


Parish: Chichester	Ward: Chichester North
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CC/22/02298/FUL

Proposal	Demolition of the existing dwelling and construction of 4 no. dwellings and associated works including new access, garages and lean to extension to plot 2 (amendments to schemes LA Ref: CC/20/01897/FUL and CC/22/00017/FUL).		
Site	22A Lavant Road Chichester West Sussex PO19 5RG		
Map Ref	(E) 485805 (N) 107098		
Applicant	.	Agent	Mrs Natalie McKellar

RECOMMENDATION TO DEFER FOR S106 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 is within the Settlement Boundary of Chichester and is located to the east side of Lavant Road, the main thoroughfare between Lavant and Chichester City Centre to the south. The site lies within the Summerdale area of Chichester, which is residential in character with large, detached properties with traditional vernacular and verdant frontages.
- 2.2 Works have commenced and are underway to implement planning permission CC/22/00017/FUL, which was a s.73 variation of the approved scheme CC/20/01897/FUL, which was also commenced.

3.0 The Proposal

- 3.1 The application is put forward as an alternative to the schemes permitted under applications CC/20/01897/FUL and CC/22/00017/FUL. The application is in effect a further revision from the most recent permission CC/22/00017/FUL, however due to the change in the application site area, which has reduced in depth by approximately 2.5m due to a change in ownership of land, and that the proposal includes an additional access, a fresh full planning application is required.
- 3.2 The application description proposes the demolition of the dwelling that was previously on the site, the construction of four dwellings, an additional access onto Lavant Road to serve Plot 2, with the existing access to serve Plots 1, 3 and 4, and the provision of a detached garage for Plot 1. The proposed dwellings would take the form of two chalet bungalows set to the rear of the site, accessed from a shared drive, with a pair of larger semi-detached dwellings fronting Lavant Road.
- 3.3 The siting, floor plans and elevations proposed for Plots 1, 3 and 4 are identical to those approved under application reference CC/22/00017/FUL. The siting of Plot 2 is proposed to remain as approved, however the current application now proposes a reconfigured kitchen/diner, utility and bathroom at ground floor, with a single storey side element to form a utility and garage. The extended element is proposed with a footprint of 3.1m x 8.5m and a height of 3.6m.
- 3.4 A detached garage is proposed to serve Plot 1. A new access is shown onto Lavant Road to serve plot 2. This would have a width of 3.6m, with a 1.2m high gate set 5m back from the carriageway.

4.0 History

17/01073/FUL	REF	Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.
18/00002/REF	DISMIS	Demolition of existing dwelling and erection of 2 no. 4 bed detached properties with shared garage, 3 no. 3 bed link detached properties with integral garages, parking and new access drive.
19/03077/FUL	WDN	Demolition of existing dwelling. Erection of 2 no. 4 bedroom semi detached houses, 1 no. 4 bedroom detached chalet bungalow, access, landscaping and associated works.
20/01897/FUL	PER106	Demolition of the existing dwelling at 22A Lavant Road and the construction of 4 no. dwellings and associated works.
22/00017/FUL	PER106	Demolition of the existing dwelling at 22A Lavant Road and the construction of 4 no. dwellings and associated works - (variation of condition 2 of planning permission CC/20/01897/FUL - amendments to Plots 3 & 4).
22/01247/DOC	PER	Discharge of Conditions 3 (CEMP) , 4 (tree protective fencing details), 5 (tree ground protection measures), 6 (surface water drainage scheme) , 7 (asbestos survey) , 8 (soft landscaping scheme), 9 (hard landscaping scheme) and 16 (boundary treatments) of planning permission CC/20/01897/FUL.
23/00522/DOC	PER	Discharge of Condition 11 of planning permission CC/22/00017/FUL - Outdoor Lighting

5.0 Constraints

Listed Building	NO
Conservation Area	NO
AONB	NO
Tree Preservation Order	YES
Flood Zone 2	NO
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Chichester City Council

Objection in respect of the car port and new access for the following reasons:

The proposed additional access would impact the character of the area, in which large, detached family homes on generous plots predominate, as it the building would be more visible as a semi-detached pair.

The proposed access would involve the removal of part of the hedge across the frontage. Driver visibility would be impeded by the hedge and tree to plot 1, which may lead to pressure for its removal, as well as potentially resulting in difficult or unsafe egress from the property.

The proposed car port would further impact the character of the area, due to an increase in built form forward of the building line. The character of the area is vulnerable in this regard because there are examples of similar development nearby; these are currently the exception rather than a characteristic feature, but further examples must be resisted if the current attractive character is to be preserved.

No objection in respect of the proposed garage and lean-to extensions.

6.2 Natural England

Further Comments (27.03.23) (Summarised)

No objection – Subject to appropriate mitigation being secured.

The following mitigation measures are required / or the following mitigation options should be secured:

- Measures to ensure that the proposed woodland planting is secured and maintained for the lifetime of the development.
- Measures to ensure that any proposed mitigation intended to address the impacts associated with recreational disturbance are secured in perpetuity. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures

Original Comments (28.10.22) (Summarised)

Further information required to determine impacts on designated sites.

As submitted, the application could have a likely significant effect on:

- Chichester and Langstone Harbours Special Protection Area and Ramsar site

Your Authority will need to undertake a Habitats Regulations Assessment (HRA) to determine whether the proposal is likely to have a significant effect on the sites named above, proceeding to the appropriate assessment stage where significant effects cannot be ruled out. The following information is required to inform a HRA:

- Consideration of this project's effects on total nitrogen nutrient loading within the Chichester and Langstone Harbours catchment, including a nutrient budget calculation.
- Details of proposed mitigation measures to address any nutrient impacts, including appropriately funded management and monitoring, and details of how the measures will be secured for the lifetime of the development.
- Any other likely significant effects that could arise from the development should also be assessed.

Once the above information is obtained, please consult Natural England on any appropriate assessment your authority may decide to make.

6.3 WSCC Highways

West Sussex County Council was previously consulted on Highways Matters for this location, under several planning applications, of which the most recent/ relevant are CC/20/01897/FUL and CC/22/00017/FUL with similar nature of proposal to the current application. No highways objections were raised, and both applications were granted planning approval.

This proposal is for demolition of the existing dwelling and construction of 4 no. dwellings and associated works including new access, garages and lean to extension to plot 2. The site is located and accessed via Lavant Road (A286) which is an A-classified road subject to 30mph speed limit in this location.

Plots 1,3 and 4 will utilise the existing vehicular access onto Lavant Road with no proposed alterations. The access appears to be of sufficient width (approximately 6.4m width at the carriageway edge) and geometry for the proposal. The applicant proposes an internal access width of 4.8m and this would allow two vehicles to pass in opposing directions within the access way at slow speed.

The applicant has provided visibility splays at a 3m, 2.4m, 2.2m and 2.1m X distance. Whilst the existing tree does restrict visibility for a vehicle at 2.4m X distance, the LHA is satisfied that the full envelope of visibility has been demonstrated for a vehicle as it emerges from the site and that the tree does not fully obscure an approaching vehicle. To gain the full 43m splay to the south, a vehicle's nose would be required to overhang into the highway, within the cycle lane. However, the applicant has demonstrated that a full 43m splay is achievable to the north which would enable the driver of an emerging vehicle to see an oncoming cyclist prior to pulling forward. Furthermore, as Lavant Road has good forward visibility in this location, it is anticipated that a cyclist would be able to see an emerging vehicle at the access and stop if required.

Data supplied to WSCC by Sussex Police over a period of the past five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

New vehicular access onto Lavant Road is proposed to serve Plot 2. The proposed plans demonstrate visibility splays of 43m in each direction at 2.4m 'X' setback distance. The splays are wholly maintainable within land considered as highways. The proposed access is approximately 5.5m wide at the adjoining point with the carriageway narrowing down to

3.67m into the site. The proposed access works would need to be constructed under a licence obtained by WSCC Highways to a specification agreed with them.

The proposed plans indicate new gate at the site entrance for Plot 2. The gate is positioned 5m from the back edge of the carriageway, to allow a vehicle to be fully removed from the carriageway and/or footway while the gates are opened. The proposed gate should be inwards opening.

The parking layout for the site overall consists of 13 parking spaces breakdown of 3 parking spaces plus single garage for Plot 1; 3 parking bays plus single garage for Plot 2; 2 parking spaces for plot 3 situated within the proposed car port; 2 parking spaces for Plot 4 and additional 2 visitor spaces. The proposed parking layout accords with WSCC PDC for development of this size and location.

Each external parking space meets minimum specifications of 2.4 x 4.8m as set out in MfS. Each parking area is provided with sufficient space for vehicles to turn on site, enabling them to exit onto the public highway in a forward gear.

The proposed garages meet the minimum requirements of 3x6m as outlined in WSCC Car Parking Guidance. Each single garage complying with the above measurements counts as 0.5 space towards the proposed provision.

The Car Port for Plot 3 measures 3x7.4m which is sufficient to accommodate up to two vehicles considering its open frontage.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

The plans indicate that a cycle store will be provided for each of Plots 3 and 4. Cycling for plot 1 and 2 can be accommodated within the proposed garages. The LHA is satisfied with this arrangement.

Conclusion

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.

6.4 WSCC County Fire Officer

Having viewed the details for planning application 22/02298/Ful, the Fire Service access to the site will be considered acceptable providing Plots 3 & 4 are both sprinklered in the areas outside the 45 metre distance from the rear of the fire appliance. When a fire appliance attends a property on fire they would not waste valuable time reversing into

position and then attend the fire, they drive straight to the nearest position and then break out the firefighting equipment. With the properties being sprinklered the access distance can be extended to 60 metres as the suppression system will either extinguish the fire or suppress it long enough for additional firefighting equipment to be made ready to attend the fire.

6.5 CDC Housing Delivery Team

We can confirm we have no comments to make on this application.

6.6 CDC Environmental Protection

Our comments are similar to the original application and are reproduced below:

Land contamination

The site appears to have been in residential use for many years and the potential for land contamination is considered to be low. Prior to the demolition of the existing property a survey should be undertaken to determine if there is asbestos present within the building. If asbestos is present, the Control of Asbestos Regulations 2012 should be followed. In case unexpected land contamination is encountered during construction works condition DC13 should be applied.

Construction

Given the scale of development and the proximity of the site to neighbours a construction and environmental management plan (CEMP) should be put in place and condition PC06 should be applied.

Noise

The properties should be designed to ensure the internal noise levels meet the requirements of BS8233:2014 Guidance on sound insulation and noise reduction for buildings. The following suggested condition should be applied "Prior to development a scheme, shall be provided, that details measures to secure internal sound levels within all habitable rooms that do not exceed 35dB LAeq,16hours (07:00-23:00); that secure internal sound levels within all bedrooms that do not exceed 30dB LAeq,8hours (23:00-07:00) and a level of 45dB LA[F]max shall not be exceeded on a regular basis (10 times) during night-time (23:00- 07:00) within bedrooms. Where it is evident that windows shall be required to be closed, to achieve the internal sound level criteria, all practicable measures shall be explored as viable alternatives. Practicable measures include the orientation of buildings, the citing of rooms and physical screening. Where all other means have been exhausted, and windows are required to be closed, adequate ventilation shall be specified."

Air quality

The development is not located within an air quality management area and it is not near any significant sources of local air pollution. An air quality assessment is not required however measures to mitigate the air quality impacts of the development should be put in

place where possible. It is noted that WSCC has suggested conditions relating to cycle parking and electric vehicle charging points. We support these suggested conditions. Air quality impacts during the construction phase should be controlled through the CEMP.

Lighting

Details of the proposed lighting scheme should be submitted prior to construction to ensure that light spill from the development is reduced to a minimum.

6.7 CDC Environmental Protection – Environmental Strategy Unit

We are satisfied that the comments we made as part of the previous applications (22/00017/FUL and 20/01897/FUL) on the 02.02.22, 12.08.2020 and 21.12.2020 are still applicable for the site and we have no further comments for these amendments.

6.8 CDC Coastal and 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. So subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: As with the previous applications the proposal is to infiltrate surface water to ground via permeable sub-bases and trench soakaways. This approach is acceptable in principle (in accordance with the SuDS hierarchy)

We are satisfied that they have demonstrated that the site should be adequately drained within the submitted "surface water drainage report". If you are minded to approve the application we recommend the details within the report are a condition of the approval, including drawings C2063 103 Rev1 & C2063 102 Rev1.

6.9 Third Party Representation

One letter of objection was received concerning:

- a) Overlooking to the neighbouring dwelling at White Eaves due to boundary screening to the rear of Plots 3 and 4 having been removed that was shown to be retained.
- b) Loss of wildlife habitat due to the removal of boundary screening to the rear of Plots 3 and 4

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 (CLP) 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 33: New Residential Development

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

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 be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), 5 (Delivering a sufficient Supply of Homes), 8 (Promoting Healthy and Safe Communities), 9 (Promoting Sustainable Transport), 11 (Making Effective Use of Land), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19)

7.5 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to

17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in Summer 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

The relevant policies are:

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- Policy NE19 Nitrate Neutrality
- Policy NE21 Lighting
- Policy H5 Housing Mix
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy T4 Parking Provision
- Policy A1 Chichester City Development Principles

Other Local Policy and Guidance

7.6 Consideration has also been given to:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- West Sussex County Council Guidance on Parking at New Developments
- CDC Design Guidelines for Alterations to Dwellings and Extensions Planning Guidance Note 3

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- Promote and increase sustainable, environmentally friendly initiatives in the district
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Trees
- vi. Biodiversity
- vii. Impact on the Chichester and Langstone Harbours SPA
- viii. Nutrient neutrality
- ix. Housing mix
- x. Other Matters

i. Principle

8.2 The application site lies within the settlement of Chichester and is identified under Policy 2 of the CLP as a sub-regional centre, a location where new development is supported due to its range of services and amenities. Residential development within this sustainable location is acceptable.

8.3 In addition to the above, the planning history is a material consideration. Officers consider the commenced planning permissions for the residential development of this site under applications reference CC/20/01897/FUL and CC/22/00017/FUL carry significant weight, due to the similarities with the current application.

8.4 The principle of the proposed development is considered acceptable, complying with Policy 2 of the CLP.

ii. Design and impact upon 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 to the surrounding area and its setting in the landscape. In addition, that its scale, form, massing and siting, height and design respects and

enhances the character of the surrounding area and site. Similarly, Paragraph 130 of the NPPF requires development to establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

- 8.6 The planning history is a material consideration which carries significant weight in this instance due to the similarities with the approved scheme under reference CC/22/00017/FUL.
- 8.7 The siting, floor plans and elevations proposed for Plots 1, 3 and 4 are identical to those approved under application reference CC/22/00017/FUL. The siting of Plot 2 is proposed to remain as approved, however the appearance of the dwelling would change with the proposed single storey side element to form a utility and garage. This would, in effect, read as an extension to the main body of the dwelling at Plot 2. This element would be constructed in matching materials, set back from the frontage of Plot 2, and due to the footprint of 3.1m x 8.5m, and its height of 3.6m, would appear subservient to the main body of the dwelling. The landscaping along the southern boundary of the site would ensure that the enlarged dwelling on Plot 2 did not appear as an overdevelopment of the site.
- 8.8 The City Council comment in their objection that the proposed additional access would impact the character of the area as the building would be more visible as a semi-detached pair in an area in which large, detached family homes on generous plots predominate. The provision of an additional access would open up views of the pair of semi-detached properties, however that in itself is not necessarily harmful to the character of the area. Furthermore, the width of the access is 3.6m and at 90 degrees to Lavant Road, which limits the views that would be afforded from public vantage points. A 1.2m high gate set back from the carriageway would not be intrusive in this location and would be set back from the front of the tree screening.
- 8.9 Officers consider that although the area is predominately characterised by large detached dwellings, the area is not exclusively large detached dwellings and there is no planning policy or designation which would require all developments to be large detached dwellings. Each case must be assessed on its merits. It is important to note that a pair of semi-detached dwellings has already been found to be acceptable here by the Local Planning Authority in approving applications CC/20/01897/FUL and CC/22/02298/FUL, which were determined under the same Local Plan and the NPPF. There are several examples of other residential types of development within the immediate locality, including multiple units at Meadowlands Terrace to the south-east of the site on the opposite side of Lavant Road, eight flats and six flats (22 and Winston Court) at two plots immediately to the south of the application site, and two new large dwellings in close proximity to each other to the immediate south of those (York House and Lever House).
- 8.10 The application proposes a 6.3m x 3.3m garage to serve Plot 1, forward of the building line. This is shown with a hipped roof, with a ridge height of 4.2m shown.
- 8.11 The City Council has objected to the proposed car port, stating that it would further impact the character of the area due to an increase in built form forward of the building line. The City Council comments that the character of the area is vulnerable in this regard because there are examples of similar development nearby.

- 8.12 As the City Council points out in its comments, there are similar examples of car ports/garages forward of the building line within the locality and these form part of the character of the area. As above, there is no policy basis or designation to require that there are no further similar outbuildings, and instead each case must be assessed on its own merits.
- 8.13 Although sited to the front of the property, the proposed garage building would be set behind tree screening. Furthermore, its proposed siting would be away from the vehicular accesses on Lavant Road, reducing the views of the outbuilding that may be afforded across the access points. Even if the garage is visible, the visual impact of it would be mitigated by its scale and design, with a hipped roof. It would also be seen in the context of the wider development within the street, which features outbuildings forward of the building line. Two properties to the south of the proposed development is Winston Court which features a prominent six-bay garage building forward of the building line and there are other smaller examples within the locality. As such officers do not consider that the proposed garage would be out of character with the area.
- 8.14 Compared to the previously approved schemes, the eastern boundary of the application site has been stepped to the west by approximately 2.5m, across the whole of the garden of Plot 3 and the southern half of Plot 4. This is due to a change in ownership of land which has taken place. This would have the effect of reducing the garden area of the proposed properties at Plot 3 and 4, however this reduction is small, with the resulting gardens which are proposed still considered to provide a good standard of amenity for future occupiers.
- 8.15 Taking the above considerations into account, it is considered that the development would retain a high standard of design and appearance, and that it would be sympathetically incorporated into the surrounding area. On this basis, the development would accord with the contents of Policy 33 of the Chichester Local Plan and Section 12 of the NPPF.

iii. Impact upon amenity of neighbouring properties

- 8.16 The National Planning Policy Framework, in paragraph 130, states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.
- 8.17 Given the changes from the previously approved schemes detailed earlier in this report, the main considerations with regard to the impact upon amenity of neighbouring properties would be from the proposed outbuilding, the increased size of the dwelling at Plot 2 and the alterations to the eastern boundary of the site.
- 8.18 Due to the scale and siting of the garage, set within the centre of the plot away from neighbouring boundaries and away from the front of Plot 2, it is not considered that there would be an adverse impact from this element.
- 8.19 The extension to the approved footprint of Plot 2 would result in development which would be closer to the neighbouring flat to the south. There is significant screening along the boundary which would mean that there would not be a detrimental impact, and furthermore the scale of this element, being single storey, would not appear overbearing and would be seen against the backdrop of the two storey dwelling.

- 8.20 The siting of Plots 3 and 4 remains unchanged from the previous approval, and with the revised boundary, would still comply with the Council's design guidelines in terms of back to back distances and garden spaces for new properties, these distances being in excess of 25m and 10m respectively. A third party comment objected to overlooking to the neighbouring dwelling at White Eaves due to boundary screening to the rear of Plots 3 and 4 having been removed, as this was planting that was shown to be retained in a previous application. Officers have raised this during the course of the application and the applicants are now proposing to provide new boundary screening to replace that removed, detailing 3.6m-4.2m laurel and red robin planting. This can be secured by condition.
- 8.21 Subject to conditions, the proposal is not considered to adversely impact upon amenities enjoyed by neighbouring properties or future occupiers of the development. The proposal would therefore accord with the NPPF and Policy 33 of the CLP.

iv. Impact upon highway safety and parking

- 8.22 The application proposes that the dwellings at Plots 1, 3 and 4 will use the existing access onto the A286 Lavant Road, as approved under applications CC/20/01897/FUL and CC/22/00017/FUL. No objections were raised by the Highway Authority to either application. A new access to serve Plot 2 is proposed. Lavant Road is an A-classified road with a 30mph limit at this point and includes a cycle lane in each direction.
- 8.23 Chichester City Council have commented that driver visibility would be impeded by the hedge and tree to plot 1, which may lead to pressure for its removal, as well as potentially resulting in difficult or unsafe egress from the property. West Sussex County Council as the Local Highway Authority (LHA) have been consulted on the proposals and have raised no objection. Officers consider that there wouldn't likely be pressure or justification for the tree's removal as the LHA consider the accesses to be able to operate safely.
- 8.24 The LHA have commented that visibility splays at a 3m, 2.4m, 2.2m and 2.1m X distance have been provided. Whilst the existing tree does restrict visibility for a vehicle at 2.4m X distance, the LHA is satisfied that the full envelope of visibility has been demonstrated for a vehicle as it emerges from the site and that the tree does not fully obscure an approaching vehicle. To gain the full 43m splay to the south, a vehicle's nose would be required to overhang into the highway, within the cycle lane. However, the applicant has demonstrated that a full 43m splay is achievable to the north which would enable the driver of an emerging vehicle to see an oncoming cyclist prior to pulling forward. Furthermore, as Lavant Road has good forward visibility in this location, it is anticipated that a cyclist would be able to see an emerging vehicle at the access and stop if required.
- 8.25 Data supplied to WSCC by Sussex Police over a period of the past five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
- 8.26 A new vehicular access onto Lavant Road is proposed to serve Plot 2. The proposed plans demonstrate visibility splays of 43m in each direction at 2.4m 'X' setback distance. The splays are wholly maintainable within land considered as highways land. The proposed access is approximately 5.5m wide at the adjoining point with the carriageway

narrowing down to 3.67m into the site. The proposed access works would need to be constructed under a licence obtained by WSCC Highways to a specification agreed with them.

8.27 The LHA are satisfied with the parking and turning arrangements on the site. Cycle provision is to be provided in cycle stores to Plots 3 and 4 and within garages to Plots 1 and 2. EV charging is to be secured by condition if permitted.

8.28 The Highway Authority 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 paragraph 109 of the NPPF, and that there are no transport grounds to resist the proposal.

v. Trees

8.29 Trees and hedging are the prevailing form of boundary treatment at the site. There are limited changes from the previously approved schemes. During the course of the application, negotiations have taken place to secure replacement planting along the rear boundary of the site, with 3.6m-4.2m high laurel and red robin planting proposed, which would be secured by condition.

8.30 The works to form the new access would result in the removal of part of G4 on the tree survey, a wider group of 'C Category' trees and shrubs forming a boundary group. Given the limited size of the access point, it is considered that the verdant character of the area would still be retained even with the formation of the access. The enlargement of the footprint at Plot 2 and the proposed garage building would bring development closer to the boundary group at G4, however this can be mitigated through protection methods.

8.31 Protection measures including fencing and ground protection is proposed to protect the retained trees during the construction works. Conditions are recommended to ensure that the retained trees are protected during the construction of the properties and details are secured.

vi. Biodiversity

8.32 A Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey and an Assessment of Ecological Changes to Site were submitted as part of the application, together with an Ecology and Sustainability Enhancement Plan. Biodiversity enhancements for the site include an area of wildflower meadow, installation of bat boxes, bird boxes, hedgehog houses and hedgehog holes to fences. The Council's Environment Officer raised no objections to the proposals during the course of the previous submissions and have commented that this still applies to the current application. It is recommended that conditions be applied ensuring that the development is undertaken in accordance with the submitted reports and that enhancements are also conditioned. The proposal would therefore accord with national and local planning policies and is acceptable in this respect.

vii. Impact on the Chichester and Langstone Harbours SPA

8.33 The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The development would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. 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. The applicants have entered into a s106 agreement to secure the financial contribution and this would be secured through a deed of variation on the current application.

viii. Nutrient neutrality

8.34 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram Wastewater Treatment Works (WwTW) 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.

8.35 Natural England's updated (March 2022) methodology has been followed and the applicants have entered into a new s106 agreement to achieve nitrogen neutrality; this would be secured through a deed of variation on the current application. Natural England have been consulted on the Appropriate Assessment and raise no objection.

x. Other Matters

8.36 The proposed housing mix would result in three 4-bed dwellings and one 3-bed dwelling. Although not compliant with the Council's required housing mix, given the difficulties of providing a fully compliant scheme on a small site, as well as being in accordance with that granted under permission 22/00017/FUL, the proposed mix is considered acceptable.

Conclusion

8.37 Based on the above it is considered the principle is acceptable, furthermore the scale and form of the proposal is acceptable in terms of the character of the area and impact to neighbouring amenity and the proposal is acceptable in all other respects. The proposal therefore complies with development plan policies and NPPF and the application is recommended for approval. The recommendation is to defer for s106, then permit the application.

Human Rights

8.38 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 "Plans Referred to in Consideration of this Application".

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

3) The new access, garages or extension to Plot 2 shall not be commenced, until protective fencing shall be erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the recommendations of BS5837:2012 has been provided in complete accordance with the details specified within the submitted Arbtech Arboricultural Method Statement – 2 September 2022 and drawing Arbtech TPP 04 dated Sept 2022. 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.

4) The new access, garages or extension to Plot 2 shall not be commenced, until ground protection measures for all TPO trees and the Oak tree quoted as T8 has been provided in complete accordance with the within the submitted Arbtech Arboricultural Method Statement - 2 September 2022 and drawing Arbtech TPP 04. Thereafter the ground protection shall be retained for the duration of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the trees 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.

5) The surface water drainage scheme shall be implemented as submitted in the Foul and Surface Water Drainage Report reference C2063 Rev PL1 dated 10th May 2022 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 dwelling shall be occupied until the hard and soft landscaping has been provided in complete accordance with the details specified on drawing 1195/Figure3 Rev 03. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

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

7) No part of the development hereby permitted shall be first occupied until the vehicle parking spaces and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

8) No part of the development hereby permitted shall be first occupied until sprinklers in accordance with BS9251 have been installed at Plots 3 and 4 thereafter shall be retained and maintained in full working order.

Reason: In the interests of amenity and in accordance with the Fire and Rescue Services Act 2004.

9) No part of the development hereby permitted shall be occupied until the refuse and recycling storage facilities have been constructed in accordance with the approved plans. 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.

10) No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Sustainability Statement and EV charging points constructed in accordance with the approved proposed ecology and sustainability enhancement plan DP513 REV 03. No dwelling shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use. Thereafter the EV charging facilities shall be maintained and kept operational in perpetuity.

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

11) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome 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). No dwelling hereby permitted shall be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

12) Before first occupation of any dwelling hereby permitted details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

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

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

13) 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).

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

14) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

15) During construction any vegetation removal must be done in stages, cutting to 15cm, then ground level 24hrs later and all arisings removed during the active reptile season between April and September to avoid any hibernating animals. The stone pile and compost heap will be deconstructed by hand during the active reptile season between April and September.

Reason: In the interests of protecting biodiversity.

16) Works shall be undertaken in complete accordance with the Construction and Environmental Management Plan (CEMP) within the submitted DOC Summary 05.05.2022 and drawing no 1195/Figure1 unless otherwise agreed in writing by the Local Planning Authority.

Reason: 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.

17) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

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

Reason: To clarify the extent of this permission.

19) 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.

20) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. {bThe development shall not be first occupied until}:

- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority, and
- ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is bought into use, and
- iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first bought into use.

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

21) The implementation of this planning permission shall be carried out strictly in accordance with the submitted Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment Survey produced by Arbtech and the approved proposed ecology and sustainability enhancement plan 1195/DP513 REV 03. The planting along the site boundaries and Apple Tree (T13) to be retained shall be retained, and any part which is removed without consent or dies or becomes seriously damaged or defective shall be replaced as soon as is reasonably practicable or the next planting season, whichever is the earlier, with others of a similar species and size unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the protection of ecology and/or biodiversity is fully taken into account during the construction process in order to ensure the development will not be detrimental to the maintenance of the species.

22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re enacting or modifying that Order) the bike and bin stores hereby permitted shall be used only for the storage of bikes and bins and for no other purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

23) The visibility splays shown on plans DP1195/516 REV 01 and DP1195/517 REV 01 shall be maintained and kept free of all obstructions over a height of 0.6 metre above the level of the adjoining carriageway or as otherwise may be agreed in writing by the Local Planning Authority following consultation with the Local Highway Authority in perpetuity.

Reason: In the interests of road safety.

24) 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 extensions or alterations or outbuildings shall be constructed or made without a grant of planning permission.

Reason: In the interests of protecting the visual amenities or the area.

25) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re enacting or modifying that Order) the gate hereby approved to serve the vehicular access to Plot 2 shall not be outward opening, and no other gates shall be installed without a grant of planning permission.

Reason: In the interests of highway safety.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - LOCATION PLAN	1195/DP500		07.09.2022	Approved
PLAN - PROPOSED PLOT 1 FLOOR PLANS	1195/DP503		07.09.2022	Approved
PLAN - PROPOSED PLOT 1 ELEVATIONS	1195/DP504		07.09.2022	Approved
PLAN - PROPOSED PLOT 3 FLOOR PLANS	1195/DP507		07.09.2022	Approved
PLAN - PROPOSED PLOT 3 ELEVATIONS	1195/DP508		07.09.2022	Approved
PLAN - PROPOSED PLOT 4 FLOOR PLANS	1195/DP509		07.09.2022	Approved
PLAN - PROPOSED PLOT 4 ELEVATIONS	1195/DP510		07.09.2022	Approved
Details	Reference	Version	Date Received	Status
PLAN - PROPOSED BIKE STORES PLOTS 3 & 4	1195/DP511	REV 03	04.05.2023	Approved
PLAN - KEY PLAN WITH PHOTO SHEET	1195/DP522	REV 01	06.10.2022	Approved
PLAN - PROPOSED BLOCK PLAN	1195/DP501	REV 02	11.04.2023	Approved
PLAN - Waste Strategy	1195/DP512	REV 03	25.04.2023	Approved
PLAN - Tree Protection	ARBTECH		21.02.2023	Approved

Plan	TPP 04 (CONSTRUCTION)			
PLAN - Tree Protection Plan	ARBTECH TPP 04 (DEMOLITION)		21.02.2023	Approved
PLAN - PROPOSED PLOT 2 FLOOR PLANS	1195/DP505	REV 02	11.04.2023	Approved
PLAN - PROPOSED PLOT 2 ELEVATIONS	1195/DP506	REV 02	11.04.2023	Approved
PLAN - PROPOSED CONTEXT PLAN	1195/DP520	REV 02	11.04.2023	Approved
PLAN - WASTE STRATEGY	DP512	REV 03	25.04.2023	Approved
PLAN - PROPOSED ECOLOGY AND SUSTAINABILITY	DP513	REV 03	25.04.2023	Approved
PLAN - FIRE STRATEGY PLAN	DP514	REV 02	25.04.2023	Approved
PLAN - HIGHWAYS	DP515	REV 03	25.04.2023	Approved
PLAN - HARD AND SOFT LANDSCAPING: BOUNDARY TREATMENTS	1195/Figure 3	REV 03	21.04.2023	Approved
PLAN – PROPOSED STREET SCENE	521	REV 02	04.05.2023	Approved

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms, Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

3) S106

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

4) The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RHUGDSERL3300>