

CHICHESTER DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE
ORDER) 2010 (now, as amended)

Agent Details:

Mr Chris Barker
 ECE Planning Limited
 Brooklyn Chambers
 11 Goring Road Worthing
 West Sussex BN12 4AP

Applicants Details :

Mr John Matuszewski (Martin Grant Homes)
 Grant House
 Felday Road
 Abinger Hammer Dorking, Surrey
 RH5 6QP

In pursuance of their powers under the above mentioned Act and orders, the council hereby notify you that they **PERMIT** the following development, that is to say:

**Demolition of existing 2 bungalows and construction of 27 dwellings (including 10 affordable units), access road and associated landscaping. Provision also of an alternative recreational area to the south, accessed via a footpath link.
 Rowan Nursery Bell Lane Birdham Chichester West Sussex PO20 7HY**

to be carried out in accordance with your application and plan no. BI/13/00284/FUL as modified by the undermentioned conditions if any submitted to the Council on 6 February 2013 and subject to compliance with the conditions specified hereunder:

- 1) The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.

Reason: A limited short period has been imposed bearing in mind the particular circumstances of the application.

- 2) The development hereby permitted shall be carried out in accordance with the approved plans: LOC Rev B, 01 Rev P, 02, 020 Rev B, 021 Rev B, 022 Rev B, 023 Rev A, 024, 025, 026 Rev A, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041 Rev A, 042, 043, 044, 045, SK04, MGH484/DRG01 Rev A, MGH484/DRG02 Rev B and additional information received 21 February, 28 March, 08 April and 03 May 2013.

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

- 3) No development shall be carried out unless and until a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for external walls and roofs of the proposed building(s) and where appropriate surfacing materials have been submitted to and approved by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and to ensure a building of visual quality.

- 4) No part of the development shall be commenced until such time as the vehicular access has been constructed in accordance with plan ITB7126-GA-001 Rev F including the provision of visibility splays from the vehicular access onto Bell Lane, set back 2.4 metres from the edge of the carriageway and extending 120 metres to the north and south. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metres above the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety

- 5) 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. Once provided these spaces shall remain in perpetuity.

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

- 6) No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

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

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

- 8) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the provision of parking within the site for vehicles of site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction,
- lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

- 9) 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 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. Any digging out of the ditch along the western boundary shall be done sensitively (by hand) within the root protection areas of the TPO'd trees. No dwelling shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the site is satisfactorily drained and to avoid flooding or pollution of the environment.

- 10) Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual to be submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure a suitable surface water drainage scheme.

- 11) No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by a fence to be approved by the Local Planning Authority erected around each tree or group of vegetation at a radius from the bole or boles of 5 metres or such distance as may be agreed in writing by the Local Planning Authority. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left un severed. All in accordance with BS 5837:2012

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

- 12) Nothing in this permission shall authorise the felling, lopping, topping or uplifting or 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 and to safeguard those trees protected by a TPO.

- 13) The foundations of the car barn on the northern boundary hereby approved shall only be hand dug within the canopy of the monterey pine and under the supervision of a representative of the Local Planning Authority. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority.

Reason: To ensure the tree is not adversely affected by the construction of the development.

- 14) An archaeological investigation of the site shall be carried out in accordance with a specification to be submitted to and agreed by the Local Planning Authority in writing before the commencement of any building works. The specification shall include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance thus identified. The investigation shall be undertaken by an appropriately qualified archaeologist, and shall include the recording of findings and subsequent publication of results.

Reason: This site potentially contains deposits of archaeological significance and it is important that any such be identified and preserved from destruction by development.

- 15) The development hereby permitted, in accordance with the Interim Statement on Planning and Climate Change, shall be constructed to achieve the water efficiency standard within Code for Sustainable Homes Level 3 (105litres/person/day)/BREEAM 'very good' for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation.

Reason: To accord with the Council's Interim Statement on Climate Change.

- 16) The development hereby permitted, in accordance with the Interim Statement on Planning and Climate Change, shall be designed and constructed to achieve Code for Sustainable Homes Level 3/ BREEAM 'very good' for which the necessary Certificate shall be submitted to the Local Planning Authority prior to first occupation.

Reason: To accord with the Council's Interim Statement on Climate Change.

- 17) The development hereby permitted shall be constructed so as to achieve 10% of the DER/BER from on-site renewable energy in accordance with the Energy Statement submitted as part of the application. The carbon savings which will result from this will be above and beyond what is required to comply with Part L of the Building Regulations.

Reason: To accord with the Council's Interim Statement on Climate Change.

- 18) Prior to any of the dwellings hereby approved being occupied details of bat and bird boxes to be installed on dwellings and/or trees shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the boxes shall first be installed prior to the final unit being occupied and shall remain in perpetuity.

Reason: To enhance the biodiversity of the site.

- 19) Prior to first occupation of any of the dwellings on site the applicant shall prepare a residents educational pack to be distributed to all new residents explaining the importance and sensitivity of the SPA and suggesting ways in which residents can reduce their impact on it. This pack shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Natural England and Chichester Harbour Conservancy.

Reason: To prevent recreational disturbance to the SPA.

- 20) Details of any proposed street lighting shall be submitted to and be approved in writing by the Local Planning Authority before first occupation of the dwellings hereby permitted.

Reason: In the interests of the amenities of the locality.

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

- 21) No development shall take place unless and until details of the site boundary screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected. Once erected they should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

- 22) Before development commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing refuse bin storage (sufficient for 2 no. 240 litre wheeled bins) for each dwelling. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

Reason: To ensure proper provision for refuse disposal.

- 23) Before work begins on the development hereby permitted details of site levels and longitudinal and latitudinal sections through the site of the dwellings shall be submitted for the approval of the Local Planning Authority to show how the buildings shall be set into the ground.

Reason: To secure satisfactory development.

- 24) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. 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 include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

- 25) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants, including any existing trees or hedgerows indicated as being retained in the approved scheme, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 26) Prior to commencement of the development, details of the construction and surfacing of the footpath hereby permitted linking the dwellings to the recreational area shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed method of bridging the field drain on the west boundary of the application site. Once approved the footpath link shall be provided in full prior to first occupation of the dwellinghouses and shall remain in perpetuity.

Reason: To ensure that appropriate access to the recreational area is provided and to prevent damage to the existing ditches.

- 27) The alternative recreational area hereby approved shall be used only as open space land suitable and available for persons and dogs and shall be made publicly available prior to first occupation of the dwellinghouses hereby permitted and remain so in perpetuity.

Reason: To provide a suitable alternative space for dog walking and recreation to prevent a significant likely effect on the Chichester Harbour SPA and Ramsar Site.

- 28) INFORMATIVE

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 29) INFORMATIVE

The applicant is advised that as the estate roads are to remain private/unadopted, the Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

- 30) INFORMATIVE

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding within the limits of the highway, the provision of cranes over-sailing the highway.

- 31) INFORMATIVE

The applicant will note no construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

32) INFORMATIVE

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or www.southernwater.co.uk. Attention is drawn to the letter dated 7.3.13 from Atkins/Southern Water with regard to foul drainage.

33) INFORMATIVE

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

34) INFORMATIVE

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.

INFORMATIVE

The applicant is reminded that the Council operate a formal procedure for the discharge of conditions. Details of this procedure can be found on the Council's website (<http://www.chichester.gov.uk/index.cfm?articleid=8734>) or by telephone (01243 534734).

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as "Plans-Decided".

Decision Date : 24 October 2014

Signed: 
S. R. Carvell
Director of Environment

NOTES
Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992
Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. www.planning-inspectorate.gov.uk. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Head of Planning and Building Control Services, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and;
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.

5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.