be maintained as approved thereafter. The applicant's attention is drawn to the attached informative which offers clarification with regard to the specific requirements of this Condition.

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

9) **Notwithstanding the submitted details, prior to first occupation** of the dwellings hereby permitted the associated boundary treatments shall be provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

The applicant is advised that the details shall include all proposed boundary treatments. The details must include a railing between plot 1 and the formal Centurion Way pedestrian and cycle link and all publically visible rear / side garden boundaries will be expected to be brick built walls rather than close boarded fencing. Thereafter the boundary treatments shall be maintained as approved in perpetuity.

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

10) **No development shall commence above ground level**, until the developer has provided details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) in respect of the provision of Electric Vehicle (EV) charging facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) and no dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

11) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

12) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be 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 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. No lighting should be used near the western boundary and this area should be kept as a 'dark zone'. 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.

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

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

13) **No part of the development hereby permitted 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.

14) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

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

15) The implementation of this planning permission shall be carried out strictly in accordance with the submitted Landscape and Ecological Management Plan (May 2020), by Lizard Landscape Design and Ecology.

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.

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

Reason: In the interest of ecology.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Site location plan	0020	REV P1	11.06.2020	Approved
PLAN - Existing site plan	0021	REV P1	11.06.2020	Approved
PLAN - Proposed site plan	0022	REV P6	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 1	0025	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 2 and 3	0026	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 4	0027	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 5	0028	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 6	0029	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 11 and 12	0031	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 13	0032	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 14	0033	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 15	0034	REV P2	08.03.2021	Approved
PLAN - Proposed plans and elevations - plot 20 and 21	0036	REV P2	08.03.2021	Approved
PLAN - Proposed garage details	0040	REV P1	11.06.2020	Approved
PLAN - Proposed site sections	0041	REV P1	11.06.2020	Approved
PLAN - Tree retention and protection plan	LLD1920-ARB-DWG-002	REV 01	22.06.2020	Approved

PLAN - Proposed plans and elevations - plots 16-19	0035	REV P2	08.03.2021	Approved
PLAN - Drainage general arrangement	414555-100P1		22.06.2020	Approved
PLAN - Habitat enhanced plan	DWG 001		22.06.2020	Approved
PLAN - West-east section across formal link	0042		15.01.2021	Approved
PLAN - Proposed plans and elevations - plots 7-8 and 9-10	0030	REV P2	08.03.2021	Approved
PLAN - Proposed ridge levels plan	0043	REV P1	08.03.2021	Approved
PLAN - Proposed plans and elevations - plots 18-19	0044	REV P1	08.03.2021	Approved
PLAN - Topographical survey	140818	REV 1	08.03.2021	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) This permission shall be read in conjunction with the planning conditions imposed on the outline consent 98/02043/OUT, and the associated Legal Agreement, dated 29th November 2018, made under Section 106 of the Town and Country Planning Act 1990.

3) **Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway**

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

4) 278 Agreement of the 1980 Highways Act - Works within the Highway

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

5) The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. This will constitute an offence of obstruction under the Highways Act 1980.

6) 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.

7) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email landdrainage@chichester.gov.uk.

8) The applicant is advised that the presence of contamination on or near this site is known or suspected. Furthermore the applicant is reminded that they are responsible for ensuring that the development is safe and suitable for the purpose for which it is intended. The Local Planning Authority has determined the application on the basis of information available to it, but this does not necessarily mean that the land is free from contamination.

9) 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).

10) 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).

11) A formal application to Southern Water for connection to the public sewerage system is required in order to service this development. Attention is drawn to the New Connections Services Charging Arrangements document which has now been published and is available to read on Southern Water's website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements.

12) With regard to Condition 8, a scheme, shall be submitted, 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 these internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the orientation of buildings, the siting of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified. The scheme shall be assessed in accordance of BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound". A rating level, as determined 1m from the façade of the most sensitive receptors, that is no more than the established, representative background sound level is an indication of a "low impact", dependent on context.

13) The developers attention is drawn to the comments made by the Council's Environmental Strategy Unit (dated 01.07.2020). Specifically, as a precautionary approach tree surgery to the large oak tree should be undertaken with extreme care in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. There are two other trees onsite which have potential for bats. Currently these trees are remaining untouched; however, if this changes and works are required to these trees then further activity surveys would be required.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QA68FHERJ5900>