

Parish: Southbourne	Ward: Southbourne
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SB/20/02297/FUL

Proposal	Construction of 8 no. dwellings, access, landscaping and associated works.		
Site	Land North West Of 139 Main Road Southbourne Hampshire		
Map Ref	(E) 476075 (N) 105771		
Applicant	Junnell Homes	Agent	Mrs Kerry Simmons

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

1.1 Proposal is contrary to the provisions of the Development Plan

1.2 The application was deferred by the Planning Committee on 11 August 2021 for amendments and further information concerning the following:

- **Amendment to condition 6 to include control of litter within section k**
- **Consultation with southern water**
- **Discussions about the ditch location, access, and impact on trees ideally with retention of an open ditch alongside the access**
- **Details of access to the northern area of trees and maintenance arrangements**
- **Provision of informatives on the recommendation**

2.0 The Site and Surroundings

2.1 The application site is located to the North side of Main Road, within the Parish of Southbourne, and just beyond the eastern edge of the settlement boundary of Hermitage.

2.2 The site comprises of approx. 0.49ha of garden land, associated with the property Wayside, which is located to the south east of the application site with a frontage onto Main Road. Most of the site is set back from Main Road by approximately 70m, with only a small proportion of the site (the proposed access road) running to the west of Wayside to meet Main Road. The site is an open, green area with dense tree planting to the northern boundary (covered by Area Tree Preservation Order (TPO) ref 96/00903/TPO), further dense tree planting exists to the west and south boundaries, and there are fewer trees to the eastern boundary, albeit many of which are protected by individual TPO's.

2.3 The site is enclosed by existing development to all boundaries, with Morcumbs Park caravan park to the north, three properties to the east (accessed off Tuppenny Lane), two larger properties (including Wayside), to the west, both of which are set within extensive grounds, and Penny Lane to the east which falls within the settlement boundary and as such there are a large number of dwellings within this street.

3.0 The Proposal

3.1 The proposal has been revised during the application and planning permission is now sought for the construction of eight dwellings (2 x 4 bed, 4 x 3 bed, 2 x 2 bed), including one bungalow, with garages to each 4-bed property and the bungalow.

3.2 The proposal includes the formation of a new vehicular access, within the southern walled boundary, onto Main Road. The site would be serviced by a 6m wide bell mouth entrance, wide enough to allow the passing of two vehicles. Internally, a curved access road running north-south within the site, would be positioned to the west of Wayside and provide access to the residential development towards the far north of the site.

4.0 History

05/03608/TPA	PER	Reduce/remove limbs on western sector of 4 no. Lime trees within group G1. Reduce branches on northern sector of 4 no. Ash trees, 2 no. Lime trees and 1 no. Horse Chestnut tree within area A1. All trees are within TPO/38/SB.
15/02098/TPA	PER	Crown reduce by 25% and crown thin by 10% on 1 no. Lime tree (quoted as T1, TPO'd nos. T3) subject to SB/96/00903/TPO.
16/00972/TPA	PER	Crown reduce (southern sectors) by 3m on 1 no. Beech tree (quoted as T1) and 1 no. Hornbeam (quoted as T2) within Area, A1 subject to SB/96/00903/TPO.
16/04077/TPA	PER	Fell 1 no. Ash tree (T9) subject to SB/96/00903/TPO.
19/02378/TPA	PER	Reduce western sector by 1.5m on 1 no. Acacia (quoted as T1) and by 2m on 1 no. Lime tree (quoted as T3), crown raise by up to 5m (above ground level) on 1 no. Lime tree (quoted as T2). All 3 no. trees are within Group, G1 subject to SB/96/00903/TPO.
20/00145/TPA	PER	Fell 1 no. Ash tree (T1) and re-pollard down to 2m on 1 no. Lime tree (T2). Both trees are within Area, A1 subject to SB/96/00903/TPO.
20/02507/TPA	PER	Fell 2 no. Ash trees (quoted as T23 and T34) and crown raise by up to 3m (above ground level) on 1 no. Sycamore tree (quoted as T21). All 3 no. trees are within Area, A1 subject to SB/96/00903/TPO.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	Yes
EA Flood Zone	NO

6.0 Representations and Consultations

6.1 Parish Council

Additional Comments (Received 07.05.2021)

The application site is outside the current development boundary in the made Neighbourhood Plan. It is within the Strategic Settlement Gap between Hermitage and Southbourne.

The houses on the Eastern boundary will be facing a wall in place of a garden.

Who will maintain the area of TPO woodland? This needs to be clarified.

The Committee has however appreciated the work carried out by the applicant and Planning Officer on this application.

Original Comments (Received 16.10.2020)

Objection: The proposed development is outside the settlement boundary. Clarification is required regarding the replacement brick wall and the post box (which is on the Local Heritage asset list in the emerging SPNP) and the visibility splays where there is currently a group of TPO trees.

6.2 Natural England (summarised)

No Objection - Subject to appropriate mitigation being secured, as set out within the appropriate assessment.

6.3 National Highways

No objection - National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the strategic road network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

We are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF 2021 paragraphs 110-113) in this location and its vicinity

6.3 WSCC Local Highway Authority (summarised)

Additional Comments (Received 21.05.2021)

No objection was raised previously regarding highway related matters. The proposal changes will lessen vehicle trips, extra parking has been proposed and there are no changes to access; therefore, the LHA would have no objection.

Original Comments (Received 16.10.2021)

The proposal is for a new vehicular access off the A259 in Southbourne. This will take the form of a 6m wide bell mouth style junction. A 2m wide footway is being provided into the site to link up with the existing footway network. Once inside the site the site appears to take the form of a shared surface arrangement which is considered acceptable in low speed small developments. Nine dwellings are proposed on the site (3 x 2 bed, 4 x 3 bed and 2 x 4 bed). Nineteen car parking spaces are proposed, along with electric vehicle charging spaces at each dwelling, these are in line with the new WSCC Guidance on Parking at New Developments. Cycle storage is proposed for each dwelling also.

It is proposed that the front boundary wall to Wayside will be relocated, to secure the visibility required (2.4m by 43m) in each direction, this is in line with Manual for Streets guidance. This will also improve the visibility that is offered currently to Wayside and Tuppenny Lane. As well as offering better forward visibility to vehicles traveling east approaching the accesses to view vehicles exiting these access points, plus giving vehicles leaving a much clearer view of pedestrians and cyclists traveling east on this side of the road.

Tracking has been provided to demonstrate that two vehicles can pass at the site entrance. This will avoid any vehicle sitting on the highway waiting for vehicles to exit should a conflict occur. Tracking has been provided to show a large refuse vehicle can enter, turn and leave the site in forward gear to avoid any reversing in or out of the site from the highway.

A TRCIS report has been prepared to demonstrate the likely number of trips that would be generated in the AM and PM peak hours. As can be seen in section 4.2 of the Transport Assessment (TA) under table 4. This gives an AM peak two-way trip rate of 6 movements and a PM peak hour trip rate of 3 movements. Neither of which would give rise to any triggers for further highway network and junction analysis, nor would this level of trips be considered to have a material impact on the local highway network or cause a safety concern

6.4 WSCC Water and Access (summarised)

The requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting. Conditions suggested to secure details.

6.5 Southern Water (summarised)

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

6.6 CDC Costal and Drainage (summarised)

Further comments (23.09.21)

Based on the photos (which demonstrate access along the ditch bed for a mini digger) we are happy to accept the proposal below (proposed access points / 1.5m buffer from top of the bank)

Further comments (17.09.21)

Firstly, we must not permit new development which restricts future access for landowners to undertake their duties with respect to maintaining existing watercourses (whether open or culverted).

It appears that for this site the banks of the watercourse are vegetated and we have no desire for the trees to be removed as long as the ditch can still be maintained.

If they are not able to provide the 3m clear buffer from the top of the ditch banks that we request a plan from the applicant as to how they intend to maintain the watercourse post development, which we could then consider / comment on the acceptability.

The existing watercourse / culverted sections should be cleared of any vegetation / silt now, and this could be used to demonstrate whether the network can be maintained with the vegetation retained, or not.

If the ditch is to be cleared by hand in the future, or by a small machine tracking up the channel then a 1.5m clear buffer from the top of bank for any new planting / structures such as fencing may be acceptable (as opposed to the 3m buffer). It would appear that boundary fences are still proposed very close to the banks of the ditch.

They have recently submitted a layout which provides access points to the watercourse. These are a positive addition with respect to access for future maintenance.

Additional Comments (11.11.2020)

Comments as before remain valid.

Original Comments (received 21.10.2020)

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

Surface Water Drainage: The submitted drainage strategy proposes a restricted discharge to a local watercourse with rainfall up to the 1 in 100yr event + 40% retained within the sub-base of the road. This approach is acceptable in principle, although where there is no contribution from housing, we would expect permeable paving to act in isolation, with only

an overflow arrangement to a watercourse considered. As such the final discharge should be restricted to greenfield rates (minimum 2 l/s)

The applicant has demonstrated that the site can be drained, further investigations will be required for the detailed design, therefore if you are minded to approve the application please obtain a full drainage scheme, via condition.

The proposed site is bounded by watercourses, there must remain a 3m clear buffer To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. Please can this either be evidenced at this stage or conditioned. Please also add an advisory that the applicant will require ordinary watercourse consent for all alterations or discharges to ordinary watercourses.

6.7 CDC Housing (summarised)

The number of units proposed are below the threshold at which a quota of affordable housing must be required. A good mix of housing, including smaller houses are proposed, in line with the Strategic Housing Market Assessment. No objections.

6.8 CDC Conservation and Design

I am commenting on the part of the application that relates to the removal of the boundary wall to Oaklands, a Grade II listed property at the front of the site.

The access to the main site goes through the curtilage of the listed building and at present shows the total demolition of the front boundary wall which appears historically coherent with the main listed building. The demolition of this wall is unacceptable on the grounds that it would cause harm to an important curtilage listed boundary treatment. It is also not necessary to remove the entire wall to facilitate the access. It would be possible to retain much more of the wall and allow the construction of the visibility splay with bricks reclaimed from the demolished sections. The new sections of wall should be conditioned to precisely match the existing.

6.9 CDC Environmental Protection

Land contamination

Given the type of development proposed, a phased risk assessment of land contamination should be undertaken at the site comprising a desk study and if necessary, site investigation, remediation and verification. Conditions PC20, PC21, PC22 and PO14 should be applied.

Noise and air quality

As the proposed development is located away from any major roads, background noise levels and current air quality are considered likely to be acceptable. The number of dwelling proposed does not trigger the need for an air quality assessment using the methodology in the IAQM document Land Use Planning & Development Control: Planning for Air Quality 2017. It is considered that a good standard of thermal construction will enable both internal noise levels and air quality to be acceptable for future occupants and

no additional noise assessment will be necessary. The development is considered unlikely to impact local air quality and no further air quality assessment is required.

In order to mitigate the impact of the development the following should be incorporated (in accordance with the requirements of the WSCC parking standards):

1. Secure, covered cycle storage facilities
2. Electric vehicle recharging facilities.

Lighting

In order to control external lighting at the site, the following condition is recommended: No development shall commence until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out how the design of the lighting shall not exceed the obtrusive light limitations for exterior lighting of the Institution of Lighting Professional Guidance for the appropriate Environmental Zone relating to the site.

Construction

Measures to minimise impacts (ie noise, dust, waste, transport) during demolition and construction should be put in place. It is recommended that Condition PC06 is applied given the scale of demolition required at the site.

6.10 CDC Environmental Strategy

Additional Comments (29.06.2021)

Bats:

The shed is considered to have 'negligible' bat roost potential and a mature lime tree was identified as having 'moderate' bat roost potential. The mixed semi-natural woodland, and scattered trees are of value for foraging and commuting bats.

With the retention and protection of this specimen there are no foreseeable direct impacts on tree roosting bats and no further surveys are recommended. However, if this tree is to be felled then further survey work will need to be undertaken by a suitably qualified ecologist.

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.

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

With the removal of a small amount of hedgerow to create the access road, 'hop over' points must be provided to reduce the gap created in the wildlife corridor so bats and birds can still cross. We are pleased to see this has been considered and the use of planting trees on the western side of the access road to create an aerial bridge with overhanging

branches to the mature trees being retained on the other side is going to be implemented. Any gaps should also be filled in using native tree species to improve connectivity. Conditions should be used to ensure this.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Nesting birds:

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

We would like a bird box to be installed on the extension / and or tree within the garden of the property.

Hedgehogs:

As detailed within the Preliminary bat Survey Report (Oct 2019) precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found they should be relocated away from the construction area into surrounding suitable habitats.

Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs

Dormice:

According to the Ecological Assessment report (May 2020), it is considered unlikely that dormice are present within the site woodland and hedgerow habitats, however, the absence of individual dormice from the site cannot be ruled out. Therefore, a precautionary approach must be undertaken when removing the small amount of vegetation needed for access. Woodland thinning is supervised by a suitably qualified ecologist following a thorough fingertip search of the entire area of loss for signs or evidence of dormice to be present or individual dormice themselves. In the unlikely event that a dormouse or evidence of their presence be found during the hand-search, then work will cease immediately and will not recommence until a European Protected Species Mitigation Licence is secured through Natural England.

Original Comments (05.10.2020)

Biodiversity

Please can the Ecological Assessment and Extended Phase 1 Habitat Survey by The Ecology Co-op (April 2020) be submitted with this application so we can assess the other surveys and habitats onsite apart from reptiles.

Reptiles

Following submission of the Mitigation and Enhancement Plan (Aug 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Nesting Birds

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

Recreational Disturbance

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

Nutrient Neutrality

Following submission of the Nitrate Budget Report it has been identified that there will be an increase in nitrogen load of 7.27TN/yr from the proposed development. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this.

Policy 40

Following submission of the Sustainable Construction Supplementary Planning Statement (July 2020), we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 43.3%. This will be achieved with a fabric first approach and through installing air source heat pumps.

6.11 Third party objection comments

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

- a) Additional access onto Main Road - Highways safety concerns
- b) Contribution to a cycle path outside of the development
- c) No affordable housing
- d) Outside of the settlement boundary
- e) Overdevelopment of the site
- f) Out of keeping
- f) Gated community
- h) Single track site access, issues for parking vehicles
- i) Set a precedent for development outside of the settlement boundary
- j) Surface drainage strategy, increase in flooding
- k) Site would be perfect for re-wilding
- l) Nitrogen issues
- m) Who shall own the TPO area to the north of the site
- n) The wall is on a heritage at risk register
- o) There would be the removal of TPO trees
- p) The houses on Tuppenny Lane would look out onto fencing and housing

- q) Impact upon wildlife
- r) Refuse this unnecessary development
- s) Quantum of development in the surrounding area
- t) Increase in traffic
- u) Proximity to housing to the east

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 Southbourne Neighbourhood Plan was made on the 15 December 2015 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 3: The Economy and Employment Provision
- Policy 4: Housing Provision
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Southbourne Neighbourhood Plan

- Policy 4: Housing Design
- Policy 7: Environment

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 2021. 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 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

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
- S20 Design
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S31 Wastewater Management and Water Quality

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
- 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

National Policy and Guidance

7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 21 July 2021.

7.6 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas of assets of

particular importance provides a clear reason for refusing the development proposed;
or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Other Local Policy and Guidance

7.8 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

Interim Position Statement for Housing Development

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

7.10 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 12 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5 year supply of housing land. It is not a document that is formally adopted and neither does it have the status of a supplementary planning document, but it is a material consideration. It is a document that the decision maker shall have regard to in the context of why it was introduced and in the context what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers

- 7.11 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:
- Support communities to meet their own housing needs
 - Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
 - Promote and increase sustainable, environmentally friendly initiatives in the district
 - Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Housing mix
- iv. Impact upon heritage assets
- v. Impact upon amenity of neighbouring properties
- vi. Impact upon highway safety and parking
- vii. Sustainability
- viii. Ecological considerations
- ix. Impact on Trees
- x. Drainage
- xi. Nutrient Neutrality
- xii. Recreational Disturbance

Assessment

i. Principle of development

8.2 The application site is outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area' within the Chichester Local Plan (CLP). Policies 2 and 45 of the CLP state that development outside of settlement boundaries must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. These policies are compatible with Paragraphs 78-80 of the revised Framework, which state that housing should be located where it will enhance or maintain the vitality of rural communities but generally avoid the development of isolated homes in the countryside.

8.3 With regard to housing supply, the Council acknowledges that as of 15 July 2020, it can no longer demonstrate a five-year housing supply with the Council's housing policies in the Local Plan are no longer up to date. As such the Council's housing policies are deemed out of date and the provisions of paragraph 11(d) of the NPPF known as the 'tilted balance' is engaged. This establishes that there is a presumption in favour of granting planning permission unless the proposal would conflict with policies within the NPPF or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

8.4 In order to manage housing delivery whilst the council is unable to demonstrate a 5 year

supply of housing, the Council has produced an Interim Position Statement for Housing Development (IPS), setting out the proactive measures that the Council is taking to increase the supply of housing, and to encourage appropriate housing schemes. The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. Accordingly, the document is a significant material consideration.

8.5 There are 13 criteria set out within the document, upon which any proposal for new housing should be assessed against. When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the Council has not identified any adverse impacts. It is relevant to consider the criteria of the IPS criteria in turn:

1) The site boundary in whole or in part is contiguous with an identified settlement boundary

The site is located approximately 20m to the east of the settlement boundary which stops halfway through the rear garden of the properties to the east of the application site. It is considered, given the site is contiguous with the rear gardens of properties that lie within the settlement boundary that it falls within what would be considered 'immediately adjacent', thus compliant with criterion 1 of the IPS. In addition, the site is enclosed on all sides, by existing residential development and therefore the proposal would not result in the encroachment of development further into the development countryside.

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

Hermitage is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2). In this context the proposed scale of development is considered appropriate and the criterion is therefore satisfied.

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

The application site is not recognised as an important gap within the development plan, and given it is currently enclosed on all side by existing development there is no actual or perceived coalescence likely to arise from permitting this development.

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

It is considered that the development meets this point, with an appropriate density achieved whilst having regard to the character of the surround area.

- 5) **Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.**

It is considered that the proposal would comply with the above criterion given that the site would be located in an area of garden land otherwise surrounded by development and it would therefore not interrupt any open views between the South Downs National Park and the Chichester Harbour AONB.

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

Not applicable in this instance. The nearest potential wildlife corridor is located over 300m North West of the application site.

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

It is considered the proposal would meet the above criterion, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required; however it shall be CIL liable.

- 8) **Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to: - Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use; - Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling; - Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and - Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The development would meet this criterion. Further consideration of this matter is contained within section vii of this report.

- 9) **Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high**

architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The development is of a high standard of design and layout. Further consideration of this matter is contained within section ii of this report.

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

The site is well connected to the existing settlement, located on the main road between Emsworth and Southbourne along which there is a footway and bus stops served by regular services, providing sustainable modes of transport to the services and facilities within nearby settlements.

- 11) Development is to be located in areas at lowest risk of flooding first, and must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the Council to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the effective function of the flood plain, either by impeding surface water/ flood flows or reducing storage capacity. All flood risk assessments and sequential and exception test processes should be informed by the most recent climate change allowances published by the Environment Agency. Built development can lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.**

This criterion is satisfied, further consideration is contained within section x of this report.

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

This criterion is satisfied. This matter is considered in section xi of this report.

- 13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing.**

The application seeks full planning permission and a time restricted condition is recommended to ensure early delivery of the housing proposed. It is considered this this criterion is satisfied.

- 8.6 In considering the above, the proposal is considered to comply with the IPS, a document that has been introduced to appropriately manage housing delivery and as such the principle of the development is considered acceptable.
- ii. Design and impact upon character of the surrounding area
- 8.7 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.
- 8.8 The proposal would result in a built density aligned with the guidance within the supportive text of the CLP and as such represents an appropriate level of development of this 0.49 ha site that would not constitute an unacceptable overdevelopment of this site. The proposed development would occupy a back-land position, occupying the extensive rear garden of Wayside. The development would infill a roughly square shape plot, which is enclosed by a variety of existing residential development, including a caravan park to the north. The development of eight dwellings within this plot represents a denser layout, relative to the existing arrangements of Wayside and the properties to the east, however it is reflective of the properties within the settlement boundary to the east and the cluster of dwellings located towards the south west of the site. As such, it is considered that the layout of the site is reflective and in keeping of the character of the wider area.
- 8.9 The layout of the site has been amended during the application to address concerns regarding the concentration of development to the North West corner of the site. The scheme now represents an acceptable and spacious layout due to; the removal of one dwelling (formally plot 6); the removal of external garages to plots 3-5, 6 and 7; and the redesign of plots 3-5 which removed the requirement for a single storey element to the rear of these properties. This has significantly improved the layout and functionality of the site, with an improved level of separation between plots 3-5 that now benefit from an increased level of private amenity space due to wider plot sizes and the reduced overall depth of the dwellings. In addition the concentration of hard landscaping between plots 5-6 has been reduced and broken up with softer landscaping features, thereby improving the appearance of the development.
- 8.10 The proposal provides the four-bedroom dwellings at the north and south ends of the development. These dwellings help to define the boundaries of the site, whilst also acting as focal points within the site itself. The three dwellings to the west of the site are each of an identical size and scale, but with varied design details, complimenting one another and adding interest to the development. The remaining three properties, plots 7, 8 and 1 are positioned towards the south east corner of the site and represent the first dwellings you see when entering the development. Plots 7 and 8 incorporate design features which contribute to an active frontage for the entrance of this site, ensuring an appropriate level of interest whilst plot 1 takes the form of a single storey bungalow, which serves as a 'gate house' to the development, whilst also aiding the transition between the open feel of the access road to the two storey dwellinghouses further north within the site.

- 8.11 The detailed designs of the individual dwellinghouses have been negotiated during the application with adjustments made to adequately address officers concerns. The notable changes include; amendments of the garages to each of the four-bedroom properties; revising the fenestration and material palette of plot 7; and the redesign of plots 3-5 in response to the layout changes. The scheme is considered to incorporate dwellinghouses of an appropriate size and scale, with design reflective of the surrounding vernacular. The development now encompasses a more traditional appearance with predominantly hipped roof properties with chimneys. The material palette include tiles roofs, red brickwork or rendered finish, elements of flint work (plot 7) and lead effect porch canopies to plots 2 and 8. The materials are reflective of the varied character that surrounds the site.
- 8.12 The development would be setback from Main Road, and accessed via a curved access road formed through a new opening within the existing southern boundary wall. The setback position of the site, which is enclosed by established natural screening and existing built residential development, will help to minimise the wider visual impact of the development (particularly given the retention and enhancement of tree planting to the south of the site) with only glimpses of the development available from Main Road.
- 8.13 A detailed hard and soft landscape plan shows the proposed location of the close board fencing and estate railing boundary treatment and details of the hard-surfacing materials for the shared and private surfaced within the site, as well as the location of the proposed replacement tree planting, ornamental planting and new hedgerow planting. The proposal incorporates a high level of planting within the scheme, including hedgerow planting between the shared rear boundaries of the plots and large areas of ornamental planting to the front of the plots. The proposed landscaping would contribute to the high quality of the development, resulting in an attractive and ecologically enriched development. The landscaping plan also depicts locations of the proposed bat, bird and hedgehog nesting boxes, which are appropriately located around the site.
- 8.14 Taking the above considerations into account, the development would be of an appropriate layout and density, and result in a high-quality design that would sympathetically incorporate into the surrounding area and would also take the opportunities available to provide ecological enhancements. On this basis, the development would accord with the contents of Policy 33, 47 and 48 of the Chichester Local Plan and Section 12 of the NPPF.

iii. Housing mix

- 8.15 The proposed mix of housing (2 x 4 bed, 4 x 3 bed, 2 x 2 bed) is appropriate and in line with the Housing and Economic Development Needs Assessment (HEDNA). Given the size of the development, it does not trigger the need for the provision of affordable housing in line with Policy 34 of the local plan. It is therefore considered the proposal is acceptable in this respect.

iv. Impact upon heritage assets

- 8.16 The dwelling to the south west of the proposed development is a Grade II listed building and the southern boundary wall, which is features on the 'heritage at risk list' contained within the draft version of the revised Southbourne Neighbourhood Plan, are considered to be important heritage assets. The proposal has been reviewed in consultation with the

Council's Principle Conservation and Design Officer, and it is considered that the proposal would not have an unacceptable impact upon the setting of the listed building.

8.17 The proposal originally sought the complete removal of the southern boundary wall; however, this is now since been retained with an opening approximately 7.5m wide formed to provide a new vehicular access to the development. The proposal also introduces an inward curve to the design of the wall, framing the site entrance, with this to be constructed out of the original bricks removed to form the opening. A condition is recommended to secure details of how this brickwork shall be laid to ensure it matches, as far as practically possible, the existing course and mortar details of the existing wall. Overall, the proposal is not considered to have an adverse impact upon the surrounding heritage of the site, and therefore the proposal would comply with the relevant national and local planning policies in this respect.

v. Impact upon amenity of neighbouring properties

8.18 The NPPF in paragraph 130 states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.19 The layout of the site retains an acceptable level of amenity for the neighbouring properties, with adequate levels of separation between neighbouring properties. In addition, the internal layout of the site is considered to reflect an acceptable amenity for further occupiers of the eight dwellinghouses. The proposal is therefore considered to result in an acceptable level of amenity for both the existing neighbouring properties and the further occupiers of the dwellings subject to this application. The proposal would comply with national and local planning policies in this respect.

vi. Impact upon highway safety and parking

8.20 Policy 39 of the Chichester Local Plan requires developments have safe and adequate access to the public highway and parking needs can be met within the site. **Regard has been had to not only the impact on the local highway network, but also the A27 trunk road. National Highways has been consulted, and it has been confirmed that there is no objection to the proposal. The development size is less than 10 dwellings and therefore no contribution is required towards the A27 Local Plan mitigations, however if any further housing development were to take place on this site in the future of 2 dwellings or more, then the full quantum of development on the site would be required to make a contribution in line with the Council's Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass SPD.**

8.21 The proposal incorporates a new vehicular access off the A259 in Southbourne, which will take the form of a 6m wide bell mouth style junction, formed within the existing southern boundary wall. The proposal has demonstrated it can achieve the visibility required (2.4m by 43m) in each direction, which is in line with Manual for Streets guidance and it is wide enough for two vehicles to pass, ensuring vehicles are not required to sit on the highway, if they encountered a vehicle exiting the site.

- 8.22 A TRCIS report has been prepared to demonstrate the likely number of trips that would be generated in the AM and PM peak hours. As can be seen in section 4.2 of the Transport Assessment (TA) under table 4. This gives an AM peak two-way trip rate of 6 movements and a PM peak hour trip rate of 3 movements. Neither of which would give rise to any triggers for further highway network and junction analysis, nor would this level of trips be considered to have a material impact on the local highway network or cause a safety concern. It is of note this report was prepared based on 9 dwellings, as opposed to the 8 currently proposed, meaning movements are likely to be lower than those predicted by this report.
- 8.23 Once inside the site, the access takes the form of a shared surface arrangement which is considered acceptable in low speed small developments and there shall be a passing point within the access road, avoiding the need for vehicles to reverse back onto the highway. In addition, the proposal provides the requisite number of parking spaces, which has increased as a result of the removal of several the garages. Electric vehicle charging points and cycle storage are also provided to each dwellinghouse.
- 8.24 In light of the above, the proposal is considered to result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/ turning and provides measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 and 40 of the CLP.

vii. Sustainability

- 8.25 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development. Additionally, a sustainable construction supplementary planning statement has been provided, which details how the development shall ensure a reduction of 19% in carbon emissions through increased thermal properties over and above the requirements of the current Building Regulations. In addition to the fabric first approach, methods include the installation of Air Source Heat Pumps (ASHP), the use of zone control heating and the use of low energy lighting.
- 8.26 The development would also comply with the water consumption targets, as set out within the building regulations, with this being achieved through the use of dual toilet flushes and low water use appliances, and as stated above would make provision for electric vehicle charging points.
- 8.27 Therefore, subject to compliance with these measures, secured via condition, the proposal is considered to result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan and criterion 8 of the IPS.

viii. Ecological considerations

- 8.28 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.
- 8.29 The council's ecology officer has reviewed the reports accompanying the planning application and is satisfied with their findings, the recommendations and enhancements

suggested. It is clear the scheme has been designed to enhance the ecology of the site, with enhancements such as bat, bird, beetle and hedgehog boxes shown on the provided landscaping plans. Additionally, the tree lined access road shall provide a much-needed aerial bridge with overhanging branches to the mature trees being retained, allowing the continued movement of species within the site.

8.30 Subject to the provision of the ecological enhancements and also protection measures during the course of construction such as; hedgerow protection during construction, hedgerow buffers and enhancement (infilling any existing gaps) and recommending restricting timeframes for aspects of the site clearance, such as vegetation and brush piles so as to limited the impact upon nesting animals it is considered that the proposal would not result in harm to biodiversity and would instead enhance biodiversity within the site. Therefore, subject to compliance with the recommended conditions the proposal shall adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

ix. Impact on Trees

8.31 The application has been accompanied by a comprehensive Arboricultural Report and Arboricultural Impact Assessment and Method Statement, which together outline the impact of the development upon the 129 trees surveyed within the application site and the methods of protection which shall be deployed during construction.

8.32 The formation of the new site access will result in the loss of three trees (out of the 19 in total) which include two category U Laurels (T2/T3) and a category C Ash (T1), and it shall not impact upon the TPO trees to the eastern boundary of the site. In addition, the access road will be in part constructed within the RPA of T16/18 and in order to avoid compaction of the soil within these RPAs, there shall be a 'no dig zone shall' formed around them with a protective cellular membrane used in the construction of the driveway within this part of the site.

8.33 The remaining development of the site results in the removal of 16 trees, one category U trees, four category C trees and 11 category B trees, with many of them located within the inner margins of the main developable area of the site. Whilst the loss of the higher quality category B trees equates to around six percent of the overall tree coverage within the site, officers would agree with the conclusion of the Arboricultural Impact Assessment, which advises 'with limited visibility from public areas the arboricultural characteristics of the site are not significantly altered' [as a result of the loss of the trees]. Notwithstanding this, a replacement tree planting plan (ASD/JH/302 REV C) has been provided and outlines the development shall including the planting of 68 trees in total. This represents a replacement planting ratio in excess of 3:1, which exceeds the level generally considered acceptable by the council. As such, the proposal is therefore considered to adequately mitigate against the loss of existing trees and provide a substantial enhancement to the site.

8.34 Appendices 1 and 2 of the Arboricultural Impact Assessment and Method Statement map the non-developable area of the site and the proposed location of the tree protective fencing, both of which are appropriately denoted on the plan so as to ensure there shall be no development within the larger grouping of trees towards each of the site boundaries. A condition shall be imposed to ensure the development proceeds in accordance with this

tree protection plan, and the other mitigation details within the Arboricultural Impact Assessment and Method Statement.

8.35 The area of TPO woodland to the north of the site lies outside of the developable area, but remains within the ownership of the original dwellinghouse, Wayside. It has been indicated by the applicants that a management company would be established to maintain shared areas within the site, with the maintenance of the TPO wooded area falling under their remit.

8.36 Following the deferral of this application by the Committee in August, a revised site plan has been provided which shows an enlarged 3m wide vehicular access between plots 5 and 6, into the TPO wooded area to provide the necessary access for the maintenance of this area. Given the heavily vegetated nature of this TPO woodland area, it is not anticipated that vehicles or large machinery would be able to travel far into the wooded area, however the revised plan does indicate sufficient space for the parking of a maintenance vehicle and or machinery, during any periods of maintenance.

8.37 In light of the revised access arrangements and that any works to these trees, would require prior written consent by the LPA, it is considered that there are adequate provisions in place to ensure the future maintenance and safeguard of this TPO woodland area. As such, the proposal would be acceptable in respect of its impact upon trees.

x. Drainage

8.38 The site is within flood zone 1 (low risk) and we have no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage there are no concerns regarding the proposed use, scale or location of the development based on flood risk grounds.

8.39 Southern Water has been consulted as part of the application process. No objection has been raised to the proposed development, and their comments confirm the requirement of the applicant to make a formal application for a connection to the public foul sewer. In addition, they note the advice from the councils drainage engineers should be sought in respects of the detailed drainage design.

8.40 The submitted drainage strategy proposes a restricted discharge to a local watercourse with rainfall up to the 1 in 100yr event + 40% retained within the sub-base of the road. This approach is acceptable in principle, although it is recommended the final discharge should be restricted to greenfield rates (minimum 2 l/s). The applicant has demonstrated that the site can be adequately drained, however further investigations will be required for the detailed design and therefore a condition has been imposed to secure details of the proposed surface water drainage scheme, prior the commencement of development.

8.41 A revised site plan has been provided, which indicates the location of the existing culvert to the western boundary, opposite Wayside which runs southwards towards main road. The open watercourse runs from the north of the site, along the western boundary, and the southern boundary behind plot 2 where it is then culverted at the proposed entrance to the development. The proposals would not change this existing arrangement. However the plan includes two new maintenance access

points, which would provide unrestricted access into the watercourse of maintenance.

8.42 In order to ensure the watercourse is adequately maintained to effectively drain the site of surface water, a condition is recommended to obtain a maintenance and management plan, which should include, but is not limited to, the frequency of maintenance and the proposed maintenance practices. This information would be reviewed by the drainage engineer once provided, and formally agreed in writing prior to the commencement of works onsite. This would provide the requisite level of certainty over the future surface water drainage of the site.

8.43 It is also necessary to ensure there is no structure or new planting within an approximate 1.5m buffer of the watercourse. It has therefore been agreed with the applicants that a condition precluding the erection of a building, structure or fencing and the planting of plants or trees within a 1.5m buffer zone of the existing open watercourse, shall be imposed, to maintain the necessary access. The Council's drainage engineer has advised that given the trees in situ along the ditch which prevent the use of larger machinery for maintenance and the evidence provided by the applicant that has demonstrated that the ditch can be maintained with a mini excavator a reduced buffer of 1.5m is acceptable in this instance, compared to the 3m buffer that would usually be required.

8.44 In light of the above, subject to compliance with the recommended conditions the proposal is considered to result in acceptable impacts with regards to flooding and surface water drainage.

xii. Nutrient Neutrality

8.45 The proposal comprises new residential development, which is to be connected to the main sewer network that includes the Thornham Wastewater Treatment Works (WwTW). As such, the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

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

8.47 To assist the LPA with its appropriate assessment, the application has been accompanied by a Nutrient Neutrality Statement, which sets out the additional nitrogen to be offset (6.5 kg of Nitrogen per year) and the offsite mitigation proposed. The mitigation package initially proposed two options, referred to as Parcel A and B, with either parcel of land considered to be acceptable mitigation by Natural England (confirmed in their response to the appropriate assessment).

8.48 It has since been indicated that the developers shall pursue Parcel B, located to the north of Droke Lane, East Dean, Chichester. Parcel B is described in the Nutrient Neutrality Statement as:

'Land Parcel B: This land is around 4.78 ha in extent (NGR SU 92888 12789) and currently in arable production (31.2 kg N/ha/yr estimated losses). Soils shallow, free draining and calcareous. The land is within a Groundwater Source Protection Zone 3 over a Principal Aquifer and at high groundwater vulnerability risk. To the north is Oxen Down Ancient replanted woodland and to the south Droke Hanger Ancient and Semi Natural woodland. The field is within a Biodiversity Network Enhancement Zone 1 and the north and south field margins are High Spatial Priority for Woodland Priority Habitat Network. Therefore, significant additional biodiversity benefits would be achieved by planting and joining these two areas of woodland together over and above reduction in nitrogen losses from the catchment.'

8.49 It has been indicated that in order to mitigate the + 6.5 kg N/yr of nitrogen from the proposed development, a 0.25ha section of Parcel B shall be required, along with the planting of broadleaf trees at a density equivalent to 100 per hectare. The exact location of the proposed mitigation land, within the wider Parcel B is to be provided by the applicants in an additional plan, which shall be used to draw up the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity. Once the plan has been received, the applicants have expressed their willingness to commence the preparation of the S106 legal agreement.

8.50 It is considered that the proposed nitrate mitigation scheme would ensure that the proposal would not impact upon the European designated sites as a result of nitrates, and therefore the proposal would comply with policy 49 of the CLP and section 15 of the NPPF. As work on the S106 agreement is ongoing, at the time of preparing this report the recommendation is to defer for S106 and then permit.

xiii. Recreational Disturbance

8.51 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area where a net increase in dwellings would likely cause harm to the special qualities of the European designated site as a result of recreational disturbance. In accordance with policy 50 of the CLP a financial contribution towards the Bird Aware Solent scheme is required in order to mitigate recreational disturbance as a result of the proposal.

8.52 The following contribution shall be obtained via the S106 agreement:

- 2 x 2-bedroom property £522 = £1044; plus
- 4 x 3-bedroom property £681 = £1362; plus
- 2 x 4-bedroom property £801 = £1602;

Total equals £4008.00

8.53 Subject to the completion of the S106 agreement, the proposal shall comply with Policy 50 of the CLP and the requirements of the Habitat and Protected Species Regulations 2017, and the proposal would be acceptable in this respect.

Conclusion

8.54 Based on the above it is considered for the reasons set out above, the proposal would result in the provision of housing in a sustainable location adjacent to an existing settlement without harm to the environment, the character of the area, highway safety or biodiversity. In addition the proposal includes measures to ensure that the biodiversity on the site is protected and enhanced. The proposal therefore accords with the relevant local and national planning policy and associated guidance. Having also had regard to all other material considerations it is recommended that, subject to the conditions set out below, permission is granted.

Human Rights

8.55 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

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

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

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

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

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

3) 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.

4) If the Phase 1 report submitted in pursuant to condition 3 above 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.

5) If the Phase 2 report submitted pursuant to condition 4 above 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.

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including **control of litter and** prohibiting burning.

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

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

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

8) No development shall commence until the discharge of any flows to a watercourse has been approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority (WSSC). Any discharge to a watercourse must be at a rate no greater than the predevelopment run off rates. The approved discharge rates must be adhered to.

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

9) No development shall commence until the arrangements for the future access and maintenance of any watercourse abutting the development has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site. The access and maintenance arrangements shall be implemented as approved.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. The details are required pre-commencement these details relate to the construction of the development and thus go to the heart of the planning permission.

10) No development shall commence until the tree protection (protective fencing, ground covering and the establishment of a 'construction exclusion zone') as detailed within Appendix 1, produced by Beechdown Arboriculture Ltd (dated 29/03/2021) has been implemented in full. Thereafter, the tree protection shall remain throughout the duration of the development and removed upon its completion.

Reason: In the interest of the health and protection of the trees within the site.

11) Prior to the commencement of the development hereby permitted details showing the proposed location of 1 no fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. Prior to the first occupation of the development hereby permitted the fire hydrant or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting shall be installed in the in accordance with the approved location and to BS 750 standards. Thereafter, the fire hydrant shall or stored water supply shall be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with Chichester Local Plan (2014 - 2029) Key Policies 8 and 9 and in accordance with The Fire & Rescue Service Act 2004.

12) No development shall commence on the Sustainable Urban Drainage System (SUDS) until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SUDS system serving each phase, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDS are designed appropriately and properly maintained and managed as soon as they are installed.

13) Notwithstanding any details submitted no works shall commence on the new access boundary wall until a sample panel measuring 500x500mm of the following:

- a) New wall around the proposed access in reclaimed brick

has been constructed, and made available for inspection, on site to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and an accompanying written specification shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are begun. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate

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

15) 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.

16) 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.

17) 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.

18) No part of the development hereby permitted shall be first occupied until a minimum of eight (one per dwelling) Electric Vehicle (EV) charging points have been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

19) The development hereby permitted shall be carried out in strict accordance with the hard and soft landscaping plan (ASD/JH/101 REV C), planting plan (ASD/JH/301 REV C) and tree replacement plan (ASD/JH/302 REV C) and the Landscape Report (dated 08/10/2020) and in accordance with the recommendations of the appropriate

British Standards or other recognised codes of good practice, unless otherwise agreed in writing by the Local Planning Authority. These works 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: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

20) Notwithstanding any details submitted, prior to the instillation of the boundary treatments as shown within plan no. ASD/JH/101 REV C, a method statement for the instillation of the Estate Railing, to the north, south and west boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority.

The method statement shall include;

- a) Confirmation that the holes for the posts shall be dug by hand, with no machinery used,
- b) Details of how the posts shall be held in place, whether that be concrete/cement and what measure shall be implemented to ensure limit the impact upon the neighbouring trees.

Once agreed, the boundary treatments shall be implemented in accordance with the approved details and shall be maintained as approved in perpetuity.

Reason: In the interests of protecting the amenity of neighbours and to ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

21) 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.

22) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) The hedgerows on site are used by bats for commuting and foraging and will need to be retained and protected during development. A protective buffer shall be clearly marked with a temporary fence and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time. The protective fence shall be retained and

maintained for the duration of the construction works, removed only upon the completion of the development.

- b) If any works need to take place to the trees or for vegetation clearance on the site, they should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- c) As detailed within the Preliminary bat Survey Report (Oct 2019) precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. If any small mammals including hedgehogs are found, they should be relocated away from the construction area into surrounding suitable habitats
- d) Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles noted on site, this shall not be removed between mid-October to mid-March inclusive and shall undergo a soft demolition.
- e) A precautionary approach must be undertaken with regards to individual dormice which may inhabit the site. Any woodland thinning shall be supervised by a suitably qualified ecologist following a thorough fingertip search of the entire area of loss for signs or evidence of dormice. In the unlikely event that a dormouse or evidence of their presence be found during the hand-search, then work will cease immediately and will not recommence until a European Protected Species Mitigation Licence is secured through Natural England.

Reason: In the interests of protecting biodiversity and wildlife.

23) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

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

Reason: To clarify the extent of this permission.

25) The development hereby permitted shall be carried out in strict accordance with the Sustainability Statement, produced by HWN Architects (dates 19/08/2020) and the Nick Jones Sustainable Construction SSP (dated July 2020). The sustainability measures shall be fully implemented prior to occupation of the dwellinghouse hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development, unless otherwise agreed in writing by the authority.

Reason: In the interests of the environment and to comply with Policy 40 and 49 of the Local Plan.

26) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented, as shown on, or in addition to the details provided within plan no. ASD/JH/101 Rev C

- 1) The integration of a bat box into the dwellinghouses hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal. The bat box shall face a south/south westerly and positioned 3-5m above ground.
- 2) The provision of bird boxes within trees sited within the grounds of the development proposal.
- 3) The provision of hedgehog nesting boxes within the site.
- 4) The provision of 'beetle hotels' within the site.
- 5) The provision of log piles made from trees felled from within the site.
- 6) The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.
- 7) The provision of wildlife turfed areas, in accordance with the accompanying ecology report.

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

27) The development hereby permitted shall be carried out with strict accordance with the methodology and mitigation as outlined within the Arboricultural Impact Assessment & Method Statement (August 2020) and Arboricultural Report (April 2020), prepared by Jonathan Rodwell, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the health and protection of the trees within the site.

28) The development hereby permitted shall be carried out in strict accordance with the Reptile Presence/Absence Survey Report, prepared by The Ecology CO-OP (23.07.2020) and Ecological Assessment prepared by The Ecology CO-OP (15.05.2020) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

29) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-H of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

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

30) 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.

31) Notwithstanding any details submitted and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure, fencing or planting shall be undertaken within a 1.5 metre buffer zone of the existing open watercourse, unless it is first demonstrated to the satisfaction of the Local Planning Authority that undertaking such an activity would not impact the current and future access and maintenance of the watercourse and the variation is formally agreed by the Local Planning Authority via a discharge of condition application.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

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 (A3)	20111-HNW-XX-XX-DR-A-2100	P1	10.09.2020	Approved
PLAN - Tree Protection Plan	Appendix 1		30.03.2021	Approved
PLAN - Proposed Main Road Street Scenes	20111-HNW-XX-XX-DR-A-2316	P1	13.04.2021	Approved
PLAN - Proposed Elevations Plot 4	20111-HNW-XX-XX-DR-A-2315	P0	13.04.2021	Approved
PLAN - Proposed Elevations Plot 8	20111-HNW-XX-XX-DR-A-2314	P0	13.04.2021	Approved
PLAN - Proposed Elevations Plot 7	20111-HNW-XX-XX-DR-A-2313		13.04.2021	Approved
PLAN - Proposed	20111-HNW-		13.04.2021	Approved

Elevations Plot 7	XX-XX-DR-A-2312			
PLAN - Street Scene Elevations Plots 3 and 5	20111-HNW-XX-XX-DR-A-2311	P2	13.04.2021	Approved
PLAN - Street Scene Elevations Plots 3 and 5	20111-HNW-XX-XX-DR-A-2310	P2	13.04.2021	Approved
PLAN - Proposed elevations Plots 3 and 5	20111-HNW-XX-XX-DR-A-2309		13.04.2021	Approved
PLAN - Proposed Elevations Plot 2	20111-HNW-XX-XX-DR-A-2301	P2	13.04.2021	Approved
PLAN - Proposed Elevations Plot 1	20111-HNW-XX-XX-DR-A-2300	P3	13.04.2021	Approved
PLAN - Proposed Floor Plans Plot 8	20111-HNW-XX-XX-DR-A-2210		13.04.2021	Approved
PLAN - Proposed Floor Plans Plot 7	20111-HNW-XX-XX-DR-A-2209		13.04.2021	Approved
PLAN - Proposed Floor Plan Plot 6	20111-HNW-XX-XX-DR-A-2208		13.04.2021	Approved
PLAN - Proposed Floor plans 3, 4 and 5	20111-HNW-XX-XX-DR-A-2207		13.04.2021	Approved
PLAN - Proposed Floor Plans Plot 2	20111-HNW-XX-XX-DR-A-2204	P2	13.04.2021	Approved
PLAN - Proposed Site Plan	20111-HNW-XX-XX-DR-A-2120	P15	17.09.2021	Approved
PLAN - Context Plan	20111-HNW-XX-XX-DR-A-2105	P2	13.04.2021	Approved
PLAN - Landscape Design Plan	ASD/JH/101	C	24.05.2021	Approved
PLAN - Tree Planting	ASD/JH/302	C	24.05.2021	Approved

Plan				
PLAN - Planting Plan	ASD/JH/301	C	24.05.2021	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 an Agreement made under Section 106 of the Town and Country Planning Act, 1990.**
- 3) **The applicant is reminded that the prior written consent of the Environment Agency, West Sussex County Council as Lead Local Flood Authority and other external organisations may be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 may be required in respect of water and foul discharge off site.**
- 4) **The applicant is advised to contact the Highway Licensing team at West Sussex County Council to obtain formal approval from the highway authority to carry out the site access works on the public highway.**
- 5) **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).

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QGG7WAERG2S00>