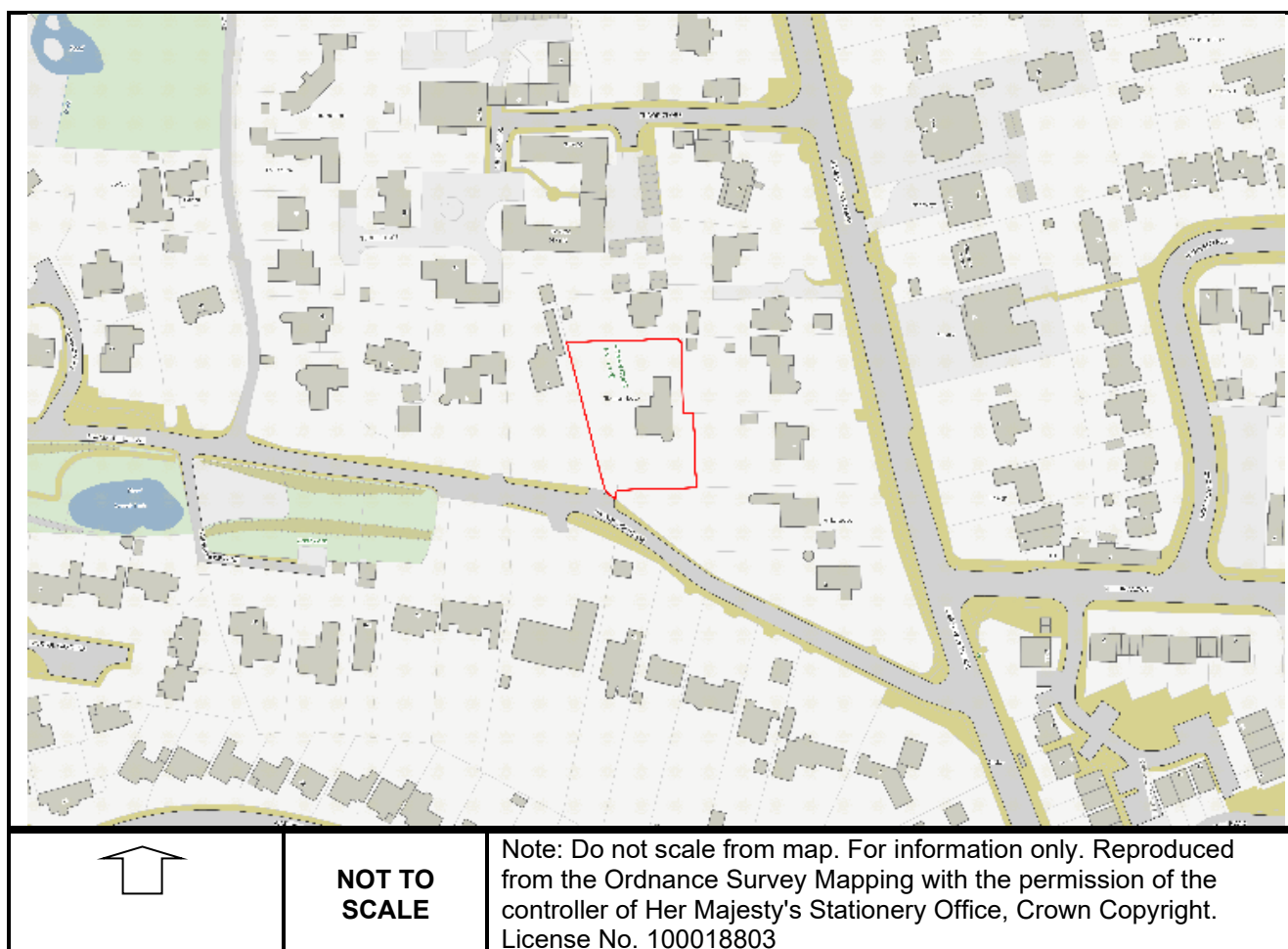


Parish: Chichester	Ward: Chichester North
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CC/19/02241/FUL

Proposal	Demolition of the existing building and the construction of 6 no. flats with associated car parking and external works.		
Site	Glenmar House Brandy Hole Lane Chichester West Sussex PO19 5RJ		
Map Ref	(E) 485793 (N) 106662		
Applicant	Phillips Build Limited	Agent	Mr Chris Purdy

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



1.0 Reason for Committee Referral

1.1 Red Card: Cllr Bowden - Exceptional level of public interest

1.2 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located within the settlement boundary of Chichester, to the north of Brandy Hole Lane and is a detached two-storey dwelling. The surrounding character is mainly residential, most dwellings in this area are large detached two and three-storey dwellings which front the highway with landscaping between.
- 2.2 The existing dwelling is a two-storey detached building, constructed from brick, with a tile roof and of little architectural merit. There is an existing access to the site off Brandy Hole Lane, with mature hedges and trees to the front of the site. The strip of land between the site and the road is not within the ownership of the applicant. The remaining boundaries of the site have mature trees and hedges.

3.0 The Proposal

- 3.1 This application seeks planning permission for the demolition of an existing dwelling and the construction of a two-storey building comprising 6 no. flats, (4x two-bed and 2x three-bed). The building would be two stories, with accommodation in the roof space, which comprises of elements of hip and catslide roofs, with dormer windows. There is a single gable to the front and two gables, with balconies, to the rear.
- 3.2 The rear garden would provide an amenity area for the proposed flats, with a small area of private garden proposed for flats 1 and 2. The area to the west of the rear garden would be parking for the proposed flats with 14 spaces, two allocated for flat 2 and the remaining unallocated. To the front of the building, there would be landscaping with an entrance path for the building. Also to the front of the site, would be a small area for refuse and recycling storage.

4.0 History

19/00851/PRELS ADVGIV Demolition of building. Erection of 9 no flats.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further Comments 30.11.2022

Thank you for advising of the revised plans, however the original comments still stand

Further comments 17.01.2020

Strong objection on the basis of harm to the character of the area through the sub-division of the plot, appearance, scale and bulk of the building and extent of the hard surfaced parking areas.

Original comments 17.10.2019

Objection due to the impact on the character and amenity of the area as a result of the appearance and excessive scale, mass and bulk of the building and of the associated car parking and insufficient sustainability measures given the climate change situation.

6.2 Natural England

No objection subject to appropriate mitigation being secured.

6.3 WSCC Local Highway Authority

Further comments 16.06.2020

West Sussex County Council, in its capacity as the Local Highway Authority (LHA), have been re-consulted on proposals for 6 x flats and associated car parking. In comments dated 27th September 2019 the LHA raised no highways objection to the proposals, subject to advised conditions.

Amended plans have been received which show a reduction in car parking provision from 12 spaces to 9 spaces. It would appear that 2 x spaces will be allocated to flat 2 and the remaining spaces will be of an unallocated basis. The new WSCC Car Parking Demand Calculator envisions a total demand for 9 x spaces for the development, on this basis therefore it is considered that parking demand is met. Furthermore, the parking layout has been amended and appears to be a more workable solution in amenity terms.

There is a 6m reversing space to the rear of each space to allow cars to turn within the site and exit to Brandy Hole Lane in a forward gear.

As per previous comments, the access route into the parking area is not wide enough to allow two cars to pass in opposing directions, however the anticipated low speeds and vehicle trips would not give rise to a highway safety concern.

Please refer to comments for conditions advised therein.

Original comments 27.09.2019:

Access to the site is via an existing opening to Brandy Hole Lane, 'C' classified and subject to 20mph speed restriction. The junction with Lavant Road (A286) is approximately 120 metre to the east. The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been recorded injury accidents to the north of Brandy Hole Lane junction with Lavant Road. However, from an inspection of accident data it is clear that this was not related to the junction or the site access with Brandy Hole Lane.

The existing access is not wide enough to allow two cars to pass, whilst this would be beneficial, the LHA acknowledge the restraints of the site and anticipated low speeds and consider that vehicle trips would be low and chance of cars travelling in opposing directions, low.

Splays of 2.4m by 40m have been demonstrated from the existing site access to the road, as per pre-application advice. The left-hand splay has been drawn to the centre line. There is a width restriction along Brandy Hole Lane and it is considered that if a vehicle were to overtake that part of this could be seen and the full envelope of visibility not obscured. Whilst the splays are entirely within the publicly maintained verge and highway, it is advised they are secured via condition to allow cutting back of hedges currently on verge.

Each flat will be provided with 2 x allocated car parking spaces. These are proposed in a tandem layout. An unallocated visitor space is also proposed. Space within the site appears restrictive and would not allow for two cars to pass at certain points. Considering the low-level traffic and speeds within the site the LHA does not anticipate this will result in a detrimental impact to the public highway, nevertheless the Local Planning Authority (LPA) may wish to consider this from an amenity aspect.

The WSCC Car Parking Demand Calculator, on the basis of 2 x spaces provided per flat, envisions a total demand for 14 spaces. Considering the visitor bay, this is a shortfall in 1 x space and would not pose transport grounds to resist the application. The LPA may wish to consider this shortfall from an amenity point of view.

Refuse storage will be just within the site and the LHA are satisfied that servicing for refuse collection and fire appliance can take place from the roadside as distances set out in Manual for Streets are met.

A street-lit footway on the opposite side of the carriageway provides a pedestrian link to Lavant Road and onwards to Chichester Centre. There is a dropped tactile crossing at the junction of Brandy Hole Lane with Lavant Road to facilitate pedestrian movement and Chichester City centre is approximately 1.2 mile distant. The mean average distance for a walking journey for commuters is approximately 1km with a maximum walking distance of 2km; this proposal therefore meets the maximum walking distance set out in section 3.30 of The Chartered Institute of Highways and Transport - Providing for Pedestrian Journeys on Foot (1999). Chichester City Centre provides a range of retail, leisure, services and amenities with train and bus station. There are also bus services closer to the site, which run from Lavant Road. It is considered that the site therefore provides opportunity to utilise sustainable transport modes and that a reliance on the private car for all daily trips may not be necessary. The applicant should also consider providing electric vehicle charging

points and secure and covered bicycle storage, details of which can be secured via condition.

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

6.4 CDC Coastal and Drainage Engineer *(summarised)*

Flood risk- the application is within flood zone 1 (low risk), we therefore have no objection to the proposed development on flood risk grounds.

Surface water drainage- some drainage details have been submitted. However, no results of winter groundwater monitoring or winter infiltration testing have been supplied. There is also a lack of detail on plan and a lack of construction detail drawings.

If the applicant wishes to avoid pre-commencement conditions relating to surface water drainage, we ask that they submit detailed surface water drainage proposals in line with the requirements of this checklist. Alternatively, if pre-commencement surface water conditions are applied to their application this document should then be used for any subsequent Discharge of Conditions Applications.

We request that the following condition is applied to ensure that the development is adequately drained and does not increase flood risk elsewhere: "Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter Percolation testing to BRE 365, or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details."

6.5 CDC Housing

No quota of affordable homes is required under planning policy.

In terms of the market housing, the scheme appears one which would be attractive to downsizers and those preferring flat living to houses.

Unit sizes exceed the DCLG technical standards minima and the elevation treatment, whereby the units are not obviously in a block of flats, seem sympathetic to the mature surroundings.

I have no objections to the proposals as the scheme will provide desirable market housing on an already-developed site.

6.6 CDC Archaeology

It is unlikely that this proposal would affect deposits associated with the nearby line of the Roman road to the extent that measures to mitigate impact would be justified.

6.8 CDC Environmental Strategy

Further comments 30.11.2022

Following submission of the Sustainability Strategy Statement (Sept 2022) we are satisfied that the installation of PV panels and air source heat pumps will meet the requirements of Policy 40. Further information regarding the location and installation of these technologies will be required and submitted via condition.

Original comments 12.09.2022

Following submission of the Nutrient Mitigation Proposal, the proposal will cause an increase in nitrogen of 3.98 kg/N/yr. Due to this increase we require that mitigation is undertaken. As detailed within the Nutrient Neutrality Report, it has proposed that mitigation will be in the form of 0.16ha of farmland to woodland. As detailed within the mitigation report, we require that the precise area within the shaded blue area is provided we can ensure no overlap between multiple mitigation sites. Once this has been confirmed, this mitigation should be secured within the S106 agreement in perpetuity for 85 years

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.

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 box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to 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

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 building / and or tree within the garden of the property.

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

- Achieve a maximum consumption of 110l of water per day per person
- Complies with building for life standards or equivalent replacement
- Sustainable design including the use of re-used or recycled materials
- Minimise energy consumption through renewable resources
- Adapt to climate change
- Historic and built environment protected and enhanced
- Improvements to biodiversity and green infrastructure
- Maintain tranquillity and local character
- Provision of electric vehicle charging points

6.9 Third party objection comments

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

- a) Overdevelopment of the site;
- b) The scale, form and design of the proposal would be harmful to the character of the area;
- c) There would be an increase in the level of traffic which would be harmful to the local highways network;
- d) The proposal would lead to further parking on the lane;
- e) The construction of flats would be out of keeping with the area, as there are no flats within the area;
- f) The proposal would result in the loss of hedging and trees, further harmful to the character of the area;
- g) It would reduce the housing stock further;
- h) The proposal would harm neighbouring amenity; and
- i) The proposal would harm local heritage.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

7.2 The principal 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 9: Development and Infrastructure Provision

- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 47: Heritage
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.4 Consideration should also be given to the following Sections: Sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport), 12 (Achieving well-designed places), 14 (meeting the challenge of climate change, flooding and coastal change) and 16 (Conserving and enhancing the historic environment) relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- 7.5 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2021. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in early 2023, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.

7.6 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 Strategy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements 2016-2035
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design• S21 Health and Wellbeing
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S28 Pollution
- S29 Green Infrastructure
- S31 Wastewater Management and Water Quality
- AL10 Chidham and Hambrook Parish

Part 2 - Development Management Policies

- DM2 Housing Mix
- DM3 Housing Density
- DM8 Transport, Accessibility and Parking
- DM9 Existing Employment Sites
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- DM22 Development in the Countryside
- DM23 Lighting
- DM24 Air Quality
- DM25 Noise
- DM26 Contaminated Land
- DM27 Historic Environment
- DM28 Natural Environment
- DM29 Biodiversity
- DM30 Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas
- DM31 Trees, Hedgerows and Woodlands
- DM32 Green Infrastructure

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

- 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:

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon the character of the surrounding area
- iii. Housing mix
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Sustainability
- vii. Ecology
- viii. Drainage
- ix. Nitrates
- x. Impact on the Chichester and Langstone Harbours SPA

Assessment

i. Principle of development

8.2 The application is located within the settlement boundary of Chichester, which Policy 2 of the Chichester Local Plan identifies as a sub-regional centre where sustainable development, infrastructure and facilities will be accommodated, which in terms of scale, function and character, support the role of the settlements.

8.3 The application proposes to increase the number of residential units on the site by five, which would significantly increase the efficiency of the use of the land, within this sustainable location, as encouraged by Paragraph 124 of the NPPF. The application has sought to make a comparison with the recently approved replacement dwelling at 4 Brandy Hole Lane, which has a footprint 8sqm smaller than the proposal, to highlight the efficient use of land by the proposal. The proposed windfall development will provide a small, but important, contribution to the Council's housing supply, which is a significant benefit.

8.4 In light of the above, the proposal can be considered an acceptable and sustainable form of development and is therefore acceptable in principle.

ii. Design and impact upon the character of the surrounding area

- 8.5 Policy 33 of the Local Plan refers to new residential development and sets out that proposals must meet the highest standards of design and a high-quality living environment, in keeping with the character of the surrounding area and its setting in the landscape; in addition, that its scale, form, massing, siting, height and design respects and enhances the character of the surrounding area and site.
- 8.6 The application has been amended during the consideration of the application, reducing the width, ridge and eaves height of the proposed building. In addition, several alterations have been made to the detailing, including the scale of the dormer windows set within the front catslide roof to achieve a balanced appearance overall. The amount of proposed hardstanding has also been reduced and proposed parking that was to the front of the proposed building moved to the rear.
- 8.7 The proposed building would be located broadly in the same position as the existing dwelling, albeit further forward and on a larger footprint. Its siting would be in keeping with the loose pattern of development along Brandy Hole Lane. The proposed dwelling would be located set back from the road, with an area of soft landscaping between the application site and the highway, which is not within the ownership of the applicant. As a result of this, there are limited views of the application site from along the public highway. The building would read as a large dwelling, with a single entrance door to the front of the building, with a footpath to the front door and not dissimilar in scale and appearance to the replacement dwelling to the west (4 Brandy Hole Lane). The proposed parking is to the rear of the site, which again, would not be easily visible from the public highway and would retain the character of the locality.
- 8.8 The main part of the building would be two storeys, with hipped roofs and a gable to the front and rear. The dwellings along Brandy Hole Lane are mainly two-storey detached dwellings with a mixture of designs. The proposed building would have a ridge height of 10 metres, with eaves at 5.5 metres, a width of 18.4 metres and a depth at its deepest of 16.3 metres and at its least of 10 metres. This is reflective and in keeping with the varying scales of building along Brandy Hole Lane.
- 8.9 The design of the building incorporates art and crafts elements which reflects the existing two properties to the north. The design also incorporates appropriate levels of detailing and visual interest, which create an attractive and unique building. The proposal would include clay tile hanging to the front gable and a dormer with brick to the ground floor and first floor, with a tile roof. A condition has been suggested to secure details and samples of the proposed materials, in order to ensure a complementary palette is achieved.
- 8.10 As outlined above, the scale, form and design of the building is such that it would appear similar in its form and scale to that of a detached large dwelling. There would be a single door to the front of the building which would allow access to the 6 flats. It is considered that although the number of units on the site would increase, the proposal represents a sensitive re-development of the plot, resulting in a more efficient use of the land, without harm to the verdant and characterful nature of the site and its surroundings. It is also considered that the increase in units on the site would not result in harm to the character of the area in terms of the increased activity associated with the dwellings given the site lies within a well populated area, within the settlement boundary, and close to a main road leading into the city centre. The scale of the building is comparable to other single

dwellinghouses within Brandy Hole Lane and the increased parking provision has been sensitively positioned towards the rear of the site, to reduce the perceived increase in vehicles parking within the site.

- 8.11 It is therefore considered the proposal would be in keeping with the character of the area, in terms of its design, scale and form, and as such is considered acceptable. The proposal therefore accords with policy 33 of the Chichester Local Plan.

iii. Housing mix

- 8.12 The Housing and Economic Development Needs Assessment (HEDNA) sets out the recommended housing mix for market housing within the district. The current application proposes a mixture of 4 no. 2 bedroom flats and 2 no. 3 bedroom flats. The Councils Housing Officer has considered the mix and considered it to be acceptable commenting that three-bedroom flats could be attractive to older downsizers who want a spare room and a study. The housing mix is therefore considered to be acceptable.

iv. Impact upon amenity of neighbouring properties

- 8.13 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

- 8.14 The properties most impacted by the proposal would be to the west, north and east of the proposal. The proposed building would be 20 metres from the dwelling to the west, 25 metres from the dwelling to the north and 28 metres to the east. Given this distance and window positions it is considered the proposal would not have a harmful impact on the amenities of these neighbouring properties in terms of loss of light or privacy. In addition, the proposal by reason of its siting and scale would not result in any overbearing impacts upon the surrounding properties. The amenity of neighbouring properties would also be safeguarded by conditions proposed to manage external lighting. The proposal therefore complies with policy 33.

v. Impact upon highway safety and parking

- 8.15 Policy 8 of the Chichester Local Plan states that the Council will work with West Sussex County Council, other transport and service providers and developers to improve accessibility to key services and facilities and to provide an improved and better integrated transport network. Policy 39 seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

- 8.16 WSCC Highway Authority has been consulted and no objection has been raised. Conditions have been suggested and these are included in this recommendation. The application site is accessed via an existing opening to Brandy Hole Lane, which is a 'C' classified road and subject to a 20mph speed restriction, the junction with Lavant Road (A286) is approximately 120 metres to the east. WSCC have reviewed data supplied to them by Sussex Police over a period of the last five years and there have been no recorded injury accidents to the north of Brandy Hole Lane junction with Lavant Road. However, WSCC advise that from an inspection of accident data, it is clear that this was not related to the junction or the site access with Brandy Hole Lane.

- 8.17 With regard to visibility at the access point, WSCC Highways have advised that the existing access is not wide enough to allow two cars to pass. Whilst this would be beneficial, WSCC Highways acknowledge the restraints of the site and the anticipated low speeds and consider that vehicle trips would be low and chance of cars travelling in opposing directions low. Furthermore, WSCC Highways has advised that visibility splays of 2.4m by 40m have been demonstrated from the existing site access to the road, it is suggested that these splays should be secured by conditions.
- 8.18 With regard to parking spaces, the amended scheme proposes 9 spaces, 2 of which would be allocated. WSCC have advised that having regard to the Car Parking Demand Calculator, there would be a total demand for 9 x spaces for the development, and on this basis, it is considered that parking demand is met. Furthermore, there is a 6m reversing space to the rear of each space, to allow cars to turn within the site and exit to Brandy Hole Lane in a forward gear.
- 8.19 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seek to ensure that new development has acceptable parking levels, and access and egress to the highway.

vi. Sustainability

- 8.20 The proposal has been accompanied by a sustainability statement, which details a 50% saving in Co2 above Part L building regulations (2021). This is achieved through a highly efficient building fabric, the use of LED lighting, and ground source heat pumps. The provision of EV charging points is now a building control requirement and will need to be provided within the development. Therefore, subject to the implementation of these measures, secured via the suggested condition, the proposal would result in a sustainable form of development and would therefore comply with Policy 40 of the Local Plan.

vii. Ecology

- 8.21 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.
- 8.22 The proposal has been reviewed in consultation with the Council's ecology officer, who has reviewed the submitted ecology reports, agrees with their contents and findings. Several ecology enhancements and mitigation measures have been suggested, which can be adequately secured via the suggested conditions. As such, subject to future compliance with the conditions, the proposal is considered to comply with Policy 49 of the Local Plan and Paragraph 174 of the NPPF.

viii. Drainage

- 8.23 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding, and it would not result in a net increase of surface water run-off. The application site is located within Flood Zone 1 and proposes to connect to the mains foul sewage and a soakaway for surface water. The Council's drainage officer has considered the application and suggested a securing full details of the surface water drainage scheme

via condition. As such, subject to future compliance with the condition, the proposal is considered acceptable in this regard, and accords with policy 42 of the Chichester Local Plan.

xi. Nitrates

- 8.24 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldrum Wastewater Treatment Works, and therefore the treated effluent from the development will eventually discharge into a European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.
- 8.25 In such instances, the implications of the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA, via an 'Appropriate Assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.
- 8.26 The application has been accompanied by a nitrogen mitigation proposal, which detailed the level of nitrogen to be offset, together with the proposed mitigation. The mitigation requires the removal of 0.16ha of agricultural land from arable crop production, together with the planting of woodland comprised of mix of native oak, beech and hazel species over the whole area to a density of 100 trees per ha. The mitigation site lies at Chilgrove Farm, within the South Downs National Park. The mitigation has been tested via the Appropriate Assessment, with Natural England raising no objection to the scheme, subject to securing the mitigation via S106 agreement.
- 8.27 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. At the time of writing, an instruction has been sent to the Council's Solicitor to begin drafting the S106 agreement, which is to be agreed by all parties prior to the granting any permission. The recommendation to planning committee shall therefore be defer for S106 and then permit.

x. Impact on the Chichester and Langstone Harbours SPA

- 8.28 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), wherein new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by

Natural England, a financial contribution to the established joint mitigation scheme is appropriate in this instance.

- 8.29 The most up-to-date fees are set-out within the Council's Recreational Disturbance of Birds in SPAs Guidance 2020. For residential development within the Chichester and Langstone Harbours Special Protection Area (SPA) Zone of Influence buffer zones, fees are based the number of bedrooms per unit. The applicant has agreed to pay the fee, which will be secured within the S106, together with the Nitrogen Mitigation. The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance.

Conclusion

- 8.30 Based on the above, it is considered that the principle of additional residential units on the site is acceptable. The dwellings would contribute to the Council's supply of housing and make efficient use of the land which lies within a settlement boundary. Furthermore, the scale and form of the proposal is acceptable in terms of the character of the area and impact on the amenities of neighbouring properties, and the proposal is considered to be acceptable in all other respects. The proposal complies with development plan policies and the NPPF therefore the application is recommended for approval.

Human Rights

- 8.31 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 S106 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) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. 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. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and management of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

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.

5) 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.

6) No development shall commence on site, including demolition, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012. Thereafter the protective fencing shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

7) The development hereby permitted shall not be first brought into use until a fully details hard surfacing plan for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan showing the extent of the the proposed hard surfacing, together with details and samples of the proposed surfacing materials. The proposed hard surface/s 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. The approved scheme shall be carried out prior to the first occupation of the dwellings hereby approved and thereafter shall be maintained as approved in perpetuity.

Reason: In the interests of the visual amenities of the locality and to ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

8) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

9) No part of the development shall be first occupied until visibility splays of 2.4 metres by 40 metres have been provided at the proposed site vehicular access onto Brandy Hole Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

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

The scheme shall include:

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

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

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

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

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

12) Notwithstanding the information provided, 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.

13) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

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

- a. The integration of a bat box into the dwellinghouse 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.
- b. The provision of a bird box within a tree sited within the grounds of the property.
- c. The enhancement of existing hedgerows through the infilling of any gaps with native hedgerow planting.

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

Reason: In the interests of securing a biodiversity enhancement.

15) The development hereby permitted shall be carried out in strict accordance with the Energy Statement (NGR Consulting) November 2022, 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.

16) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal (EPOCH ECOLOGY) 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.

17) The following ecological mitigation measures shall be adhered to at all times during construction:

- a) 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.

18) 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.

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 - SUBSTITUTE PROPOSED PLANS AND ELEVATIONS FILE 1 OF 2	18-007_0008	REV P5	30.11.2022	Approved
PLAN - SUBSTITUTE PROPOSED PLANS AND ELEVATIONS FILE 2 OF 2	18-007_0009	REV P5	30.11.2022	Approved
PLAN - SUBSTITUTE PLAN - PROPOSED SITE & BLOCK PLANS (A1)	0007	REV P6	21.05.2020	Approved
PLAN - Location Plan (A4)	0004.P1		02.09.2019	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.

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=PX7LUTERHEL00>