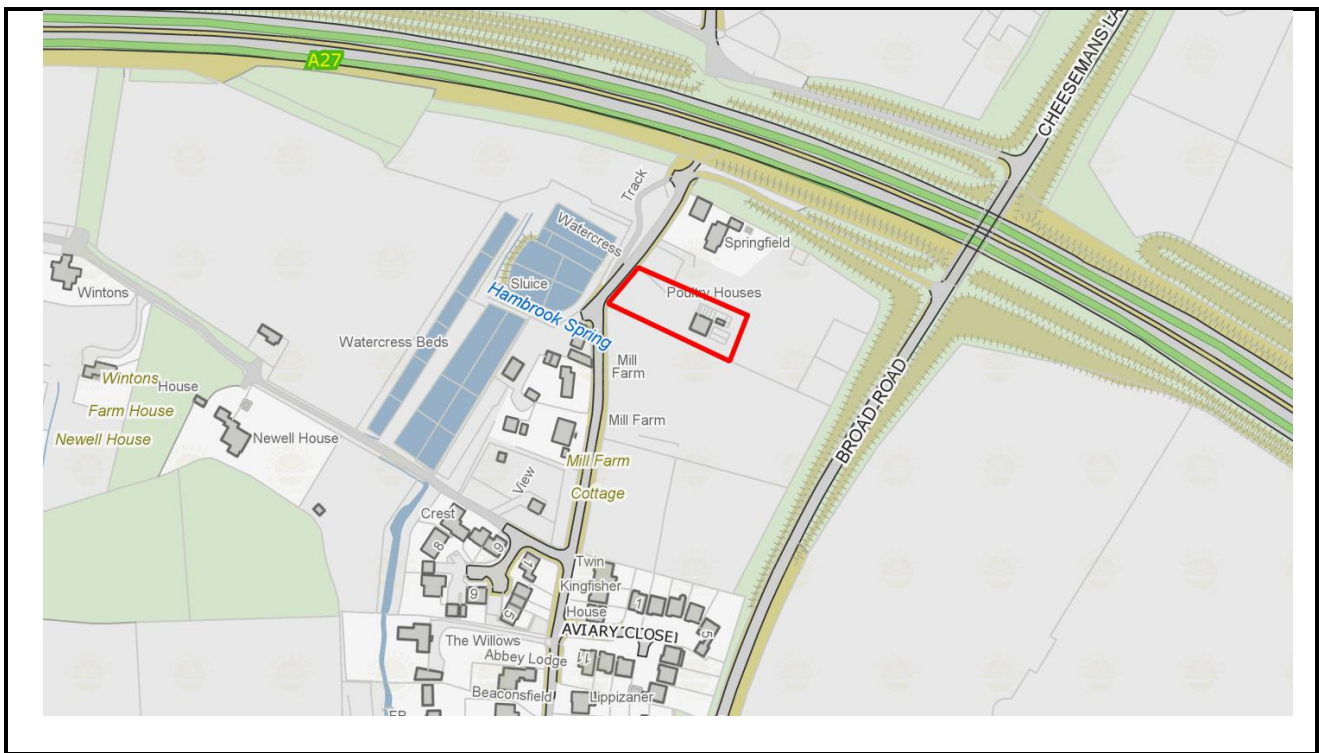



Parish: Chidham & Hambrook	Ward: Harbour Villages
-------------------------------	---------------------------

**CH/20/01139/OUT**

<b>Proposal</b>	Outline Planning Application All Matters Reserved - Erection of 1 no. 3 bed dwelling in garden to south of existing house.		
<b>Site</b>	Land South Of Springfield Hambrook Hill South Hambrook Chidham West Sussex		
<b>Map Ref</b>	(E) 478772 (N) 106977		
<b>Applicant</b>	Mr and Mrs S Allen	<b>Agent</b>	Mr Stephen Jupp

**RECOMMENDATION TO PERMIT WITH S106**



	<p><b>NOT TO SCALE</b></p>	<p>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</p>
---	----------------------------	--

## 1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

## 2.0 The Site and Surroundings

2.1 The application site is located on the east side of Hambrook Hill South, to the south of the A27, approximately 116m north of the nearest settlement boundary. To the west there is a watercress growing operation with agricultural land beyond. To the south there are several small fields, however there are also dwellings on the western side of Hambrook Hill South north of the settlement boundary. The application site is generally level and laid to garden, being framed by planting at the boundaries.

## 3.0 The Proposal

3.1 The application seeks outline planning permission for one 3-bedroom bungalow with all matters reserved. An illustrative siting is shown on the submissions alongside the location for the access, which comprises the existing southern access to Orchard Farm.

## 4.0 History

12/00954/FUL	PER	Replacement dwelling.
15/01036/FUL	PER	Replacement dwelling and new garage.
15/01895/DOC	DOCDEC	Discharge of conditions relating to 15/01036/FUL, Condition 3.
16/00176/FUL	APPRET	Replacement dwelling and new garage. Amendments to garage design permitted under planning permission CH/15/01036/FUL.
16/01073/FUL	WDN	Variation of condition 2 of permission CH/15/01036/FUL. Changes to design of garages, drawing no. 7a to replace drawing no. 5a.

## 5.0 Constraints

Listed Building	No
Conservation Area	No
Rest of Plan Area	Yes
AONB	No
Tree Preservation Order	No
EA Flood Zone	Zone 1
Historic Parks and Gardens	No

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

The Council objects to this planning application due to the following reasons:

1. The location is outside the settlement boundary.
2. The recent Chidham & Hambrook Housing Needs Survey clearly demonstrates that there is a need for affordable housing in the parish, particularly affordable rented.

" The survey has demonstrated a number of interesting facts and correlations: principally that there is a greater affordable housing need in the Parish area than has been identified by the Council's Housing Register". The Design Statement is misleading as the need for 2/3 bed houses is for affordable rented not open market. In fact, of those who wished to buy on the open market, none would be able to afford to do so based on affordability information. Those wishing to downsize only represented 12% of the total and was outweighed by those wanting larger properties and setting up home for the first time. So, the building of this three bed detached house would not be serving any local need.

3. There are possible issues of contamination, asbestos, the impact on the watercress beds and the disposal of foul water on site as flagged up by the Environment Officer. These would need to be satisfied before any planning application was considered.

The Parish Council would like to add the following comments to their previous objection:

The application is contrary to NPPF Para 79: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

None of the circumstances listed apply. It is contrary to the Local Plan Policy 45: Within the countryside, outside settlement boundaries, development will be granted where it requires a countryside location and meets the essential, small scale and local need which cannot be met within existing settlements.

Hambrook is designated a rural area, there is no such need for a countryside location and the site is in an isolated position within the village. It is contrary to the Interim Housing Position Statement 6.2.1 The site boundary in whole or in part is contiguous with an identified settlement boundary as approved in the adopted development plan (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it). Where a proposal is separated from the settlement boundary by road, railway line, cycle path or pedestrian footpath, it will meet this criterion where it is shown be sustainable and integrated with the settlement it adjoins. This application has had many iterations. There is still no response from Natural England on this latest one. Southern Water have yet to comment. When we see these responses, we may wish to add further comments.

## 6.2 Natural England (summarised)

*Further comments (26/08/2021)*

No objection subject to securing appropriate mitigation.

*Further comments (25/06/2021)*

Further information required to determine impacts on designated sites

*Original comments (27/08/2020)*

Recreational disturbance - Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing harmful effects on the European Site(s) for the duration of the proposed development.

Nitrates - The application will result in a net increase of one dwelling, which will connect via mains sewerage to a treatment works discharging to the Solent Maritime Special Area of Conservation (SAC). Therefore, Natural England agrees there will be a likely significant effect from an increase in nutrients entering the SAC. The applicant has provided a nutrients budget, but this uses an old version of Natural England's guidance. Using the updated 'Advice on achieving nutrient neutrality from new development in the Solent Region v5 (June 2020)' and the associated nitrogen budget calculator, one dwelling would produce 0.8kgTN/year. Therefore, this amount of nitrogen would need offsetting.

The applicant's nutrient budget suggests that the nutrients produced could be offset by the creation of a reedbed. If this mitigation option were chosen, more detail would be needed on the location, hydrological functioning and management of the reedbed.

## 6.3 WSCC Local Highway Authority (summarised)

Access and visibility Local mapping indicates that there is one site access that serves the existing property. It is unclear if these access arrangements will be shared with the proposed dwelling. If a new access is proposed to serve the new dwelling, at the Reserved Matters Stage, details of access including geometry and visibility splays are expected to be demonstrated by the applicant. Manual for Streets (MfS) is the appropriate standard that applies to 30mph speed restrictions. A minimum stopping distance (SSD) of 43m in each direction at 2.4m from the back edge of the carriageway is acceptable for the anticipated speed limits. Reduced splays will be accepted where supported by a seven days speed survey. These splays must be wholly maintained within the applicant's ownership boundary or within the public highway. In terms of the materials used for construction of the access it should be noted that if the access is constructed from gravel, a gravel trap or other bound material should be provided where the access adjoins Hambrook Hill South to prevent the material being dispersed onto the public highway. The gravel trap must be positioned within the applicant's land and not the publicly maintained highway.

Gate

If erecting a gate is part of the proposal the applicant should be aware that the gate opening mechanism should be inwards and the gate should be positioned 5m from the back edge of the carriageway, in order to enable a vehicle to wait clear whilst the gate is operated and to prevent obstruction of the flowing traffic.

### Parking and turning

Details of the proposed parking and turning layout should be demonstrated at the reserved Matters stage.

Parking provision should be provided in accordance with WSCC Car Parking Demand calculator (PDC). The expected onsite parking provision in this location would be 3 spaces. Each parking space outside of a garage should meet the minimum requirements of 2.4x4.8m. If garage is to be provided then the minimum requirements as set out in Manual for Streets (MfS) should be 3x6m for a single garage. This includes internal area for bicycle storage. A turn on site should be provided to enable vehicles to exit onto the public highway in a forward gear. In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, at Reserved Matter stage, electric vehicle (EV) charging points should be provided for new homes. Based upon current EV sales rates within West Sussex, active charging points should be provided for a minimum of 20% of all proposed parking spaces. Ducting should be provided to the remaining 80% of parking spaces to provide 'passive' provision for these spaces to be upgraded in future. Due to the small scale nature of this proposal, the anticipated provision of active EV spaces for this development would be 1 space and should be provided in accordance with the above WSCC guidance and Chichester Local Plan policy.

### Sustainability

The site is situated in a rural residential area therefore; the occupants of the proposed dwelling will be reliant upon a use of a car. Covered and secured cycle storage should be provided as an alternative transport mode and this should be demonstrated at Reserved Matters stage.

The Local Highway Authority (LHA) will advise the relevant informative and conditions upon the Reserved Matters stage.

Conclusion In principle, the LHA does not consider that this outline application with all matters reserved for an additional dwelling would result in 'severe' impact on the operation of the Highway Network, therefore is no contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

#### 6.4 CDC Environmental Protection - Air Quality

##### Air quality

The site is not located within an Air Quality Management Area (AQMA) and it is approx. 80m to the south of the A27. Background air quality at the site is predicted to be acceptable. The proposed land development is not considered likely to generate significant impacts on local air quality and guidance given in the IAQM/EPUK Land-Use & Planning: Planning for Air Quality document Jan 2017 indicates that a full air quality assessment would not be required for a site of this size. In order to reduce air quality impacts further the following mitigation measures should be considered:

Secure covered cycle parking should be installed at the property.

##### Construction issues

Measures to reduce the impact of noise, dust and other environmental impacts should be put in place during the construction phase. There should be no burning of demolition or construction materials and all wastes must be disposed of in accordance with the appropriate Waste Regulations.

#### 6.5 CDC Environmental Protection - Noise

##### Noise

The site is located approx. 80m to the south of the A27. Given the proximity of the A27, prior to development, a scheme of noise control shall be submitted to and approved in writing by the LPA to demonstrate that internal sound levels adhere to those outlined in BS8233:2014. Thereafter the scheme shall be implemented in full in order to ensure internal noise levels are acceptable for future residents.

#### 6.6 CDC Environmental Protection - Land contamination

##### Land Contamination

The site is part of the garden to Springfield House however it appears that it was previously in use as poultry sheds and kennels.

These land uses may have introduced localised land contamination to the site therefore it is suggested that conditions PC20, PC21 are applied if planning permission is granted. If land contamination is encountered conditions PC22 and PO14 would also be required in order to remediate the land and provide verification that the site is suitable for the proposed use.

No details are given as to how foul sewage will be disposed of at the site it is assumed that a connection will be made to the mains foul sewer in Hambrook Hill South. If this is not the case this team should be re-consulted.

It is noted that there are a number of current buildings at the site. If any of the building materials contain asbestos, the Control of Asbestos Regulations 2012 should be followed with respect to the dismantling, storage and disposal of such materials.

It is noted that the watercress beds to the west of the site are covered by a source protection zone. The EA should be consulted regarding this application in order that comments can be made with respect to impact of the development on the SPZ.

## 6.7 Third party objection comments

1 x third party representations of objection have been received concerning the following matters:

a) The location is outside the settlement area for Hambrook. The proposed house will be standing alone and look out of place in what is a country lane.

## 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. The Chidham and Hambrook Neighbourhood Plan was made June 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 45: Development in the Countryside

Policy 47: Heritage and Design

Policy 48: Natural Environment

Policy 49: Biodiversity

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

Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

## Chidham and Hambrook Neighbourhood Plan

LP1

EM2

EM3

H2

DS1

DS2

## Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from July 2021. 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.*
- 7.5 Consideration should also be given to the following paragraph and sections: Sections 4 (Decision-making), 9 (Promoting sustainable transport), 11 (Making effective use of land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (Conserving and enhancing the natural environment).



## Other Local Policy and Guidance

7.6 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

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

## Assessment

i. Principle of development

8.2 The application site lies outside any defined settlement boundary, within the Rest of the Plan Area, whereby new market dwellings are not normally permitted in accordance with Local Plan Policies 1, 2 and 45. However, the Chidham and Hambrook Neighbourhood Plan, which forms part of the Development Plan, carries greater weight on this matter than the Local Plan by virtue of its more recent adoption date, and has a policy that does allow for new dwellings outside of the settlement boundaries. Policy LP1 of the Neighbourhood Plan states that new residential 'development of ten units or fewer will be supported on windfall sites'. The policy goes on to state that 'the number and variety of such windfall sites makes it too prescriptive to identify them individually and the preferred approach is to assess the suitability of each site at the time the development proposal is made in accordance with development plan policies'.

8.3 The Glossary within the Neighbourhood Plan clarifies what constitutes a 'windfall site' as follows: 'Sites which have not been specifically identified as available in the Local Plan process. They normally comprise of previously developed sites that have become unexpectedly available'. It has been established, within High Court ruling 'Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)', that residential gardens outside of settlement boundaries constitute brownfield land or 'previously developed land' (PDL).

- 8.4 In accordance with the Framework definition, the garden to Springfield comprises PDL. The application site falls within the garden to Springfield, and in the past it was associated with the building at the rear of the site used for the kennelling of dogs; a commercial non-agricultural use that also constituted PDL under the 2021 NPPF definition.
- 8.5 Parish Housing Needs Assessment has identified a need for 2 and 3 bed roomed houses. The Parish Council has raised a concern that there is a need for 2 to 3 bed affordable homes not at market value. However, the application is for one dwellinghouse and in accordance with CLP does not meet the threshold for an affordable housing provision and therefore to resist the proposal on these grounds would be unreasonable.
- 8.6 In terms of isolation this end of the road is quite and the site is located opposite the watercress beds and close to historic and recent housing development. Therefore, the site it is not isolated under the NPPF current definition, and there is no requirement for the new dwelling to be of an exceptional design in accordance with paragraph 80 to be acceptable.
- 8.7 Given the forgoing, there is significant weight in favour of the principle of providing a dwelling on this site. The proposed site falls under the category of being both PDL and residential windfall site. The proposed erection of 1 no. 3-bedroom dwelling is therefore considered to be acceptable in principle, subject to compliance with other policies and assessment of material considerations.

ii. Design and impact upon character of the surrounding area

- 8.8 The NPPF seeks to secure high quality development that improves the overall quality of the area whilst policy 33 of the Chichester Local Plan seeks to secure development that respects the character of the area and policy DS1 of the Chidham and Hambrook Neighbourhood Plan outlines, amongst other considerations, 'development should demonstrate how it will integrate into the existing surroundings'.
- 8.9 The proposed outline application makes provision for a 3-bedroom property, the siting and detailed design for which would require full consideration at reserved matters stage. The Planning Statement submission indicates that the dwelling would be two stories and that there are two storey dwellings in the locality. Springfield itself is two stories and the housing development to the rest of the road is also two stories, and it is considered that in principle a 2 storey dwelling on the site would not be at odds with the character of the locality.

iii. Impact upon the amenity of neighbouring properties and future occupiers

- 8.10 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties. If permitted, these matters would be considered in detail at the reserved matters stage. However, the principle of the use of the site for residential purposes would be compatible with the residential and agricultural environment in terms of potential noise disturbance to the neighbours and living standards for the future occupants.

8.11 The site is located approximately 80m to the south of the A27 and whilst this is not a constraint to the proposed development it would be important to ensure that internal noise levels are acceptable. In accordance with the comments received from the Council's Environmental Protection Officer a condition is recommended to ensure that a scheme of noise control be submitted and approved prior to commencement of development. Subject conditions and consideration of the design at reserved matters stage it is considered that the proposal would safeguard the amenities of neighbouring properties and it could be designed to ensure that noise levels would be acceptable in the interests of the amenities of future occupiers.

iv. Ecological considerations

- 8.12 The application site lies within the zone of influence for Chichester and Langstone Harbours Special Protection Area (SPA) where a net increase in dwellings would likely have a significant effect upon the designated site as a result of recreational disturbance. The applicant has paid a contribution to Bird Aware Solent to mitigate this impact and a unilateral undertaking has been submitted to tie the contribution to the proposed development in accordance with policy 50 of the Chichester Local Plan and Policy EM2 of the Chidham and Hambrook Neighbourhood Plan.
- 8.13 In accordance with the Natural England 'Advice on achieving nutrient neutrality for new development in the Solent region (June 2020)' guidance document the LPA is aware that additional nitrates and phosphorous entering the Solent is causing eutrophication of a number of statutory designated sites. The document goes on to advise that new development with overnight accommodation will have wastewater 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.
- 8.14 The applicant has provided a Nitrate Budget Report (May 2021) that concludes a nitrogen budget of 0.809kg/yr for the proposed development and therefore nitrogen offsetting is required. Natural England concurs with this assessment and its conclusion. A 0.087ha area of land within the development site has been identified as being suitable for securing mitigation, via conversion from urban land use to woodland planting. In accordance with the advice provided within 'Advice on Achieving Nutrient Neutrality in the Solent Region' (Version 5 - June 2020), Natural England advises that suitable mitigation can include measures such as is proposed for this development i.e. the planting of broadleaved tree species, at a density of 100 trees per hectare.
- 8.15 Natural England has confirmed that it is satisfied with the proposed method of nitrates mitigation. As the rewilding is located within the application site owned by the applicant the mitigation can be secured via a planning condition to ensure it is retained. The proposal is therefore considered acceptable in this regard.

8.16 Policy 49 of the Chichester Local Plan requires, amongst other considerations, that the biodiversity value of the site is safeguarded and enhanced. The far western end of the site lies within a proposed wildlife corridor proposal, however it is considered the proposal would not impact upon the integrity of the corridor given only part of the site lies within the corridor. To the north and west there is an identified bat network, and therefore it is considered important that the existing planting around the edge of the site, albeit not within the bat network area and not subject to any records of protected species, is retained and not disturbed by the proposed development to ensure habitats for wildlife would not be harmed; a condition is recommended to secure this. In addition, a condition requiring ecological enhancements including bat and bird boxes, gaps in boundary treatments to allow small mammals to move around the site, hedgehog homes and log piles would be necessary to ensure the proposal would provide a net gain in biodiversity, and condition to prevent external lighting to be provided on site other than in accordance with an approved scheme is recommended.

8.17 It is considered that subject to the recommended conditions the proposal would not impact upon any European designated sites, the biodiversity of the site would be protected and the proposal would result in ecological enhancements of the wider site including an area of re-wilding. The proposal would therefore accord with policy in this respect.

v. Impact upon highway safety and parking

8.18 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the Chichester Local Plan requires the development should not create or add to problems of safety, congestion, air pollution or other damage to the environment whilst the level of parking provision should be in accordance with current West Sussex County Council guidance.

8.19 All matters are reserved as part of this outline application, and therefore the access and layout of the site is not under consideration. However WSCC has not raised any objection to the proposal in terms of highway safety or the impact upon the highway network and the detailed design of the access would be considered at reserved matters stage if permitted. In addition, the site is of a size that would comfortably accommodate an appropriate level of parking for a 2 /3 bed dwelling along with secure cycle parking and electric vehicle charging points. The proposal is therefore considered acceptable in this respect.

vi. Drainage

8.20 Policy 42 of the Chichester Local Plan requires proposals demonstrate that developments will be safe, including access, without increasing the risk of flooding elsewhere. Surface water disposals on the site would have to comply with building regulations, and given the site is not situated within flood zone 2 or 3, it is not considered that the proposal would result in issues of surface water flooding.

8.21 A mains foul connection is proposed, and this can be accommodated in this location as the site flows towards Thornham Wastewater Treatment Works which currently has capacity. Therefore the proposal would be acceptable in this respect.

vii. Sustainability

8.22 Policy 40 of the Chichester Local Plan sets out a ten point criteria in relation to sustainable design and construction. The proposal would include provision for a Policy 40 condition to ensure sustainable design and construction is integrated into the development at reserved matters stage should outline permission be granted. Conditions regarding Electric Vehicle charging points and water usage limitations are also recommended to minimise the impact of the proposal upon the environment.

Conclusion

8.23 Based on the above it is considered that the scheme would provide an additional dwellinghouse in a location permitted by the Chidham and Hambrook Neighbourhood Plan without any significant adverse impacts and without any demonstrable conflicts with the NPPF. In addition, the impacts of the proposal upon the European designated sites would be adequately mitigated. The principle of the outline proposal therefore complies with development plan policies 1, 2, 45, 48, 49 and 50 of the Chichester Local Plan and LP1, EM2, EM3, H2, DS1, and DS2 of the Chidham and Hambrook Neighbourhood Plan and the application is recommended for approval.

Human Rights

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

**RECOMMENDATION**

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

1) (i) Approval of the details of the; access, appearance, landscaping, layout and scale (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990

3) 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.

4) No development or demolition shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The measures approved within the CMS shall thereafter be fully adhered to during the demolition and construction process. The CMS should provide for the following:

- a) hours of construction (including demolition) and delivery
- b) details and method of demolition
- c) provision for parking of vehicles
- d) provision for storing of equipment, materials and waste
- e) details for the erection and maintenance of any security hoarding
- f) measures to control emission of dust and noise
- g) provision of road sweepers and/or wheel washing facilities
- h) details of proposed external lighting to be used during construction, which should be restricted
- i) waste management and litter control, including prohibiting burning of materials/waste

Reason: In the interests of highway safety and protecting nearby residents from nuisance during all stages of development, and to ensure the use of the site does not have a harmful environmental effect.

5) No development shall commence until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. 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 unless any variation is agreed in writing by the Local Planning Authority.

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

6) No development shall be carried out on site until all buildings and structures existing on the application site at the date of this permission have been demolished, the debris removed from the site and the site cleared.

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

7) No development shall commence until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

8) If the Phase 1 report submitted pursuant to condition 4 identifies potential contaminant linkages that require further investigation then no development shall commence until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

9) If the Phase 2 report submitted pursuant to condition 8 identifies that site remediation is required then no development shall commence until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

10) Notwithstanding any details submitted no development/works shall take place above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building 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.

11) The hedgerow to the southern boundary of the site shall be retained and no works shall be carried out above slab level until a scheme for ecological enhancements has been submitted to and approved in writing by the Local Planning Authority. The enhancements should be informed by the submitted ecological reports, and as a minimum shall include:

- a) Any trees removed should be replaced at a ratio of 2:1,
- b) Wildflower meadow planting used,
- c) Filling any gaps in tree lines or hedgerows with native species,
- d) Bat and bird boxes installed on the site,
- e) Grassland areas managed to benefit reptiles,
- f) Log piles onsite,
- g) gaps included at the bottom of the fences to allow movement of small mammals across the site, and
- h) hedgehog nesting box included on the site

Thereafter the approved scheme shall be fully implemented in accordance with the approved details prior to first occupation of the dwellings hereby permitted.

Reason: to ensure suitable biodiversity enhancements are achieved in the interest of conservation of the natural environment.



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

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

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

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

14) No part of the development shall be first occupied until the vehicle turning space has been demonstrated within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety

15) The development hereby permitted shall not be occupied unless and until a minimum of 1 electric car charging point has been provided is operational in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the car charging point shall be maintained and remain operational in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of encouraging the use of sustainable modes of transport.

16) Notwithstanding the details on the plans and application form, prior to first occupation of the dwellings hereby permitted details of any proposed boundary treatments to the site, 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,
- (b) details of the materials and finishes, and
- (c) gaps for small mammals to pass through.

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

Reason: In the interests of neighbouring and visual amenity.

17) Prior to commencement of development a full and detailed Nitrates Mitigation Scheme comprising a Rewilding Woodland Planting Scheme and Woodland Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the 0.087ha areas identified on plan number 2E which shall be planted with native broadleaved tree species at a density of 100 trees per hectare and management and monitoring arrangements for the lifetime of the approved development.

Thereafter the agreed Nitrates Mitigation Scheme shall be fully implemented prior to first occupation of the dwelling hereby permitted and the Nitrates Mitigation Scheme shall be maintained and monitored in perpetuity in accordance with the agreed details, unless otherwise approved in writing by the Local Planning Authority.

Reason; In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbour. To ensure compliance with the Habitats Regulations and in accordance with the Appropriate Assessment and the advice provided within 'Advice on Achieving Nutrient Neutrality in the Solent Region' (Version 5 - June 2020), Natural England advises that suitable mitigation can include measures such as is proposed for this development i.e. the planting of broadleaved tree species, at a density of 100 trees per hectare.

18) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in full 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 and to conserve and enhance biodiversity.

19) If pursuant to conditions 7, 8 and 9 contaminated land remediation was required the development hereby permitted shall not be first occupied until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

20) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate the bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging into the ground. Associated pipework shall be located above ground where possible and protected from accidental damage. The approved scheme shall be provided prior to the first use of the land for the storage of oils, fuels or chemicals and shall be maintained as approved in perpetuity.

Reason: To enable the Local Planning Authority to retain control over the development which may be injurious to the amenities of the area and of neighbouring properties and to prevent pollution.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than 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 details of the proposed location, level of luminance and design of the light including measures proposed to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

22) The development hereby approved shall not exceed water usage of 110 litres per person per day.

Reason: In the interests of sustainable resource management

23) Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no enlargement, improvement, alteration, building or structure permitted by Class A to F of Part 1 Schedule 2 shall be erected, made or inserted on the application site or dwellinghouse hereby approved without a grant of planning permission.

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

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

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

## 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 - Location Plan	1		14.05.2020	Approved
PLAN -	2	E	17.08.2021	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) 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](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Maria Tomlinson on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9WNY2ERIYH00>