CHICHESTER DISTRICT COUNCIL

# TOWN AND COUNTRY PLANNING ACT 1990

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

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| Agent Details: | Applicants Details : |
| Mr David Steel  HNW Architects  11 West Pallant  Chichester West Sussex  PO19 1TB United Kingdom | The Hyde Group  63 St Mary Street  St Mary's  Southampton Hampshire  SO14 1NU United Kingdom |

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:

**The development of 15 new affordable dwellings and associated external works.**

**Field North West Of The Saltings Crooked Lane Birdham West Sussex**

to be carried out in accordance with your application and plan no. BI/13/01391/FUL as modified by the undermentioned conditions if any submitted to the Council on 3 May 2013 and subject to compliance with the conditions specified hereunder:

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the approved plans: 136.0099-2100 REV P1, 136.0099-2101 REV P1, 136.0099-SK3001 REV P3, 136.0099-SK3002 REV P4, P001 REV A, P109 REV D, P221 REV A, P222 REV A, P223 REV A, P224 REV A, P225 REV A, P226 REV A, P227 REV A, P228, P229, P230 and TPP REV D

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, roofs, windows and doors of the proposed buildings and surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

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) Any flint walling shall conform with a sample panel of flintwork and mortar treatment which shall be erected on site and approved in writing by the Local Planning Authority before work to walling is commenced and shall be maintained as approved unless any variation has been agreed in writing by the Local Planning Authority.

Reason: To preserve the special character of the building for the future.

5) No development shall be carried out unless and until details of a scheme setting out the method of lighting the roads serving the development have been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be carried out prior to first occupation of any dwelling unit and shall thereafter be maintained in perpetuity.

Reason: In the interests of maintaining biodiversity, residential amenity and the appearance of the locality given the site's edge-of-settlement location with an AONB.

6) Before the development hereby permitted is begun, a scheme showing the proposed method of surface water disposal from roads, paved areas and roofs, including all necessary on-site and off-site works, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on Sustainable Urban Drainage principles and, unless otherwise agreed by the Local Planning Authority, shall be informed by winter groundwater monitoring of the site. In the event that the scheme involves discharge to the local ditch network, it shall be demonstrated to the Local Planning Authority's satisfaction that the rate of that discharge does not exceed pre-development values and that the ditches are in an acceptable condition to accept such discharge. Before the development hereby permitted is occupied the approved scheme shall be carried out and completed in full accordance with the details shown in the scheme. The responsibility for securing all necessary agreements and permits from the landowner or other party shall rest with the developer.

Reason: To ensure that the proposed development is satisfactorily drained.

7) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development is satisfactorily drained.

8) No development shall take place unless and until there has been submitted to and approved in writing 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 including the provision of bat and bird boxes and log piles on the 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 and to accord with the Council's Interim Statement on Climate Change.

9) 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.

10) No development, including site works of any description or the bringing onto the site of any equipment, machinery or materials, shall take place unless and until details of a scheme to ensure the protection of all existing trees and hedges to be retained on the site (in accordance with condition 8) have been submitted to and approved in writing by the Local Planning Authority. The details shall be based on the submitted Arboricultural Impact Appraisal and Method Statement (Revision D) and BS5837:2012 and, for the avoidance of doubt, the scheme shall, amongst other things, include details of:

- the method of protecting trees (and their root systems) located adjacent to the existing access track during the construction phase of the development

- the method of constructing, draining and retaining the access roads comprising part of the development and the supervision of those works

- the method of installing and routing services to the site in areas where such services are to be located within Tree Protection Areas as defined on application drawing TPP REVD and the supervision of those works

- the location and nature of any protective fencing to be positioned on or adjacent to the site for the duration of construction works. This fencing shall be maintained until all equipment, machinery, surplus materials and soil has 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.

The development shall not be carried out other than in accordance with the approved details.

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

11) No development shall commence unless and until details of a scheme designed to mitigate the impact of the development on the reptile population of the locality of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the contents of the Ecosa letter of 22 October 2013 and shall be carried out in accordance with the approved details prior to any development commencing.

Reason: In the interests of biodiversity.

12) 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.

13) No development shall take place unless and until details of 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.

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 following the demolition of any existing buildings and before the commencement of any building works. 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 is potentially of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development.

15) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

(i) the parking of vehicles of site operatives and visitors;

(ii) loading and unloading of plant and materials;

(iii) storage of plant and materials used in constructing the development;

(iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

(v) wheel washing facilities;

(vi) measures to control the emission of dust and dirt during construction;

(vii) turning on site of vehicles;

(viii) the location of any site huts/cabins/offices.

Reason: To ensure safe and neighbourly construction.

16) 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.

17) The development shall not be occupied until the access and access road serving the development hereby permitted has been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

18) The development shall not be occupied until visibility spays of 2.4m by 43m have been provided at the proposed site vehicular onto Crooked Lane in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once approved the splays shall thereafter be maintained and kept free from all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

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

19) The development hereby permitted shall not be occupied unless and until the parking and turning areas have been completed in accordance with the approved plans and shall thereafter be maintained for these purposes in perpetuity.

Reason: In the interests of highway safety.

20) The development hereby permitted shall, in accordance with the Interim Statement on Planning and Climate Change, be designed and constructed in accordance with the water efficiency and sustainable construction criteria (Code for Sustainable Homes level 4) and standards set out in the application Design and Access Statement, 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.

21) The development hereby permitted shall be constructed so as to achieve 10% of the DER/BER from on-site renewable energy. No development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how this will be achieved. 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.

22) INFORMATIVE

With regard to condition 10 it is recommended that the submitted details include, amongst other things, provision for the hand digging of any excavations within trees' root protection areas, the supervision of works at critical phases of the development by a qualified arborist, the methodology for siting the H posts comprising part of the track's retaining wall and the approach to be taken when encountering tree roots exceeding 40mm in diameter. Please contact the Council's Tree Officer if you require further information in this regard.

23) INFORMATIVE

Your attention is drawn to the informatives appended to the Highway Authority's consultation response of 10 June 2013.

24) INFORMATIVE

You are advised to contact Southern Water with regard to the foul sewer that crosses the site.

25) INFORMATIVE

You are advised that should it be necessary to culvert or discharge to any water course it will be necessary to first gain the separate consent of the Lead Local Flooding Authority.

26) 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.

27) INFORMATIVE

Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000 and Wildlife and Countryside Act 1981 (as amended) and in particular to Sections 1 and 9. These make it an offence to:

- kill or injure any wild bird;

- damage or destroy the nest of any wild bird (when the nest is being built or is in use);

- damage or destroy any place which certain wild animals use for shelter (including all bats and certain moths);

- disturb certain wild animals occupying a place for shelter (again, all bats and certain moths).

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

28) INFORMATIVE

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

[[1]](#endnote-1)

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](http://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”.

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| Decision Date : 29 November 2013 | Signed:  S. R. Carvell  Director of Environment Head |

**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.

1. [↑](#endnote-ref-1)