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| Parish: Chidham & Hambrook | Ward: Harbour Villages |
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CH/21/01797/FUL

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| Proposal | Demolition of existing property and construction of 2 no. detached dwellings, garaging and associated works. | | |
| Site | Green Acre Main Road Chidham PO18 8TP | | |
| Map Ref | (E) 478913 (N) 105310 | | |
| Applicant | Greenacre (Chidham) Ltd | Agent | Mrs Kerry Simmons |

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site, known as Greenacre, is located to the south side of Main Road, within the Parish of Chidham & Hambrook. The site lies within The Chichester Harbour Area of Outstanding Natural Beauty (AONB) and outside of any defined settlement boundary.
- 2.2 The site comprises an unoccupied detached chalet bungalow set within approximately 0.12 hectares of land. The site is set back from Main Road with the access located to the east of the site. The bungalow was previously an agricultural worker dwelling associated with a horticultural nursery to the south of the site, however removal of the occupancy restriction was permitted in 2020. The former nursery site has been redeveloped with 10 dwellinghouses (permission ref. 16/04132/OUT and 18/03195/REM), with the application site now lying to the north of the small housing development known as Greenacre Gardens.
- 2.3 Although the site lies in a rural area, the immediate setting of the site is predominantly residential with linear development fronting Main Road and clusters of dwellinghouses setback from Main Road, therefore the locality has a semi-rural character.

3.0 The Proposal

- 3.1 The proposal seeks planning permission for the demolition of the existing chalet bungalow and the construction of two detached dwellinghouses (1 x 4-bedroom and 1 x 3 bedroom) each with a double garage and associated landscaping works.

4.0 History

20/02439/FUL PER Semi-bungalow and garage (Removal of condition 2 of planning permission CH/14/72 - removal of the agricultural occupancy condition).

5.0 Constraints

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| Listed Building | NO |
| Conservation Area | NO |
| Rural Area | YES |
| AONB | YES |
| Tree Preservation Order | NO |
| EA Flood Zone | |
| - Flood Zone 2 | NO |
| - Flood Zone 3 | NO |

6.0 Representations and Consultations

6.1 Parish Council

The Council objects to this planning application for two large houses on a small plot with no garden space. A like for like building on the plot would be more suitable

6.2 Natural England (summarised)

No objection - subject to appropriate mitigation being secured

6.3 Chichester Harbour Conservancy (summarised)

No objection, subject to suggested conditions.

6.4 WSCC Local Highway Authority (summarised)

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore, is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Several conditions concerning parking space, cycle parking and electric vehicle charging were also suggested.

6.5 WSCC Water and Access

From the plans submitted for Planning Application no. 21/01797/FUL evidence is required to show there is sufficient access for a Fire Appliance to the 2 no. detached dwellings. The access width required for a Fire Appliance is 3.7 metres between curbs and 3.1 metres through a gateway in a straight line. The measurement between the centre of the wheels on a fire appliance is 2.8 metres.

6.6 CDC Environmental Strategy

Further Comments (17.01.2022)

I would suggest the following alongside the bat mitigation we previously discussed.

- A bird box should be installed on each of the new dwellings or suitable tree in the respective gardens,
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site,
- A hedgehog nesting box should be installed in each of the gardens.

Further Comments

The lighting specification detailed in the Ecologist's Letter (January 2022) is suitable and a welcome addition to the scheme. This will reduce the risk of significant impacts to bat species using the site for roosting and commuting and foraging as part of the wildlife corridor. Conditions should be used to ensure this.

Original Comments (14.01.2022)

A common pipistrelle day roost, used by a single bat, was identified within a crevice created beneath an edge roof tile at the eastern elevation of the dwelling. Following submission of Bat Emergence Survey Report (June 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

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.

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

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.

Populations of slow worm and common lizard were recorded within a previous ecological study, which focused on the site and the adjacent land to the south (prior to its development). Small areas of ruderal vegetation remain along the peripheries of the site. We are happy that a precautionary approach can be undertaken on the site for reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut. Additionally, all vegetation clearance should be undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search of all suitable vegetation being lost.

Due to the sites location within an area identified as a potential Strategic Wildlife Corridors Nutbourne - as identified in the Strategic Wildlife Corridors Background Paper we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We require that an ecological survey addresses this and any potential impacts on the corridor.

Following submission of the Sustainability statement (June 2021) please can you provide us with some more detailed figures. The report currently only shows the target emissions of 7.82% for fabric first, however we want to see what the calculations are for the improvements above building regulations. We are looking for around a 19% carbon saving above building regulations.

As detailed within the Nutrient Neutrality and Mitigation Report (July 2021) the proposal will cause an increase in nitrogen of 0.8 kg/N/yr. Due to this increase we require that mitigation takes place.

Please can the applicant provide their proposed mitigation strategy to deal with this.

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

6.7 CDC Drainage

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

Surface Water Drainage: The proposal is to extend the existing permeable paving from the adjacent development and utilise the existing outfall to the ditch. This approach is acceptable in principle and should adequately drain the development.

If you are minded to approve the application, we recommend the drainage drawing (SPR029 1501 P1) included in the drainage strategy forms part of the approval

6.8 Southern Water

No comments received.

6.9 Third party objection comments

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

- a) The site lies outside of the settlement boundary
- b) The plots size is approx. 0.1ha
- c) Not a spacious development
- d) Useful to have plans showing extent of footprint changes and elevational increases
- e) The buildings should be no higher
- f) The building line moved further westwards
- g) The scale of the internal accommodation
- h) Carbon Emissions
- i) Like for like replacement would be acceptable
- j) Overlooking
- k) House originally had an agricultural tie
- l) The occupiers of Greenacre Gardens were advised this site would only be redeveloped with one dwellinghouse.
- m) The tree planning will be unsuccessful like much of those on the neighbouring development
- n) The proposed access would impede on those of 8-10 Greenacre Gardens
- o) The shared areas are private, and controlled by a management company
- p) Resulting in extra traffic within the estate
- q) Vehicle noise
- r) Congestion
- s) Insufficient parking

- t) The poor quality of seawards landscaping
- u) Disruption from construction vehicles

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made in March 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
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

Chidham and Hambrook Neighbourhood Plan

LP1 - Requirement for homes
EM2 - SPA Impact
EM3 - Landscape, Habitat and Biodiversity
H2 - Housing Size
DS1 - Design
DS2 - Parking Provision

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 July 2022. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

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
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

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.

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

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

i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed ;or

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

7.6 In addition, consideration should also be given to Sections 1, 2, 5, 12 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CHC Joint AONB Design SPD
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- CDC Waste Storage and Collection Guidance

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

- 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 AONB
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Sustainability
- vi. Ecological considerations
- vii. Drainage
- viii. Nutrient Neutrality
- ix. Recreational Disturbance
- x. Other Matters

Assessment

i. Principle of development

8.2 The application site is located in the rural area outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area' in Policy 2 of the Chichester Local Plan (CLP). Policy 45 of the CLP states 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.

- 8.3 Whilst the principle of a one for one replacement dwellinghouse can be considered acceptable under Policies 2 and 45, the net increase of one dwellinghouse would ordinarily need to demonstrate it requires a countryside location and meets an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement. As the 'additional' dwellinghouses shall be an open market property, it cannot be considered as requiring a countryside site setting.
- 8.4 Notwithstanding the above, the Chidham and Hambrook Neighbourhood Plan (2016) states in Policy LP1 (Requirement for homes) allows for the provision of developments of ten units or fewer on windfall sites. The glossary within the neighbourhood plan states that windfall sites are: 'Sites which have not been specifically identified as available in the Local Plan process. They normally comprise of previously developed sites that have unexpectedly become available.'
- 8.5 It has been established, within High Court ruling 'Dartford Borough Council v Secretary of State for Communities & Local Government (CO/4129/2015)', that residential gardens outside settlement boundaries do constitute brownfield land or 'previously developed land'. Therefore, the proposed site falls under the category of being both previously developed land and a residential windfall site. The Neighbourhood Plan, which forms part of the Development Plan, supersedes the Local Plan by virtue of its more recent adoption date and therefore when assessing the principle of the additional dwellinghouses, Policy LP1 of the Neighbourhood Plan superseded Policy 45 of the Local Plan.
- 8.6 Accordingly, when assessed against Policy LP1 of the Neighbourhood Plan, the proposed erection of two dwellinghouses can be considered acceptable in principle, subject to the material consideration set out below.
- ii. Design and impact upon character of the AONB
- 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 43 has a number of criteria which proposals have to meet before they will be permitted which include that the natural beauty and locally distinctive features of the AONB are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. 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 layout of the Greenacres Garden development on the former nursery site allows for the integration of the proposed dwellings into the wider site. The eastern property (Plot 1) would be a focal building given its location at the very top of the development adjacent to the access. The western property (Plot 2) would be positioned broadly in line with the terrace of properties, which lie along the western boundary and would therefore be read as a continuation of the existing built form along this boundary. The proposed dwelling on plot 2 would be orientated in an east-west direction, with its frontage facing towards the shared access with Plot 1.

- 8.9 The proposed layout would remain respectful of the spacious residential character, with the plot sizes being broadly comparable to the detached dwellinghouses and notably larger than those of the terraced properties within the Greenacre Development. It is appreciated the layout of the site would result in a 'wrap-around' amenity space for the properties, as opposed to a concentration of amenity space to the rear; however, this is not considered to be detrimental to the quality of the amenity space provided and ultimately provides a sufficient amount of garden space to ensure the development would not be cramped. The amenity space to the south of Plot 1 would retain a relatively open character. The garden would be partially enclosed by estate railings which would provide a means of enclosure that would not detract from the character of Greenacre Gardens or the wider area. The proposed siting of the development with residential properties to the north and south would provide a well contained development. The Harbour Conservancy notes that the site lies in a countryside built-up enclave and has not raised any objection to the proposal in terms of its impact upon the special qualities or scenic beauty of the AONB.
- 8.10 The dwellinghouses would occupy a rectangular footprint, albeit with a link attached garage for Plot 2 set beneath a tiled pitched roof. The buildings would be of a scale comparable to the other properties within Greenacre Gardens, being 8.3m in height which is 0.3m below the height of the adjacent terrace properties and in line with the height range of 7.4m - 8.4m of the remaining detached properties. In addition, the dwellings would be broadly comparable in respect of footprint, aligning with the size of the detached Greenacre properties relative to their number of bedrooms. Moreover, proposed dwellings would be traditional in appearance, with stock brickwork and contrasting brick detailing, stone cill detailing, oak framed porches and traditional fenestration. As a result, the dwellinghouses would be in keeping with the character of Greenacre Gardens, and the wider surroundings in terms of their layout, size, scale and detailed design.
- 8.11 Access would be provided from the south of the dwellinghouses, utilising and slightly extending (into the proposed site) the existing shared block paved road which services the Greenacre development. The proposed approach would result in an acceptable internal layout, which would utilise mostly the existing layout and access arrangements, and therefore would not be out of character with the site and its surroundings.
- 8.12 The proposed site plan provides an indication of the hard and soft landscaping proposed, and it is recommended a condition be imposed to secure full details. The layout shows the linked but separate driveways serving each dwellinghouse, plus a modest amount of hardstanding to the rear and side of the properties. The majority of the wrap-around gardens would be laid to lawn, including the large circular lawn to the south of Plot 1 which has already been completed as part of the Greenacre development. Supplementary tree planting is proposed primarily to the northern and southern boundaries of Plot 2, whilst the northern boundary of Plot 1 already benefits from a high level of natural screening. A hedgerow is proposed to the front boundary of Plot 1, which in combination with the existing estate railing would provide a low key, but high-quality boundary treatment which would extend most of the length of the eastern boundary along the access road. The remaining boundary treatments would be close board fencing, as already existing to the south (alongside Plot 2 only) west, and north boundaries.
- 8.13 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 visual impacts of this development are considered respectful to the character and quality of the AONB. It is therefore considered that the development complies with Sections 12 and 15 of the NPPF and Policies 33, 43, 45 and 47 of the Local Plan, Policies DM 3 and DM18 of the Chidham and Hambrook Neighbourhood Plan, Chichester Harbour AONB Design Guidelines for New Dwellings & Extensions and the Joint Chichester Harbour AONB SPD 2017.

iii Impact upon amenity of neighbouring properties

8.14 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Local Plan includes requirements to protect the amenities of neighbouring properties.

8.15 The proposed dwelling would be distanced, orientated, and designed so as not to have an unacceptable effect on the amenities of the neighbouring property, in particular to their outlook, privacy or available light. The proposal results in an acceptable level of separation between the site boundaries and neighbouring properties, retaining an acceptable level of privacy and ensuring the proposal shall not result in an overbearing relationship. There is established tree planting to the northern boundary, with further supplementary planting proposed which shall further enhance privacy levels for both the neighbouring properties and the occupants of the proposed dwellings.

8.16 A number of third-party concerns have been raised in respects of additional vehicle movements, further congestion and the impact this would have upon neighbour amenity. It is considered that the proposed development would not result in a level of development that would materially intensify the use of the site such that would give rise to a significant increase in vehicle movements that would be detrimental to the amenity of neighbouring properties or the wider area. The proposal would therefore be acceptable in this respect.

iv Impact upon highway safety and parking

8.17 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.

8.18 The proposal utilises the existing vehicular access onto Main Road and much of the internal road layout of Greenacre Gardens, both of are capable of accommodating larger vehicles, such as refuse trucks and appear to be operating safely. The dwellinghouses would each be provided with a double garage, which meet the size guidance for a double garage and would therefore be capable of providing covered parking for two vehicles each. In addition, at least two external parking spaces are provided externally for each dwellinghouse. This is considered to be acceptable and proportionate for the parking demands for the size of the properties proposed.

8.19 The proposal has been reviewed in consultation with WSCC Highways who have raised no objection to the proposal and have suggested a number of conditions. These conditions are considered appropriate, particularly securing the provision of cycle and EV charging and shall be imposed upon the permission.

8.20 The existing vehicular access into Greenacre Gardens and shared internal road exceeds the 3.7m in width required to provide access for a fire truck. In addition, there would be

adequate turning space within the wider site available for the turning of a fire truck. The proposal therefore meets the requirements of WSCC Fire and Access.

8.21 In light of the above, it is considered that the proposal would result in an acceptable impact upon the highways network, make acceptable provisions for vehicle parking/turning and provide measures to support alternative and sustainable forms of transport. As such, the proposal is considered to comply with policies 39 the Local Plan.

v. Sustainability

8.22 The proposal has been accompanied by a sustainability statement, detailing the overall efforts to enhance the sustainability of the development. The report advises that the development would achieve a 7.82% improvement in emission above building regulations through a fabric first approach; however, the LPA typically expect to see a 19% reduction through the blended approach of fabric first improvements and the use of renewable energy sources. The applicant has confirmed their agreement to incorporate renewable energy sources and agreed a condition to secure the full details, implementation and retention of such measures.

8.23 The development would also comply with the water consumption targets, as set out within the building regulations. The provision of vehicle charging points would also be secured via planning condition, further contributing to the sustainability of the development.

8.24 Therefore, subject to compliance with these measures, and the planning conditions, the proposal would result in an enhanced sustainable form of development, thus complying with policy 40 of the local plan.

vi. Ecological considerations

8.25 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. In addition, the site is located within the proposed Nutbourne Wildlife Corridor

8.26 The council's ecology officer has reviewed the ecology surveys and subsequent letter from the ecologist and is satisfied with their findings, recommendations and suggested mitigation/enhancements. The mitigation measures primarily concern the control of exterior lighting, including the use of light shields and low spectrum lighting; however additional measures such as soft demolition and the use of native planting area also advised. In addition to this, the council's ecology officer has also suggested further enhancements, such as the provision of bat/bird boxes, all of which can be adequately controlled via condition.

8.27 In addition, the proposal has been accompanied by an arboricultural report/impact assessment, which concludes 'Implementation of the development proposal does not require the removal of any trees so the arboricultural characteristics of the site remain unchanged; however, the poor-quality trees on the western boundary do little to enhance the site and their loss could be adequately mitigated by appropriate replacement planting'. As a result of these finds, in combination with the proposed tree protection measures, necessary during construction and the additional tree planning proposed within the site but

primarily to the northern boundary the proposal would have an acceptable impact with regards to the existing trees on site, whilst also contributing to an ecological enhancement of the site.

8.28 In light of the above and subject to compliance with the recommended conditions the proposal would adequately safeguard and enhance the biodiversity of the site and the proposed wildlife corridor in accordance with national and local planning policies.

vii. Drainage

8.29 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.

8.30 The proposal is to extend the existing permeable paving from the adjacent development and utilise the existing outfall to the ditch, which comprises a culverted watercourse to the eastern boundary of the wider Greenacre Gardens development. This approach is acceptable in principle and should adequately drain the development. A detailed drainage proposal accompanies this application, which has been reviewed by the Council's Drainage Engineer and is satisfactory. Therefore, subject to compliance with this drainage strategy, secured via condition, the proposal would be acceptable in respect of surface water drainage/flooding considerations.

viii. Nutrient Neutrality

8.31 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.

8.32 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 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).

8.33 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 (0.8 kg of Nitrogen per year) and the offsite mitigation proposed. The mitigation proposes the removal of a parcel of land at East Dean from agricultural production.

8.34 The parcel of land is to the north of Droke Lane, East Dean, Chichester. It is described within the Nutrient Neutrality Statement as:

'The 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 are 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'.

8.35 The report indicates that a 0.0305 hectares (305 m²) of land shall be required along with the planting of a minimum of three broad leaf trees (equivalent to a density of 100 per hectare) in order to offset the additional nitrogen. This proposal has been tested via an appropriate assessment, in consultation with Natural England, who has raised no objection to the application, subject to securing the proposed mitigation.

8.36 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. The exact location of the proposed mitigation land, within the wider parcel shall be secured within the S106 agreement, forming a legally binding agreement between the landowners and applicants, and securing this mitigation land in perpetuity. 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.

ix. Recreational Disturbance

8.37 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 Local Plan a financial contribution towards the Bird Aware Solent scheme is required in order to mitigate recreational disturbance as a result of the proposal.

8.38 A contribution of £960 would be obtained via the S106 agreement. The calculation for which is as follows:

1 x 4-bedroom property £801; plus
1 x 3-bedroom property £681; minus
1 x 2-bedroom property (existing chalet bungalow) £522.

8.39 Subject to the completion of the S106 agreement, the proposal would 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.

x. Other Matters

8.40 It has been indicated by the applicants that the additional dwellings would be incorporated into the Greenacre Gardens management company, who is responsible for maintain the shared private areas within the development. This is a private matter which is not material to the consideration of the merits of the proposal.

Conclusion

8.41 In considering the above, the proposal would result in an appropriate form of development, which would result in a high quality replacement dwelling and additional dwelling, within a sustainable location 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 enhanced and that the proposal would incorporate sustainable construction measures.

8.42 The proposal therefore accord 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

8.43 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 three years from the date of this permission.

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

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

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

3) No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) 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 litter management, prohibiting burning of materials/waste, and measures to recycle waste.

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

4) Notwithstanding any details submitted no development/works above slab level shall commence until a full schedule of all materials and finishes to be used for external walls, windows and doors and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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.

5) No development above slab level shall commence until full scheme of proposed renewable sources of energy and a sustainability statement has been submitted to and approved in writing by the Local Planning Authority. The sustainability statement shall detail sustainable energy sources (i.e Solar Panel and Heat Pump) and additional measures to reduce the carbon emissions of the development hereby permitted. The scheme of the proposed sources of renewable energy shall include details of the appearance, technical specification and where relevant a noise report. Once agreed, these measures shall be fully implemented in accordance with the approved scheme prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

Reason: To minimise the impact of the development upon climate change.

6) The development hereby permitted shall be carried out in strict accordance with the approved Drainage Strategy (Arch Associated March 2021) and Drawing No. SPR029 1501P1 approved unless any variation is agreed in writing by the Local Planning Authority. The dwellinghouse shall not 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: To ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

7) No part of the development hereby permitted shall be first occupied until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

8) 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.

9) No part of the development hereby permitted shall be first occupied until at least one Electric Vehicle (EV) charging point per dwellinghouse has 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.

10) The development hereby permitted shall be carried out in strict accordance with the Statement on Sustainable Design, submitted with this application. The sustainability measures it details 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: To minimise the impact of the development upon climate change.

11) 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.

12) The dwelling hereby permitted shall be designed to ensure the consumption of water by persons occupying the dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). The dwelling shall not be first occupied until the requirements of this condition for the dwelling(s) have been fully implemented, including fixtures, fittings and appliances, and therefore they shall be maintained as approved and in full working order in perpetuity.

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

13) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; parking layouts; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and once provided; the works shall be retained in perpetuity.

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

14) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

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 integration of a bird box to the dwellinghouses hereby approved or within a tree sited within the grounds of the property.
3. The provision of hedgehog nesting boxes within the site.
4. The provision of log piles made from trees felled from within the site.

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

Reason: In the interests of securing a biodiversity enhancement.

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

- a) Due to the potential for bats within the existing dwellinghouse, the removal of roof tiles shall only be undertaken between March and October (inclusive) to prevent disturbing any bats that could be in hibernation. The roof tiles shall be removed by hand only and if any bats are discovered during this work, the supervising ecologist shall be consulted for further guidance;
- 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).

Reason: In the interests of protecting biodiversity and wildlife.

16) The development hereby permitted shall be carried out in strict accordance with the approved boundary treatments plan (Dwg 1921-16A). The boundary treatments shall be implemented in full prior to the first occupation of the dwellinghouses 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 protecting the amenity of neighbours

17) The development hereby permitted shall be carried out in strict accordance with the submitted Arboricultural Report produced by Jonathan Rodwell.

Reason: To ensure that the trees on and around the site are adequately protected from damage to their health and /or amenity value.

18) 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.

19) 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.

20) Notwithstanding the provisions of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking, re-enacting or modifying that Order) no fence, wall or other means of enclosure shall be erected, constructed or established other than those shown on the approved plans.

Reason: In the interest of the visual amenity of the site

21) 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 Classes A - E 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.

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

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

23) Upon the completion of the approved surface water drainage strategy, the owner or management company shall strictly adhere to and implement the recommendations contained within the approved Drainage and SuDS Maintenance Plan (Arch Associates March 2021), unless otherwise agreed in writing by the Local Planning Authority.

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.

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 - THE LOCATION PLAN | 1921-01 | D | 07.06.2021 | Approved |
| PLAN - PLOT 2 ELEVATIONS | 1921-12 | A | 07.06.2021 | Approved |
| PLAN - Plot 2 Floor and roof Plan | 1921-09 | F | 14.09.2021 | Approved |
| PLAN - Site Plan | 1921-17 | A | 29.11.2021 | Approved |
| PLAN - Block Plan | 1921-02 | G | 29.11.2021 | Approved |
| PLAN - Plot 1 Floor Plan and Roof Plan | 1921-07 | R | 29.11.2021 | Approved |
| PLAN - Plot 1 Elevations | 1921-11 | D | 29.11.2021 | Approved |
| PLAN - | 1921-06 | V | 10.12.2021 | Approved |
| PLANS - Plans PLAN - | 1921-16 | A | 17.01.2022 | 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) S106

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

3) A European Protected Species (bat) Mitigation Licence will be required for the proposed works to proceed.

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

These make it an offence to:

- Kill or injure any protected species or wild bird,

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

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

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

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

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=QUC1J2ERJ9D00>