

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms - East Pallant House on **Wednesday 19 September 2018 at 9.30 am**

MEMBERS: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman), Mr G Barrett, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr M Hall, Mr L Hixson, Mrs J Kilby, Mr G McAra, Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and Mr D Wakeham

AGENDA

1 Chairman's Announcements

Any apologies for absence which have been received will be noted at this stage.

The Planning Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 Approval of Minutes (Pages 1 - 4)

The minutes relate to the meeting of the Planning Committee on 15 August 2018.

3 Urgent Items

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 11 (b).

4 Declarations of Interests (Pages 5 - 6)

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies.

Such interests are hereby disclosed by each member in respect of agenda items in the schedule of planning applications where the Council or outside body concerned has been consulted in respect of that particular item or application.

Declarations of disclosable pecuniary interests, personal interests and prejudicial interests are to be made by members of the Planning Committee in respect of matters on the agenda or this meeting.

PLANNING APPLICATIONS - AGENDA ITEMS 5 TO 9 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **EWB/18/00753/OUT - South Downs Holiday Village, Bracklesham Lane, Bracklesham Bay, Chichester, West Sussex, PO20 8JE** (Pages 7 - 33)
Redevelopment of the former South Downs Holiday Park with the erection of 85 dwellings with vehicular access, Local Equipped Area for Play, public open space, landscaping, footpath links and other related infrastructure.
- 6 **WH/18/01024/REM - Land North Of Stane Street, Madgwick Lane, Westhampnett, West Sussex** (Pages 35 - 67)
Approval of reserved matters in respect of pedestrian and cycle access, appearance, layout, scale and landscaping (including SUDs and pumping station) following outline planning permission 15/03524/OUTEIA for residential development comprising up to 300 residential dwellings, including an element of affordable housing, with vehicular access from Stane Street and Madgwick Lane, associated landscaping, a community facility, open space and children's play space, surface water attenuation and ancillary works (EIA development).
- 7 **CH/18/00810/FUL - The Nest, 13 The Avenue, Hambrook, Chichester, West Sussex, PO18 8TZ** (Pages 69 - 88)
Erection of 4 no. dwellings and associated works.
- 8 **FU/17/02187/FUL - Land South Of Osiers, Clay Lane, Funtington, West Sussex** (Pages 89 - 99)
Permanent stationing of mobile home to support equestrian business comprising the breeding of horses and dressage training.
- 9 **SDNP/17/03764/FUL - 1 Barnettts Cottage, Fitzlea Wood Road, East Lavington, GU28 0QN** (Pages 101 - 121)
Construction of a new bridleway.
- 10 **Schedule of Planning Appeals, Court and Policy Matters** (Pages 123 - 131)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
 - a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 12 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in section 100I of and Schedule 12A to the Local Government Act 1972
2. The press and public may view the agenda papers on Chichester District Council's website at [Chichester District Council - Minutes, agendas and reports](#) unless these are exempt items.
3. This meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public makes a representation to the meeting they will be deemed to have consented to being audio recorded. By entering the committee room they are also consenting to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting please liaise with the contact for this meeting detailed on the front of this agenda.
4. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of his or her intentions before the meeting starts. The use of mobile devices for access to social media is permitted but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 in the Constitution of Chichester District Council]
5. How applications are referenced:
 - a) First 2 Digits = Parish
 - b) Next 2 Digits = Year
 - c) Next 5 Digits = Application Number
 - d) Final Letters = Application Type

Application Type

ADV Advert Application
AGR Agricultural Application (following PNO)
CMA County Matter Application (eg Minerals)
CAC Conservation Area Consent
COU Change of Use
CPO Consultation with County Planning (REG3)
DEM Demolition Application
DOM Domestic Application (Householder)
ELD Existing Lawful Development
FUL Full Application
GVT Government Department Application
HSC Hazardous Substance Consent
LBC Listed Building Consent
OHL Overhead Electricity Line
OUT Outline Application
PLD Proposed Lawful Development
PNO Prior Notification (Agr, Dem, Tel)
REG3 District Application – Reg 3
REG4 District Application – Reg 4
REM Approval of Reserved Matters
REN Renewal (of Temporary Permission)
TCA Tree in Conservation Area
TEL Telecommunication Application (After PNO)
TPA Works to tree subject of a TPO
CONACC Accesses
CONADV Adverts
CONAGR Agricultural
CONBC Breach of Conditions

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration

CONCD Coastal
CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held in Committee Rooms - East
Pallant House on Wednesday 15 August 2018 at 9.30 am

Members Present: Mr R Hayes (Chairman), Mrs C Purnell (Vice-Chairman),
Mr G Barrett, Mr J F Elliott, Mr M Hall, Mrs J Kilby, Mr G McAra,
Mr S Oakley, Mr R Plowman, Mrs J Tassell, Mrs P Tull and
Mr D Wakeham

Members not present: Mrs J Duncton, Mr M Dunn and Mr L Hixson

In attendance by invitation:

Officers present: Mr A Frost (Director of Planning and Environment),
Miss K Davis (Member Services Officer), Mr J Saunders
(Development Manager (National Park)), Mrs F Stevens
(Development Manager (Applications)) and Mr T Whitty
(Divisional Manager for Development Management)

199 **Chairman's Announcements**

The Chairman welcomed everyone to the meeting and drew attention to the emergency evacuation procedure.

Apologies were received from Mrs Duncton, Mr Dunn and Mr Hixson.

The Committee sent best wishes to Mr Dunn for a speedy recovery.

200 **Approval of Minutes**

RESOLVED

That the minutes of the meeting held on 18 July 2018 be approved and signed by the Chairman as a correct record.

201 **Urgent Items**

There were no urgent items.

202 **Declarations of Interests**

Mrs Kilby declared a personal interest in respect of application CC/18/01357/FUL as a member of Chichester City Council.

Mr Oakley declared a personal interest in respect of application CC/18/01357/FUL as a member of West Sussex County Council.

Mr Plowman declared a personal interest in respect of application CC/18/01357/FUL as a member of Chichester City Council.

Mrs Purnell declared a personal interest in respect of application CC/18/01357/FUL as a member of West Sussex County Council.

203 **WE/17/02244/FUL - Land West Of Jubilee Wood Hambrook Hill North Hambrook**

The following information was reported on the agenda update sheet relating to an addendum to the planning history section of the report, additional supporting information, deletion of condition 4 and two additional conditions (removal of storage container) and (no external storage).

The following member of the public addressed the Committee:

- Mr R Briscoe

Mrs Stevens, Mr Frost and Mr Whitty responded to members' questions and comments concerning the need for a building of the size proposed, its use and grazing quality of the land. The height of the open fronted pole barn negotiated during the application process was deemed acceptable by officers for the proposed use. The keeping of machinery would be in line with the agricultural use of the land. The type and ownership of the cattle was immaterial. Attention was drawn to the comments of the Council's Environmental Health Officer that the raised levels of lead on the site were not particularly elevated. With regard to the scale of the agricultural use, it would be unreasonable to fetter the site and restrict it.

A proposal to defer the application for a site visit was not carried.

Members favoured an amendment to condition 5 to specifically require that any machinery stored must be agricultural related.

Recommendation to **Permit** with deleted condition 4, amended condition 5, and two additional conditions (removal of storage container) and (no external storage) agreed.

204 **CC/18/01357/FUL - Plot 4B Terminus Road Chichester West Sussex**

Further information was reported on the agenda update sheet relating to additional supporting information, an additional West Sussex County Council Highways response, officer comments and removal of amended reason 2 for refusal as West Sussex County Council Highways had no objection on traffic impact grounds.

The following members of the public addressed the Committee:

- Mr R Bailey – supporter
- Mr J Mines – applicant
- Mrs P Dignum – CDC ward member

Mr Whitty and Mr Frost provided advice and replied to members' questions and comments. The Committee noted that ownership of the unit was irrelevant to the planning considerations. Details were given of the marketing exercise that had taken place and the marketing advice provided by the commercial property agents on the marketing of the premises. It was the officers' opinion that although some "soft" marketing of the premises had initially taken place before full marketing had commenced, they were not satisfied that the marketing undertaken was compliant with Policy 26 due to the marketing period being significantly less than the two years required. It was also noted that the premises was currently occupied by a B1 business use. The need to give due weight to the Local Plan, being only 3 years old, was emphasised.

During discussion of the proposal for change of use, from B1 to D2 use, Members had sympathy for the applicant and were mindful of the applicant's reasons for wishing to move from his current premises.

A number of members considered that with regard to Policy 26 of the Chichester Local Plan (Existing Employment Sites), on balance the application should be supported as they felt that sufficient marketing of the unit had taken place for a reasonable period of time in light of the current economic climate. They also noted the support of the Chichester District Council Estates and Economic Development services to the proposal and in particular comments made that the premises were undesirable to potential tenants for B1 use due to their age and configuration.

However, other members considered that Policy 26 had not been complied with and concurred with the officer's recommendation that before an alternative use of the premises could be considered, robust marketing for two years should take place to demonstrate that there was no demand for further business use.

Recommendation to **Refuse**, with refusal reason 2 deleted, agreed.

205 **ELAV/17/05726/FUL - Upper Norwood Farm Norwood Lane East Lavington**

Additional information was reported on the agenda update sheet relating to amended condition 4 and one additional condition (maintenance of horse walker)

The following member of public addressed the Committee:

- Mr P Bradley - applicant

Mr Elliott circulated comments and photographs received from East Lavington Parish Council who were unable to attend the meeting to address the Committee.

Mr Saunders responded to members' questions and comments. The horse walker had a rubber finished floor and was operated by an electric motor with a quiet hum, which would be fairly inaudible outside of the site. With regard to its impact, it should be remembered that in any case the existing farming and equestrian activity on the site generated general background noise. Each application was assessed on its own merits.

An amendment to condition 3 was favoured by members to minimise the use of external lighting and to restrict the lighting to that approved by the Planning Authority, and an additional condition requiring the retention of the rubber surface finish and routine maintenance of the horse walker in perpetuity.

Recommendation to **Permit** with amended conditions 3 and 4 and two additional conditions (maintenance of horse walker) and (retention of rubber surface) agreed.

206 **Schedule of Planning Appeals, Court and Policy Matters**

The committee considered and noted the schedule of outstanding planning appeals, court and policy matters that had been circulated with the agenda.

The meeting ended at 11.30 am

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 19 September 2018

Declarations of Interests

Details of members' personal interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of planning applications or other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that particular planning application or item.

Declarations of disclosable pecuniary interests, personal interests, prejudicial interests or predetermination or bias are to be made by members of the Planning Committee or other members who are present in respect of matters on the agenda or this meeting.

Personal Interests - Membership of Parish Councils

The following members of the Planning Committee declare a personal interest by way of their membership of the parish councils stated below in respect of the items on the schedule of planning applications where their respective parish councils have been consulted:

- Mr J F Elliott – Singleton Parish Council (SE)
- Mr R J Hayes - Southbourne Parish Council (SB)
- Mr L R Hixson – Chichester City Council (CC)
- Mrs J L Kilby – Chichester City Council (CC)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs L C Purnell – Selsey Town Council (SY)

Personal Interests - Membership of West Sussex County Council

The following members of the Planning Committee declare a personal interest by way of their membership of West Sussex County Council in respect of the items on the schedule of planning applications where that local authority has been consulted:

- Mrs J E Duncton - West Sussex County Council Member for the Petworth Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs L C Purnell – West Sussex County Council Member for the Selsey Division

Personal Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the Planning Committee declare a personal interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of planning applications where such organisations or bodies have been consulted:

- Mr G A F Barrett - Chichester Harbour Conservancy
- Mr T M E Dunn – South Downs National Park Authority
- Mr R Plowman – Chichester Conservation Area Advisory Committee

Personal Interests – Chichester City Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a Chichester City Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

NONE

Personal Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the Planning Committee declares a personal interest as a West Sussex County Council appointee to the outside organisations stated below in respect of those items on the schedule of planning applications where that organisation has been consulted:

- Mrs J E Duncton – South Downs National Park Authority

Parish: East Wittering And Bracklesham	Ward: East Wittering
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EWB/18/00753/OUT

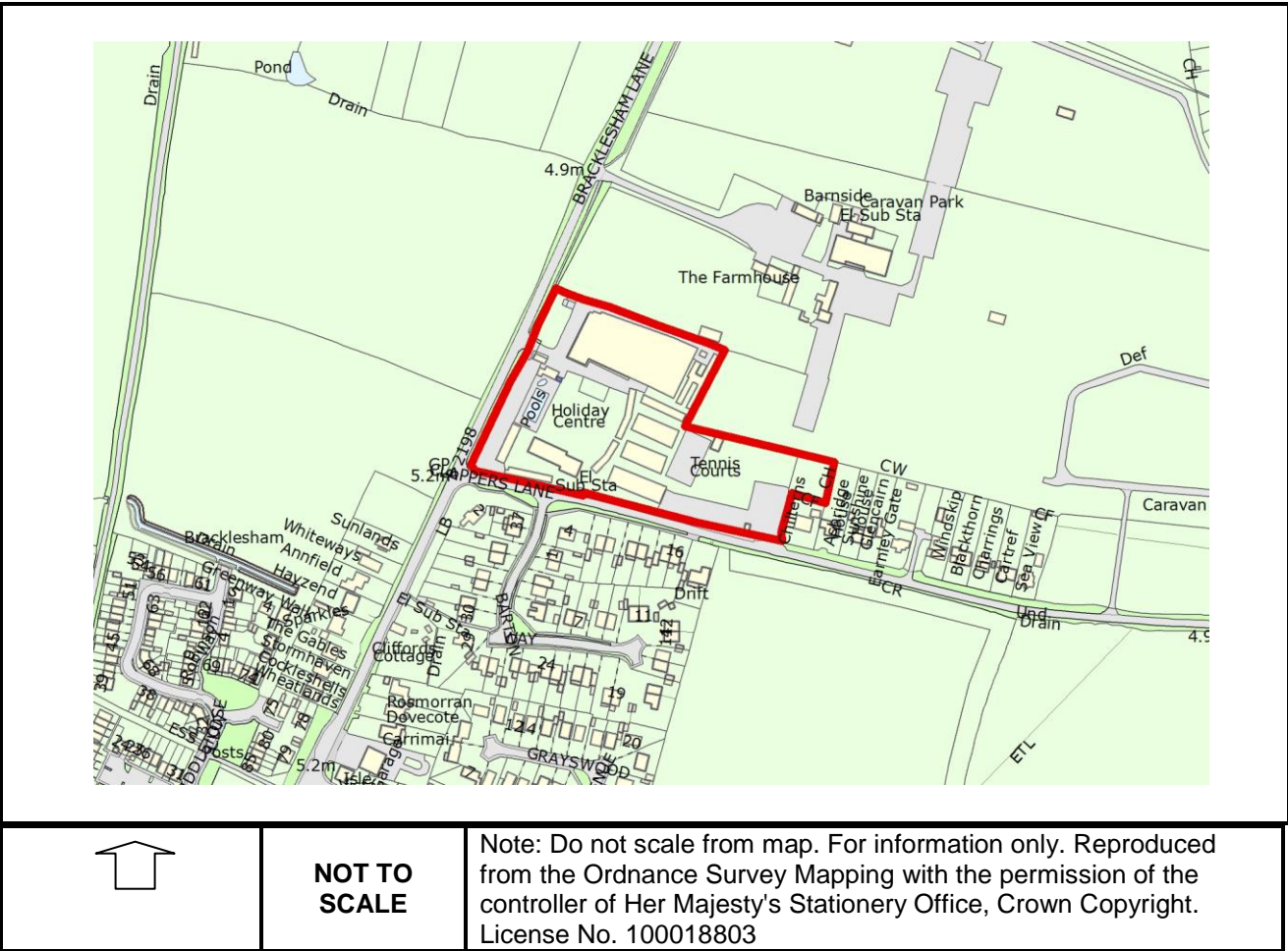
Proposal Redevelopment of the former South Downs Holiday Park with the erection of 85 dwellings with vehicular access, Local Equipped Area for Play, public open space, landscaping, footpath links and other related infrastructure.

Site South Downs Holiday Village Bracklesham Lane Bracklesham Bay Chichester West Sussex PO20 8JE

Map Ref (E) 480841 (N) 97079

Applicant Mr Jonathan Greenberg

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The site lies north and east of the junction of the B2198 Bracklesham Lane with Clappers Lane. It comprises a generally flat, level area of approximately 2.1 hectares and adjoins, but is outside of the current settlement boundary for Bracklesham, the northerly extent of which is formed by Clappers Lane. Existing housing, principally in the form of bungalows, line the south side of Clappers Lane facing the application site and a line of dwellings on the north side of Clappers Lane adjoins the east site boundary. To the north and north-east of the site is the Holdens/Island Meadow Parks static caravan and camping park.
- 2.2 The application site comprises the Sussex Downs Holiday Village which was built in the mid-20th century. It contains a mix of 10 no. flat-roofed single storey holiday chalet blocks totalling 121 units, staff accommodation at single storey totalling 22 units and a flat roofed two storey main complex housing a ballroom, dining room, kitchen, games room, bar and arcade. A hotel at first floor in the main complex houses 51 bedrooms. There is an outdoor swimming pool, an outdoor amenity area and car parking to the front of the site for 52 cars, plus an overflow car parking area to the rear for 32 cars. The site is served by a main vehicular access point onto Bracklesham Lane and a secondary access off Clappers Lane. Mature boundary vegetation is located along the southern boundary, screening views of the site from the south. Further mature vegetation is located sporadically on the east, north and west boundaries.
- 2.3 The last permanent use of the site was for catered holiday accommodation. The site was closed down as a holiday park in January 2017. Following the grant of temporary planning permission in December 2017 for a period of one year, the site has been used for the seasonal accommodation of agricultural workers. This current temporary permission expires on 13 December 2018, whereupon the site should revert back to its permanent approved use for holiday/tourism purposes.
- 2.4 The site comprises 'brownfield' or previously developed land. It is also located with the Environment Agency's Flood Zone 1 i.e. a site with the least likelihood of fluvial or tidal flooding.

3.0 The Proposal

- 3.1 This is an application for 85 new homes on the Sussex Downs Holiday Village site of which 30% (26 units) would be affordable homes. The application is submitted in outline form, with all matters reserved, save for access. Matters relating to the final appearance of the development, the scale of the proposed buildings, the landscaping and layout of the site are not for determination under this application, albeit that the proposals are accompanied by a comprehensive submission of illustrative material in this regard. The density of the proposed development is approximately 40 dwellings per hectare.

- 3.2 The proposal would entail the removal of all existing buildings and structures on the site. The two existing vehicular accesses to the site will be re-used for the proposed housing development, with the access to Bracklesham Lane re-positioned slightly further to the south to improve access. On the submitted illustrative or 'Feasibility' Site Layout drawing, 64 no. dwellings are shown served by the Bracklesham Lane access and 21 no. dwellings are served by the access onto Clappers Lane. There is no internal road passing through the site connecting these two accesses.
- 3.3 In terms of the overall housing mix, the development proposes to deliver 4 x 1 bed; 43 x 2 bed; 33 x 3 bed and 5 x 4 bed homes. Specifically the following mix is proposed:

Affordable Housing Mix

	Affordable Rent (70%)	Shared Ownership (30%)	Total
1 bed	4	-	4
2 bed	6	5	11
3 bed	6	3	9
4 bed	2	-	2
Total	18	8	26

Market Housing Mix

1 bed	-
2 bed	32 (54%)
3 bed	24 (41%)
4 bed	3 (5%)
Total	59

Whilst 'scale' remains a reserved matter, the indicative mix is for a development of 2 - 2.5 storey dwellings (flats and houses) with potentially a 3 storey element at the corner junction of Bracklesham Lane with Clappers Lane. There are also 8 no. bungalows which for illustrative purposes are shown fronting Clappers Lane.

- 3.4 In terms of car parking provision the application proposes the following parking ratio:

1 space per 1 bed dwelling = 4 spaces
 2 spaces per 2 and 3 bed dwellings = 152 spaces
 3 spaces per 4 bed dwelling = 15 spaces
 Visitors = 13 spaces

Total car parking spaces = 184

Covered and secure cycle parking at 2 spaces per dwelling is to be provided either in sheds or garages.

4.0 **History**

78/00038/EW	PER	Holiday chalets new block and staff block S.
76/00039/EW	PER	Rebuilding of chalets in blocks D, H-G, K & L.
76/00076/EW	PER	Rebuilding of chalets in blocks known as E,F and M.
99/00315/FUL	PER	Continuance of use without complying with condition 3 of EW/38/78 which states "No chalet shall be occupied before 31st March or after the 31st October in each year".
17/01722/FUL	PER	Change of use of a former holiday park to agricultural workers accommodation and associated works for a temporary period until 31st October 2019.

5.0 **Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	FZ1
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 **Representations and Consultations**

6.1 **East Wittering and Bracklesham Parish Council**

The decision is to OBJECT to this planning application. The grounds for objection are as follows:

1) The impact of 85 dwelling will have an adverse effect on the residential amenity of the neighbours in Clappers Lane. They are already suffering from the Wates development of 110 houses in Clappers Lane. The cumulative effect of these developments is having a serious impact on the character of the neighbourhood. It should also be pointed out that East Wittering and Bracklesham has already exceeded the target number of 180 houses specified in the local plan.

2) There is not sufficient capacity within the existing sewage and waste water treatment network to cope with an additional 85 homes. With the volume of additional new homes completed in this area since 2012 feeding into the overall network and in anticipation of the completion of the 110 homes at Clappers Lane, the developer must demonstrate that the capacity from the site to the main sewage network and on to the East Bracklesham Drive Pumping Station is adequate.

3) The two year period of marketing the site as an ongoing tourism business has not yet been completed, and so it is not appropriate to apply for change of use at this time

6.2 Earnley Parish Council

Earnley Parish Council objects to the planning application on the following grounds:

1. **Tourism**

a) It has not been demonstrated that the site is not suitable for continued use as a leisure and tourist facility. The time the site has been on the market on a long lease or freehold basis has been too short.

b) From speaking with the previous general manager, we do know that the Holiday Village was very popular, with a lot of loyal repeat business and often fully booked. The clientele was mainly older, wealthier couples and families who spent money locally and in Chichester, boosting the district economy. This included coach trips.

c) The issue of asbestos was known by the current owners on purchase and therefore the owner should be responsible for bearing the cost of removal or discounting the sale price accordingly. We agree with Mr Tim Guymer of Planning Policy that serious consideration should be given to marketing the site on a cleared site basis, which may well appeal to those businesses that operate static caravans or equivalent holiday accommodation.

d) We do not accept that the location of the site for tourism is 'poor' or 'disadvantaged'. The site is (as the developers point out) close to East Wittering village centre, close to the beach, very close to bus stops, and close to the beautiful countryside to the east, including Earnley Conservation Area and Medmerry Nature Reserve.

2. **Coalescence with Earnley Parish**

a) The eastern end of the existing site is largely devoid of buildings and makes up nearly 25% of the total site. Under the new plans, this will be built over and will therefore coalesce with the existing homes along Clappers Lane. The street scene will be one of ribbon development.

b) Although the proposed development is largely in the parish of East Wittering and Bracklesham, the Clappers Lane entrance is in Earnley, as are all the existing homes along the northern side of Clappers Lane. Please see attached map from Parish Online.

3. Transport

a) The predicted extra trips leaving during the morning peak hour, in particular, we believe to be significantly understated. The calculations are partly based on the 2011 Census, but since then over 400 jobs have been lost from the local area, including at Cobham Aerospace (now housing), Earnley Concourse, Northshore Yachts and now, of course, South Downs Holiday Village. Given the shortage of well-paid and full time non-seasonal work on the Manhood Peninsula, it is evident that many new residents will commute off the Manhood for work. Secondary school trips to Chichester will also impact the numbers.

The developer's conclusion that only a net additional 6 vehicles will reach the A27 Stockbridge roundabout during the morning peak hour is not credible and contrary to local

knowledge and experience.

b) It is reasonable to net off trips that would have been generated by the site's previous use as a holiday village. However, having spoken to previous staff members, we do not understand how it could be assumed that 15 staff members (i.e. half of all live out staff) would leave during the morning peak hour; catering, housekeeping and reception staff would be arriving but only night staff (perhaps 3 or 4 at most) would be departing. From our local knowledge we know that a large number of guests arrived and departed by coach, and, in addition, were very keen users of the local bus service.

c) During the Clappers Lane appeal (APP/L3815/15/A/2219554) it was conceded by WSCC Highways that traffic leaving and entering the Manhood Peninsula on the A286 during peak hours is already at 'severe' levels, per paragraph 32 of the NPPF.

d) During the Clappers Lane appeal the inspector accepted what was called the 'line in the sand' argument. This in effect states that even though the traffic impact of each of, say, 5 individual schemes of 100 residences would not be noticeable in themselves, the combined or cumulative impact of 5 such schemes certainly would be, and that therefore at some point the 100 unit schemes should be refused. The inspector drew this point or line at the Local Plan Allocation. East Wittering and Bracklesham has already exceeded its 15 year allocation of 180 homes and rural Earnley has no allocation. Until a comprehensive solution is found to the problems with the junctions on the A27 (in this case, principally the Stockbridge junction with the A286) then developments significantly in excess of the 15 year Local Plan allocations should be refused.

4. The Earnley Conservation Area

a) The eastern boundary of the South Downs site is only some 400 metres from the start of the Earnley Conservation Area. Earnley Parish Council is concerned that the additional traffic generated will impact on the peace and tranquillity of this area, something the Conservation Plan highlights.

b) Section 2.3 on page 15 of the Plan covers the control of traffic and states:

The Parish Council, District Council and County Council engineers could consider methods of 'traffic calming' to reduce traffic through the conservation area. Recommendation: As opportunities arise, the Parish Council, District Council and County Council will continue to seek ways of improving pedestrian safety and reducing traffic in Earnley whilst protecting the special character of the Conservation Area.

Conditions:

In the event that this application is approved, then Earnley Parish Council would need additional funds for it to implement traffic calming measures for the eastern end of Clappers Lane where the lane enters Earnley village over a small bridge, and also for the area around the junction of Bookers Lane and Almodington Lane, including on both roads. In addition, further traffic calming would be required at the road triangle in the centre of Earnley village and Conservation Area. This is in light of the commitment in the Earnley Conservation Area Character Appraisal and Management Proposal document to reduce traffic through the Conservation Area. The developer for the Clappers Lane 110 dwellings site made a significant financial contribution towards traffic calming and therefore it is right that the developer for the South Downs site would make a similar contribution.

Note: Table 3.2 on page 20 of the Transport Assessment contains a significant error: the last service times for bus routes 52 and 53 for the Monday to Friday period are not as shown. As the actual timetable (Appendix A3) makes clear, these evening services only apply for Friday; for the days from Monday to Thursday the last service is some two hours earlier. Table 6.1 on page 33 contains transposed row headings.

Further Comments received 16.08.2018

Earnley Parish Council notes the criticism made by Adams Integra in section 7 of their report, where they state that none of the advertising of the site targeted the static caravan holiday market (section 7.2, page 7). In section 7.6 they go on to state that the site was marketed freehold (excluding "back land") at £3m and that this seemingly high price is based on the "arguable" classification of the largest proportion of the site as C3, i.e. as residential housing. It is therefore no wonder that any prospective caravan site purchaser may well have been deterred. In section 8.17 a valuation is put on the site as "bare unserviced land" based on Class B-type development. However it is perhaps more accurate to describe it as "sui generis" and therefore would require a more detailed individual valuation.

It is perhaps worth adding the point that the valuation of 600k per hectare that Adams Integra were happy to accept means a total value for the site of $2.2 \times 600k$, i.e. £1,320,000 for "bare unserviced land". This could be compared to the Seawards asking price of £3m, although this price is based on any prospective purchaser continuing with the South Downs model for holiday use. This again just highlights the inflated price set by Seawards, partly based on classifying the majority of the site as C3 or residential housing. This of course begs the question - we all know that if Seawards get planning permission for housing that will put the value of the land up BUT they haven't got it yet.

Earnley Parish Council notes from the report (section 8.23) that the site does work financially as a static caravan park where individual plot values approach £30,000. We will not know if this is reasonable until a proper, thorough and realistically priced marketing campaign is undertaken. After all the Manhood is a very popular area for static caravans and other self-catering accommodation and the South Downs site is well positioned with good access, is 800 metres from the sea at Bracklesham and just under a kilometre from the Medmerry Nature Reserve.

Earnley Parish Council would urge that the applicant is refused permission for housing at this stage and instead be asked to carry out a proper, thorough and realistically priced marketing campaign.

6.3 Highways England

No objection on the basis that the applicant makes a relevant contribution to the A27 Local Plan mitigations in line with Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass' of £3,248 per dwelling which equates to £276,080.

6.4 Natural England

The application will result in a net increase in residential accommodation within the zone of influence of Chichester and Langstone Harbours SPA/Ramsar site, impacts may result from increased recreational disturbance. However, your authority has measures in place to manage these potential impacts through the agreed Solent Recreation Mitigation Strategy (Bird Aware Solent). Therefore, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the SPA/Ramsar and that the proposal should not result in a likely significant effect through recreational disturbance.

6.5 Southern Water

Network reinforcement required to negate increased risk of flooding. Southern Water hence requests either a condition stipulating occupation of the development to be phased in order to align with the delivery of new/upgraded sewerage infrastructure, or, the developer can discharge foul flows no greater than existing levels if proven to be already connected and it is ensured that there is no overall increase in flows into the foul system.

6.6 Chichester Harbour Conservancy

No objection, subject to subject to securing S.106 SRMP payments (Policy 50 of the Local Plan) prior to commencement of the development.

6.7 WSCC - Highways

It has been agreed that a robust assessment for the previously generated trips would be 20 AM and 20 PM trips, this would account for staff and guest movements and can be discounted. TRICS peak hour vehicle rates have been utilised from a nearby residential site in Middleton Close. The applicant has provided an assessment for 90 dwellings in order to provide a robust trip generation. The TA has also placed peak hour generation on top of observed peak hour flows.

The site is anticipated to generate an additional 31 two way vehicle movements in the AM peak and 40 two way vehicle movements in the pm peak. Trips have been distributed and assigned with the same methodology as used for the 110-dwelling scheme at land south of Clappers Lane (14/10806/OUT) which results in:

- Bracklesham Lane (North - Towards A27) - 58%
- Bracklesham Lane (South) - 42%

The site access, Bracklesham Lane(B2198)/Clappers lane and B2179(Stocks Lane)/B2198 junction would all continue to operate under capacity.

The A286 / B2201 Selsey Canal junction [*correction: should read Selsey Tram junction*] is predicted to be over capacity in the future year scenario. The development's impact raised the ratio flow capacity from 1.06 to 1.07 in a 2022 scenario (anticipated completion of works). This would result in an additional 1.8 vehicles in the queue and a 2 second delay. Junction improvements are included within the Chichester CIL schedule and as such subject to the development providing CIL contributions the generated flows would not have a material impact on the operation of the local highway network.

It should be noted that the trip generation associated with the sites former use would likely to be higher in the summer months than the trips that have been discounted and as such no further concerns / assessments are required to consider the summer peak impact.

We are agreeable to a £5,000 contribution towards the signage and road markings to provide a signed cycle route on Bracklesham Lane and Clappers Lane.

In response to the query raised by Earnley PC regarding the need for the developer to provide a contribution to traffic calming measures further to the Earnley Conservation Area Character Appraisal and Management Proposals, WSCC has commented:

West Sussex County Council (WSCC) as Highway Authority have not requested a contribution towards traffic calming measures from this application. When requesting any section 106 contribution there must be a reasonable justification to make such a request and any contribution must mitigate the impact of the proposed development rather than addressing existing issues. Any request must also comply with regulation 122 of the Community Infrastructure Levy Regulations (2010). This states that a Section 106 contribution must be,

"(a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development."

In this instance, given that it is forecast that the majority of trips will either be directly accessing Bracklesham Lane or those that will be leaving the site from Clappers Lane the majority will travel west bound, it was not felt that there is a reasonable justification to request a contribution of this nature from this development.

6.8 WSSC - Flood Risk Management

No objection. The site is at low risk from surface water flooding. Drainage strategy for the site proposes cellular storage tanks and permeable paving with a restricted discharge to the sewer to control the surface water from the development. Recommend that District Council Drainage Engineer review the drainage systems proposed.

6.9 CDC - Drainage Engineer

No objection to the proposed scale, use or location on flood risk grounds, subject to satisfactory surface water (sw) drainage. Proposal to have controlled discharge of sw to foul water sewer is unacceptable. Potential for sw infiltration should be investigated first backed up by winter groundwater monitoring and percolation testing. We believe shallow infiltration is achievable. Soakage structures should not be sited below peak groundwater level and be capable of containing and handling the run-off from a 1 in 100 year storm event plus 40%. SW drainage condition is recommended.

6.10 CDC - Archaeology Officer

Agree with conclusions of submitted desk based assessment i.e. that there is some potential for archaeological interest in the site and that it would be appropriate for a scheme of investigation through trial trenching to identify significant archaeological deposits that might be present and may need preservation or recording. Variation of standard condition recommended in this regard.

6.11 CDC - Housing Enabling Officer

Market Housing - Although the proposed units are not in-line with the SHMA recommendations (35% 1 and 2 bedrooms, 50% 3 bedrooms, 15% 4 bedrooms), the scheme is seeking to deliver a greater number of smaller family units which are generally more affordable and provide suitable accommodation for first time buyers and those wishing to downsize, which is supported. Furthermore, the applicant is seeking to deliver 8 x 2 bedroom bungalows, which the housing delivery team support.

Affordable Housing - No objection to the provision which meets SHMA recommendations

6.12 CDC - Environmental Health Officer

Land contamination - report submitted with application finds that there were no contaminants in excess of human screening values recorded, but full coverage of site not possible due to factors including access restrictions due to active services. Localised contamination cannot be ruled out. Recommend additional site investigation carried out in areas not previously sampled. This can be secured through condition.

Air quality - A Construction Environmental Management Plan should be drawn up detailing mitigation measures to control dust and other emissions from construction activities once the site is operational. This can be secured by condition.

6.13 CDC - Environmental Strategy Officer

Any lighting scheme will need to take into consideration the presence of bats. Any works to trees or vegetation should only be undertaken outside of the bird nesting season or if within, under the supervision of an ecologist. Various wildlife enhancements recommended to be incorporated in scheme. Contribution to Solent Recreation Mitigation Partnership to be secured to mitigate for potential recreational pressure impacts on the Chichester Harbour SPA in accordance with LP policy and agreed SPD methodology.

6.14 CDC - Economic Development Officer

Along with agriculture, tourism is the economic backbone of the District. In any area, staying visitors spend significantly more within a local economy than day visitors and this helps underpin the viability of associated businesses such as transport, entertainment, catering and retailing. In Chichester District, only 18.5% (1.2 million) are staying visits. However, staying visits account for 51% of total visitor spend. This is why visitor accommodation is so important to the growth of the economy of this District.

Notwithstanding the above, the Economic Development Service (EDS) acknowledges the Vail Williams Demand and Viability Report submitted with the application for a residential re-development of the site and concur with the conclusions of the subsequent assessment of that report carried out by Adams Integra on behalf of the Council.

EDS understand that the identified financial costs of regenerating this site for either a continuation of the existing tourism use or for new alternative tourism uses are significant and, therefore, likely to prove unattractive to potential investors. It recognises that the comparatively small size of the site and the more favourable location of existing and better-equipped tourism sites elsewhere are important contributory factors in whether a tourism operator would chose to invest in the South Downs Holiday Park. The absence of any firm offers from tourism operators from the marketing exercise would appear to underscore the inherent difficulties and disadvantages of the site for a continued tourism use. Against this background EDS, therefore, accepts that it is necessary for the site owners to look at alternative uses for the site.

6.15 Adams Integra - Assessment for CDC of Applicants Viability Appraisal

Summary

- The cost estimates for refurbishing the existing buildings stated in the Condition Assessment Report appear reasonable.
- The asbestos and site clearance costs are poorly evidenced and are not convincing but need to be balanced against the other relevant factors.
- The marketing appears robust albeit there does not appear to have been a thorough targeting of the holiday and leisure markets or possible operators of holiday villages.
- The viability assessment of alternative holiday lodges or self-catering static caravans is appropriately evidenced, and the conclusions are robust.
- Despite testing the sensitivity to significantly lower site clearance costs and higher Gross/Completed Development Values, the residual site value still falls considerably below an appropriate benchmark or threshold land value considered necessary to make redevelopment for holiday or tourist uses financially viable.
- Therefore, we accept the contention that the re-use of the site for holiday or tourist type uses is not viable.

6.16 14 Third Party Objections

- a. Too many house being built in the village which is becoming a town
- b. Infrastructure such as medical services, schools and roads cannot cope
- c. Unsustainable volume of traffic, even worse in summer months
- d. Roads are not fit for purpose and traffic is already at severe levels at peak times
- e. Development does not provide any community facilities
- f. Holiday accommodation is needed to encourage tourist visits
- g. Bracklesham needs to remain a holiday resort
- h. Harmful impact on Earnley Conservation Area
- i. Other housing sites should be considered first
- j. Existing use brings jobs and income to area, not more cars, traffic and people
- k. Extra noise, general disturbance and pollution
- l. Will result in more banal, mass housing
- m. Too dense
- n. Not enough parking
- o. Site has great potential e.g. as a precinct for commercial, retail and public use

6.17 4 Third Party Support

- a. Will provide much needed new housing
- b. Will vastly improve the look and feel of the general area replacing a run-down tourist/mobile home development which are over-supplied in the area already
- c. Sensible development on a brownfield site
- d. Makes a change from building on grade 'A' agricultural land which will be needed in future to feed expanding population
- e. Seawards very pro-active in keeping residents informed
- f. Site is fast becoming an eyesore, developers should be allowed to get on with it

6.18 Applicant/Agent's Supporting Information

In addition to the Design and Access Statement, the application is accompanied by a comprehensive suite of reports which can be read in detail on the Council's website. The reports cover: Planning Statement; Landscape and Visual Impact Assessment; Ecological Assessment; Five Year Housing Land Supply Report; Demand and Viability Report; Marketing Report; Affordable Housing Statement; Flood Risk Assessment and Drainage Statement; Utilities Assessment; Condition Assessment Report; Archaeological Assessment; Transport Statement and Travel Plan; Arboricultural Assessment; Statement of Community Involvement; Preliminary Geo-environmental and Geotechnical Assessment; Topographical Survey.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for East Wittering/Bracklesham at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 3: The Economy and Employment Provision

Policy 4: Housing Provision

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 22: Integrated Coastal Zone Management for the Manhood Peninsula

Policy 24: East Wittering and Bracklesham Strategic Development

Policy 30: Built Tourist and Leisure Development

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 45: Development in the Countryside

Policy 49: Biodiversity

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Policy 52: Green Infrastructure

Policy 54: Open Space, Sport and Recreation

7.3 **Policy 30** is particularly relevant to this application and states that where proposals involve the loss of tourist or leisure development, including holiday accommodation, planning permission will only be granted where there is no proven demand for the facility and it can no longer make a positive contribution to the local economy. Appendix E of the Local Plan sets out the requirements.

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF) which was revised in July 2018 and National Planning Policy Guidance (NPPG) which is yet to be updated in light of the new NPPF. Paragraph 11 of the revised NPPF states:

11. Plans and decisions should apply a presumption in favour of sustainable development.

*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 relevant for determining the application are out-of-date, granting planning permission unless:

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

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

- 7.5 Consideration should also be given to paragraphs 28-30 (Non-strategic policies and neighbourhood plans), 47 (Determining applications); 54-56 (Planning conditions and obligations), 59, 67, 70, 73-76 (housing), 91-92 (Healthy and safe communities) and 96 (open space and recreation), 102-106, and 108-111 (promoting sustainable transport), 117 (Making effective use of previously-developed or 'brownfield' land), 124-128 (requiring good design), 170, 172 and 174-176 (Conserving and enhancing the natural environment) and Annex 1 (Implementation).
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support 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 3 main issues arising from this outline proposal are:

1. The principle of housing development in the countryside
2. The loss of a tourism use and holiday accommodation
3. The highway impact

Assessment

FIRST ISSUE

8.2 The authorised use of the site as a holiday park ceased in January 2017 when it was closed down. Following a subsequent planning permission in December last year the site is being used for the accommodation of seasonal agricultural workers. This use is for a temporary period only and expires on 13 December 2018, whereupon the site should revert back to its former use as a holiday park.

8.3 The applicant has applied to demolish all existing buildings on the site and erect a housing development of 85 dwellings, 26 of which will be affordable. In planning policy terms the site is just outside of the existing settlement policy boundary for Bracklesham, the northern extent of which is defined by the south side of Clappers Lane. The site is, therefore, within the 'countryside' or the Rest of Plan Area, wherein Policy 45 of the Local Plan restricts development to that which meets an essential, small scale and local need. Within the meaning of Policy 45, a development of 85 dwellings is not considered to comply with all of these criteria.

Chichester Local Plan Policy (CLP) 2 identifies a settlement hierarchy where East Wittering/Bracklesham is defined as a Settlement Hub, second only to Chichester in terms of its overall sustainability for new development. CLP 2 reinforces the point that outside settlement boundaries, development will be restricted to that which requires a countryside location or meets an essential local rural need or supports rural diversification. Prima facie, therefore, the proposal to re-develop the site for housing is not supported by two of the key CLP policies designed to shape the pattern and distribution of sustainable new housing in the District.

- 8.4 Whilst the site, in planning policy terms, is defined as being within the 'countryside', it is not within open countryside, nor is it a greenfield site - quite the contrary. The site is previously developed or brownfield land, containing a significant amount of existing buildings and associated hard-surfacing. Established housing located immediately adjacent to the south and east side of the site and a static caravan wrapping around the northern boundary already provide a sense of enclosure. Consequently, the site is not physically or visually isolated, nor does it have the characteristics of being at the edge of settlement, notwithstanding that it lies just outside the CLP settlement boundary. The site boundary is approximately 12 metres from the Miller Homes housing development of 110 homes currently being developed south of Clappers Lane. Given that close proximity and taking into account all of the above circumstances; it is considered that it is also a sustainable site for new housing within the meaning of the NPPF.
- 8.5 The applicant's position, notwithstanding CLP Policies 2 and 45 and the viability of the extant holiday use of the site which is discussed later in this report, is that a housing development in this location adjacent to the boundary of a Settlement Hub represents sustainable development. Furthermore, it is argued that the Council cannot demonstrate a 5 Year Housing Land Supply (5YHLS) or meet its Objectively Assessed [housing] Need (OAN). For this reason, new housing should be permitted. Officers disagree with the latter part of this assessment. The Council is able to demonstrate a 5YHLS based upon the housing requirement set out in the adopted Local Plan pending the outcome of the Local Plan review currently underway.
- 8.6 There is, however, a strong drive from government, reinforced in the revised NPPF to increase housing delivery. Within this context, it should be noted that the Council's 5YHLS (at 5.3 years supply) has been found by some Inspectors at appeal to be either low or 'marginal'. Officers consider that this site being as it is, adjacent to the settlement boundary of a Settlement Hub represents a potentially sustainable development that would contribute to strengthening the Council's 5YHLS position.
- 8.7 The CLP strategic development allocation of 180 dwellings for East Wittering/Bracklesham has already been met through the developments being allowed on appeal at Land South of Clappers Lane (110 dwellings), Pebble Reach (50) and the permission for the Churchill retirement flats on Stocks Lane (23). However, the fact that the Local Plan allocation has been met is not in itself a sound reason to resist further housing development in the locality, particularly where it can be demonstrated that the housing is proposed in an appropriate sustainable location. It is not in itself a ceiling, thereby preventing further housing.

- 8.8 In terms of delivering new housing, the 2015 Local Plan Inspector agreed that the Council should deliver 435 dwellings per year (dpy) against an identified OAN of 505 dpy. Going forward into the Local Plan review it is expected that the Council's housing delivery requirement and OAN will change. Paragraph 117 of the revised NPPF refers in this context to making effective use of existing land. It states that, *'Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land'*. The South Downs Holliday Village is very clearly a brownfield site, the re-use of which for housing would reduce the need to build on greenfield sites and contribute towards the current Local Plan housing requirement. It would also deliver 26 affordable homes in response to meeting local housing need.
- 8.9 Policy 1 of the CLP encourages development to be approved where it is demonstrated that it is sustainable and consistent with the development plan. Whilst there is identified conflict with Policy 2 and elements of Policy 45 of the CLP, it is considered that, in this case, this conflict is outweighed by the benefits of the development. The development makes efficient use of a brownfield site as required by government policy, it is not a site of high environmental value and its re-development would result in no significant harm to the landscape, character or appearance of the area – indeed, it could potentially improve the site's appearance. The site is attached to the settlement boundary of a Settlement Hub, a secondary service centre and would deliver new housing including a sizeable amount of affordable housing at an appropriate density (40dph). In terms of the principle of development, it is considered that the policy conflicts are outweighed by the benefits. However the principle of housing being acceptable pre-supposes that the loss of the last use of the site for holiday/tourism purposes is also acceptable and this important issue is discussed in the next section.

SECOND ISSUE

- 8.10 The long established use of the site for holiday/tourism purposes has ceased and it was closed down to the public in January 2017. It is currently used for housing seasonal agricultural workers for a temporary one year period up to December 2018. The South Downs Holiday Village provided a traditional catered holiday experience for holidaymakers from the 1950's onwards, with a mix of chalet and hotel accommodation. However, this type of holiday market gradually declined, with the arrival of cheap foreign package holidays in the 1980's, changing tastes in holiday provision and the move away from catered to more self-catering options. The site maintained a limited market for coach trip style holidays, but with reducing incomes and shrinking profit margins maintenance expenditure on the ageing buildings at the site was cut back, thereby leading to a deterioration in the standard of accommodation and the holiday offer generally. Added to that spiral of decline, direct competition from rival holiday operators such as Bunn Leisure, Medmerry Park, Butlins and Holdens Caravan Park that were able to offer a wider range of facilities and a self-catering option, meant that the operation of the site as a viable concern in its original format could not continue.

- 8.11 CLP 30 is very clear in its requirements that *'Proposals involving the loss of tourist or leisure development, including holiday accommodation, will only be granted where there is no proven demand for the facility and it can no longer make a positive contribution to the economy.'* CLP 30 is underpinned by the requirement in Appendix E that any proposal which would result in a policy conflict is accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required. Applicants are required to provide evidence that the site has been marketed vigorously and exhaustively for between 12 and 18 months. For loss of tourist/leisure development a viability assessment is also required.
- 8.12 In response to Appendix E, the applicant has submitted a Demand and Viability Report, a Marketing Report and a Condition Assessment Report (assessing the current condition of the building stock on the site). The site has been marketed through Flude as a holiday park since December 2016 initially, until September 2017, on a leasehold only basis. From September 2017 until the present time the site has been marketed on both a leasehold and a freehold basis. The marketing has taken a variety of different forms and includes:- production of a letting brochure; marketing boards on the site frontage; local, regional and national advertising - Chichester Observer Series, Estates Gazette; direct mailing of local applicants and commercial agents; online advertising - Estates Gazette, Perfect Information Property, Zoopla, Rightmove; telephone canvassing.
- 8.13 At the time of the Committee the site will have been marketed on a freehold or leasehold basis for the minimum required period of 12 months. Although the marketing has generated some enquiries, none of the interest has been pursued or translated into any formal offers. The applicant cites some of the reasons for this being concerns about the site condition and layout and the size of the site (too small). To test the credibility and robustness of the marketing exercise and the potential viability of an alternative holiday use of the site (not necessarily relying on the existing buildings but potentially entailing a wholesale clearance and re-development), officers commissioned an independent assessment of the applicant's reports by local property valuers and surveyors, Adams Integra.
- 8.14 The Adams Integra report is summarised at paragraph 6.15 above. It is significant to note that whilst it levels some criticism at aspects of the applicants reports i.e. the site clearance and asbestos removal costs, the lack of specific targeting of the holiday and leisure markets or possible operators of holiday villages, its overall conclusions are that the re-use of the site for holiday or tourist type uses is not a viable proposition. Overall, the marketing is considered to have been robust with the (high) cost estimates for refurbishing the existing buildings appearing reasonable. The applicant's conclusions that alternative holiday lodges or self-catering static caravans are not viable are found to be appropriately evidenced and again robust. To test the applicant's submitted evidence, Adams Integra carried out sensitivity testing of the applicant's findings using significantly lower site clearance costs and higher gross/completed development values. Despite this, the conclusion is reached that the residual site value still falls considerably below an appropriate benchmark or threshold land value considered necessary to make redevelopment for holiday or tourist uses financially viable.

- 8.15 Officers have considered the viability and marketing information carefully in light of the reports received and the separate concerns of Earnley Parish Council in this regard at para 6.2 (under 'Further Comments received 16.08.2018'). Earnley PC is concerned with the price of the land on offer (i.e. that this price is inflated) and has suggested that the site should be valued on a sui generis basis rather than a Use Class C3 basis. It is not considered that this would be a correct approach as the site has a C3 use class (albeit restricted to holiday use only). The approach taken by the applicant's in terms of a marketing price which reflects the use restriction within Use Class C3 and the condition of the existing buildings is accepted by Adams Integra. Earnley PC suggests that that the site does work financially as a static caravan park where individual plot values approach £30k. However, this is contrary to the Adams Integra assessment for the Council which is that it would take a 200% increase in plot values and a 66% reduction in the site clearance costs to make it financially viable to redevelop the site for holiday use.
- 8.16 Attention is also drawn to the comments from the Council's Economic Development Service (EDS) which accept the conclusions of the Adams Integra report. EDS correctly identifies that tourism and holiday accommodation are key parts of the District's economy, particularly on the Manhood Peninsula and so the loss of any site to an alternative use must, therefore, be subject to careful scrutiny. It is considered that the applicant has undertaken what is required by the Local Plan to demonstrate that the South Downs Holiday Village is not a viable proposition going forward for continued holiday use. It appears that a combination of the deteriorating condition of the ageing buildings, the cost of refurbishing or completely removing them, the small overall size of the site, competition from alternative well established, better equipped and arguably better located holiday operators have all proved to be a disincentive to potential investors. Officers, therefore, conclude on the second issue in the context of CLP 30 that the applicant has satisfactorily demonstrated that the site can no longer make a positive contribution to the economy and that as a brownfield site it is acceptable to consider its use for other uses including residential use.

THIRD ISSUE

- 8.17 Additional traffic movement arising from a residential re-development of the site is potentially a key issue on this application, as it was when the application for the 110 dwellings on the adjacent site south of Clappers Lane was considered. The Committee will note the comments of WSCC Highways (paragraph 6.7) which is to raise no objection to the application. The site is anticipated to generate an additional 31 two way vehicle movements in the AM peak and 40 two way vehicle movements in the pm peak. A discount of 20 AM and 20 PM trips for the current use has been incorporated into the above assessment. WSCC's assessment is that the site access, Bracklesham Lane(B2198)/Clappers Lane junction and the B2179(Stocks Lane)/B2198 junction would all continue to operate under capacity following the development. The A286 / B2201 Selsey Tram junction is predicted to be over capacity in the future year scenario with an additional 1.8 vehicles in the queue and a 2 second delay. However, junction improvements there have been the subject of previous S106 contributions with further funding included within the Chichester CIL Spending Plan 2019/24. The works to the Selsey Tram junction are scheduled to take place in 2020-21. WSCC have concluded that the generated flows would not have a material impact on the operation of the local highway network.

- 8.18 In terms of mitigating the impact of the additional traffic on the A27, Highways England has confirmed that it has no objection to the proposals, subject to the developer making a contribution in line with the formula established by the SPD, which the developer has agreed to do. In addition, the developer has agreed to pay a contribution of £5,000 towards sustainable transport options by enhancing cycling infrastructure along Bracklesham Lane and Clappers Lane with new road markings and signage.
- 8.19 In terms of the potential negative impact of increased vehicle movements from the development through the Earnley Conservation Area, an issue raised by Earnley Parish Council, WSCC Highways has provided a response at paragraph 6.7. It identifies that as the majority of trips will either be directly accessing Bracklesham Lane and the majority of those leaving the site from Clappers Lane will be travelling west bound, a financial contribution towards traffic calming measures in the Conservation Area is not warranted by the findings of the transport assessment.
- 8.20 On the highways issues, therefore, officers are satisfied that the development would not have an unacceptable impact in highway safety terms and that the residual cumulative impact on the road network would not be 'severe' which is the test that the NPPF requires to be passed in order for a proposal not to be refused.

OTHER MATTERS

- 8.21 Foul Drainage - Network capacity issues raised by East Wittering and Bracklesham Parish Council and reflected in the consultation response from Southern Water are an important consideration, but do not amount to an objection to the outline planning application. The developer will be required to demonstrate that the total net increase in outflows from the site are catered for in terms of any necessary upgrades to the off-site infrastructure. An appropriately worded condition is attached to the recommendation in this regard. As is the case with most new development which discharges to the public sewer, this will also need to be secured by a separate agreement between the developer and Southern Water as the statutory undertaker to ensure that the development can be satisfactorily drained.
- 8.22 Surface Water Drainage - subject to an appropriately worded condition, both the Council's Drainage Engineer and the WSCC Flood Officer have raised no objection to the application in this regard.
- 8.23 In terms of archaeology, land contamination, ecology and recreational pressure issues at Chichester Harbour SPA, the level of impact arising from the development based on the consultation responses received is considered capable of being acceptably managed through the imposition of appropriately worded conditions and where necessary via a contribution through the section 106 agreement.

Significant Conditions

8.24 A full schedule of conditions and informatives is proposed at the end of this report. Further detailed information is required by condition on surface water drainage and foul drainage. Whilst 'layout' is not a matter for consideration under this outline application, the illustrative layout that has been submitted has been worked up in some degree of detail and officers are minded to recommend a condition which requires the subsequent reserved matters to have regard to it. This is particularly in respect of elements such as the siting of the proposed bungalows fronting Clappers Lane and the principle of the two separate access points to the site not being linked with an internal through road (for vehicles) as this forms the basis upon which the transport assessment has been modelled.

Section 106 Agreement

8.25 This proposal requires a s106 agreement to make the development acceptable. Drafting of the agreement is underway and will be subject to the following heads of terms;

- 30% affordable housing (26 units)
- A27 mitigation payment (£276,080)
- Cycle infrastructure contribution (£5,000)
- Real Time Passenger Signs at the north and south bound Clappers Lane bus stops on Bracklesham Lane (this matter remains under discussion)
- Highway works - tactile paving and dropped kerbs Clappers Lane/Bracklesham Lane
- SUDs management and maintenance
- Open Space - management and maintenance
- Chichester Harbour SPA mitigation (formulaic but based on final housing mix)

8.26 This development is liable to pay the Council's CIL charge. The site is located in the south of the district where the charge is £120 per square metre of floorspace.

Conclusion

8.27 The proposal is for 85 dwellings in Bracklesham Bay on a 'brownfield' site which it has been necessarily demonstrated to the satisfaction of officers is no longer a viable proposition as a catered chalet holiday park or for an alternative holiday/tourism use. The site lies outside, but adjacent to the settlement boundary. It does not occupy an isolated or open countryside setting being enclosed on 3 sides by existing development and Bracklesham Lane on the other. Although the site lies outside the settlement boundary, officers give significant weight in the planning balance to the fact that it lies very close to it and is adjacent to existing residential development.

- 8.28 The loss of a longstanding holiday park is regrettable but the reality is that the site has been in decline for a number of years and is suffering from a lack of maintenance with tired and deteriorating buildings as a consequence. The absence of any alternative holiday park operator or other tourism use coming forward, despite a credible marketing campaign effectively leaves the site in limbo, a situation acknowledged by the Council's Economic Development Service.
The alternative proposal now before the Committee would contribute 85 dwellings to the current 5 YHLS on a very contained site with no adverse landscape, heritage, wildlife or infrastructure impacts.
The proposal would not adversely affect the character and appearance of the area and may even enhance it, subject to the subsequent approval of reserved matters and it would not cause harm to neighbouring amenity.
- 8.29 Whilst the proposals are not fully compliant with Policies 2 and 45 of the Chichester Local Plan, any conflict is considered acceptable, having regard to the circumstances set out above. The development represents a reasonably sustainable development which has properly taken into account the environmental, economic and social issues. The site is sustainably located, adjacent to a settlement hub which ranks second only to Chichester in the settlement hierarchy in terms of providing a reasonable range of employment, retail, social and community facilities.
- 8.30 Based on the above it is considered the proposal complies with development plan policies 1, 4, 8, 9, 33, 34, 39, 49, 50 and 54 and, therefore, the application is recommended for approval.

Human Rights

In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate.

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

1) (i) Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 01 DR-A-004 REV P01; 17013-RFT-00-01-DR-A-0001 REV P12; LLD1119/02 REV 00.

Reason: To ensure the development complies with the planning permission.

4) Notwithstanding that 'layout' is a reserved matter, the development hereby permitted shall not be constructed with an internal road for vehicular traffic which connects the site access points at Bracklesham Lane and Clappers Lane.

Reason: To ensure that the resultant distribution of vehicular traffic from the development accords with the transport modelling submitted with the application in the interests of road safety and the impact on the local road network.

5) Notwithstanding that 'layout' is a reserved matter, the general pattern of development shall reflect that shown on the submitted Site Layout Feasibility drawing in terms of the number of dwellings being served by the separate access points on Bracklesham Lane (64 dwellings) and Clappers Lane (21 dwellings).

Reason: To accord with the terms of the application regarding the transport modelling considerations and to ensure that the resultant distribution of traffic from the 2 no. accesses has an acceptable impact on the operation of the local road network.

6) The development hereby permitted shall be designed and constructed to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029, unless any variation to the requirements of this policy are specifically agreed in writing by the Local Planning Authority.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the principles of sustainable development as set out in the NPPF.

7) **No development/works shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. 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.

8) **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. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details.

Reason: To ensure the efficient maintenance and on-going operation of the SuDs system and to ensure best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

9) **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 and submitted to, and approved in writing, by the Local Planning Authority. The manual shall include details of the 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 that the drainage system continues to function effectively and to prevent flooding.

10) **Before the development hereby permitted is begun**, a scheme showing the proposed means of foul water disposal including all necessary on-site and off-site works shall be submitted to and be approved in writing by the Local Planning Authority, in consultation with Southern Water. Before any phase of the development is first occupied all the off-site works within the approved foul water drainage scheme shall be carried out and completed in full and all the on-site works for that phase of development shall be carried out and completed in 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.

11) If the Phase 1 report submitted identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

12) If the Phase 2 report submitted identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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.

13) **No development shall commence** until;

- i) an assessment of the risks posed by any ground gases and/or vapours has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with relevant guidance, and
- ii) Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.

Thereafter, unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development is first occupied/brought into use.

Reason: The site is located in an area with the potential to be affected by ground gases and vapours and therefore compliance with local and national policy must be ensured.

14) **No development shall commence** until full details of the specification and location of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The development will thereafter proceed only in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development benefits from appropriate infrastructure. This is required prior to commencement to ensure all appropriate infrastructure is installed at the groundworks stage.

15) **No dwelling shall be occupied** until any disused crossovers and/or accesses no longer required as part of the development have been permanently removed and reinstated in accordance with Highway Authority specifications to be submitted to and approved by the Local Planning Authority in consultation with the WSCC as the local highway authority.

Reason: To ensure that any access points not required to serve the development are permanently removed in the interests of road safety.

16) Notwithstanding the Travel Plan details submitted with the application, **no dwelling shall be occupied** on site unless and until revised details have been submitted to and been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Once approved the Travel Plan shall be carried out in accordance with those details.

Reason: To ensure that the development delivers suitable alternative sustainable transports options to the private car.

17) Notwithstanding any information submitted to the contrary with the application **no part of the development shall be first occupied** until such time as the vehicular access from Clappers Lane has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the access provides for satisfactory visibility in the interests of road safety

18) **No dwelling hereby permitted shall be first occupied** until such time as the 2 no. vehicular accesses serving the development from Bracklesham lane and Clappers Lane have been constructed in accordance with the approved drawings.

Reason: In the interests of road safety.

19) **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.

20) **Prior to development commencing** a Construction Management Plan (CMP) shall be submitted to and be approved in writing by the Local Planning Authority after consultation with WSCC as the local highway authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities and details of their operation and location;
- Details of street sweeping;
- construction working times including delivery times;
- details of a means of suppressing dust arising from the development;
- details of all proposed external lighting to be used during construction;
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
- Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
- Evidence of consultation with neighbours prior to works commencing.
- Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.
- A Section 59 Agreement.

Details of how measures in the CMP will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints and shall be available on site and their availability made known to all relevant parties.

Reason - To ensure safe and neighbourly construction in the interests of amenity and road safety.

INFORMATIVES

1) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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

3) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

For further information on this application please contact Jeremy Bushell

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Parish: Westhampnett	Ward: Lavant
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WH/18/01024/REM

Proposal Approval of reserved matters in respect of pedestrian and cycle access, appearance, layout, scale and landscaping (including SUDs and pumping station) following outline planning permission 15/03524/OUTEIA for residential development comprising up to 300 residential dwellings, including an element of affordable housing, with vehicular access from Stane Street and Madgwick Lane, associated landscaping, a community facility, open space and children's play space, surface water attenuation and ancillary works (EIA development).

Site Land North Of Stane Street Madgwick Lane Westhampnett West Sussex

Map Ref (E) 487830 (N) 106239

Applicant Mrs Aaron Wright

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

Significant application on which Officers consider decision should be by Committee

2.0 The Site and Surroundings

- 2.1 The application site lies to the east of Chichester city, between Chichester and Westhampnett. The site is bordered by Stane Street to the south and Madgwick Lane to the north.
- 2.2 The Grade II listed buildings in the vicinity comprise Old Place Farmhouse, a C17 farmhouse, (now 3 cottages) to the north of the proposed access from Old Place Lane; 33 and 34 Madgwick Lane, a 'Dukery' type two storey mid C19 coursed stone building fronting Madgwick Lane to the south of the proposed access and Westhampnett Mill House which is a red brick property dating from 1772 positioned just to the south of The Sadlers access, to the south of the site.

3.0 The Proposal

- 3.1 This application, which is for the approval of reserved matters, proposes 300 dwellings and associated works, including pedestrian and cycle access, allotments and landscaping. The application follows the outline planning approval 15/03524/OUTEIA, which confirmed the points of vehicular access into the site from Stane Street and Madgwick Lane. It also set the parameters of the development, including the number of dwellings, the range of building heights and densities and the provision of a community facility.
- 3.2 The 300 dwellings range in size from 1 bed 2 person apartments to 4 bed 7 person detached houses. 90 dwellings (30%) are proposed as affordable, with 63 of these for affordable rent and 27 for shared ownership. The affordable dwellings are distributed around the site.
- 3.3 The majority of the dwellings are proposed as two storey properties, with a small number of 2.5 storey dwellings (14no.) to be located in the middle and south western parts of the site. The dwellings would be mostly faced in brick or flint, with a small number of painted brick dwellings. Roofs are proposed as natural slate or tile. Some properties would have tile hanging, chimneys, porches and / or bay windows, some with contrasting brick detailing in a plinth or course detail, or window surrounds. All 2+ bed properties and 1 bed ground floor apartments would have a private garden.
- 3.4 Each dwelling would be allocated parking space(s) according to its size, either on plot on a driveway in a garage or immediately adjacent. In total, there would be 671 parking spaces, plus 38 visitor spaces and 13 parking spaces for the allotments. It is intended that the road layout will be adopted, apart from the short sections of private drive serving a handful of properties.

- 3.5 The layout includes a perimeter route, which would be suitable for cyclists and pedestrians. A new footway is proposed in the far south east corner to connect the site and the allotments to St Peter's Church, and a new footway and crossing point is shown on Madgwick Lane to access the sports area and recreational route along the River Lavant. Additional sections of footway and crossing points are shown along the southern boundary, connecting the site to the existing footway and cycle routes and bus stops along Stane Street.
- 3.6 A key feature of the proposed layout are the green buffers to Madgwick Lane and Stane Street. The Madgwick Lane buffer, The Ride, is a 12-32m wide belt of landscaping, including existing boundary hedging, an oak tree to be retained, new hedging and native trees, and swale features. The Ride area then increases to a depth of some 50m to the south of the Madgwick Lane access, to accommodate a pumping station with associated access and landscaping. The dwellings are set a minimum of 20m back from the edge of the site and 22m back from the edge of Madgwick Lane. The Stane Street frontage is a similar depth to the Ride close to the main vehicular access, narrowing to approximately 8m as Stane Street curves towards the roundabout. This area is proposed for landscaping and swales for surface water drainage.
- 3.7 The south west corner of the site lies within flood zone 2 and is therefore reserved for the primary SUDS pond and informal recreation and landscaping. A planted buffer of approximately 3m depth is shown to the eastern boundary.
- 3.8 Two public spaces are proposed, one in the northern part of the site and another towards the south. The southern of the two is the focus for the active play space while the northern public space is landscaped for more informal recreation and its amenity value. Allotments are proposed in the south east corner of the site.
- 3.9 The application is accompanied by a suite of supporting documents, including a noise assessment, affordable housing strategy, landscape and open space management plan, transport assessment with travel plan and pumping station technical note.

4.0 History

15/03524/OUTEIA	PER106	Residential development comprising up to 300 residential dwellings, including an element of affordable housing, with vehicular access from Stane Street and Madgwick Lane, associated landscaping, a community facility, open space and children's play space, surface water attenuation and ancillary works.
15/03884/OUT	PER106	Outline application for the provision of playing fields with associating changing facility, access, parking and linear greenspace. Access from Madgwick Lane.

17/01221/DOC	DOCDEC	Discharge of conditions 4 and 5 of permission WH/15/03524/OUTEIA.
17/02823/DOC	DISCHA	Discharge of conditions 6, 7, 8, 10, 13, 16 and 21 permission WH/15/03524/OUTEIA.
17/03425/ADV	PER	1 no. non-illuminated "Land Acquired" V-Sign at the Barratt David Wilson Homes site to be known as Madgwick Park.
18/00751/DOC	PER	Discharge of Condition 11 of Outline Planning Consent WH/15/03524/OUTEIA.
18/01003/FUL	PCO	Vehicular access off Madgwick Lane to allow access to pumping station.
18/01023/REM	PCO	Approval of reserved matters in respect of pedestrian and cycle access, appearance, layout, scale and landscaping for one playing pitch and associated changing facility, car parking and temporary access via Old Place Lane following outline planning permission 15/03884/OUT.
18/01024/REM	PDE	Approval of reserved matters in respect of pedestrian and cycle access, appearance, layout, scale and landscaping (including SUDs and pumping station) following outline planning permission 15/03524/OUTEIA for residential development comprising up to 300 residential dwellings, including an element of affordable housing, with vehicular access from Stane Street and Madgwick Lane, associated landscaping, a community facility, open space and children's play space, surface water attenuation and ancillary works (EIA development).
18/01046/DOC	DISCHA	Discharge of Conditions 12, 15, 18, 20, 22 and 24 of planning permission WH/15/03524/OUTEIA.
18/01895/DOC	PCO	Discharge of condition 4, 5, 7, 8, 10, 11, 12, 13, 15, 17, 18, 20 and 21 from planning permission WH/15/03884/OUT.

5.0 **Constraints**

Listed Building	Setting
Conservation Area	No
Rural Area	Yes
AONB	No
Strategic Gap	No
Tree Preservation Order	No
- Flood Zone 2	Yes
- Flood Zone 3	No
Historic Parks and Gardens	No

6.0 **Representations and Consultations**

6.1 **Westhampnett Parish Council**

The Parish Council comments are a mixture of support, objection and requests:

Layout

The Parish Council supports the proposals for:-

- Parking: 671 spaces for 300 dwellings + 38 visitors' spaces + 14 additional spaces for the allotments with these 14 to be managed by the Parish Council.
- Garage sizes: 6m x 6m for a double garage; 3m x 6m for a single garage.
- Social housing distributed throughout the site rather than being concentrated together.

Footpaths

1. The proposed 2m wide footpath linking the eastern end of the site to the St. Peter's Church was introduced following consultation with the Parish Council and is fully endorsed by the Council. It is required to ensure safe access for pedestrians to both church and school. The Parish Council hopes that WSCC will adopt the proposal and that funding can be allocated from CIL contributions being paid by the developer.

2. The footpath connection across Madgwick Lane at the north-east corner between the site and Stocks Lane has been omitted from the proposals under consideration. The Parish Council would like to see this provision re-instated. It forms an important link for walkers and cyclists to the South Downs, via Lavant, as identified in the Council's developing Neighbourhood Plan.

Pedestrian Crossing

An additional pedestrian crossing point across Stane Street with a central reservation is requested. The crossing to be located between the bus stop on the south side of Stane Street and Madgwick Park on the north side, to permit safe crossing for pedestrians, including school children, using buses into Chichester.

Bus Stop

An additional bus stop on Stane Street, located on the northern side, at the eastern end of the site (opposite the allotment area), is requested. This would encourage the use of public transport in line with government policy. The next available bus stop on that side is a long way further on, just before The Grange.

Appearance

Materials proposed include references to 'Flint stone' for the houses and 'Flint cobblestone' for garden/boundary walls. Westhampnett has a considerable number of traditional flint built dwellings, many of which have listed building status, and flint garden walls. This is not an area of flint stone or cobblestone and the Parish Council is opposed to such being introduced, it being out of character with the local area. Any flint walls should be constructed with knapped flints, pointed with a lime mortar and if prefabricated blocks are used, these should be irregular shaped, not rectangular, with joints/spaces infilled with knapped flints using lime mortar.

Lighting

The Parish Council wishes to be consulted when proposals for footpaths, street and road lighting are considered. This is a semi-rural area which is close to and can be viewed from the South Downs, which have dark night sky status.

Landscaping

It is noted that detailed proposals for the eastern boundary of the site between the development and the Lanburn Stud are still being finalised. The Parish Council would like to be notified of these when negotiations have been completed.

The Parish Council endorses the proposals for the boundary hedges and hopes that:-

- All remaining existing hedgerows will be protected prior to development on site commencing.
- Planting of new/infill hedgerows will be undertaken at the commencement of the development, to allow these to establish as soon as possible.

Site Management

- Site security during construction will be an issue.
- Road cleaning - it is noted that the proposals include wheel-washing for construction vehicles at the Stane Street entrance and roads to be swept 3 x per day.
- Access to the sales offices will be off Madgwick Lane.

Further comments

I am pleased to be able to report that the Parish Council are in favour of the offer of allotments for the Parish, and are very grateful to be able to have this amenity.

They would wish to own the land, and manage and maintain the allotments, and associated car park, toilet block, water butts and fencing.

The current design of larger and smaller plots is thought to be a sensible size and number for the parish, and the provision of the toilet block is essential.

The only concern raised is that of the security of the car park, especially as in the very recent past the Parish has been subjected to illegal encampments by travellers. The location of the car park, being opposite the travellers transit site, leaves it open to misuse by them and also by others, and the Parish Council asks if the fencing could be continued around the whole piece of land, with locked gates as allotment holders are used to having keys to gates at other sites. If that is not possible perhaps a low fence at the entrance to the car park with flip down key operated bollards in the road?

6.2 Ministry of Housing Communities and Local Government

No comments to make on the environmental statement

6.3 Historic England

No material changes, see comments from 9 May 2014

Refer to the Planning (Listed Buildings and Conservation Areas) Act with regard to the setting of listed buildings.

Previous comments of 9 May 2014, summarised

Principally concerned with the setting of the Grade II* St Peter's Church. Due consideration to be given to grade II listed buildings and their settings.

The scattering of listed and historic buildings surrounding the application site are remnants of an old agricultural and early industrial landscape and include the grade II* church, the grade II listed old vicarage, now 'Churchview', Old Place Farm, Westhampnett Mill House and Westhampnett Mill, along with estate workers' cottages associated with nearby Goodwood. English Heritage considers that the application site, currently open fields, forms part of the rural context for these buildings, and therefore contributes to their significance.

The EIA identified that the development would be harmful (in some case quite severely so) to the setting of designated heritage assets.

St Peter's is a rural Saxo-Norman parish church which sits in a secluded churchyard with mature planting and boundary walls enclosing it. It is separated from the application site by the old vicarage (grade II). Currently glimpses of the spire are possible around the site which may be further constrained by the proposed development. Notwithstanding later development in the area, the building continues to be appreciated as a rural parish church in a remnant agricultural landscape. While EH and the EIA differ on the degree of significance that the Church derives from its setting, I do conclude that the level of harm that would be caused to it is likely to be less than substantial, and should therefore be assessed under NPPF paragraph 134.

We defer to your own authority to assess the impacts to grade II assets which, because of their closer proximity and more limited vegetative screening, are also likely to suffer harm. We draw your attention to NPPF paragraph 137.

We recommend the advice of the County Archaeologist is sought in relation to buried undesignated archaeology at this site.

6.4 Southern Water

The comments dated 30/11/15 remain valid for this application.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

Comments dated 30/11/2015, summarised

There is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity. Section 98 of the Water Industry Act 1991 applies. Connection to the public sewerage system should only be permitted if it can be demonstrated that there is adequate treatment and sewerage capacity available to serve the development. Southern Water is progressing a significant investment scheme to upgrade the existing Tangmere Wastewater Treatment Works in order to deliver additional treatment capacity. The current delivery date of this scheme will be 2017.

The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. No new drainage features should be located within 5m of a public gravity sewer, rising main or water main. Advice is given on landscaping proposals.

Further comments

The wastewater pumping station will be built as per Sewers for Adoption. Tanker numbers and frequency will be determined following further monitoring based on the build out rate.

Routine servicing would generally be carried out by an Engineer in a van. Alarms for the pumping station will be generated via telemetry. Subsequently, 24/7 access is required to the pumping station in order to investigate and rectify alarms and equipment failures. Tanker access would be required for the duration of the pumping station service life for maintenance and break down purposes

Strategic pipeline programme:

Phase 1 & 2 - Tangmere works to Westhampnett pumping station, including construction of the first and second new pumping stations (total of approx. 6km of sewer). Work is starting January 2019. Completion is scheduled by April 2020 (total of 65 weeks).

Phases 1, 2 & 3 - Tangmere works to West of Chichester pumping station, including construction of the first, second and third new pumping stations (total of approx. 10km of sewer). Work is starting January 2019. Completion is due by July 2020 (total of 78 weeks).

6.5 Sussex Police

Refer to previous letter dated November 2015 (15/03524/OUTIE). Comments remain extant including on the following matters:

- The location of leisure areas requires careful consideration, providing natural surveillance, appropriate boundaries, landscaping and lighting External cycle storage should be located close to the occupied buildings as possible, with suitable anchoring points
- Footpaths must not be any narrower than 2m wide, wider where people may congregate
- Low planting is recommended by paths, planted at a suitable distance from the path to avoid pinch points and areas of concealment
- Paths should benefit from good natural surveillance
- Lighting throughout the development is an important consideration
- Consideration should be given to the possibility of drivers cutting through the site when traffic is busy especially around Goodwood Events

Further comments

Footpaths should be straight, wide and well lit, be overlooked and avoid potential hiding places. Routes for pedestrians, cyclists and vehicles should be integrated to provide a network of supervised areas to reduce crime and antisocial behaviour. Physical barriers may also have to be put in place where 'desire' lines (unsanctioned direct routes) place users in danger, such as busy road junctions.

Advise a footpath connection to the public right of way to the north.

There are concerns about the siting of the crossing over Madgwick Lane due to road speeds and visibility.

There is no footpath on the western side of Madgwick Lane between the Sadlers and Old Place Lane for access to the sports provision, and no lighting proposed.

6.6 WSCC Highways

In summary, the general principle of the arrangement is acceptable. There are a few changes that are required:

From the Highway Layout Review drawings, it's apparent that the majority of carriageways and footways are to be offered for adoption as public highway. The layout has therefore been reviewed in terms of the suitability for adoption as public highway.

In terms of the general principles, the carriageway (4.8 to 5.5 metres) and footway (2metres) widths comply with the advice within Manual for Streets. The layout includes a mix of segregated carriageways and footways along with shared surface streets with no defined carriage or foot ways. Again, the general principle of this arrangement is acceptable.

It would be more preferable and more in keeping with MfS to design the short lengths of no through roads as junctions as crossovers. This then gives greater priority for pedestrians over vehicular traffic. The transition from segregated to shared surfaces will need to be considered in more detail. The use of ramps may require the detailed drainage design to be updated. Shared surfaces should use a different, contrasting material to adopted highway, such as block paving.

The vehicular access onto Stane Street does not accord with that approved as part of the outline permission, notably the pedestrian footway on the western side has been removed. The RM plans should be updated to reflect the approved arrangement or the approved outline drawings varied to reflect the arrangement now shown.

The pedestrian access at the south-eastern corner of the site doesn't connect to the footway on Stane Street. The drawings should be revised to ensure a continuous route.

At the southwestern corner of the site, near to the Resort Hotel Roundabout, a link is shown onto the existing pedestrian/cyclist unsegregated route that runs alongside Stane Street. The link between the existing route and the site is however shown outside of the planning application red edging although this is entirely within the public highway. Confirmation is required that this link will form part of the application.

Landscaping plans will need to take into account visibility splay requirements.

Potential parking demands have been viewed against the WSCC Parking Demand Calculator. The calculator is forecasting a greater demand (748 spaces) than is being provided for (709 spaces).

This is due mainly to the actual provision for visitor parking (38 spaces) being much less than the forecast demand (60). With visitor parking, it's accepted that this is generally short stay and doesn't necessarily need to use visitor parking spaces; visitors to specific dwellings could use that plots allocated parking if available. It's also noted that more allocated parking is being provided to certain units than strictly required by the calculator. On balance, the approach applied to parking is appropriate. For those lay-by spaces within verges, a 1 metre hard margin should be installed. This then ensures those entering or exiting vehicles do not do so onto a soft or slippery verge.

Further comments

Note the western footway at the Stane Street access is missing from the plans, in conflict with the outline approval.

Pedestrian and cyclist access in the south west corner and pedestrian access in the south east are to be delivered in full.

A 1m hardstanding around the back edge of laybys (if abutting verge) is required wherever possible.

The pedestrian link to north to bridleway was intended to provide a connection to the bridleway (Stocks Lane) opposite. Due to difficulties in achieving the necessary visibility in light of the speed of traffic, it is not possible to deliver a safe crossing point. This connection is now not proposed. Whilst desirable to provide this link, given that there are safety reasons for not providing it, the non-provision is supported.

Materials and finishes for potentially adoptable areas will be approved as part of any future road adoption agreement. No further conditions are necessary.

6.7 CDC Conservation and Design

Nearby listed buildings include 33 & 34 Madgwick Lane; Old Place House, and Westhampnett Mill House.

No objection raised in principle. Overall design approach is a modern interpretation of the Sussex Style. Advice given to improve scheme details:

- Connectivity to bridleway to north
- Quality facing materials required
- Roof details, include overhang
- Timber or aluminium sash windows preferred, larger bays
- Improve the variety of architectural features on corner plots
- Better landscape features expected, with semi-mature trees, meaningful community spaces and additional street landscaping to offset hard surfacing

The whole estate needs a distinct step-change to upgrade the overall appearance, or risks looking bland and unconvincing

6.8 CDC Contract Services

There is an excessive amount of reversing distances required to service the site, prefer linking up the hammer heads to serve the site in a forward gear where possible.

Road surfacing should be suitable for vehicles up to 26 tonnes, advise the use of highway specification surfacing if using block paving.

Parking restrictions are advised along the roads to prevent access being obstructed for refuse vehicles.

One waste and one recycling bin are required per property. Collection points are acceptable.

6.9 CDC Environment

More information is required on biodiversity enhancements

Further comments

Pleased to see inclusion of green infrastructure and networks into revised plans and wildlife improvements on site within the Landscape Management and Mitigation Plan. More information and clarification is requested on the management of vegetation and habitats during the construction phase, use of a lighting scheme to protect bats and management and the monitoring of habitats on site post construction.

6.10 CDC Environmental Health (Noise)

The acoustic mitigation measures proposed are sufficient in my opinion in respect of noise from the Motor Circuit, aerodrome and road traffic. They have considered all levels of noise from the circuit and proposed mitigation for all except the unsilenced historic racing which occurs on 5 days a year.

As no mitigation is proposed for the Historic Racing at the circuit, I would agree with the comment made by the acoustic consultants, that prospective purchasers should be made aware of the proximity of the circuit and the fact that there are 5 days of unrestricted racing every year. I would extend this to advise on the fact that there is major traffic disruption from both the Historic Racing events at the circuit and the Festival of Speed at Goodwood House.

6.11 CDC Housing

The policy quota of 30% affordable units is met (90 dwellings/300).

The affordable rent 3-4 bed sizes and shared ownership mix is to be amended to comply with the SHMA and local needs. Advise the nine 4-bed shared ownership units are instead provided as 1 and 2 bed houses.

Units are small, some don't meet DCLG minimum sizes. Two of the 1 bed ground floor units should be increased in size to be adaptable for disabled occupiers.

The location of the 4 bed units should be confirmed. These are likely to be occupied to full capacity with potentially a large total number of children so these units must not be concentrated in one area of the site. The

The dwellings must be tenure blind. Affordable units are to be transferred to a Registered Provider/Approved Body.

A small adjustment is required to the market mix to comply with the SHMA.

Further comments

The latest housing mix, as set out in the schedule dated 13 August 2018 is acceptable now that the 4 bedroom shared ownership units have been substituted for 2 and 3 bedroom units. It is a disappointment however that units are sized to DCLG Technical standard minima, so that, other than the principal bedroom, bedrooms are only singles. A small increase in size would have provided many more bed spaces and more flexibility.

The pepper potting of the affordable and market housing is generally acceptable, but as 4b units are likely to be fully occupied with large numbers of children/teenagers in a single location, I would like to see their groupings in the SW and SE corners broken up.

6.12 Chichester Society

The layout and design lack interest of outline scheme and references to local character

Support other objections on paucity of village green and changes to recreational area access.

6.13 7no. Third party letters of objection, relating to:

- a) The village green is just a small play park for the children not an area for the entire village;
- b) Disregarding previous planning strategy
- c) The 1.5m "buffer" to the east provides only a token landscaping zone to the adjacent land and should be increased;
- d) An agreement has been reached with the applicant to provide a 2m high solid fence with a 0.4m trellis on top and this should be confirmed;
- e) The design of the proposed fencing will not adequately deal with the impacts on the horses in the adjacent fields;
- f) Impact of the future occupiers of the houses with noisy activities, such as fireworks needs to be controlled;
- i) The types of plants used in the buffer strip should be appropriate for land next to the horses and not include plants such as Sycamore;
- j) The impact on houses on the wider countryside as will be viewed as a solid brick wall from the adjacent land;

- g) Houses are within the 400m exclusion zone to Goodwood Airfield;
- h) Noise from the development, including during construction needs to be controlled;
- k) The combination of the new road exit, the pedestrian access, the exit for The Sadlers and the sharp bend will increase the risk of accidents and potentially fatal personal injury;
- l) Insufficient and unsafe walking and cycling links that will mean that the development is not sustainable.
- m) The true sustainability of the proposed development alongside those of the National Park and Goodwood Estate have not been assessed;
- n) Any attempt to safeguard principles and respond to concerns were clearly set aside by the generic response of a volume house-builder to an available site;
- o) To date any design improvement appears to relate to the 'softer elements' of the scheme and layout only, and does not tackle the fundamental disappointment in the mundane nature of volume housebuilding as expected by the NPPF and there should be an analysis of the visual impact on the National Park;
- p) the planting proposed is not wide enough to provide the very solid landscape edge required of this edge of city site;
- q) The proposal makes no real attempt to increase bio-diversity, albeit the native hedge improvements will be of some benefit;
- r) a full construction method statement and traffic management plan must be submitted to and approved by the local planning authority: such management plan is to include a requirement of the developer to enter into regular discussions with the Goodwood Estate regarding the timing and duration of its events; and
- s) lack of notification of neighbouring properties.

6.14 1no. Third party letter of comment, relating to:

- a) Occupiers should be discouraged from using cars from the site due to the already constrained road network with cycling a good alternative and In an ideal world, a segregated cycle path is by far the best and happiest solution;
- b) Through the S106 or CIL process, Chichester District Cycle Forum would ask that WSCC Highways be allocated funds to review and improve the route from the site into the city.

6.15 Applicant/Agent's Supporting Information

Amendments and additional information submitted during the assessment process include:

- Revised housing mix, excluding 4 bed shared ownership units
- Alternative and additional materials
- More detailed plans of the sewerage pumping station
- Enhanced planting and amended plant mix along the eastern boundary
- Additional landscaping to buffer areas including The Ride and around the pumping station
- Visibility splays and planting
- Removal of the Living Wall advert at the Stane Street entrance
- Additional electric car charging points
- More explanation for the removal of the northern pedestrian access to the bridleway

- More information about the depth and profile of the swales
- Increased size of the equipped play area
- Amendment to the layout to accommodate a utilities easement

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Westhampnett Parish 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 4: Housing Provision
 Policy 7: Masterplanning Strategic Development
 Policy 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 10: Chichester City Development Principles
 Policy 13: Chichester City Transport Strategy
 Policy 17: Westhampnett/North East Chichester Strategic Development Location
 Policy 33: New Residential Development
 Policy 34: Affordable Housing
 Policy 38: Local and Community Facilities
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk and Water Management
 Policy 47: Heritage
 Policy 48: Natural Environment
 Policy 49: Biodiversity
 Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
 Policy 52: Green Infrastructure
 Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

- 7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2018), which took effect from 24 July 2018. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development and for decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

7.4 Consideration should also be given to paragraphs 7-10 (achieving sustainable development), 12 (presumption in favour of sustainable development), 38 (decision taking), 47 (determining applications), 54-56 (conditions and obligations), 59-62, 64 (delivering a sufficient supply of homes), 72, 73 (identifying land for homes, maintaining supply and delivery), 91, 92 (promoting safe and healthy communities), 96 (open space and recreation), 102, 103, 105, 108, 110 (promoting sustainable transport), 122 (achieving appropriate densities), 124, 127-130 (achieving well designed places), 148-150, 153 (planning for climate change), 155, 163, 165 (planning and flood risk), 170 (conserving and enhancing the natural environment), 175-177 (habitats and biodiversity), 180, 182 (ground conditions and pollution), 189-190, 192-194, 196, 197, 199 (proposals affecting heritage assets) and Annex 1 (implementation).

7.5 National Planning Practice Guidance (PPG) is a material consideration.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities which grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

- 7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD

- 7.8 Additional guidance documents relevant to the determination of this planning application include:

Planning Concept Statement Westhampnett/North East Chichester
Waste Storage and Collection Guidance
Planning Guidance Note 3

- 7.9 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
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- 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

Relevant Legislation

- 7.10 The following legislative provisions (with amendments where applicable) are material to this assessment:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Planning (Listed Buildings and Conservation Areas) Act 1990

8.0 Planning Comments

- 8.1 This application for the approval of reserved matters follows the grant of outline planning permission under reference 15/03524/OUTEIA on 7 June 2016. The outline planning permission confirmed the location, quantum and type of development and means of access for vehicles, and included parameter plans for land use and movement, density and building heights that followed from the approved masterplan. The outline planning permission also fixed the total of 30% affordable housing. This subsequent application concerns the reserved matters of layout (including housing mix), scale, appearance, means of access for pedestrians and cyclists, and landscaping.

8.2 The main issues arising are:

- i. Compliance with the approved plans from 15/03524/OUTEIA
- ii. Site layout
- iii. Housing mix and tenure
- iv. Noise
- v. Means of access for pedestrians and cyclists
- vi. Heritage
- vii. Landscaping (including drainage and ecology)
- viii. Sewerage

Assessment

- i. Compliance with the approved plans from 15/03524/OUTEIA

- 8.3 The outline application was approved with a detailed plan showing the two points of vehicular access and three parameter plans that demonstrated the broad principles of access and movement, density and building heights that would be carried forward into the reserved matters application.
- 8.4 The submitted plans for the reserved matters application accurately show the approved vehicular accesses. There are minor amendments to the detailed layout which have influenced the interpretation of the parameter plans, the main differences being the location and size of the open space and the removal of the pedestrian access point in the northern corner. The open space is now shown in two locations, the combined size of which exceeds the original plans. The split provision is considered positive in urban design terms and each area is provided for a different purpose (informal recreation or formal play space). The northern pedestrian access was considered to be unsafe by WSCC when this connection was reviewed through the pre-application process prior to the submission of the reserved matters application, due to the road geometry and speeds and presence of vegetation that was important to retain. As a result this connection point was removed from the scheme.
- 8.5 The building heights and density parameter plans were material in the outline application to the conclusions of the Environmental Impact Assessment. This is because they affect the setting of the development in its part rural part semi-urban context and location within the setting of listed buildings. The building heights range from 7.5m to 9m for the two storey properties and would be lower than the 9.5m maximum height on the parameter plan. The 2.5 storey properties are shown at 9.75m to ridge, compared to up to 10.5m on the parameter plan. The density plan included wide overlapping ranges in each area, with density rising from north to south, from 15dph to 40dph. The proposed plans fit within these parameters, with a range of densities proposed from 16dph to 34dph.

8.6 The outline application included a community facility, illustratively shown in the south east corner of the site. This facility was included in the outline proposal because at the time, there was not sufficient certainty that the community building for Westhampnett village would be delivered on the former hanging basket nursery site to the south of Rolls Royce. Officers are now satisfied that the community building will be delivered on the hanging basket site. The S106 agreement for the outline planning permission provided for this option and has secured funds from this Stane Street/Madgwick Lane site to be invested into that provision.

Allotments are now being proposed in this location, as an alternative community facility, which will be made available for local residents across the Parish. The allotments will be managed by Westhampnett Parish Council. This is considered to be a positive change and an additional facility that can be accommodated under the parameters of the outline planning permission.

ii. Site layout

8.7 Similar to the indicative scheme submitted at outline stage, the layout is structured around a hierarchy of roads and footways that curve through and around the site. This allows for a perimeter block approach to the layout of the dwellings. This arrangement is characterised by outward facing dwellings positioned back to back with enclosed rear gardens. The block layout and their sizes vary across the site, informed by the dwelling size and density in each area.

8.8 The dwellings are predominantly detached or semi-detached, with a small number of short terraces of three. Almost all the dwellings are provided with a private rear garden that meets or exceeds the CDC guidance of 10m depth, or a wider garden is shown. All gardens are to be enclosed for amenity and security and the perimeter block layout means that these rear boundaries will be discrete in the street scene. Each plot has access to their own garden.

8.9 Each dwelling has on-site parking or shared parking within a small parking court immediately adjacent to their property. This arrangement is best for security and the convenience of occupiers, and the layout allows for most properties with on plot parking to have a small landscaped area to the front of their property. Garages are either integral or set back from the principal elevation to give depth to the street scene. The WSCC Highways officer is satisfied with the parking provision, including the number and arrangement of visitor spaces.

8.10 The perimeter block design approach has created active frontages to the south, north and west site boundaries, and active elevations to almost all internal roads, junctions and public spaces. This is a clear positive feature of this proposal, as it provides multiple opportunities for interaction and natural surveillance, both within and outside the site. This is of particular importance for the public spaces, which are all well overlooked by nearby properties, and for the site edges, where the dwellings will engage positively within the streetscene.

8.11 The green spaces surrounding and within the site were significant features from the masterplan and are, therefore, important to the development layout. These comprise the Ride along the Madgwick Lane boundary, the informal green space and drainage pond in the south west corner, the buffer along the Stane Street frontage, the belt of additional planting along the eastern boundary and the play and recreational spaces within the site itself.

8.12 Both the Madgwick Lane and Stane Street boundaries soften and filter views into and out of the site, provide recreational space and opportunities for significant additional native planting including feature trees. These would complement the existing trees and hedging, the majority of which will be retained and enhanced with gaps filled.

The buffers require the dwellings to be set back into the site, providing a degree of separation between the occupants and road and commercial noise, and help to visually assimilate the development into this semi-rural context. The green space in the south west corner lies within flood zone 2 but the dwellings are set well back from the boundary, so as to be within flood zone 1.

8.13 The two main public spaces are located in the eastern part of the site, around 100m apart. The total area for the two greens is around 0.7ha, with additional small areas of open landscaping shown adjacent to the eastern site boundary, the larger of which connects the southern green to the allotment area. This gives a total of some 0.8ha. Each space is easily accessible for pedestrians or by bicycle. The southern green is identified for formal play space, and includes approximately 970sqm dedicated to equipped play, which accords with the SPD. The northern green is designed for informal recreation. Both include shallow swales and feature tree planting. The total area of informal play space meets the Supplementary Planning Document requirements and exceeds the minimum requirements set out in the S106 agreement from the outline planning permission. The play area equipment is predominantly wooden and the layout and equipment choices make good use of the changing ground levels. The equipment is considered to be suitable for a wide age range of children, and will be managed by the management company. The play space is well overlooked and is surrounded by low fencing for safety for younger children and to keep the play space separate from dog activity, as recommended by Sussex Police.

8.14 An allotment area is located in the south east corner of the site. This measures approximately 1,500sqm, plus a car park with 13 spaces and a toilet block. Allotments of a variety of sizes and two water points are shown on the landscaping plans. WPC has confirmed that it is happy to take this on and undertake all related management arrangements. The allotments benefit from good natural surveillance from adjacent dwellings and are in a location most easily accessible from the village.

iii. Housing mix and tenure

8.15 The outline planning permission established the overall provision of 30% affordable housing, 90 units out of the 300 total. The reserved matters application has been amended during the course of the assessment to ensure the mix and tenure arrangements better comply with the SHMA recommendations and local needs.

- 8.16 The 63 affordable rented units (70% of the affordable provision) comprise 10no 1 bed apartments, 21no 2 bed houses, 22no 3 bed houses and 10no 4 bed houses. This complies with the SHMA requirements and meets local needs. Within the mix, a range of dwelling sizes are proposed.
- 8.17 The affordable rented dwellings are clustered in groups of 3-11 of mixed sizes, in the southern two thirds of the site, with the largest grouping in the south west corner. The highest concentration of 4 bed affordable rented dwellings (4no.) is in the south east corner, adjacent to the allotments. The Housing Officer has requested that these are distributed around the site. However, it is considered that the additional garden and amenity space, and parking options available in the south east corner makes this location the most suitable for the larger units, as they are likely to be fully occupied (6 people per property).
- 8.18 The 27 shared ownership units (30% of the affordable provision) comprise 11no 2 bed houses and 16no 3 bed houses. These are mostly located close to the affordable rented dwellings, in groups of 2-4. The mix has been negotiated with the Housing Officer and focusses on the smaller dwellings that are in higher demand locally. The 30% shared ownership provision complies with the requirement in the new NPPF for at least 10% of new homes on major development sites being available for affordable home ownership.
- 8.19 The market mix of 210 dwellings consists of 70 no 2 bed houses (33%), 104 no 3 bed houses (50%) and 36 no 4 bed houses (17%). This is very close to the SHMA recommended mix of 35% 1 and 2 bed, 50% 3 bed and 15% 4 bed dwellings. The Housing Officer considers this mix to be acceptable. To accord with the density parameter plan, the largest concentration of larger dwellings (3-4 bed) are located in the northern part of the site. The sizes of the dwellings vary from 57sqm for the smallest 2 bed to 164sqm for the largest 4 bed (7 person unit), which provides a range of options for occupiers.
- 8.20 The affordable and market mix, tenures and distribution are considered to be acceptable and compliant with CLP policies 33 and 34, the Planning Obligations and Affordable Housing SPD and NPPF paragraphs 62 and 64. The S106 agreement will confirm the finer details of the provision, including accessibility standards and property management and maintenance arrangements to ensure the affordable units remain so in perpetuity, in accordance with the SPD.

iv. Noise

- 8.21 The site has the potential to experience noise from events and activities at nearby Goodwood Motor Circuit, adjacent commercial uses along Stane Street and road noise. Road noise, including from commercial uses along Stane Street, is the dominant source of noise. Additionally, the neighbouring land to the east is in equestrian use and there are residential neighbours, mostly towards the south west of the site, who would experience noise generated by the development. Representations have been received raising these concerns.

- 8.22 While the site will experience some noise from certain events at Goodwood, either directly or as a result of traffic, specialist technical reports that have been reviewed by CDC's Environmental Health officers confirm that there are no noise constraints that would prohibit or advise against development within the northern part of the site or adjacent to either Madgwick Lane or Stane Street. With regard to the 400m buffer highlighted in representations, paragraph 12.50 of the CLP identifies that this zone has been set due to existing noise control for the Motor Circuit which is based on the nearest dwelling, located 400m away. The CLP then advises that "it may be possible for limited development to occur within 400m of the Circuit, subject to any proposal demonstrating that there would be no adverse noise impact on the occupiers of the proposed housing development, and no adverse impact on building design or development layout resulting from proposed noise mitigation measures".
- 8.23 The proposed mitigation measures include siting the dwellings back from the highway with enclosed rear gardens, higher glazing specifications and alternative means of ventilation. The submitted report identifies that these measures will ensure that the noise experienced in habitable rooms does not exceed the British Standard maximum or World Health Organisation desirable maximum levels of 35dBLAeq during the daytime and 30dB LAeq/45 dB LAm_{ax} at night. External noise levels (private gardens) generally fall below the maximum standard of 55dBLAeq 16hr.
- 8.24 The EHO is satisfied that acoustic mitigation measures proposed are sufficient in respect of noise from the aerodrome and road traffic. The measures are also sufficient for the general operation of the Motor Circuit and 3 of the 4 categories of events held there. There are however 5 days of unsilenced historic racing events at the circuit each year. It is noted that these historic events occur on only 5 days each year and are well advertised. It would be unreasonable to require the development to be additionally constrained by the noise generated by these five annual historic racing events. In doing so, it would also mean that the development could not deliver the 300 dwellings anticipated by the Chichester Local Plan or expected by the approved outline planning permission. The submitted report advises that purchasers should be made aware of the existence of the five additional historic racing days each year, which the EHO agrees is sensible. Additionally, it is advised that awareness is also drawn to the traffic disruption that can occur in association with the Goodwood events. An informative is recommended to this effect. Recommended conditions can secure the implementation of the acoustic mitigation. On this basis, it is considered that the requirements in the NPPF are met (paragraph 180 and the associated Noise Policy Statement for England) and future residents will not experience unreasonable noise, nor would the local business be prejudiced by the additional residential development in this location.
- 8.25 Similarly, properties fronting Stane Street will be subject to the same mitigation to minimise the effect of noise from the commercial uses, including the Council Depot. The deep green buffers on both the Madgwick Lane and Stane Street frontages, will assist with reducing the perception of noise and disturbance to occupiers.

8.26 A fence up to 2.4m tall and additional planting will be installed along the eastern boundary to minimise the disturbance to the horses on the adjacent land. This buffer depth of 3m accords with the requirements of the S106 agreement, and the buffer and lower density development along the eastern boundary complies with the approved parameter plans. The close boarded eastern boundary fence has been extended across the open spaces abutting to the equestrian land to reduce the risk of dogs and children crossing into the adjacent land. Requested restrictions on fireworks are not a planning matter. It is considered that the proposal detail sufficiently minimises the effects of the development on the adjacent existing use.

8.27 The dwellings nearest the pumping station are sited to ensure habitable rooms are no closer than 15m from the equipment. This accords with Southern Water's requirements for this type of equipment. Tanker movements and the pumping process will likely generate some noise for adjacent dwellings, but due to the programme of development and the delivery of the strategic pipeline, and the size of the tankers (typically 3500 gallons), the frequency of visits and associated impacts will be relatively low.

The pumping station will be built to Sewers for Adoption standards and will be operated by Southern Water. Tankering will then only be required in emergencies once the strategic pipeline is operational, and the 15m buffer will be sufficient to mitigate for the potential noise impacts on nearby dwellings.

8.28 In conclusion on this issue, the noise impacts of the development will fall within acceptable limits taking into account the proposed mitigation, policy requirements, technical standards and local circumstances.

v. Means of access for pedestrians and cyclists

8.29 The masterplan and parameter plan 1 (access and movement) set clear expectations for the integration of pedestrian and cycle links within this development. The detailed plans include the required footway connections to the south east to the Church and school and footway and crossing point to the sport and green infrastructure site to the north that were secured in the S106 agreement as part of the outline planning permission. These are considered to be acceptable to WSCC Highways in planning terms. These connections are secured in the S106 agreement. The finer details will be subject to technical approval.

8.30 The reserved matters plans rationalise the additional indicative footway links from the parameter plan, and now show one connection in the south west corner onto the existing shared foot/cycle route alongside Stane Street, and footways each side of the Stane Street vehicular access point. These routes connect into a circular route for pedestrians and cyclists within the site, which is an important element of the masterplan and a positive feature in urban design and accessibility terms. This connection also provides an alternative safer and more pleasant route option away from the main road.

8.31 The northern connection to the bridleway is not being pursued due to safety concerns as identified above and in the WSCC consultation response. The alternative route uses the perimeter route within the site and the new crossing point on Madgwick Lane where speeds are lower and visibility is significantly better. The proposal complies as far as is practical with NPPF paragraphs 108 and 110 and CLP policies 39 and 52 and Appendix A.

vi. Appearance

8.32 The development has been designed with five character areas:

1. The Ride including the dwellings fronting Madgwick Lane
2. The Common, focussing on the northern green and nearby streets
3. Village Green, including the southern green and the central swathe of properties along the main road
4. Southern Boundary, including the south west corner
5. Suburban Mews, which encapsulates the remaining inner areas

8.33 Each area adopts a different pattern of development, use of the overall materials palette and distinct boundary treatments. The differences are relatively subtle, but are considered to provide sufficient variation in a development of this size. For example, properties within the Southern Boundary character area are predominantly semi-detached dwellings with flint or darker red brick elevations, with slate or darker tiled roofs along Stane Street and with the use of a brighter red brick and 2.5 storey dwellings towards the south east corner. Front boundaries are identified with garden railings and parking is mostly to the front or side of each plot.

8.34 Dwellings in The Ride are mainly detached larger properties, with red brick elevations, deeper front gardens with low flint and brick boundary walls, double garages and wider spacing between plots. Dwellings in The Common are the largest houses, with detailing including decorative hanging tiles at first floor and bay windows. Front gardens are planted with hedging. The Suburban Mews area has a higher density pattern, with various terraces of three or semi-detached properties and some key plots have 2.5 storey dwellings or painted brick elevations. Parking is mostly in front of dwellings, hedging is used in front gardens, and there are narrow gaps between the buildings.

8.35 Village Green dwellings in the centre of the site are the most diverse, with features drawn in from the surrounding Common area for plots facing the play space, and characteristics from the Suburban Mews areas for the higher density development along the main street.

8.36 The overall design approach is considered to have a modern interpretation of the "Sussex style" house type, with red-brick cladding and slate roofs, alongside vertically proportioned windows (sash style), some tile hanging and bay window detailing. Particular attention has been paid to the materials palette to root the development into its local context, providing variety while being consistent to a general theme across the site.

There are clear references to the flint cottages along Madgwick Lane, the painted dwellings further along Stane Street and in Westhampnett village, the strong red brick of the Mill properties and historic Westhampnett and the proportions and materials found in the dwellings fronting Westhampnett Road (A285) into Chichester.

- 8.37 There is variety in the ridge heights (7.5-9.75m) and roof forms (hipped, gabled, projecting gables) and some properties have chimneys. Active elevations are used effectively on all corner properties, alongside the use of flint or painted brick for key elevations. Dwellings are set back at different depths from the streets, providing depth without compromising the strong urban street feel along the primary routes within the site. The falling gradient of the site from north to south west will increase the variety experienced within the site and when viewing the development in its wider context.
- 8.38 Some concerns have been raised through consultation about the design approach and detailing proposed. It is noted that the illustrative sketches presented through the outline application adopted a much more traditional architectural approach, using examples from central Chichester, with more significant differences between each of the eight character areas.

With reference to the revised NPPF (section 12), achieving well-designed places is in part about local distinctive design, good materials and detailing, but also about function, connectivity, legibility and a sense of place, a positive combination of built form and green and public spaces that promotes a high standard of amenity. It is not for the LPA to insist on a particular design approach if the development meets local policy requirements. As discussed above, it is considered that the proposal will deliver on the NPPF expectations for a well-designed place and in terms of finer detailing, it will be complementary to the existing local positive buildings and its setting between Westhampnett village and Chichester city. Sustainable design and construction practices will be followed, with a 'fabric first' approach to minimising environmental impacts, in accordance with CLP policy 40. The proposal complies with CLP policy 33 and NPPF paragraphs 122 and 127 and fits within the framework established under the masterplan and outline planning permission.

vii. Heritage

- 8.39 The development sits within the setting of thirteenth century Grade II* St Peter's Church and abuts the boundary of Grade II The Close/Grayle House (the former vicarage). Other nearby listed buildings include: 33 & 34 Madgwick Lane; Old Place House, and Westhampnett Mill House on the opposite side of Madgwick Lane to the south west and west of the site. The detailed layout minimises the impact on the setting of these buildings, as far as is reasonably possible, given the policy allocation and outline approval, through the careful positioning of the built form and the use of landscaping and other green features between the new development and the historic buildings. Archaeological investigations are in progress on site with details secured by condition on the outline planning permission. The proposal complies with CLP policy 47 and NPPF section 16.

viii. Landscaping

- 8.40 As identified in the site layout section above, landscaping and green space is an integral and important part of this development. The detailed landscaping plans use a variety of native species to complement the existing hedgerow and trees within the site boundaries, which have grown with little management. New planting will include additional hedging and trees ranging in size from standard (approx. 3m planted height) to semi-mature (5-5.5m planted height) in key areas such as the new open space and recreational green areas. The planting schedule for the eastern boundary and nearby planting areas has been revised to avoid the use of plants that could be a hazard to the adjacent equestrian use and to improve the depth and height of planting to this sensitive boundary.
- 8.41 SUDs features including the swales and pond in the south west corner will be planted with water suitable grasses. The overarching details of the SUDS features including the calculations for their effectiveness and climate change allowances have been addressed through the discharge of conditions process for the outline planning permission. Those conditions also deal with the management and maintenance arrangements of the SUDS features.
This reserved matters application identifies the final location, size and landscaping of the swales and ponds. The final details of the surface water drainage for all the adopted sections of road will be dealt with under the WSCC technical consent process. The drainage details are considered to be compliant with CLP policies 40 and 42 and the Surface Water and Foul Drainage SPD and integrate well within the proposed layout.
- 8.42 It is considered that the layout and landscaping plans maximise the opportunities for new planting which is suitable for a new development on this site in a semi-rural location. The combination of new planting and protecting and enhancing the existing will create additional habitats for wildlife, including strengthening existing key routes as identified in CLP Appendix A, primarily the Madgwick Lane boundary, which is a notable bat route. The development detail complies with CLP policies 49 and 52 and NPPF paragraphs 118 (a and b), 174 and 175 (d).

ix. Sewerage

- 8.43 The longer term permanent foul drainage solution for this site requires the new strategic pipeline from West of Chichester to Tangmere to be operational. The route of this pipeline passes to the north of the development site and includes a pumping station within the land near Old Place Farm. The programme for this pipeline identifies work will start on phase 1 in Tangmere in January 2019, with the full route to be completed by July 2020. To avoid holding up the delivery of this development, Southern Water has agreed an interim solution on site.

- 8.44 The temporary solution makes use of a pumping station required on site to connect into the permanent pipe, which will be located uphill to the north of the site. Sewerage will be stored and tankered out until such time that the strategic pipeline becomes operational. Southern Water has agreed this arrangement on a delivery programme of up to 125 dwellings per year. It is estimated that the development will be constructed at a rate of 60-90 dwellings per year. Southern Water will provide the tankers and manage and maintain the equipment. Servicing access will be required on a permanent basis, with the access retained as suitable for tanker use in perpetuity, in the event of any issues arising.
- 8.45 The pumping station would, therefore, be a permanent facility. The details are included within this application as the equipment is shown located within the area designated as the landscaped Ride, to the south of the Madgwick Lane access and has required amendments to the development layout to accommodate the facility. The majority of the equipment will be located underground. Above ground, there will be a small kiosk (1m x 2.3m footprint, approx. 1.5m tall) with guard rails and bollards to protect the underground equipment and the access points. The equipment and tanker hardstanding area (140sqm) will be enclosed with a metal palisade fence, 1.8m tall. With reference to the Parish Council concerns, the access and turning head will be secured with a 1.2m metal farm style gate and timber post and rail fencing is proposed to prevent unauthorised access to the equipment or into the Ride from the pumping station access point itself.
- 8.46 It is unfortunate that the pumping station has to be located within the Ride area, as this was intended purely for landscaping, ecology and recreational purposes. Nevertheless, as the scheme has evolved, the location of the pumping station was set by operational requirements from Southern Water and could not be otherwise located. In response, the housing layout incorporates the required 15m buffer zone around the equipment for habitable rooms and this has allowed for additional landscaping areas, with a deeper buffer than was indicated on the outline plans. The proposed hedging and trees, combined with the majority of equipment being underground, should effectively screen or filter views of the infrastructure depending on the viewpoint, with the access being the primary visible engineering feature. The impact on the streetscene is, therefore, limited to the access and associated visibility splays, which is subject to a separate application 18/01003/FUL. Replacement hedging is proposed behind the visibility splays. The recreational route through the Ride crossing this area is retained. Overall it is considered that the required equipment has been integrated into the scheme well and will be a discrete feature. All habitable rooms are located beyond the 15m buffer set by Southern Water to minimise any noise, odour and vibration to acceptable levels.

Other matters

8.47 As a strategic development location, the delivery of this development will make an important contribution to the Council's 5 year housing land supply. The delivery programme for this development anticipates a material start on site later this year and first occupations in the 2019-2020 financial year. The development is planned to be built in two concurrent phases, one to the north and the other to the south of the Madgwick Lane access. Affordable housing will be delivered alongside the market dwellings in each phase. The programme anticipates completion of the development in approximately 3 years.

8.48 The outline application was subject to Environmental Impact Assessment. The details within this reserved matters application are considered to comply with the overarching expectations of the EIA and do not alter its conclusion that the development will not be environmentally significant under the terms of the EIA Regulations. The MHCLG has been consulted and have offered no additional comments. The details of the development, including appropriate and timely implementation of the landscaping, will be secured through planning conditions.

Significant Conditions

8.49 Various conditions were applied to the outline planning permission to deal with matters such as archaeology, construction and environmental management, and on outline strategy for the sewerage and drainage infrastructure. Significant conditions for the reserved matters application therefore include predominantly implementation conditions, securing such details as the use of the permitted materials and boundary treatments, noise mitigation measures, allotment management and security details, delivery of the required planting and drainage features to an appropriate timetable and monitoring the effectiveness of the wildlife enhancements.

Associated technical approvals will deal with the detail of the sewerage infrastructure (Southern Water) and surfacing and drainage of the adopted road and pedestrian/cycle routes and lighting within the adopted road layout (WSCC). Informatives are recommended to draw the developer's attention to the Environmental Health officer's advice about Goodwood events and the requirements of the outline planning permission and associated conditions and obligations.

Section 106 Agreement

8.50 This development is liable to pay the Council's CIL charge.

8.51 The finer details of the affordable housing provision, including management of these units, are to be secured within a further S106 agreement, that will sit alongside the S106 agreement attached to the original outline planning permission.

Conclusion

- 8.52 Based on all the above, it is considered that the proposal complies sufficiently with the requirements of the outline planning permission, relevant policies in the Chichester Local Plan and NPPF and relevant Supplementary Planning Documents and is therefore recommended for approval. The recommendation is subject to completion of the S106 to secure the details of the affordable housing provision, and the conditions set out below.

Human Rights

- 8.53 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse/permit is justified and proportionate.

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT subject to the following conditions and informatives:-

- 1) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990

- 2) The development hereby permitted shall not be carried out other than in accordance with the approved plans:

Append schedule

Reason: To ensure the development complies with the planning permission.

- 3) **No flintwork shall be installed on site either in a dwelling or boundary wall** until a sample panel of the flintwork has been constructed on site. The sample panel shall accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and shall be accompanied by a written specification. The sample panels and associated details shall be made available on site for Local Planning Authority inspection. No flintwork shall be constructed other than the sample panel unless and until written approval has been given by the Local Planning Authority to the sample. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the flintwork used on site is of an appropriate quality for its location and local context.

4) No brickwork shall be installed on site either in a dwelling or boundary wall until a sample panel of each type of brickwork including mortar has been constructed on site. The sample panel shall accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and shall be accompanied by a written specification. The sample panels and associated details shall be made available on site for Local Planning Authority inspection. No brickwork shall be constructed other than the sample panel(s) unless and until written approval has been given by the Local Planning Authority to the sample. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the brickwork and mortar used on site is of an appropriate quality and appearance for its location and local context.

5) The approved planting around the site boundaries including the new hedges and trees along the eastern boundary, the Madgwick Lane boundary, the Stane Street boundary, and the infilling of the existing gaps in the existing boundary hedgerows on all boundaries in accordance with the approved landscaping plans, shall be installed within the first planting season following commencement of the development, unless an alternative timetable is agreed in writing with the Local Planning Authority. A timetable for the implementation of the remaining landscaping shall be agreed in writing with the Local Planning Authority prior to first use of the show home. The agreed timetable shall thereafter be followed unless otherwise agreed in writing with the Local Planning Authority.

The new planting shall be protected from the date of implementation in accordance with the British Standard 5837:2012.

The wildlife and habitat enhancements hereby approved shall be installed in accordance with the approved details and the timetable for the associated landscaping areas.

The approved landscape management plan shall take effect from the date of the first area of planting to be installed and shall thereafter be complied with unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure timely implementation of the boundary landscaping, which is an important feature of the site and development, and thereafter the remaining landscaping features, and their protection thereafter.

6) No part of the development hereby permitted shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council as the Local Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document and in accordance with the agreed timescales. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

7) No part of the development hereby permitted shall be occupied until refuse and recycling storage facilities have been provided in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse and recycling storage facilities shall be maintained as approved and kept available for their approved purposes in perpetuity.

Reason: To ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

8) No dwelling hereby permitted shall first be occupied until the electric car charging facilities associated with that dwelling as shown on the approved plan have been provided in working order. These facilities shall thereafter be retained.

Reason: To encourage electric vehicle use in accordance with the Council's sustainable transport aims.

9) Prior to first occupation of any dwelling hereby permitted, the associated boundary treatments for that dwelling shall be provided in accordance with the approved boundary treatment plans.

The boundary features around the areas of landscaping, drainage features or open space as detailed on the approved boundary treatment plan shall be installed prior to the occupation of the first dwelling immediately adjacent to the open space or landscaping area, unless otherwise agreed in writing by the Local Planning Authority.

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

Reason: In the interests of protecting the amenity of neighbours.

10) Prior to the laying out of the allotments, full details of boundary and security features including fencing, gates, security lighting and height restrictive barriers where necessary, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the boundary and security features shall be installed before the allotments are handed over to the Parish Council and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the allotment provision, which will be an important community resource.

11) The palisade fencing surrounding the pumping station shall be finished in a mid or dark green unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

12) **Prior to the first use of the allotments hereby approved** a management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall set out a management and maintenance schedule and responsibilities and a plan for allocating the plots to be provided, which prioritises residents from Westhampnett Parish where practical and possible to do so. Once agreed, the management plan shall be adhered to unless any variation is agreed in writing by the Local Planning Authority.

Reason: To ensure the allotments are allocated managed and maintained appropriately to ensure their continued use as a community resource.

13) The buildings, structures and unadopted areas of surfacing 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. The materials and finishes for all adopted sections of highway are shown on the approved plans for illustration only and will be subject to separate technical approval from West Sussex County Council.

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

14) **The dwellings hereby approved shall be constructed** only in full accordance with the recommendations within the Noise Impact Assessment Technical Report by 24 Acoustics (ref R6891-1 Rev 3 23rd April 2018) including specified glazing and ventilation mitigation measures. Thereafter, the dwellings shall retain these features or replace only with those of equal or greater effectiveness.

Reason: To protect the occupiers of the dwellings from external noise and to safeguard the interests of nearby businesses.

15) 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. 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 brought 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 brought 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

16) 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 garages hereby approved shall only be used for the purpose of parking private modes of transport in connection with the residential use of the property.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

INFORMATIVES

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

2) S106

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

3) The Council has taken into account the content of the Environmental Information submitted under the outline planning permission (15/03524/OUTEIA) and the Environment Impact Assessment Regulations 2017 during the assessment of this application and in reaching its conclusions.

4) The developer is advised to take note of the recommendations in the 24 Acoustics report in relation to notification of future occupiers for specific events at the Goodwood Estate. The developer is also advised to be aware of the commercial operations of the adjacent existing businesses, including the equestrian use to the east, when constructing and operating the development hereby approved.

5) The developer's attention is drawn to the conditions and obligations under 15/03524/OUTEIA which apply to the implementation of this planning permission.

For further information on this application please contact Naomi Langford

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Parish: Chidham & Hambrook	Ward: Bosham
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CH/18/00810/FUL

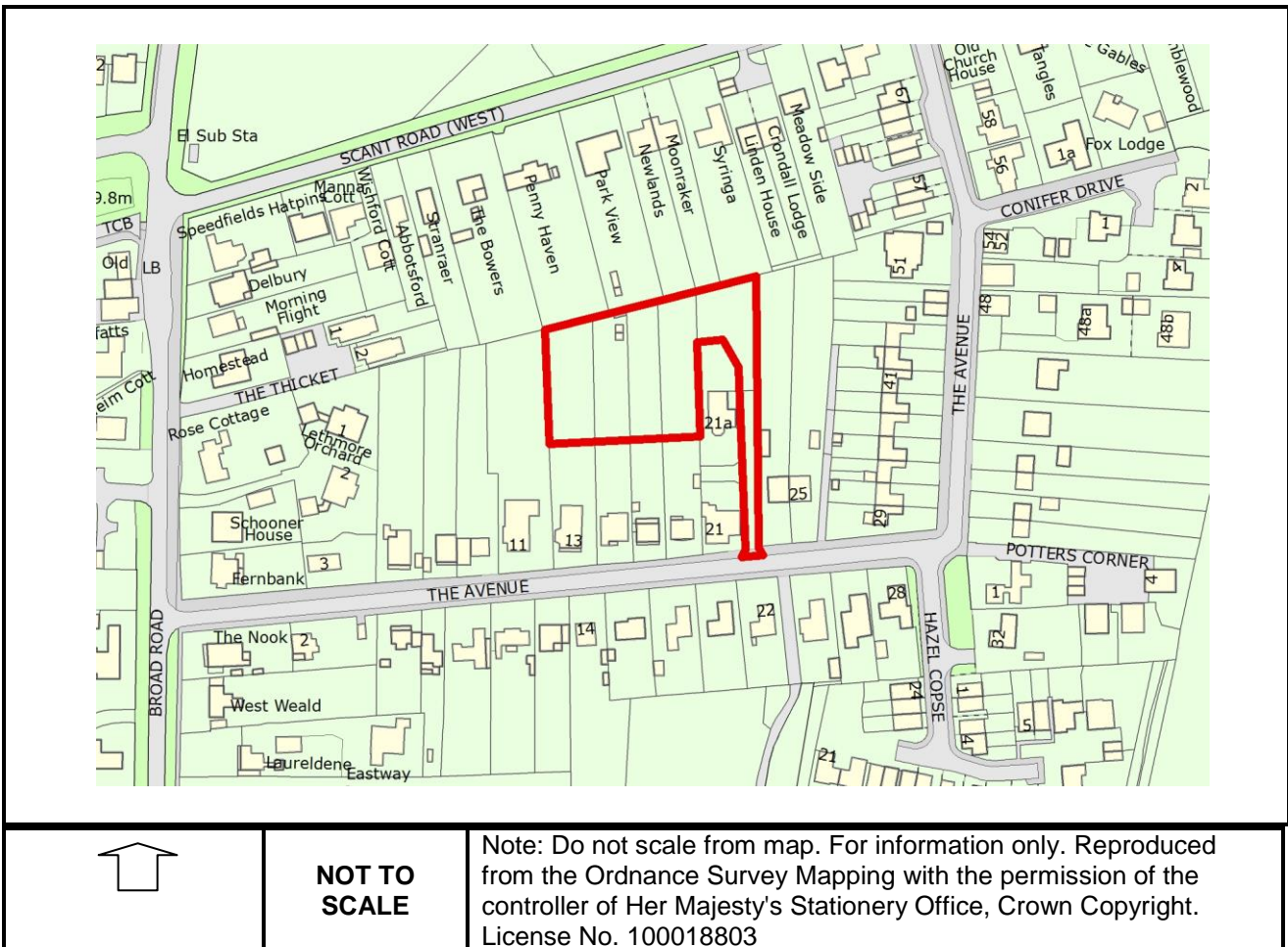
Proposal Erection of 4 no. dwellings and associated works.

Site The Nest 13 The Avenue Hambrook Chichester West Sussex PO18 8TZ

Map Ref (E) 478901 (N) 106493

Applicant Mr Stuart Wilson

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



**NOT TO
SCALE**

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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site lies on the northern side of The Avenue, a residential street within the village of Hambrook/Nutbourne. The site lies in a backland position to the north of The Avenue, and is surrounded by residential development which comprises a mix of 1 and 2 storey dwellings. The site forms an area of approximately 0.32ha and currently comprises the gardens of 5 properties.

3.0 The Proposal

- 3.1 Full planning permission is sought for the construction of 4 dwellings. The originally submitted proposals were for four detached houses, all of which were 4 bedroom properties. Amended plans have been received to amend the housing mix, the access arrangements for refuse vehicles, and to reduce the scale and built form of two of the proposed properties. The proposed housing mix as amended proposes 2 x 3 bedroom and 2 x 4 bedroom properties.
- 3.2 Each of the dwellings has been individually designed and therefore the sizes of the dwellings would vary. The proposed detached dwellings would measure between 8.1m and 8.4m in height, between 7.5m and 13m in width, and between 11.5m and 13m in depth.
- 3.3 Each of the properties would have front and rear gardens with 2 properties having garages. All properties would be provided with forecourt parking giving a total of 11 spaces for the dwellings. Additionally 1 visitor space is proposed adjacent to the access road. Access would be via an existing roadway that serves number 21a The Avenue.

4.0 History

05/02412/FUL	PER	Erect detached house and car port.
06/02373/FUL	REF	Erect 2 no. three bedroom houses.
06/04801/FUL	REF	Demolish existing garage and two storey side extension, erect 2 no. three bedroom houses.
06/05551/OUT	REF	Erection of 4 no. dwellings with access between 13 and 15 The Avenue
15/02332/FUL	REF	Erection of 6 no. dwellings and associated works.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

6.1 **Chidham and Hambrook Parish Council**

The Parish Council objects as The Avenue cannot take any more traffic, the refuse cannot be collected from the proposed site and there is no option for communal refuse storage at the entrance due to the lack of space. There is insufficient parking on the site plans and there is no alternative parking available in The Avenue.

The Parish Council have reviewed the plans and also objects on the grounds that this is an over development of the site which ruins the appearance of the area. It was also noted during the meeting that there are no local amenities for residents apart from a local store some distance away and no bus routes within 1 mile.

Further comments of Chidham and Hambrook Parish Council

Chidham and Hambrook Parish Council **STRONGLY OBJECTS** to the above application. The following comments are made further to the comments submitted on 22 May 2018.

- The proposal is contrary to the current Local and Neighbourhood Plans and would have an adverse impact on the appearance and character of the surrounding area;
- The Parish has no need of unneighbourly, intrusive, backland development. Chidham and Hambrook has a high number of 4 and 4+ bedroom houses and does not need more dwellings of this type;
- The proposed access to the site is unsuitable, impractical and unneighbourly. The Avenue is a narrow highway with a high level of on road parking;
- The Parish is seriously lacking in infrastructure;
- The local drainage infrastructure in this area is inefficient. Heavy rainfall regularly results in flooded gardens in The Avenue and Scant Road West;
- Wildlife habitat needs to be protected.

Local Plans:

The proposal is contrary to the current Local and Neighbourhood Plans.

The proposed development will by reason of its backland situation and the activity, noise and disturbance caused by traffic using the extremely long access drive have an adverse impact on the appearance and character of the surrounding area i.e. The Avenue and Scant Road West. It would, therefore, be contrary to Policies 1, 33 and 40 of the Local Plan: Key Policies 2014-2029 and paragraphs 17, 56, 58 and 61 of the National Planning Policy Framework.

Housing/Design:

The Parish has no need for more unneighbourly, intrusive backland development. It has already met far above the indicated number of dwellings set in the current Local Plan. **Compared to many other area of Chichester District, Chidham and Hambrook Parish has a high number of 4 and 4+ bedroom houses.** The Parish does need more dwellings of this type. The need is for more special properties and affordable 1, 2 and 3 bed dwellings for local first time buyers and older people wishing to downsize and remain in the area. The layout of the proposed development is lacking in character. The plots of the proposed 4 houses are smaller than those of all of surrounding properties. The site is remote in that it will not be seen from The Avenue or Scant Road but will be very visible from the windows of houses in those roads. It will not relate to wither road. The proposed allocation of visitor parking spaces is insufficient for 4 x 4 bed houses. There is no room for overflow parking in The Avenue.

Access:

The proposal is unsuitable, impractical and unneighbourly.

The proposed access off The Avenue, a narrow highway in need of attention, is via an existing very long gravel driveway. The driveway runs the full length of the Western boundary of 23 The Avenue and will result in extra noise, pollution and disturbance for the residents of 23 and also 21 The Avenue. The visibility splay for traffic exiting the site will be poor due to high hedges and vehicles parked regularly on the North side of the highway. The driveway is unsuitable for waste/recycling, emergency services (fire) vehicles and also delivery vans. These vehicles will inevitably need to mount the grass verge on the South side of The Avenue when exiting the site.

Infrastructure:

The Parish is seriously lacking in infrastructure. There is just one small shop/PO in the whole of the Parish. Bosham and Southbourne offer the nearest convenience stores, medical and dental practices. Employment opportunities in the Parish are extremely limited. The nearest bus service is approximately a mile away on the A259 hence residents rely on motor transport leading to more traffic on highways.

Drainage:

The local drainage infrastructure is inefficient. Surface water drainage is a long standing problem in the Hambrook area. A main drainage ditch forms a boundary between properties in Scant Road West and The Avenue but is frequently unable to cope with the amount of surface water following prolonged periods of rain. This results in flooded gardens. The proposed development of 4 houses in the back gardens of 13, 15, 17 and 19 The Avenue will seriously exacerbate these drainage problems.

Ecology:

The Ecological Report in no way reflects the true wealth of wildlife present in these gardens. The habitat for the great variety of creatures mentioned by residents in their responses to this application needs to be protected from destruction by development.

History of the site:

Application 18/00810/FUL follows a string of applications for housing development in these same back gardens. Previous applications have been refused by CDC and the Planning Inspectorate and the reasons for refusal are still relevant today.

The Parish Council recommends REFUSAL of this application.

The following comments are summarised:

6.2 Natural England

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site(s) and that the proposal should not result in a likely significant effect.

6.3 WSCC Highways

No objection. The proposed access would serve 6 properties, including 21 and 21a The Avenue. It will be widened to 4.8 metres for most of its length, with two speed reduction build outs and would be a shared surface. The Highway Authority is satisfied that the site is accessible by a larger service vehicle and compliant with emergency access guide. The use of the existing dropped crossing to provide access to 6 dwellings would be acceptable. Visibility from the access is also acceptable and the splays could be secured by planning condition. The on-site parking is appropriate with an overprovision on one space and the garages are large enough to provide cycle storage for plots 1, 3 and 4. Recommend conditions relating to parking and cycle provision.

6.4 CDC Waste Services

Satisfied with the revised layout, however would ask that the telegraph pole is moved if possible.

Further comments from CDC Waste Services

Comments on original layout. Raise concerns about manoeuvrability of the refuse vehicle, width of the access, position of the telegraph pole and position of trees and hedges adjacent to turning head. A communal collection point adjacent to the access, would overcome this issue.

6.5 CDC Environmental Strategy Unit

The lighting scheme for the site will need to take into consideration the presence of bats. A precautionary approach should be taken within the site with regards to reptiles. Any works to trees and hedgerows needs to consider the possible presence of breeding birds. Site enhancements should be included within the proposals.

This proposal will have an in-combination effect on the Special Protection Area in combination with all other residential developments within the 5.6km zone of influence. Mitigation will therefore be required.

6.6 Drainage Engineer

No objection. The site is in Flood Zone 1, but are aware of garden flooding adjacent to the watercourse. Some works will be required to the existing watercourse which abuts the northern edge of the development. The necessary drainage works can be secured by planning condition.

6.7 Third Party Representations

11 letters of objection have been received relating to;

- a) Hambrook has had a number of large developments and it is detrimental to allow more and 4+ bedroom properties are not needed;
- b) No material changes in circumstance since last refusal;
- c) Out of character with the semi-rural environment, crammed in back gardens;
- d) Will increase the amount of traffic in a narrow road to the detriment of highway safety;
- e) Impact of construction traffic on damaged road;
- f) Lack of parking for development which will result in additional on street parking;
- g) The Avenue is a poorly maintained narrow highway and is well used serving 97 properties in this and surrounding roads;
- h) Drivers emerging from the access will not have clear views of traffic, or cyclists approaching from either direction;
- i) Lack of access for refuse vehicles and emergency vehicles;
- j) Refuse vehicles are in the Avenue at the same time as school children and it would be dangerous for a heavy freighter to be crossing the pavement at this time;
- k) Loss of privacy;
- l) Removal of vegetation and trees will change character;
- m) Will set a precedent for similar applications in The Avenue and in Scant Road West;
- n) Will create greater surface water run-off;
- o) Lack of local infrastructure (shops, schools, public transport) to serve the development;
- p) Security of properties will be jeopardised with new access to the rear and will result in more noise and disturbance;

- q) Contrary to Policy 52 as makes no contribution to the health and wellbeing of the wider local community;
- r) Ecology report does not address the existence of slow worms, hedgehogs, Stag beetle and various birds locally;
- s) Lack of sewerage provision;

6.8 Applicant/Agent's Supporting Information

To accompany the revised tracking plan, the applicant provided responses to the initial comments of the CDC Waste Services setting out how their previous concerns had been addressed.

7.0 Planning Policy

The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan was made on the 20 September 2016 and forms part of the Development Plan against which applications must be considered.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

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 42: Flood Risk and Water Management

Policy 48: Natural Environment

Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

7.3 Chidham and Hambrook Neighbourhood Plan:

Policy LP1

Policy EM1

Policy EM2

Policy CDP1

Policy H2

Policy DS1

Policy DS2

Policy DS3

National Policy and Guidance

7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,

*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-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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.

7.5 Consideration should also be given to Sections 4 (Decision-Making), 5 (Delivering a sufficient supply of homes), 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), 15 (Conserving and enhancing the natural environment) generally.

7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area. It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing. The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

7.7 The following Supplementary Planning Documents are material to the determination of this planning application:

Planning Obligations and Affordable Housing SPD

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:

- 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 and sustainability
- ii) Design and impact upon character of the surrounding area
- iii) Impact upon amenities of neighbouring properties
- iv) Drainage
- v) Highway safety
- vi) Arboricultural implications
- vii) Ecological considerations

Assessment

i) Principle of development and sustainability

8.2 The site is located within the Settlement Boundary of Hambrook/Nutbourne which is identified as a Service Village; a sustainable location for small scale development outside of Chichester City and the Settlement Hubs where, in accordance with Policy 1 and Policy 2 of the Local Plan there is a presumption in favour of sustainable development. This is consistent with Paragraph 11 of the NPPF which establishes a presumption in favour of sustainable development in such a location unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

8.3 The Chidham and Hambrook Neighbourhood Plan (NP) acknowledges the need to allocate sites for 25 dwellings in line with the identified need in the CLP, it confirms that 86 dwellings have been permitted in the Parish since 2014. However the identified need within the CLP does not constitute a maximum number of dwellings, and whilst concerns have been expressed regarding local infrastructure, further development within settlement boundaries should be considered in light of the presumption in favour of sustainable development and other relevant policies within the Development Plan. Identifying and delivering windfall sites is also an important element of ensuring that the Council meets its identified housing needs. This is consistent with Policy LP1 of the Neighbourhood Plan which states that "development of 10 units or fewer on windfall sites will be supported".

8.4 It is acknowledged that previous applications for development on parts of the site have been refused by the Local Planning Authority in the past. These include those listed in section 4 above. This proposal relates to a further reduction in the number of dwellings which seeks to overcome the previous concerns, dealt with in more detail below.

8.5 In conclusion, the application site lies within a settlement which is identified as being an appropriate and sustainable location for small scale development. The proposal represents a small scale windfall scheme. It is therefore considered that the principle of the development would be acceptable, subject to all other material planning considerations being satisfied.

ii) Design and impact upon character of the surrounding area

8.6 Section 12 of the NPPF requires good design that improves the overall quality of the area and paragraph 124 states that 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'. Paragraph 127 also sets out a set of criteria to ensure developments, '*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping*'. Policy 33 of the Local Plan requires new development to meet the highest standards of design and to be appropriate in terms of the proportion, form, massing, siting, scale and detailed design to ensure that proposals respect and where possible enhance the character of the surrounding area and the site.

8.7 The proposed development would be served by an existing access serving 21a The Avenue, a 2 storey detached dwelling situated in a backland position to the north of The Avenue. The proposal seeks to continue the residential development to the rear of properties fronting this road, resulting in development within a backland position. Other forms of similar development within the vicinity afford the area a similar character, notably 21a and the properties to the rear of Broad Road (Lethmore Orchard and The Thickett), which are within the same perimeter block as the application site.

8.8 The rear gardens of the existing properties forming the application site are substantial; being approximately 60m to 75m in depth and 11m to 14m in width, albeit the plot belonging to 21 The Avenue (at the eastern end of the site) has already been subdivided. These gardens would be reduced in size, however good sized gardens with depths of 20m would still remain. Whilst there are a number of properties with similar sized plots, there are also a significant number of properties within the residential block formed by The Avenue, Scant Road (West) and Broad Road that are afforded with rear gardens approximately 8m to 15m in depth, and a smaller number of properties with even smaller rear gardens, approximately 5m in depth. As such, there is a presence of smaller plots within close proximity of the application site, which would not be dissimilar to the size of gardens provided within the proposed development and which directly informs the local character.

8.9 There is an eclectic mix of housing sizes, styles and forms ranging from large detached dwellings to semi-detached and terraced properties including 2 storey, single storey and chalet bungalows in close proximity of the site. There are several examples of other backland developments close to the site, including 2 developments providing 4 dwellings to the west of Broad Road and 4 further developments off The Avenue ranging in size from group of 2 properties to 23 properties to the east of the site. As such, the presence of backland developments and small cul-de-sacs to the rear of the properties fronting The Avenue exists in the area and forms part of the context of the site.

- 8.10 The proposed development would extend westwards from the existing dwelling (21a) and as a result the view along the access drive would remain largely unchanged, with the provision of a boundary treatment with landscaping to the front and a garden beyond. Only glimpses through gaps in the existing dwellings fronting on to The Avenue and Scant Road West would be possible, and the proposed dwellings would be largely screened by the existing residential development. As such, it is considered that whilst the proposal would result in a backland form of development, this would not be contrary to the varied form of development within the surrounding area and would not be harmful to the character and appearance of the locality.
- 8.11 The dwellings have been individually designed to ensure that the development would have a varied and more organic appearance that would incorporate appropriate architectural detailing and materials including bay windows, headers above the windows, chimneys, timber windows, clay roof tiles, plus a mix of brick and hanging tiles to the elevations. The proposal would provide a high quality development that would reflect the local vernacular and would make use of local materials to ensure that it would integrate into this varied character of the locality. The scale of the proposed dwellings has been reduced through the course of the application, to form more spacing between the properties and be more reflective of the character of the area. The housing mix proposed has been amended to include two 3 bedroom properties and two 4 bedroom properties. This was amended during the course of the application to be reflective of an appropriate housing mix in accordance with Policy 33.
- 8.12 The planning history is of relevance to the application's determination, notably application 15/02332/FUL which was refused in 2015 and later dismissed at appeal. One of the reasons for refusal related to the backland position of the development and concerns about the noise and activity generated by the use of the access which would have an adverse impact upon the character of the area. In dismissing the appeal, the Inspector concluded that;
"Whilst backland development is evident in the area, including 21a and houses off Broad Road which lies to the west of The Avenue the scale of this development is such that it would alter the characteristic long gardens of Nos 13,15,17 and 19 as well as introducing further dwellings to the rear of 21a. This amount of backland development proposed would alter the character of the area not only by the physical presence of the six dwellings but also the activity associated with them, utilising this narrow access road."
- 8.13 The Inspector in the 2015 appeal did not conclude that development would be unacceptable per se, but made specific reference to the scale of the previous development, comprising six houses and the amount of development which would alter the character. It is considered that having regard to the reduction in the number of dwellings from six to four thereby reducing the amount of activity using the access track combined with the reduction in size and amendments to the design to reduce the scale of the properties, an amended layout comprising a more linear form and the omission of dwellings in the north east corner of the site which would have been visible from The Avenue, that the proposal would address the concerns raised by the Inspector in relation to the amount and scale of development and its impact on the character of the area.

8.14 Overall, it is considered for the reasons set out above that the proposed development, by reason of its scale and form, would not be harmful to the character and appearance of the surrounding area, particularly given the eclectic mix of development in the locality, including back land development, and the quality of the proposed design and appearance of the buildings.

iii) Impact upon amenities of neighbouring properties

8.15 Issues of loss of light, outlook and privacy were considered under application 15/02332/FUL and did not form reasons for refusal. The proposed layout of the site would ensure sufficient distance between the proposed and existing properties is maintained to ensure that the proposal would not result in an unacceptable degree of overlooking. The rear gardens of the proposed dwellings would exceed 15m in depth and the fenestration of the buildings would be sensitively located to ensure that only landing/bathroom windows are located on the side elevations of the properties.

8.16 Due to the distance between the proposed dwellings and neighbouring properties the proposal would also not give rise to a loss of light and would not have an overbearing impact upon the neighbouring properties. Concerns have been raised regarding noise and disturbance from the increased activity; however this would not be detrimental given the separation between properties. It is considered that the plots would be of a sufficient size to ensure that the occupation of the dwellings would not be unneighbourly, within the residential context of the area. A change to the surfacing materials from the existing gravel would reduce the noise implications of vehicles entering and exiting the site along the access drive, and whilst not identified on the landscape strategy could be secured by condition. The proposal would therefore accord with policy in respect of its impact upon the amenities of neighbouring properties.

iv) Drainage

8.17 A number of third party objections have been received expressing concern with regard to drainage and flooding in the local area. The application site lies in Flood Zone 1, the area least at risk of flooding, and therefore flood risk would not normally be a constraint to development. However, it is acknowledged that there are known surface water flooding issues within the gardens.

8.18 This formed the second reason for refusal relating to application 15/02332/FUL and was considered by the Inspector when considering the appeal against that refusal. The Inspector concluded that this matter could be dealt with by planning condition and would not have been a reason to dismiss the appeal. Additionally, the Council's Drainage Engineer has been consulted on the application and has also acknowledged that this matter could be dealt with by a planning condition. Subject to the proposed conditions, the proposal would accord with policy 42 in respect of flood risk and water management.

8.19 Concerns have been raised regarding foul drainage in the area, however this was considered under the previous application and the Inspector during the appeal and was considered acceptable. A condition is recommended requiring details of the proposed foul drainage to be submitted in order to ensure that the foul drainage system would be appropriate for the development.

v) Highway Safety

- 8.20 The issue of highway safety was considered in the determination of application 15/02332/FUL and did not form a reason for refusal. The number of dwellings that is proposed to utilise the same access and driveway, as previously proposed, has reduced by two. The Local Highway Authority has advised that the information submitted demonstrates adequate access and visibility can be provided. The revised swept path analysis demonstrates that large service vehicles would be able to negotiate the access and the site, ensuring that it would be compliant with Manual for Street Section 6.7 in respect of emergency access guidance and servicing by large vehicles.
- 8.21 The Highway Authority has confirmed that the proposals demonstrate that there would be sufficient space to provide the required parking spaces, with an overprovision of one space. The garages would meet the County Council's standards and allow for cycle storage within them. The proposal would therefore meet the parking requirements for the development and would not result in pressure to park within the development or on The Avenue.
- 8.22 The applicant has provided a plan showing the tracking of the Council's refuse vehicle demonstrating that the vehicle can enter and exit the site in a forward gear with suitable turning being provided within the development. It is recommended that a condition be imposed requiring the turning area to be kept free for that purpose in perpetuity.
- 8.23 Having regard to the considerations outlined above and subject to conditions, the proposed development would provide suitable access, parking and turning arrangements and appropriate visibility to ensure that the proposal would not have an adverse impact upon the safety or function of the highway network, and appropriate access would be provided for emergency vehicles and refuse management vehicles. The proposal is therefore acceptable in respect of these matters.

vii) Arboricultural implications

- 8.24 There are several trees and hedgerows within the site and the application is accompanied by an Arboricultural Assessment and a Landscape Strategy Plan. The proposed development would not result in the loss of any mature trees around the edge of the site, instead the removal of vegetation would relate primarily to the removal of smaller or poor quality trees and hedgerows within the gardens. Whilst the report has not been updated to reflect the current layout, it does provide sufficient information to consider the impact of the development. Similarly Tree Protection information has been provided, which includes the use of protective fencing, no change to land levels within root protection areas, no storage of materials within 20m of any tree to be retained and no fires within 5m of any trees or hedgerow. These issues were not reasons for refusal on the previous decision and conditions are proposed to secure their implementation during the works.

- 8.25 The Landscape Strategy Plan demonstrates that the existing mature trees would be supplemented with the planting of native trees and hedgerows along the front of each plot with an area of greenspace being seeded with a wildflower species rich grass and a feature native tree. The proposed landscape would be appropriate for the location, although a condition is recommended to ensure that the proposed trees would be suitable and of an appropriate size when planted.
- 8.26 The trees around the edge of the site are of high importance and their retention would need to be controlled though conditions outlined above. However the loss of the trees within the site would not be harmful to the amenity of the area, and in time the proposed planting within the site would develop to provide growth of a similar size that would benefit the area.
- 8.27 It is considered that subject to the development being carried out in accordance with the assessment submitted, and information secured by planning condition, the proposal would not have an adverse impact upon trees and the indicative planting strategy would be appropriate for the proposed development and the amenity of the surrounding area.

vii) Ecological considerations

- 8.28 The application site lies within the 5.6km zone of influence for the Chichester and Langstone Harbours Special Protection Area (SPA) and therefore the proposal is likely to have a significant impact upon the SPA as a result of recreational disturbance. The applicant is aware of the need to mitigate this impact by paying a financial contribution towards the joint mitigation strategy in accordance with policy 50 of the Local Plan.
- 8.29 In respect of the impact of the development upon ecology within the site consideration has been given to a Preliminary Ecological Assessment and a Preliminary Bat Roost Assessment submitted with the application. The survey found no evidence of protected species on the site, and although the trees and hedgerows within the site provide suitable foraging and commuting habitat for bats there is higher quality habitat located within the surrounding area, and therefore the partial loss of this habitat would not have a significant impact upon bats. It was also found that the site provided a suitable habitat for hedgehogs and therefore suitable protection measures should be carried out during the construction phase of the development, along with the measures identified within the Landscape Strategy.
- 8.30 The Council's Environment Officer has advised that there is no objection to the proposed development in respect of the impact upon protected species and biodiversity. It is recommended that a condition be imposed ensuring that the proposed development is carried out in accordance with the recommendations of the surveys submitted and also that any lighting scheme minimises the impact upon bats using the trees and hedgerows and also that trees or vegetation clearance should be undertaken outside of the bird breeding season only. A condition relating to the submission of enhancement measures is also proposed.

Conclusion

- 8.31 Based on the above assessment of the material planning considerations it is considered the proposal complies with development plan policies 1, 2, 5, 33, 39, 42, 49 and 50, and Neighbourhood Plan Policies LP1, EM1, EM2, H2, DS1, DS2 and DS3 therefore the application is recommended for approval.

Human Rights

- 8.32 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation 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 not be carried out other than in accordance with the approved plans: 1710-01D; 1710-02A; 1710-03; 1710-04B; 1710-05B; 1710-06A; 1710-07A; 17-08A; 1710-09; 1710-10; 1710-13A; 1710-14A; 1710-16A; 1710-L01A; 1715-101 Rev B; W.083/20;

Reason: To ensure the development complies with the planning permission.

- 3) Notwithstanding any details submitted **no development/works shall commence** until a full schedule of all materials and finishes and samples (where requested) of such materials and finishes to be used for external walls and roofs of the building(s) and surfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 4) **No development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

Reason: The details are required pre-commencement to ensure that the proposed development is satisfactorily drained with all necessary infrastructure installed during the groundworks phase.

5) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

Reason: To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

6) **No development shall commence** 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.

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

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

8) **No development shall commence** until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and 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 the efficient maintenance and ongoing operation for the SUDs system and to ensure best practice in line with guidance set out in the SUDs Manual CIRIA publication ref: C687 Chapter 22. The details are required pre-commencement to ensure the SUDs are designed appropriately and properly maintained and managed as soon as they are installed

9) **No development shall commence** until a strategy outlining details of the sustainable design and construction for all new buildings, including water use, building for life standards, sustainable building techniques and technology, energy consumption maximising renewable resources, and how a reduction in the impacts associated with traffic or pollution will be achieved including but not limited to charging electric vehicles, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate a water efficiency standard of 110 litres or less per person per day. The approved strategy shall be implemented as approved prior to first occupation unless any variation is agreed in writing by the Local Planning Authority.

Reason: To minimise the impact of the development upon climate change. These details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

10) **No part of the development hereby permitted shall be first occupied** until the vehicle parking (including garages and car ports) and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

11) **No part of the development shall be first occupied** until visibility splays of 2.4 x 59 metres have been provided at the site vehicular access onto The Avenue in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

12) No part of the development shall be first occupied until the access road, including the turning area, has been laid out, constructed and drained in accordance with plans and details which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the turning area shall be kept free of any obstructions and available for its stated purpose at all time and in perpetuity.

Reason: In the interests of ensuring emergency access and highway safety.

13) No part of the development shall be occupied until screen walls and/or fences have been erected in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. 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) No part of the development hereby permitted shall be first occupied until biodiversity enhancement measures have been provided in accordance with plans and details that shall first be submitted to and approved by the Local Planning Authority. Thereafter the biodiversity measures shall be retained in perpetuity.

Reason: To ensure that biodiversity enhancements are provided as part of the development.

15) No part of the development hereby permitted shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details that shall first have been submitted to and approved by the Local Planning Authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

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

16) The development hereby permitted shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and for large scale developments shall include a program for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice.

The approved scheme **shall be carried out in the first** planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, 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 the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

17) The development hereby permitted shall not be carried out other than in accordance with the recommendations contained within section 7 of the submitted Preliminary Ecological Assessment produced by Middlemarch Environmental reference RT-MME-127263-01 dated March 2018 and section 6 of the submitted Preliminary Bat Roost Assessment referenced RT-MME-127263-02 dated March 2018.

Reason: In the interests of protecting biodiversity.

18) The development hereby permitted shall not be carried out other than in accordance with the recommendations contained within section 5 and Appendix 3 of the submitted Arboricultural Implications Assessment and Method Statement produced by ecourban Ltd Ref 14624-AIA dated 20th July 2015.

Reason: In the interests of protecting the trees to be retained in the interests of amenity.

19) An easement 1.5m in width shall be maintained on the southern side of the drainage ditch that runs along the northern edge of the application site and the easement shall kept free of any buildings or structures at all times to ensure access to the watercourse.

Reason: In the interests of managing surface water and prevention of flooding.

20) 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 garage hereby approved shall only be used for the purpose of parking private motor vehicles in connection with the residential use of the property.

Reason: To ensure the adequate provision of onsite parking for the purpose of highway safety.

21) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A, B, C or E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

INFORMATIVES

1) S106

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

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

For further information on this application please contact Caitlin Boddy

Parish: Funtington	Ward: Funtington
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FU/17/02187/FUL

Proposal Permanent stationing of mobile home to support equestrian business comprising the breeding of horses and dressage training.

Site Land South Of Osiers Clay Lane Funtington West Sussex

Map Ref (E) 481237 (N) 106519

Applicant Mr & Mrs D Ward

RECOMMENDATION TO PERMIT WITH S106



**NOT TO
SCALE**

Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803

1.0 Reason for Committee Referral

Parish Council objection - Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The application site lies on the northern side of Clay Lane approximately 1km north of Bosham and 0.6km south of West Ashling (as the crow flies), within the open countryside. The site comprises a stable block, horse exercise facility, manege and paddock with a temporary dwelling located adjacent to the eastern boundary of the site. The temporary dwelling is a mobile home 20m x 6.7m in size providing 134 square metres of accommodation which has been designed internally to provide accessible and functional accommodation having regard to the needs of the applicant.
- 2.2 The site is reasonably well screened from the road by a band of mature trees mainly consisting of Oak, Ash & Field Maple which is covered by an area Tree Preservation Order (TPO). The access to the site is shared with the neighbouring dwelling and caravan site which is located to the north (The Osiers), and a solid timber gate at the main access to the site screens much of the site from the access. To the south of the application site there is a terrace of 3 cottages. The application site is otherwise surrounded by open countryside.

3.0 The Proposal

- 3.1 The application seeks planning permission for the permanent stationing of a mobile home and an equestrian use comprising the breeding of horses and dressage training. .

4.0 History

18/00178/TPA	PER	Crown raise by up to 4m (above ground level) on 1 no. Oak tree (T1). Crown raise to first fork (on the limb adjacent to the schooling area) on 1 no. Oak tree (T2). Fell T3-T5 combination of Field Maple and Hawthorn. Crown raise by up to 6m (above ground level) on 2 no. Oak trees (T6 and T11). Remove 2 no. limbs on northern sector at 6m (above ground level) on 1 no. Oak tree (T7). Reduce width on northern sector by 0.5m and prune overhanging branches to 6m on 1 no. Hawthorn (T8). Remove lowest limb at 4.3m (above ground level on north sector) and crown raise by up to 6m (above ground level) on 1 no. Oak tree (T9). All 10 no. trees are within Woodland, W1 subject to FU/04/00538/TPO.
14/02144/FUL	PER	14/02144/FUL Stationing of mobile home for temporary period of 3 years.
15/00336/DOC	DOCDEC	Discharge of conditions relating to FU/14/02144/FUL, condition 5.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	NO
Tree Preservation Order	YES (Adjacent)
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Parish Council

Funtington Parish Council objects to this application.

The original permission, to which, incidentally, the Parish Council objected, purported to be for a limited period to enable Mrs Ward to train for the Olympic Games in 2016. The justification for that permission has therefore expired and the mobile home should be removed. Further, although the land adjacent has been used for keeping the applicants' horses for a long period of time no permission has been granted for an equestrian business or for a school of equitation.

The use of the land for business purposes should therefore be determined before consideration is given to this application.

6.2 WSCC Highways Authority

16/08/2018

As the equestrian business has been operating and utilising the existing access without evidence of highway safety concern, and there is sufficient space on site for vehicles to turn, we would not have any transport grounds to resist this usage becoming permanent.

10/08/2018

This proposal is for the permanent stationing of a mobile home to support an equestrian business. WSCC as Local Highway Authority was consulted on an application for the temporary stationing of a mobile home on this site under ref: FU/14/2144/FUL to which no highways concerns were raised and planning permission was granted.

The site is accessed via Clay Lane, utilising as existing shared access. An inspection of WSCC mapping indicates that vehicular visibility at the access onto Clay lane is sufficient for the anticipated road speeds within this location. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years indicates that there have been no recorded injury accidents within the vicinity of the access and therefore there is no evidence to suggest that the access is operating unsafely, or that the permanent stationing of a mobile home would exacerbate an existing safety concern.

The applicant has indicated that there will be four parking spaces provided on site, which exceeds the WSCC car parking demand calculator's expected minimum parking provision for a dwelling of this size and location. There also appears to be sufficient space on site for vehicles to turn on site and exit onto the publically maintained highway in a forward gear.

In conclusion, the LHA does not consider that the proposal for a single permanent mobile home would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.3 Third party representations

1 third party comment has been received concerning;

- a) The plan includes land not within the ownership of the applicant
- b) No notice has been served on the owner by the applicant

6.4 Agent's/Applicant's supporting information

The applicant has confirmed the following;

- a) It is correct that as with the original application the red line was drawn to include the showing of the access to the highway to allow all concerned parties (highways etc) to see the road access, and for no other reason.
- b) We have no intention to deceive anyone and have made it clear from the outset the entrance is not in our ownership, but we have an access right across it to the highway.
- c) Notification was served to Mr and Mrs Hayes on 23rd June 2017, By our then planning consultant Judith Norris of The Rural Planning Practice.
- d) Following which a notice was placed on our gate and letters sent out to all our neighbours by yourselves.
- e) Furthermore, as a member of Funtington Parish Council Mr Hayes would have been made aware of the application.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no made neighbourhood plan for Funtington 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 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 33: New Residential Development
Policy 37: Accommodation for Agricultural and other Rural Workers
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 45: Development in the Countryside
Policy 48: Natural Environment
Policy 49: Biodiversity
Policy 55: Equestrian Development

National Policy and Guidance

- 7.4 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 11 of which states:
At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as running through both plan-making and decision-taking:
For decision-taking this means unless material considerations indicate otherwise:
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*
- 7.5 Consideration should also be given to Sections 4 (Decision-Making), 5 (Delivering a sufficient supply of homes), 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) generally.
- 7.6 The government's New Homes Bonus (NHB) which was set up in response to historically low levels of housebuilding, aims to reward local authorities who grant planning permissions for new housing. Through the NHB the government will match the additional council tax raised by each council for each new house built for each of the six years after that house is built. As a result, councils will receive an automatic, six-year, 100 per cent increase in the amount of revenue derived from each new house built in their area.

It follows that by allowing more homes to be built in their area local councils will receive more money to pay for the increased services that will be required, to hold down council tax. The NHB is intended to be an incentive for local government and local people, to encourage rather than resist, new housing of types and in places that are sensitive to local concerns and with which local communities are, therefore, content. Section 143 of the Localism Act which amends S.70 of the Town and Country Planning Act makes certain financial considerations such as the NHB, material considerations in the determination of planning applications for new housing.

The amount of weight to be attached to the NHB will be at the discretion of the decision taker when carrying out the final balancing exercise along with the other material considerations relevant to that application.

Other Local Policy and Guidance

Consideration has also been given to the following documents:

Planning Obligations and Affordable Housing SPD
Surface Water and Foul Drainage SPD

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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

8.0 Planning Comments

The main considerations are:

- i. Principle of development
- ii. Impact upon rural character of the surrounding area
- iii. Impact upon the amenity of neighbouring properties
- iv. Ecological considerations
- v. Other matters

Assessment

- i. Principle of development

- 8.2 The application site lies within the rural area where new development is resisted in accordance with policy 2 of the Chichester Local Plan (CLP), unless the proposal requires a countryside location and would meet a small scale local need in accordance with policy 45 of the CLP. Policy 45 of the CLP identifies that development will be granted permission where it required a countryside location and meets the essential, small scale, and local need which cannot be met within or immediately adjacent to existing settlements. In addition, policy 37 sets out the criteria that any proposal necessary to meet the accommodation needs of full-time workers in agriculture, forestry or other business requiring a countryside location should meet. In respect of the proposed equestrian enterprise policy 55 states that horse related development will be granted where a number of criterion is met including; there is adequate land for the number of horses kept, existing buildings are re-used where possible, there would be minimal harm to landscape, the proposal would be compatible with its surroundings, it would not result in the loss of the most versatile agricultural land and the site is well linked to bridleway networks.
- 8.3 In order to be justified there must be an essential need for a worker to live on site, there should be no other suitable accommodation on site or in the vicinity, a dwelling should not have recently been disposed of, the dwelling should not be larger than operationally necessary and the siting of the development and landscaping should minimise the impact upon the surrounding area.
- 8.4 The applicant obtained a temporary and personal permission for a rural workers dwelling on the site for a period of 3 years in December 2014. The minutes of the Planning Committee at which permission was granted state it was proposed that 'the application should be permitted for a temporary period of three years and made personal to the applicants for the purpose of breeding horses and activities undertaken in relation to dressage on the premises. Therefore the LPA has previously been satisfied that there was an essential need for the applicant to reside on the site to support the rural enterprise. In addition, it was accepted that the proposed breeding and dressage training enterprise proposed would be acceptable in this location.
- 8.5 The temporary permission was implemented and the 3 year permission has now expired and the applicant is seeking permission to retain the existing dwelling on the site permanently and to continue the equestrian enterprise. The applicant has confirmed that they would agree to a further personal permission. During the course of the application the applicant has submitted a detailed Business Plan which explains the breeding program she is undertaking and the dressage training that she undertakes from the premises. In addition the year end accounts for 2017-2018, evidence of the level at which the applicant is competing, and details of the available homes nearby have been submitted. The growth of the equestrian enterprise would be in line with the use previously accepted, including the breeding of dressage horses and also training for horses and riders on a 1 to 1 basis, the level of which would result in a level of activity appropriate to the size of the site and the character of the area.

- 8.6 The information submitted confirms that, although following the grant of the temporary permission the business was slow to develop, this was as a result of medical issues for the applicant which prevented her from working for a time. The applicant commenced the breeding program for elite dressage foals and although it has been halted temporarily this is to allow their colt to mature and to increase its value, during this time the applicant has grown the dressage training element of the business. The business has established itself over the past 18 months, and during the year 2017-2018 the business showed a small profit. The temporary dwelling was also permitted because it allowed the applicant to train to compete for Great Britain (GB). Although the applicant was not able to represent GB at the Rio Olympic Games she has subsequently been re-classified for competition (due to the worsening of her condition) and she has competed for GB at other events. It is considered that given the LPA previously accepted there was an essential need for the applicant to reside on the site to operate the enterprise and she is in the process of developing the enterprise in line with the business plan submitted that the retention of the dwelling and a permanent permission for the equestrian enterprise would be justified.
- 8.7 There has been no change in the accommodation proposed, and therefore it is considered that the scale of the dwelling would be appropriate to meet the needs of the equestrian enterprise. There are no other dwellings close to or on the site either available or suitable to meet the needs of the applicant. The site is well-screened from the road by mature vegetation ensuring that the proposal would not harm the rural character of the locality.
- 8.8 Concerns were raised during consideration of the 2014 application that there was insufficient land on the site to accommodate the number of horses described in the business plan. The applicant states that the site provides 2.5-3 acres of well-maintained rotated grazing (1.01-1.2ha), however the site in total amounts to approx. 1.2ha (1ha with the band of trees deducted). Taking into account the stable block, manege, horse exercise ring, car parking area and also the area of the proposed mobile home it did not appear that there would be 2.5-3 acres of quality pasture for the grazing of horses. However, in granting temporary permission previously, the LPA has accepted that there would be sufficient space to grow the business as set out in the business plan submitted alongside the application. There have been no material changes to the nature of the equestrian business and therefore it would be unreasonable to resist the proposal on these grounds following a grant of temporary permission to allow time for the business to develop.
- 8.9 In conclusion, it is considered that the applicant has provided adequate information to demonstrate that the proposed accommodation would meet an essential need of a rural enterprise. Furthermore, the proposed business plan combined with the accounts submitted demonstrate that the enterprise is growing as anticipated when temporary planning permission was granted. It is therefore considered reasonable to now grant a permanent permission for a dwelling on the site, subject to an occupancy condition, in accordance with policies 2, 37 and 45 of the CLP
- ii. Impact upon the rural character of the surrounding area

8.10 The application site lies within a rural area characterised by hedgerows to the field boundaries, pastureland and also woodland, with a large copse located to the north east of the application site. The area surrounding the site also reflects a strong rural character as a result of the loose-knit and sporadic nature of residential properties along Clay Lane. The use of the land for the stationing of a mobile home and the operation of the equestrian enterprise would not result in a significant change to the rural character due to its siting within the site, the extent of screening provided by the belt of TPO'd trees along the front of the site and single store scale and mass of the dwelling.

8.11 For the reasons set out above it is therefore considered that the proposal would not detract from the character of the surrounding area and would accord with policies 33 and 48 in this respect.

iii. Impact upon the amenity of neighbouring properties

8.12 There is a residential property to the north of the application site, and a row of cottages to the south of the application site. It is considered that due to the siting of the proposed mobile home some distance from these properties, and also the screening of the mobile home as a result of the planting surrounding the site that the proposal would not have an unneighbourly impact upon the occupiers of these dwellings. In addition, due to the nature and scale of the equestrian enterprise proposed the business use connected with the stables would not result in a level of activity, noise or disturbance that would have a significant adverse impact upon the amenity of neighbouring properties. The proposal therefore accords with policy 33 of the CLP in this respect.

iv. Ecological considerations

8.13 The application site lies within the 5.6km zone of influence around the Chichester and Langstone Harbour Special Protection Area (SPA) where a net increase in dwellings is likely to have a significant effect. An Appropriate Assessment has been carried out in accordance with the Habitat Regulations 2017, and subject to the payment of a contribution to mitigate the impact the proposal would not have an adverse impact upon the SPA. The applicant has agreed to enter into an agreement and to pay the contribution, which would ensure that the proposal would be acceptable in this respect and the proposal would as a result accord with policy 50 of the CLP. An update will be provided at the Planning Committee.

v. Other matters

8.14 A concern has been raised by a third party (a relative of the neighbouring property that owns the access track onto Clay Lane) that the owners of part of the application site were not notified by the applicant when the application was submitted. Certificate B was submitted with the application confirming that notice had been served upon the owners of the access track onto Clay Lane. The applicant has also subsequently confirmed that this information is correct and the planning agent served notice and signed certificate B.

8.15 The owner of the land was sent notification letters upon receipt of the application and in connection with amended plans received during the course of the application by the Planning Authority, and a site notice was displayed at the point of access adjacent to the access the landowner uses to enter their own property. It appears that the land owner is aware of the application given the representation received from a relative and it is therefore considered that all reasonable steps have been taken to ensure that the owner has been made aware of the application via the necessary planning application publicity processes, and as such the application can be determined without injustice to the owner of the land.

Conclusion

8.16 Based on the above, in particular the assessment of the principle of the proposed development it is considered the proposal accords with development plan policies 2, 33, 37 and 45 and the NPPF, and therefore the application is recommended for approval.

Human rights

8.17 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate

RECOMMENDATION

PERMIT WITH S106 subject to the following conditions and informatives:-

1) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 4820 01 and 4820 02

Reason: To ensure the development complies with the planning permission.

2) The residential occupation of the land shall be limited to Mr and Mrs Ward whilst solely or mainly working or last working in connection with the equestrian enterprise on the land currently known as Fallen Oaks and as outlined in green on the attached plan (drawing no. CDC01), or a widow or widower of such a person, and to any resident dependants.

Note: (i) "Last Working" covers the case both of a person who is temporarily unemployed or of a person who from old age, or illness, is no longer able to work. Nor need the words necessarily exclude a person who is engaged in other part-time, or temporary employment, if that person could still be regarded as an equestrian worker or retired equestrian worker. A person who last worked in an equestrian enterprise but who now works on a permanent basis mainly in non-equestrian employment would not satisfy this condition.

(ii) "Dependants" means persons linking in family with the person defined and dependant on him (or her) in whole or in part for their subsistence and support.

If the land is no longer occupied by Mr and Mrs Ward the mobile home and all associated domestic paraphernalia shall be removed from the land within three months of the use ceasing.

Reason: The site lies in a rural area where in accordance with the policies of the Local Plan development unrelated to the essential needs of a rural enterprise, agriculture and/or forestry would not normally be permitted.

3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, and the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015 the equestrian enterprise on the land currently known as Fallen Oaks shall be limited to the breeding of horses and dressage training activities only, and shall not be used in connection with any other commercial function including a livery or riding school.

Reason: In the interests of protecting the character of the rural area.

INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) S106

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

For further information on this application please contact Fjola Stevens

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Report to	Planning Committee
Date	19 September 2018
By	Director of Planning and Environment
Local Authority	Chichester District Council
Application No.	SDNP/17/03764/FUL
Applicant	Dr David Jones
Application	Construction of a new bridleway.
Address	1 Barnettts Cottage Fitzlea Wood Road East Lavington GU28 0QN

Recommendation: That the application be Refused for the reasons set out in paragraph 10 of this report.

Executive Summary

Reason for Committee Referral:

Red Card: Cllr Shaxson - Important information/opinion to raise in debate.

The application seeks the construction of a new bridleway to replace an existing stretch of bridleway that it is proposed to extinguish. In relation to the impact of development on the landscape character of the National Park, the Local Planning Authority (LPA) is required to give great weight to conserving and enhancing its landscape and scenic beauty. The proposed works to form the bridleway together with the loss of vegetation which contributes to the rural character of the area are considered to have a harmful impact on the character and appearance of the landscape.

In relation to the impact of the development on the biodiversity of the site it is considered that insufficient information has been submitted in relation to the impact of the development, however, notwithstanding this, given the significant works which are to be undertaken it is likely that the proposal will result in the destruction of habitat and have a harmful impact on protected species.

It is acknowledged that there will be some highway safety benefits to the proposal and the bridleway will be more convenient to some users, however, these benefits together with the reason given by the applicant for the bridleway diversion, that they would like to divert the bridleway so they can plan the layout of their site and the proposed new house without the restrictions of the present path route, are not considered to outweigh the harm caused to the landscape of the National Park and the biodiversity of the site.

The application is therefore recommended for refusal.

1.0 Site Description

- 1.1 The application site is located to the west of 1 Barnetts Cottage and Fitzlea Wood Road, between woodland to the east (under the ownership of the applicant) and heathland to the west (under the ownership of the Sussex Wildlife Trust (SWT)). The wider area is designated as a Site of Nature Conservation Importance (SNCI) (including the application site) encapsulating land either side of the application site and up to the Fitzlea Wood Road. Whilst there is a distinct change from east to west this is gradual with interspersed mature trees, gorse and other understorey vegetation.. A post and wire stock proof fence divides the application site from the land within the ownership of the SWT to the west.
- 1.2 The site is noted to be particularly boggy in places, and this is particularly apparent towards the centre of the site where a number of water courses run through the land from west to east and discharge into drainage ditches that run alongside the adjacent road..
- 1.3 The existing bridleway 1004 runs east, north-east across an area of heathland and woodland known as Graffham Common, between Graffham Common Road to the west and Fitzlea Wood Road. It connects to a number of footpaths including footpath 2881 which runs eastwards from Graffham Common Road to meet the bridleway at Barnetts Cottage. The current bridleway has a solid surface which naturally drains with the slope of the land being about 2.0-3.0 metres in width.

2.0 Proposal

- 2.1 The application seeks planning permission for the construction of a new bridleway to replace an existing stretch of bridleway that it is proposed to extinguish. The proposed bridleway will measure 225 metres in length and 3.0 metres wide with regrading of the land either side to a total width of 7.0 metres. The extent of excavation to form the base of the bridleway varies in depth from 0.20 metres in dry areas to 0.25 metres in wet areas. The bridleway will be surfaced with compacted Fittleworth stone to a depth of 0.1 metres. The proposal includes the culverting of existing watercourses that cross the site including the ditch on the south side of Fitzlea Wood Road. The headwalls to each of the culverted sections of the watercourses will be constructed from concrete filled bags

- 2.2 It is intended that the resulting surface of the bridleway will provide a good all weather surface suitable for walkers and riders throughout the year and which will withstand the test of time without significant on-going maintenance liabilities. The tree report submitted with the application indicates that a minimum of 32 trees will need to be felled to accommodate the new bridleway and the width of the bridleway and regrading of the land either side will result in the clearance of a significant amount of understorey vegetation along its route.

3.0 Relevant Planning History

- 3.1 SDNP/14/00061/PRE - Demolition of 2 no. existing semi detached cottages. Replacement with new build 3 bedroom house and 1 no. bedroom annex. - Advice given.

4.0 Consultations

4.1 Lodsworth Parish Council

Objection

Lodsworth Parish Council has discussed this planning application. Having spoken to a number of users of the bridleway in the parish, particularly those who ride horses, the proposed diversion route of the bridleway is thought to be inappropriate as it would go through an area which is extremely boggy and unsafe for riders & their horses. The Parish Council has been informed that the current bridleway has been improved by a local resident to make it more useable.

4.2 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

For applications within the South Downs National Park we recommend you seek the advice of the South Downs National Park Authority

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk

4.3 Environment Agency

No comments received.

4.4 WSCC - Highways

I refer to your consultation in respect of the above planning application and would provide the following comments.

The proposal seeks the construction of a new bridleway at Barnetts Cottage, 1 Fitzlea Wood Road, East Lavington.

Upon review of the submitted WSCC Diversion Order Summary Report (Paragraph 15 iii) it is required that the works be supported by way of a Stage 1 Road Safety Audit. In the interests of proper planning this should be submitted in support of the planning application with an accompanying designer's response to any issues raised.

Please re-consult when this information is available.

Further comments received 03.09.2018

West Sussex County Council was consulted previously on Highway Matters for this application and provided a response dated 26/01/2018. Upon review of the submitted WSCC Diversion Order Summary Report (Paragraph 15 iii) it is required that the works be supported by way of a Stage 1 Road Safety Audit (RSA). It was requested the RSA be submitted with an accompanying designer's response to any issues raised.

The proposal seeks the construction of a new bridleway at Barnetts Cottage, 1 Fitzlea Wood Road, East Lavington.

Road Safety Audit

This RSA has subsequently been submitted, within which only one safety issue is raised.

In Summary:

Location A - Proposed development access road - Risk of Non-Motorised User/ vehicle conflict.

It has been identified that there is a small shrub that is beginning to take root in the visibility splay of the proposed path. If this shrub begins to establish it will impact on future inter-visibility of NMU's and vehicles within the carriageway and has the potential to become a safety risk.

It has been recommended to review the visibility splay when the works are carried out and clear any shrubs in vicinity of the new path where it emerges with the carriageway.

The applicant has submitted a designer's response which agrees with and accepts the Safety Auditors Recommendations. I would be minded to advise that such a solution to the problem identified should be secured via planning condition.

Public Rights of Way

I have consulted with WSCC Public Rights of Way and they have confirmed they are satisfied with the proposal.

Culverting

The proposed seeks to install culverting. These works are not considered to be on the adopted highway network; nevertheless these works will require ordinary watercourse land drainage consent.

Conclusion

In conclusion no overriding highway safety or capacity concerns would be raised to the proposed. If the Local Planning Authority is minded to grant planning consent the following conditions and informative note would be advised:

Conditions:

Retention of Right of Way

The existing public right of way (B.W.1004) across the site shall remain undisturbed unless and until legally stopped up or diverted prior to the commencement of any of the development hereby permitted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved by the Local Planning Authority, throughout the course of the development.

Reason: To safeguard the rights of the public.

Safety Audit Recommendations

No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

Informative:

Ordinary watercourse land drainage consent

The applicant is advised that in order to implement the proposal Ordinary watercourse land drainage consent will be required.

4.5 HCC - Landscape

Initial comments (Summary)

Inconsistencies in the submission as it stands mean I think it will be virtually impossible to assess accurately the potential impact on the various strands that make up 'landscape'- on views, on the existing vegetation, on the ground conditions/drainage, on the nature conservation interest and value.

The Ecology report shows a different route for the path to that on the proposals drwg.(160801/01C)

If the layout has been revised (to the 'wiggly' route) we don't know how much vegetation is to come out as there is no way of relating this to the survey drwg.

I am concerned the Ecology report is not comprehensive- the fact it doesn't appear to mention the SINC at all and doesn't give any info on the adjacent site managed by the SWT is an indicator of this.

Further comments received 31.08.2018 (Summary)

Our earlier comments dated 17.1.18 were issued in draft as at that time further information had been requested by the case officer and was outstanding. These comments have been updated to reflect the documents on the SDNPA website as at 31.8.18.

To summarise our main grounds for objecting to the scheme are:

i) The submission does not demonstrate a comprehensive understanding of the site in terms of landscape, ecology and history. Insufficient information appears to have been gathered to inform decision making about layout and design. The result is a scheme that is lacking in detail, poorly thought through and inappropriate in this setting.

ii) The main impacts on the landscape are:

- loss of existing vegetation together with the introduction of hard surfacing and drainage structures which will adversely impact views from public viewpoints
- damage to an area which is clearly of nature conservation value (designated SINC) and whose ecology has a direct bearing on perception and enjoyment of the local, publicly accessible landscape

- diverting a historic path which has meaning and interest in terms of the local landscape and which is part of the setting of a heritage asset, without any assessment having been carried out.

4.6 CDC - Coastal and Drainage Engineer

We have no objection in principle to the proposed re-routing of the bridleway. However there are multiple crossings of Ordinary Watercourses which unless done correctly could result in increased flood risk, and or deterioration of water quality.

Each of these crossings will require Ordinary Watercourse Consent (OWC) before any works can commence on them. The applicant should contact landdrainage@chichester.gov.uk for the application form, guidance notes and further information.

If you're minded to permit the application, we would recommend the following condition is applied to ensure the development is adequately drained:

"The development shall not proceed until Ordinary Watercourse Consent has been approved by Chichester District Council for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site."

The applicant must be aware that planning permission will not prejudice OWC,

4.7 Sussex Wildlife Trust

Comments received 14.03.2018 (Summary)

This objection is sent on behalf of the Sussex Wildlife Trust in relation to the above application. The Sussex Wildlife Trust owns and manages Graffham Common directly adjacent to the applicants land. It is managed as a nature reserve and since purchasing the land in 2009/10, the Trust has been restoring it back to heath and heath pasture. The Graffham Common and Fir Toat Local Wildlife Site (LWS) designation covers both the Trust's land and the area where the new bridleway will be constructed and as such is a material consideration for this application.

As made clear in the Sussex Wildlife Trust's response to the bridleway diversion application, we do not object to the principle of moving the bridleway and are happy to work with the applicant's to achieve this end. However we did ask that the new path was designed in such a way as to ensure that the diversion has no impact on the designated site and the priority habitats it contains. We note that efforts have been made to consider impacts on the heathland, but unfortunately we do not believe these are currently sufficient and as such we must object to the proposal.

The Trust is particularly concerned about the drainage and ecological enhancements proposed and the potential impacts of these on our land and wider biodiversity.

The Sussex Wildlife Trust believes that the following further information is required before a decision can be made:

- Exact route of the new bridleway
- Detail of tree removals, including the exact positions of trees and the reasons for removals
- Detail of any proposed replanting scheme with preferably no additional planting on the heathland
- The exact drainage proposals including methods to ensure that water levels are maintained on Sussex Wildlife Trust land and no detrimental impacts on the wet heath on site
- Details of the sandbag headwalls to ensure no detrimental impact on the pH of the surrounding soil and water
- We also encourage the applicant to include proposals to restore the heathland on site such as rhododendron clearance and pine thinning. The Reserve Manager for Graffham Common would be happy to discuss the proposals with the applicant and any of their specialists.

Further comments received 13.06.2018 (Summary)

Since March, the Reserves Manager for Graffham Common has had a number of productive conversations with the applicants and we believe we have found a way forward. Therefore the Sussex Wildlife Trust is happy to withdraw its objection on the condition that the following agreed changes to the proposal are implemented:

- A straight route is agreed.
- The landscaping plan is amended to include thinning of the pines to establish a wet heath buffer.
- The Sussex Wildlife Trust recommends removing pines and holly around the old oaks, with a 70% thinning that graduates to the native oak buffer.
- Given that the site sits within the South Downs National Park Authority's Heathland Reunited project area, which aims to restore and join up the remnant heathland in West Sussex, we do not advocate any new tree planting. However, if it is felt that more screening is needed then native acid-tolerant trees along and behind the old trackway would be acceptable.
- Standing deadwood is left in situ where safe to do so.
- In order to keep the heath as wet as possible, the culvert pipes are set at a level that does not increase water flow off the heath during dry weather but allows enough flow to prevent flooding.
- The guidelines in the letter attached (appendix 1) are adhered to in terms of the sand bags used whilst shoring up the culverts.
- The Sussex Wildlife Trust hopes that these changes are acceptable to all the other consultees. If there are any objections to the amendments then we request to be consulted again as the withdrawal of our objection is conditional.

4.8 CDC - Environmental Strategy

Biodiversity

No protected species surveys have been undertaken on the site so we are unable to establish if protected species are present. Prior to determination we require that an extended phase one habitat survey is undertaken on the site to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required will need to be submitted as part of the planning application prior to determination.

Further comments received 07.03.2018

Bats

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reptiles

A precautionary approach should be taken within the site area with regards to reptiles as detailed within the phase 1 habitat survey. Site clearance should be conducted during the season reptiles are active and the reduction of grassy areas should be phased.

Nesting Birds

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 (with 24 hours of any work).

Further comment received 11.04.2018

I have read through SWT comments and I do agree with their finding, there are the experts for this site. From a protected species/Biodiversity point of view the only real comment I have to add to the SWT comments refers to the dead trees being removed. I agree that these should be retained unless they are unsafe to remain in situ. They are of higher biodiversity value being left, than being cut up for log piles.

Further comments received 06.09.2018

From reviewing the updated Ecological Appraisal EcA Phase 1 (version 5 dated 23.08.2018) which was submitted on the 30/08/2018, we still have a number of concerns regarding the survey and the potential for protected species. In summary we are not satisfied that both European and UK protected species and sites have been fully considered within this application and the Ecological Appraisal has not provided us with enough suitable information for us to be satisfied that biodiversity and protected species would not be negatively impacted by the proposal. As present we would recommend that the application is refused or withdrawn until this information can be provided. Our main issues have been detailed below.

Biodiversity Gain

Throughout the report there is an argument that there will be a biodiversity gain from the proposal, however from the information submitted we would disagree with this, and the current proposals would be detrimental to the habitats onsite and protected species. One example of this can be seen for nesting birds where a number of trees will be removed and replaced with two nesting boxes. Unfortunately two nesting boxes does not provide a higher biodiversity value than the number of trees and scrub which are due to be removed so the claim that there will be a biodiversity gain for nesting birds is not accurate. Similar examples can be found throughout the report and need to be addressed.

Bats

It has been established that there is no bat potential on the site because 'no potential was identified within either the structure or trees onsite'. We are very concerned about this statement, as it is clear from the tree survey that there are a number of oak trees (T1, T2, T3 and T9) which have been identified that are going to be felled and the stumps removed. Oak trees can provide suitable features for bats and in particular the dead oak trees that have been identified have potential to provide good habitat for bats. Due to this we require that phase two emergence surveys are undertaken on the oak trees and dead trees which are due to be removed. Until these surveys are undertaken we are not satisfied that protected species have been fully considered.

Great Crested Newts

Within our previous comments due to the location of ponds to the site and the identified suitable terrestrial habitat onsite we have asked that further information is provided for Great Crested Newts in the form of a HSI assessment to determine the likely presence of GCN onsite and the requirement for further survey work. Unfortunately the HSI assessment has not been included and until this information has been submitted (including the scoring table) we are not satisfied that protected species have been fully considered.

Dormice

Due to the location of the site, its location to ancient woodland and the proposal to remove a wide area of scrub and woodland, we are not satisfied that the information provided for dormice is sufficient. We require that further survey work is undertaken including nut searches later in the year and potential dormouse boxes installed for a full season of survey work. Until these surveys are undertaken we are not satisfied that this species have been fully considered.

Water Voles and Otters

The ditch to the south of the site has been identified as water vole network and within the local area there are records of water voles and otters. Due to the presence of these species we require that they are considered within the application and an assessment of the ditch to the south of the site is made to determine if these species could be present onsite. Due to the wetland nature of the site and immediate vicinity we are not satisfied with the dismissal of these species within the report. Until further consideration for these two species has been given, we are not satisfied that protected species have been fully considered.

Badgers

The latest version of the report has detailed that there will be no impact upon badgers from the proposals due to the habitat being water logged making it unsuitable for badgers. This statement is concerning as within the GCN assessment it was stated that the area was dry so there appears to be inconsistencies within the report. Until these inconsistencies are resolved the information provided is not suitable.

Sussex Biodiversity Record Centre Report

As previously requested we require a copy of the SxBRC report which should have been undertaken as part of this report within the desk top survey. The ecologist has expressed concerns about the report being published. However this can remain confidential within the application, and until this report has been submitted we are not satisfied that a full desk top survey has been undertaken.

The above addresses our main concerns for the site and the justification that until further information is provided we are unable to assess the application further and would recommend refusal.

5.0 Representations

5.1 Three letters of support have been submitted commenting:

- The existing bridleway is well used, it maintains a firm surface and has never been gated
- The access is slightly impeded by the bend in the road
- The propose route will improve the access
- Provides better access to BW1008
- The relocation will provide greater privacy
- The 3m wide path appears fit for purpose

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Chichester District Local Plan First Review 1999 and the following additional plan(s):

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Submission 2018

6.2 Policies relevant to this application are set out in section 7, below.

National Park Purposes

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

6.4 If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 172 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework 2018 (NPPF)

7.2 The following National Planning Policy Framework sections and paragraphs have been considered in the assessment of this application:

- Section 15 – Conserving and enhancing the natural environment

Chichester District Local Plan 1999

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

7.4 The following policies of the Chichester District Local Plan 1999 are relevant to this application:

- RE1 - Development in the Rural Area Generally
- RE8 – Nature Conservation – Non-Designated sites
- BE11 – New Development
- BE14 – Wildlife Habitat, Trees, Hedges and Other Landscape Features

Partnership Management Plan

- 7.5 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.
- 7.6 The following policies of the SDNPA Partnership Management Plan 2014 are relevant to this application:
- General Policies 1, 2, 3, 4, 5, 24, 28

The South Downs Submission Local Plan 2018

- 7.7 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the saved policies within the Chichester District Local Plan First Review (1999), the policies within the Submission South Downs Local Plan (2018) are currently afforded considerable weight, depending on the level of objection received on individual policies.
- 7.8 The following policies are of particular relevance to this case:
- Core Policy SD1 - Sustainable Development
 - Core Policy SD2 – Ecosystems Services
 - Strategic Policy SD4 - Landscape Character
 - Strategic Policy SD7 - Relative Tranquillity
 - Strategic Policy SD9 – Biodiversity and Geodiversity
 - Development Management Policy SD11 – Trees, Woodland and Hedgerows
 - Development Management Policy SD17 – Protection of the Water Environment
 - Development Management Policy SD20 – Walking, Cycling and Equestrian Routes

8.0 Planning Assessment

8.1 The main issues arising from this proposal are:

- Whether the principle of the bridleway diversion is acceptable
- The impact of the development on the character and appearance of the area and on the wider South Downs National Park
- The impact of the development on the ecology/biodiversity of the site
- The highways safety benefits of the development

Whether the principle of the bridleway diversion is acceptable

- 8.2 Consent has been sought and granted in principle from WSCC for the diversion of part of bridleway 1004 and the extinguishment of a short length of footpath 2881. A local authority may make an order to divert a public path if it is satisfied that it is expedient that the line of the path or way, or part of it, should be diverted in the interests of the owner, lessee or occupier of land crossed by the way; or in the interest of the public; or both.
- 8.3 The application to divert the bridleway was made in the interests of the landowners and the reason given is that on its present route bisecting the applicant's proposed development site the path would restrict the design and layout of the proposed new house and its surroundings. The applicant's would like to divert the bridleway onto a more westerly route so they can plan the layout of their site and the proposed new house without the restrictions of the present path route. No planning permission exists for the redevelopment of this site.
- 8.4 In conclusion the WSCC PROW officer advised that the improved connection within the network offered by the diversion is considered to be more convenient for most walkers and riders but may be less convenient for the smaller number of people who wish to continue south on Fitzlea Wood Road and vice versa. On balance, and in the context of a recreational route, the diversion is not considered to be substantially less convenient. The legal tests for the confirmation of the diversion of the bridleway were considered to have been met by WSCC.
- 8.5 As part of the Diversion Order procedure a number of consultations were undertaken by WSCC including with the SDNPA. The SDNPA supported the PROW diversion order application in principle, subject to other matters including the impact on the landscape and ecology of the site being assessed if planning permission was required. They commented that the improvement to road crossings, connectivity of the bridleways and an improved route for the Serpent Trail are welcomed and that landscape and environmental impact assessments be carried out so any possible negative effects that the construction works may have on the landscape and ecology could be assessed. It was also noted by the SDNPA that the applicant will be obliged, prior to confirmation of the Diversion Order, to determine whether planning consent will be required for the construction of the track and to provide any information, such as impact assessments, that may be requested as part of the planning application process at that time.

The WSCC Diversion Order report makes it clear that the applicant will be responsible for obtaining any necessary consents, licences or planning consents associated with any works. The granting of consent to divert the bridleway does not prejudice the consideration of an application for planning permission for the works for the construction of the bridleway.

- 8.6 The Diversion Order procedure does not give consideration to matters that are more appropriately considered under the planning process such as the impact of a new route on landscape character or on the biodiversity of a site and highway safety. It has been determined by the Council that the construction of the new bridleway will require planning permission as it is considered to be an engineering operation and it is therefore appropriate to consider the planning merits of the scheme including its impact on landscape character, wildlife habitats, trees etc. under this planning application.
- 8.7 Whether the development is considered to be acceptable in principle will be dependent on whether the benefits of the development including the applicant's reasons for seeking to divert the bridleway are of sufficient merit to outweigh any harm to the landscape character of the area and to the biodiversity of the site

The impact of the development on landscape character

- 8.8 The proposed route of the diverted bridleway is distinctly rural and forms the boundary between land within the applicant's ownership and that managed by the Sussex Wildlife Trust (SWT). The site and immediate surroundings are designated as a Site of Nature Conservation Importance (SNCI). The Graffham Common and Fir Toat Wildlife Site (LWS) was purchased by the SWT in 2009/10 and since this time much work has gone into its restoration back to heath and heath pasture managing carefully the priority habitats it contains. Much of the route of the proposed bridleway crosses areas of deep peaty swamp which tend to lie wet even during the summer months.
- 8.9 The extent of the works required to construct the bridleway have been described at paragraph 2.1 above and it is apparent that the bridleway will represent a significant engineered feature in this natural landscape resulting in the clearance of vegetation including the loss of a large number of trees. Furthermore, it is considered the application lacks detail in respect of the clearance of vegetation and the extent of some of the works required to construct the bridleway, to enable an accurate assessment of the extent of harm caused by the proposal. For example the topography of the route of the bridleway varies along its length and where watercourses are to be culverted the extent of the engineering works such as the headwalls to the culverts the extent of which are not necessarily reflected in the submitted plans, is not clear. Notwithstanding this it is apparent that the bridleway will have a harmful impact on the character and appearance of the area both from the impact of the surfacing of the bridleway which will appear as an unnatural feature in the landscape but also as a result of the culverting of the various watercourses which cross the site and which will have a harsh man-made appearance.

- 8.10 In conclusion on this issue the proposed bridleway is considered to cause harm to the character and appearance of what is a remote and tranquil location. The width and length of the bridleway together with the engineered headwalls where existing watercourses will require culverting will represent harsh man-made features in what is a natural landscape.

The impact on biodiversity/ecology

- 8.11 The site lies within a designated SNCI and the adjacent land forms part of the Graffham Common and Fir Toat Wildlife Site managed by the SWT. An ecological appraisal has been submitted during the course of the application which has identified a number of potential impacts on protected species. This has been updated on a number of occasions during the assessment of the application in response to concerns raised by the Council's ecologist in relation to the need to justify its conclusions that no phase 2 surveys are required.

The appraisal concludes that the development will potentially cause loss to habitats and species which are protected by law, unless either avoidance is employed, or appropriate mitigation strategies are appropriately actioned by the applicant. The appraisal however does not recommend that any further surveys should be carried out.

- 8.12 In terms of enhancing the biodiversity of the site, the applicant is proposing to provide two bat boxes and two bird nesting boxes and, has suggested that the land will be managed in a similar way to the adjacent SWT land. However, no management plan or suggestion as to how this might be secured has been submitted. The ecological appraisal concludes that the mitigation proposed by the applicant will result in an overall biodiversity gain for the site. The Council's ecologist has raised concerns in relation to this conclusion and is of the opinion the mitigation proposed is not sufficient to outweigh the harm caused through the potential impact on protected species.
- 8.13 Natural England standing advice explains that in a number of instances further surveys would be appropriate. This is supported by the Council's ecologist who advises that the site is a potential habitat for a number of protected species including bats, great crested newts and dormice amongst others and in respect of these species further surveys should be sought. Phase 2 habitat surveys have been requested in respect of a number of species however the applicant's ecologist is of the opinion that these are unnecessary and that there will be no harm to these protected species.
- 8.14 Without these further surveys it is difficult for the LPA to fully understand the impact of the development on the biodiversity of the site however, notwithstanding this, given the significant works which are to be undertaken it is likely that the proposal will result in the destruction of habitat and have a harmful impact on protected species.

The highways safety benefits of the development

- 8.15 It has been highlighted in the application that the point at which the existing bridleway emerges onto Fitzlea Wood Road is on a bend and visibility is poor especially to the south. Furthermore, the point where the bridleway continues on the opposite side of the road is approximately 105 metres to the north which means users have to traverse the road to reach this point. It is acknowledged that the proposed road crossing point appears to offer road safety benefits in terms of the point at which the bridleway meets the road and the avoidance of more than 100 metres of road use presently needed to connect between the two bridleways.
- 8.16 Whilst this is a benefit of the proposed route, the bridleway is longer at 225 metres as opposed to 170 metres. Riders wishing to travel south would have an additional 105 metres of road to traverse however, travelling north the diversion would allow a direct connection with the bridleway on the opposite side of Fitzlea Wood Road. WSCC considers this is the most likely route that would be taken by most riders.
- 8.17 In terms of the visibility of the existing access onto Fitzlea Wood Road, whilst the visibility to the south is poor this is mitigated to a degree by the fact that the location is extremely tranquil and any users of the bridleway/road junction can hear traffic coming from some distance away. In addition the road does not appear to be particularly busy with significant periods of time when no vehicles are present.
- 8.18 In terms of the benefits of the new route of the bridleway it is considered that overall there are some benefits in highways safety terms to the proposal.

9.0 Conclusion

In relation to the impact of a development on the landscape character of the National Park, the LPA is required to give great weight to conserving and enhancing its landscape and scenic beauty. The proposed works to form the bridleway together with the loss of vegetation which contributes to the rural character of the area are considered to have a harmful impact on the character and appearance of the landscape.

In relation to the impact of the development on the biodiversity of the site it is considered that insufficient information has been submitted in relation to the impact of the development, however, notwithstanding this, given the significant works which are to be undertaken it is likely that the proposal will result in the destruction of habitat and have a harmful impact on protected species.

It is acknowledged that there will be some highway safety benefits to the proposal and the bridleway will be more convenient to some users, however, these benefits together with the reason given by the applicant for the bridleway diversion, that they would like to divert the bridleway so they can plan the layout of their site and the proposed new house without the restrictions of the present path route, are not considered to outweigh the harm caused to the landscape of the National Park and the biodiversity of the site.

The proposal is therefore considered to be contrary to policies RE1, RE8, BE11 and BE14 of the CDLP 1999, policies SD1, SD2, SD4, SD7, SD9, SD11, SD17 and SD20 of the Submission South Downs Local Plan (2018), Sections 2 and 15 of the NPPF and the purposes of designation of the SDNP. The application is therefore recommended for refusal.

10.0 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The application has been assessed and determined on the basis of the plans noted below.

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

2. The construction of the proposed bridleway will require significant engineering works including the clearance of the site, its regrading and culverting of watercourses which are considered to represent a significant engineered feature in what is a distinctly rural and tranquil location within a designated SNCI and the SDNP where the conservation and enhancement of the landscape and wildlife should be given great weight. Notwithstanding the fact that the information submitted is insufficient to assess the full impact of the development on protected species and habitat, the proposal is considered to be harmful to wildlife habitats within the SNCI and protected heathland. Furthermore the extent of site clearance, excavation, regrading and culverting is likely to result in an overly engineered feature and at odds in this highly sensitive rural environment, leading to harm to the landscape character and relative tranquillity for those using the bridleway and common users. The SDNPA has had regard to the particular circumstances put forward to support the relocation of the existing bridleway and concludes that, on balance, the benefits of the scheme do not outweigh the harm caused by the development. The proposal is therefore considered to be contrary to policies RE1, RE8, BE11 and BE14 of the Chichester District Local Plan First Review 1999, policies SD1, SD2, SD4, SD7, SD9, SD11, SD17 and SD20 of the Submission South Downs Local Plan (2018), Sections 2 and 15 of the NPPF and the purposes of designation of the SDNP.

11.0 Crime and Disorder Implications

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12.0 Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13.0 Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14.0 Proactive Working

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

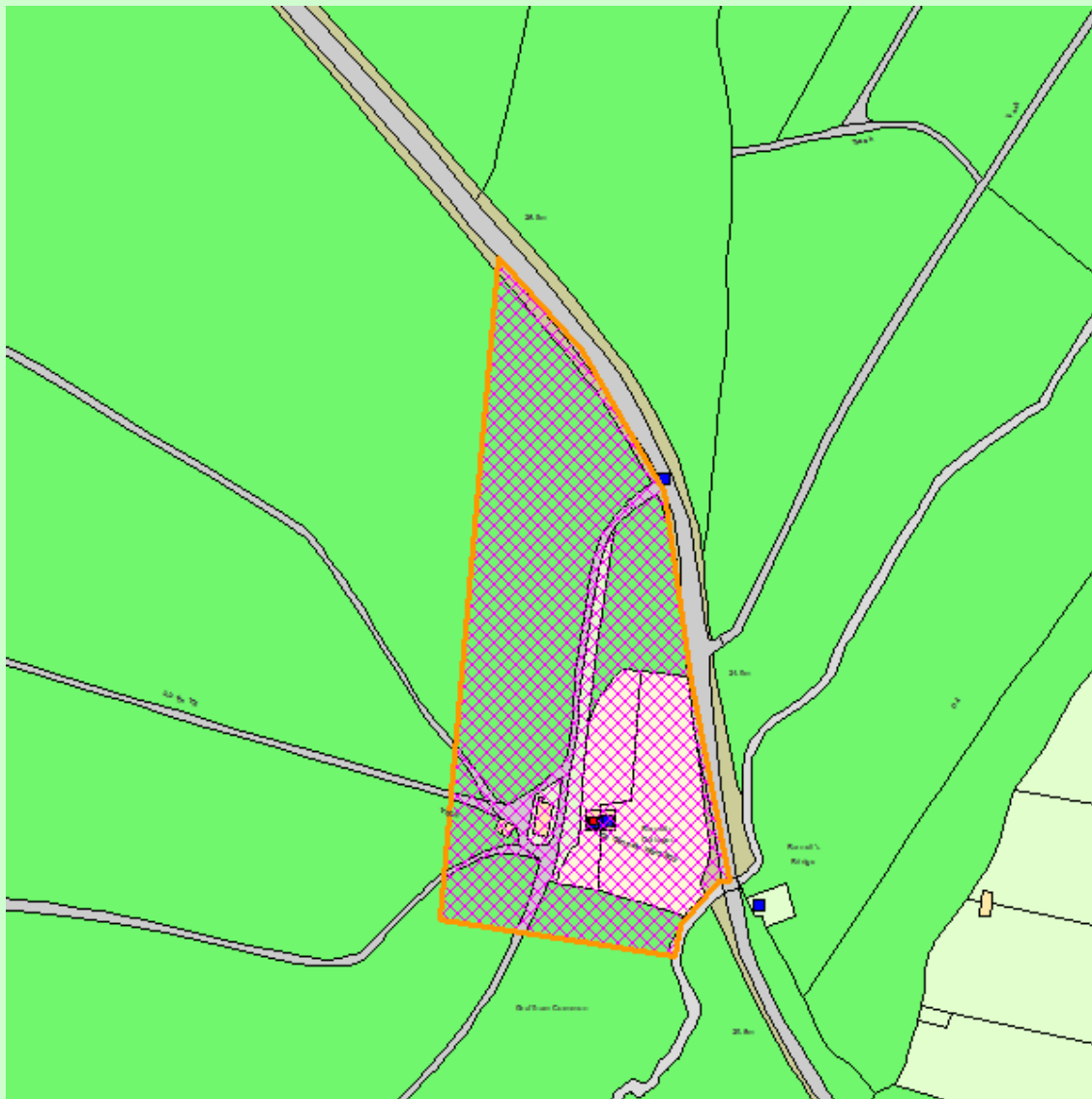
Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: John Saunders
Tel: 01243 534734
email: jsaunders@chichester.gov.uk

Appendices Appendix 1 - Site Location Map
 Appendix 2 – Plans Referred to in Consideration of this
 Application

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed bridle path diversion plan	160801/01	C	24.07.2017	Superseded
Plans - Site location plan	13-02-100		24.08.2017	Superseded
Plans - Site Location Plan	160801/03		19.04.2018	Not Approved
Plans - Level Survey	160801/02		19.04.2018	Not Approved
Plans - Proposed bridle path diversion plan	160801/01	F	19.04.2018	Not Approved

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

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Chichester District Council

Planning Committee

Wednesday 19 September 2018

Report of Director of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

This report updates Planning Committee members on current appeals and other matters.

It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

Note for public viewing via Chichester District Council web site To read each file in detail, including the full appeal decision when it is issued, click on the reference number (NB certain enforcement cases are not open for public inspection, but you will be able to see the key papers via the automatic link to the Planning Inspectorate).

* - Committee level decision.

1. NEW APPEALS

Reference/Procedure	Proposal
<p>* 17/01259/FUL East Wittering And Bracklesham Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Written Representation</p>	<p>Billy's On The Beach Kiosk Bracklesham Lane Bracklesham Bay Chichester West Sussex PO20 8JH - Proposed decking with ramp and retractable canopy.</p>
<p>17/00929/FUL Funtington Parish</p> <p>Case Officer: Luke Simpson</p> <p>Written Representation</p>	<p>Brick Bat Farm Mouthes Lane Funtington Chichester West Sussex PO18 8AA - Demolition of barn, removal of mobile home and erection of 1 no. dwelling.</p>
<p>17/00448/FUL West Itchenor Parish</p> <p>Case Officer: Caitlin Boddy</p> <p>Informal Hearing</p>	<p>Old Haven The Street Itchenor PO20 7AN - Demolition of existing building and construction of 6 bedroom replacement dwelling, garage and associated works.</p>

2. DECISIONS MADE

Reference/Procedure	Proposal
<p>* 17/01712/FUL Chichester Parish</p> <p>Case Officer: Rob Simms</p>	<p>Whyke Lodge Residential Care Home 115 Whyke Road Chichester West Sussex PO19 8JG - 6 no. dwellings.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“... The Chichester Local Plan (CLP) makes little reference to the housing needs of the ageing population. The plan does not include any policies which seek to retain existing care homes or to prevent their change of use or redevelopment...Policy 38 seeks to retain local and community facilities, such as shops, sports venues, cultural buildings, public houses and places of worship. However, the supporting text acknowledged that this is not an exhaustive list. There was evidence from third parties that Whyke Lodge provides for an identified need within the wider community as a home that offers support to particularly vulnerable people. I therefore consider Policy 38 is of relevance to this case. Policies 3 and 26...are not directly relevant to the assessment of the appeal proposal...I consider that the Community Strategy, the views of the County Council as a provider of adult services and the current provision of care within Whyke Lodge are material considerations. ... The Community Strategy...has identified that in 2015 Chichester was estimated to have 2,329 people aged over 65 suffering with dementia...One of the strategy’s priorities in relation to health and well-being is to promote and develop a dementia friendly District. This suggests that the loss of existing care facilities could reduce the community’s ability to meet its needs both now and in the future. The County Council...pointed out that only 12 of the 33 homes in the Chichester area provide specialist dementia services. The letter went on to say that NHS England issued guidance in 2015 directing that ‘providers should do all they can to prevent care homes closing where possible’. In my view the concerns it expressed (the County Council) in its response are highly significant material considerations in relation to the appeal proposal. ... The County Council’s report: Needs Analysis for Supported Housing in West Sussex, set out data and projections for the number of vulnerable people in different groups. It did so in order to identify likely future demand for various forms of supported housing. Within Chichester District it was estimated that an additional 160 people over the age of 65 will have dementia and an additional 180 will require nursing care. It is recognised that most want to stay in their own homes for as long as possible. Where this is not possible supported housing which offers a measure of independence is preferred to residential care. However, even with more people living in supported accommodation, the need for residential care beds is set to increase as the population ages. The groups in greatest need of residential care, or a new form of extra care, will be those who are either very physically frail or suffer from dementia. ... It therefore estimated that the County Council will need to access 43 additional residential care beds and 36 nursing beds across the County. However, these figures did not take any account of the number of beds that are likely to be required by the very significant number of elderly people who will be funding their own care. Whilst the data did not allow the report to provide robust estimates of the likely overall demand for care beds, it seems to me that there can be little doubt that demand for care, particularly for those with dementia, will continue and is highly likely to increase. This demand for appropriate accommodation and care is therefore a material consideration of significant weight, even in the absence of specific policies within the CLP to address care home provision or prevent the loss of existing homes... The</p>	

Reference/Procedure	Proposal - continued
	<p>government is seeking to raise the standard of accommodation that is provided within new care homes. ... Whyke Lodge has been a care home for about sixty years. The Care Quality Commission inspected the home in 2016 and stated that it complied with all the necessary standards. It was judged to be 'good' and providing a high standard of care. On this basis there is nothing to suggest that there is a likelihood of the home closing in the immediate future, regardless of the ownership and lease arrangements. It is clearly fulfilling a need for a service within the local community and it is doing so effectively. This is also a matter of significant weight. ... For all these reasons, I conclude that the proposal would result in the unacceptable loss of a care home. This would be contrary to Policy 38 of the CLP, which seeks to protect facilities which meet an identified need and for which there is an on-going demand. It would be contrary to Paragraph 92 of the revised Framework which requires provision of social facilities and services needed by the community and seeks to guard against the unnecessary loss of valued facilities. It would also conflict with Paragraph 61 of the revised Framework which requires local planning authorities to assess and reflect in planning policies the size, type and tenure of housing needed for different groups in the community, including older people. The government is seeking to significantly boost the supply of housing. The revised Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. I accept that the appeal site is a location which is within easy reach of the wide range of services that the city of Chichester has to offer. Future residents would not be overly dependent on a private car to access day-to-day facilities. The proposal would not be harmful to the character and appearance of the area or the living conditions of occupants of neighbouring dwellings. The proposal would therefore not result in any environmental harm. The development would generate short term employment during construction and expenditure by future residents would support the local economy. However, these economic benefits would not, in my view, compensate for the loss of the existing business and the employment associated with it... The provision of six homes would make a small contribution to the District's housing need. However, the Framework requires local planning authorities to consider the needs of all sections of the community, including older people. In this case the Council is able to demonstrate a five-year supply of deliverable housing sites. I therefore consider that the provision of six additional houses would be significantly outweighed by the loss of accommodation and care that is being provided to people who are particularly vulnerable and with restricted choices about where they can live. ... Planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. For the reasons set out above, I find that in addition to the conflict with the development plan and the revised Framework, there are material considerations which weigh heavily against the scheme...I therefore conclude that the appeal should be dismissed. "</p>

Reference/Procedure	Proposal
17/03126/FUL Chichester Parish Case Officer: Summer Sharpe	Rose Court St Cyriacs Chichester PO19 1AW - Replacement windows and doors.
Appeal Decision: APPEAL DISMISSED	
<p>“The main issue is whether or not the proposal would preserve or enhance the character or appearance of the Chichester Conservation Area. ... Rose Court is a three storey block of sheltered housing containing 34 flats that was constructed in 1985. ... Rose Court is linked with No 25 Chapel Street which has a traditional appearance and includes timber framed sash windows. Immediately to the south there are a number of buildings which the CAA has identified as positively contributing to the Area’s character, some are locally listed. Grade II and Grade II* listed buildings in North Street also back onto St Cyriacs. Rose Court is therefore in a sensitive location and within an area where the CAA has identified that the streetscape requires enhancement. In this context the replacement of the existing timber window and door frames with a modern material such as UPVC would not be compatible with the surrounding heritage assets. Whilst Rose Court is not a listed building the introduction of replacement windows and doors in modern materials would further erode the historic fabric of this quadrant of the Conservation Area. ...”</p>	
17/02138/FUL East Wittering And Bracklesham Parish Case Officer: Naomi Langford	Royal Oak Stocks Lane East Wittering Chichester West Sussex PO20 8BS - Demolition of the former public house and erection of a two storey terrace of 9 no. dwellings (consisting of 7 no. 3 bedroom units and 2 no. 4 bedroom units) with undercroft and parking to the rear and the erection of 1 no. 2 bedroom bungalow.
Appeal Decision: APPEAL WITHDRAWN	
Appeal Withdrawn – Please see The Planning Inspector’s letter in Public Access dated 07.08.18	
18/00333/DOM East Wittering And Bracklesham Parish Case Officer: Luke Simpson	28 Garden Avenue Bracklesham PO20 8HX - New roof dormers and reconfiguration.
Appeal Decision: APPEAL WITHDRAWN	

Reference/Procedure	Proposal
<p data-bbox="197 230 488 297"><u>17/00031/CONMHC</u> Southbourne Parish</p> <p data-bbox="197 365 596 398">Case Officer: Shona Archer</p>	<p data-bbox="643 230 1477 409">Land North Of Marina Farm Thorney Road Southbourne Hampshire - Without planning permission, change of use of the land to a mixed or dual use for the grazing of horses and the stationing of a mobile home for the purposes of human habitation</p>
Appeal Decision: APPEAL DISMISSED - NOTICE UPHELD	
<p data-bbox="220 539 1477 1639">The requirements of that notice were synonymous with those of the current enforcement notice but the plan accompanying the notice showed the 'land' as that immediately covered by the mobile home and associated decking. By moving the mobile home and decking a short distance the appellant complied with the requirements of the notice. The mobile home appears as an incongruous and prominent feature in the landscape. the development fails to conserve and enhance the landscape and scenic beauty of the AONB, contrary to the principles of the Framework, policies 45 and 48 of the Chichester Local Plan (LP) and policy 7 of the Southbourne Parish Neighbourhood Plan (2015). The appellant explained that the mobile home was currently let to a friend, who is not a gypsy or traveller, Although the siting of a caravan or mobile home at his mother's address is understood to be contrary to her tenancy agreement, the appellant accepted that he had been taking advantage of this arrangement 'for some time' Prior to the siting of the mobile home, the land upon which it sits was field/paddock land used for grazing. Clearly the land was not previously developed. It is accepted that the appellant meets the definition of gypsy and traveller in PPTS and the appeal development satisfies the criteria for the location of gypsy and traveller sites set out in the Council's Site Allocation Development Plan Document as incorporated into LP Policy 36. However, the site is within the Chichester Harbour Area of Outstanding Natural Beauty and fails to conserve and enhance the landscape and scenic beauty of the AONB and causes significant harm to it, contrary to the principles set out in the Framework and development plan policies. The development is, therefore, contrary to national and development plan policy and there are no material considerations which outweigh the conflict. For that reason the ground (a) appeal fails. The Ground (f) Appeal underground (f) the appellant suggests a temporary permission. Nothing short of complete compliance with the requirements of the notice would remedy the harm and therefore overcome the objections. The Ground (g) Appeal The appellant accepted at the Hearing that he is not living at the appeal site. Six months is more than sufficient time to comply with the requirements of the enforcement notice. I conclude that the appeal should not succeed. I uphold the enforcement notice and refuse to grant planning permission.</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<u>16/00933/OUT</u> Birdham Parish Case Officer: Jeremy Bushell Public Inquiry 02/10/2018 10:00:00 The Vicars Hall Cathedral Cloisters Chichester PO19 1PX	Koolbergen, Kelly's Nurseries And Bellfield Nurseries Bell Lane Birdham Chichester West Sussex PO20 7HY - Erection of 77 houses B1 floorspace, retail and open space with retention of 1 dwelling.
<u>15/00064/CONLB</u> Chichester Parish Case Officer: Sue Payne Public Inquiry 20/09/2018 Edes House West Street Chichester West Sussex PO19 1RQ	13 Parchment Street Chichester West Sussex PO19 3DA - Appeal against removal of x 3 wooden casements and fitting of x 3 UPVC casements in Grade II listed building in Conservation Area.
<u>17/01073/FUL</u> Chichester Parish Case Officer: Caitlin Boddy Written Representation	22A Lavant Road Chichester West Sussex PO19 5RG - 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.
<u>17/02708/ADV</u> Chichester Parish Case Officer: Fjola Stevens Householder Appeal	3 West Street Chichester PO19 1QD - 1 no. non-illuminated fascia sign and 1 no. non-illuminated hanging sign.

17/02433/FUL East Wittering And Bracklesham Parish Case Officer: Maria Tomlinson Written Representation	Bon Ami Peerley Road East Wittering PO20 8DW - Erection of 1 no. bungalow - resubmission of EW/17/00240/FUL.
17/02881/DOM East Wittering And Bracklesham Parish Case Officer: Luke Simpson Householder Appeal	Shore House East Bracklesham Drive Bracklesham PO20 8JW - Demolition of small garage and erection of front and rear extensions.
SDNP/17/00949/FUL Funtington Parish Case Officer: Derek Price Awaiting Decision	Land South of Braefoot, Southbrook Road, West Ashling West Sussex - Retention and continued use of mobile home for gypsy family occupation including existing timber shed and refuse enclosure. Linked to SDNP/16/00496/OPDEV
SDNP/16/00496/OPDEV Funtington Parish Case Officer: Shona Archer Awaiting Decision	Land South of Braefoot, Southbrook Road, West Ashling West Sussex – Mobile home inc installation of a cesspit and engineering works - appeal against enforcement notice. Linked to SDNP/17/00949/FUL
15/00202/CONAGR Oving Parish Case Officer: Reg Hawks Written Representation	Ham Farm Church Lane Oving West Sussex PO20 2BT - Appeal against new agricultural building, earth bund and access track.
17/00055/CONCOU Plaistow And Ifold Parish Case Officer: Reg Hawks Written Representation	Nell Ball Farm Dunsfold Road Plaistow Billingshurst West Sussex RH14 0BF - Appeal against enforcement notice

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<u>16/00359/CONTRV</u> Sidlesham Parish Case Officer: Emma Kierans Informal Hearing	Land Adj To Ham Road Sidlesham West Sussex - Appeal against Enforcement Notice SI/69
<u>16/00359/CONTRV</u> Sidlesham Parish Case Officer: Emma Kierans Informal Hearing	Land Adj To Ham Road Sidlesham West Sussex - Appeal against the Sstationing of a mobile home
<u>16/03383/FUL</u> Sidlesham Parish Case Officer: James Cross Informal Hearing	Land Adjacent To Ham Road Sidlesham West Sussex - Use of land as a travellers caravan site consisting of 2 no. touring caravans, 1 no. amenity structure and associated development.
<u>18/00747/DOM</u> Southbourne Parish Case Officer: Luke Simpson Householder Appeal	4 Park Road Southbourne PO10 8NZ - Change of use of loft space into habitable accommodation with front and rear dormers plus cable build ups.
<u>17/00448/FUL</u> West Itchenor Parish Case Officer: Caitlin Boddy Informal Hearing	Old Haven The Street Itchenor PO20 7AN - Demolition of existing building and construction of 6 bedroom replacement dwelling, garage and associated works.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage
River Farm Brookfield Lane Tillington Petworth West Sussex GU28 9BJ	Appeal against the Planning Inspectorate's decision to uphold Enforcement Notice TL/2 – stationing of mobile homes and caravans	17.08.18 – High Court. The appeal was dismissed. The Enforcement Notice is effective from the 17.08.18 with a compliance period of 3 months

Prosecutions		
Site	Breach	Stage
Land North Of White Barn Elms Lane West Wittering West Sussex	Non-compliance with Enforcement Notice WW/44 – formation of an access way onto Elms Lane	03.08.18 – Magistrates' Court. The defendant pleaded guilty. Fined £505 and victim surcharge of £50 (these will go to the Ministry of Justice) and all of our costs of £751.85.

7. POLICY MATTERS

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