

Parish: Bosham	Ward: Bosham
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**BO/17/03148/FUL**

**Proposal** Construction of 50 dwellings, landscaping, associated works and access from the A259.

**Site** Land North Of Highgrove Farm Main Road Bosham West Sussex

**Map Ref** (E) 481807 (N) 105197

**Applicant** David Wilson Homes

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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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 comprises the south-western corner of a large and broadly flat arable field which, on its western side, adjoins the Settlement Boundary of Broadbridge. On its southern side the 2.2Ha site's boundary is contiguous with the A259 Main Road, which itself comprises the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The south-eastern corner of the site flanks the Highgrove Farm complex of buildings which consists of a detached dwelling along with a number of low-key commercial uses which occupy former agricultural buildings. The remaining part of the site's eastern and the entire northern boundaries flank open farmland and are not physically defined on the ground.
- 2.2 For the purposes of the adopted Local Plan the site is located outside of any Settlement Boundary and therefore within the Rest of the Plan Area where development is generally restricted to that which needs a countryside location. However, the application site is allocated for a development of 50 dwellings in the emerging Site Allocation Development Plan Document (SADPD). The status of the SADPD and its bearing on the principle of the development proposed in this planning application are discussed further below in the Planning Comments section of this report.

## **3.0 The Proposal**

- 3.1 Full planning permission is sought for the erection of 50 dwellings along with associated development including extensive SUDS infrastructure, a foul sewage pumping station and a 0.18Ha area of public open space, with the latter incorporating a 160m<sup>2</sup> equipped play area.
- 3.2 A mix of 1, 2, 3, and 4 bedroom houses and maisonettes is proposed with 15 (30%) of the dwellings comprising affordable housing. The dwellings, which would be a maximum of two-and-a-half storeys in height, are set out in three areas of the site, with two perimeter blocks on its eastern side along with a line of dwellings that back onto a proposed landscaping belt that runs parallel to the western boundary.
- 3.3 The front part of the site would comprise a 15m deep landscaped area incorporating SUDS swales along with extensive planting.
- 3.4 Vehicular access would be from the A259 Main Road using a conventional priority access junction arrangement comprising a 30m wide bell-mouth running into a 5.5m wide spine road. Following pre-application discussions with the Local Highway Authority it was agreed that the access arrangements should incorporate a 3.0m wide 'Ghost Island Right Turn Lane' within the centre of the A259 carriageway, with creation of this feature necessitating a slight widening of the A259 into the site. A pedestrian refuge island is to be provided 20m west of the access to facilitate crossing of Main Road.

#### 4.0 History

16/03984/FUL      WDN      Construction of 50 no. dwellings with landscaping, access and associated works.

#### 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	YES
AONB	ADJOINING
Tree Preservation Order	NO
EA Flood Zone	NO
Historic Parks and Gardens	NO

#### 6.0 Representations and Consultations

6.0 Representations and consultation responses are summarised unless stated otherwise

##### 6.1 Parish Council (in full)

Original comments

CDC have designated part of Highgrove Farm as the site for the 50 houses allocated to Bosham. CDC's LDP has yet to pass examination therefore BPC consider this application to be premature and objects to it at this time.

Highgrove Farm is the site least favoured by the residents of Bosham as expressed through the formation of the Bosham Parish Neighbourhood Plan; (first preference being for the use of the number of derelict sites spread throughout the village.)

The development, which will destroy valuable Grade 1 and 2 agricultural land, will have an adverse impact on the AONB. Policy 43 of the CDC Local Plan (Key Policies 201-2029) states: "natural beauty and locally distinctive features of the AONB are conserved and enhanced; proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB and development does not lead to actual or perceived coalescence of settlements or undermine the integrity of predominantly open and undeveloped, rural character of the AONB and its setting." The development does not respect the setting of the AONB and the special long views of the South Down National Park from the AONB will be obliterated.

In respect of the application itself we comment as follows:

##### 1. Foul Drains

The application proposes to pump effluent from 50 houses to the nearest point of connection in the south part of Brooks Lane.

Whilst it is acknowledged that there is sufficient headroom at the WWTw at Hart's Farm, it is a fact that Southern Water have stated that any further development in the Bosham area will result in an increase in the number and quantity of CSOs from the pump station at Stumps End into the upper reaches of the Harbour. This is due to ground water ingress and the inadequate size and the age of the existing sewer infrastructure. We understand some works have been undertaken by Southern Water to eliminate the ingress of surface water at Ratham Lane and Shore Road. However, any improvement at these two locations will be balanced by the increase in waste water from the new development and will not, therefore, help to improve the intolerable situation of untreated effluent overflowing into the streets and harbour, a problem which has existed for a number of years. Bosham Neighbourhood Plan Policy 8(C) states, inter alia, that any new development must ensure that the additional net flow of sewage must be capable of being managed in balancing arrangements. In recognition of this the new build Hospice on Walton Lane have agreed with Southern Water engineers to construct a large balancing tank at the Main Road pump station to ameliorate the flow rate from the development.

No such arrangements are shown for the much larger development planned at Highgrove and clearly some similar, larger facility is essential to avoid unplanned/unwanted overflows from manholes further down the system.

To date this application does not appear to meet the requirements of Policy 8 (C) and the BPNP.

## 2. Surface Water Drainage

The Application form at item 12 claims there will be no flood risk elsewhere. This is incorrect. It is clear from photographic evidence (attached) that the claim in the Flood Risk Assessment that the site does not flood is incorrect. Surface water gathers at the south west corner of the site and historically has then flowed into Brooks Lane causing extensive flooding. The Non-Technical Summary states at 1.1.3 that the site is not at risk of flooding from overland flows or from groundwater. This statement is contradicted by photographic evidence and testimonials from surrounding residents, which clearly show it is in an area prone to flooding from the land. It is proposed surface water is channelled into the watercourse running down the eastern side of the village. This watercourse, known as the East Ditch, is the source of frequent flooding of the highways of Walton Lane, Stumps Lane and Taylors Lane, and of a property in Stumps Lane, at times of heavy or prolonged periods of rain. Rainfall records taken very close to the site are recording instances of shorter periods of heavier rain thus leading to flash flooding. This problem is compounded when heavy rain fall coincides with a high tide and the surface water has no-where to go. With the predicted increase in rainfall flooding will inevitably be more frequent. No account appears to have been taken of the impact of the likely extra amounts of surface water from the recently approved new Hospice development in Walton Lane, which also uses a SUDS system discharging into the East Ditch. The proposed use of SUDS on a site with a high water table, predicted at 1.5m, does not provide a satisfactory answer to these concerns.

### 3. Landscaping

Development of this site does not meet any of the requirements of Policy 6 of the BPNP.

The proposed hedge and tree screening to the eastern boundary appears to be outside of the development site and the screening to the south is non-existent apart from a few odd trees. It does not comply with the requirements set out in Policy BO01 of the CDC Site Allocations Development Plan Document regarding impact on the Chichester Harbour AONB which states "provide appropriate landscape and screening to minimise the impact of development on Broadbridge and the Chichester Harbour AONB and South Downs National Park including views to and from the wider and surrounding area." Further, it does not relate to the character of the existing settlement to the west which has a significant hedgerow and trees between the AONB and the built area, which is currently undergoing enhancement with additional planting of trees, hedging and bulbs. A native hedge some 5m wide plus trees should be the minimum landscape treatment between the proposed housing, car parking and street lighting and the A259 and the AONB to the south.

It is noted from the Landscape Plan that Pinus varieties are to be planted at the entrance and throughout the site. These should be replaced by native species. This is particularly important on the western boundary which is shown as part of the species network of the parish on the ecological summary map of the Neighbourhood Plan.

Further, there is no correlation on the western boundary between the tree protection plan and the proposed landscape treatment shown on the landscape masterplan. It would appear that all the hedgerow and understorey planting is going to be removed and replaced with proposed grass areas.

### 4. Open Space

The Chichester Local Plan Open Space Calculator shows that for a development of this size there should be 156m<sup>2</sup> of equipped play space and 519m<sup>2</sup> of amenity open space provided on site. No play facilities are shown on the application plans. The play area should be within a 10 min (480m) walk from residential properties. The only play area in the Parish is some 1200m away along lanes without a footpath.

### 5. Protected Species

In the Application Form under item 13 it is claimed no protected species are on or near the site. The eco survey shows there are slow worms on the site and these are protected under the Wildlife and Countryside Act.

### 6. Street Lighting

There is no street lighting on the A259 within the vicinity of the application site, nor in the adjacent Brooks Lane. The Bosham Village Design Statement on page 8 states: "Whilst only Delling Lane has street lighting, albeit intrusive and over-engineered, the rest of the village (with the exception of Marcuse Fields), is mercifully spared widespread light pollution allowing the night sky to be enjoyed when cloud cover permits." The street lighting along the front of, and within, the site will have a serious impact on the AONB. Nothing is proposed to mitigate this impact. BPC considers a dense screen of indigenous trees and hedging should be planted to negate the detrimental effect such lighting will have on the AONB.

## 7. Noise Impact Assessment

This assessment took place during 2014. The A259 at Bosham was resurfaced during the summer of 2017 and the material used was inferior to that it replaced, which has had a detrimental impact on the level of noise. This assessment, therefore, is no longer relevant.

## 8. Affordable Housing

Affordable Housing is the priority requirement for Bosham. BPC would like more detail about the management in perpetuity of the affordable housing component. Until these concerns have been addressed to ensure no demonstrable harm will be caused to the village, BPC objects to this application.

### Updated comments

CDC has designated part of Highgrove as the site for 50 houses allocated to Bosham. However, CDC's LDP has yet to be formally adopted; therefore, Bosham Parish Council consider this application to be premature and objects to it at this time.

This development will destroy valuable Grade 1 and 2 agricultural land and will have an adverse impact on the AONB. Policy 43 of CHAONB states: "natural beauty and locally distinctive features of the AONB are conserved and enhanced; proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB and development does not lead to actual or perceived coalescence of settlements or undermine the integrity or predominantly open and undeveloped, rural character of the AONB and its setting." The development does not respect the setting of the AONB and the special long views of the South Down National Park from the AONB will be obliterated.

In respect of the revised plans issued, the following comments are in addition to and reinforce our original objection:

1. Policy BO1 - The scheme does not meet the requirement for high quality design. The majority of the houses are of brick or brick/hung tile finish with limited variation in architecture; only 4 have a flint façade. None reflect the adjacent Parker Morris development which features colour washed rendering.
2. Foul Drains - The application proposes to pump effluent from 50 houses to the nearest point of connection in the south part of Brooks Lane. Southern Water are asking for a condition to be imposed that occupation does not take place until SW have delivered the required infrastructure. More information is required as to how soon this will be in place before planning consent is given.
3. Surface Water Drainage - There are still substantial concerns regarding the ability of SUDS to deal with the drainage of this site. We have commented before on the flooding which takes place further downstream, particularly when heavy rainfall coincides with a high tide. No plan has been put forward for the ongoing management and maintenance of these structures.

4. Landscaping - Although some additional planting has been proposed it still falls far short of meeting the requirements of Policy BO1 and Policy 6 of the BPNP. The proposed hedge and tree screening to the eastern boundary remains outside of the development site and the screening to the south is non-existent apart from a few odd trees, granted a few more than previously planned for. Although the number of trees have been increased, it does not comply with the requirements set out in Policy BO01 of the CDC Site Allocations Development Plan Document regarding impact on the Chichester Harbour AONB which states "provide appropriate landscape and screening to minimise the impact of development on Broadbridge and the Chichester Harbour AONB and South Downs National Park including views to and from the wider and surrounding area." Further, it does not relate to the character of the existing settlement to the west which has a significant hedgerow and trees between the AONB and the built area, which is currently undergoing enhancement with additional planting of trees, hedging and bulbs. A native hedge some 5m wide plus trees should be the minimum landscape treatment between the proposed housing, car parking and street lighting and the A259 and the AONB to the south.

It is noted from the Landscape Plan that Pinus varieties are still to be planted at the entrance and throughout the site despite adverse comment from the SDNPA, CHC and BPC. These should be replaced by native species. This is particularly important on the western boundary which is shown as part of the species network of the parish on the ecological summary map of the Neighbourhood Plan. Further, it is not clear that the existing vegetation in the south west corner of the site as shown on the arboricultural drawing is to be retained as it is not shown on the landscape proposal. All vegetation on the western boundary is an important habitat and must remain.

5. Open Space - The Chichester Local Plan Open Space Calculator shows that for a development of this size there should be 156 sq m of equipped play space and 519 sq m of amenity open space provided on site. No detail of play equipment/facilities are shown on the application plans

6. Street Lighting - Despite there being no legal requirement for street lighting, and Highways have confirmed this is not required, it is still proposed on the combined Service Plan to use lighting columns. To comply with Policy BO1, consideration must be given to the SDNP's Dark Skies policy, and the same aspirations of the CHAONB.

7. Noise Impact Assessment - The A259 at Bosham was resurfaced during the summer of 2017 and the material used was inferior to that it replaced, which has had a detrimental impact on the level of noise. It is not clear that a new assessment has taken place as all dates refer to information gathered in 2014.

8. Affordable Housing - Affordable Housing is the priority requirement for Bosham. BPC would like more detail about the management in perpetuity of the affordable housing component.

Until these concerns have been addressed to ensure no demonstrable harm will be caused to the village, BPC objects to this application.

## 6.2 Chichester Harbour Conservancy

### Original comments (conclusions only)

The proposed development would clearly result in significant harm to the rural setting of the AONB and would contribute to the coalescence of settlements by encroaching eastwards into the rural area on the edge of the AONB, impinging on important views across open fields backed by the 'whale-backed' South Downs National Park, which forms one of the special qualities of Chichester Harbour AONB.

The proposed site relates poorly to the existing settlement with no defensible boundaries to the north or east and would clearly be part of a larger scheme to develop further northwards and eastwards, causing further substantial harm to the rural setting of the AONB.

Furthermore, this application has been submitted while the Site Allocations DPD is still being considered by the Planning Inspector and as such the objections to the inclusion of this site from various parties, including Bosham Parish Council, remain unresolved. The granting of permission would therefore be premature by pre-determining the plan-making process ahead of the resolution by the Planning Inspector.

The Conservancy has consistently argued that any housing allocations for Bosham should be sited to the north of Broadbridge (north of the railway line) or on previously developed sites, where any impacts on the nationally important landscape of Chichester Harbour AONB would be considerably less damaging than the current proposal.

Given the above points, the Conservancy has no option but to strongly object to the application.

### Further comments

Amounts of new planting have increased and the play area space appears to have become marginally larger. An access spur close to the main site entrance has been repositioned further away from it.

The allocation of the site within the Site Allocations DPD is still unconfirmed by the EIP Inspector as a belatedly allocated site and the proposal is still considered premature and prejudicial to the proper consideration to that DPD by the EIP Inspector.

Such housing development would clearly impact the setting of the AONB and I am aware of great public resistance to this (wider) site being considered for housing during the preparation of the Neighbourhood Plan. This has been reiterated by Bosham Parish Council in their comments on the application. Whilst the strategic gap no longer exists in policy terms, the proposals are clearly outside a settlement boundary and would contribute towards settlement coalescence, which the Conservancy opposes. The proposed development would impinge on an open piece of countryside and increase the urban edge to the AONB's setting.

There are still substantial local concerns about the disposal of surface and foul water.

Whilst noting the small adjustments made, the Conservancy reiterates its previous objections. The paucity of good landscaping within the scheme and very limited planting to the northern boundary and site entrance in particular, would make for a very hard and urban character directly adjacent to open countryside and AONB to the south, whose street lighting would seem obtrusive in such a setting.

### 6.3 Southern Water (final comments)

Southern Water has undertaken a desk study of the impact of the proposed development on the existing public sewer network. This indicates that with connection at the "practical point of connection" as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding unless network reinforcement is undertaken.

This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with and understand the development program and to review if the delivery of network reinforcement aligns with the occupation of the development. Southern Water hence requests a condition:

"Occupation of the development to be phased to align with the delivery of sewerage infrastructure to prevent the increased risk of flooding"

Applicant will need to ensure that appropriate arrangements are in place in respect of the future maintenance of any proposed SUDS infrastructure. No surface water should enter the foul network. Details of the surface water disposal system would be reserved by condition. Any on-site foul pumping station will need to be designed to Southern Water's specification.

### 6.4 Highways England

Highways England offers no objection to the proposals provided 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'. In view of the likely impacts on the nearest A27 junction, which is the Fishbourne Roundabout, a contribution in line with the Southbourne strategic development zone would appear to be the most appropriate. Accordingly, the proposed development should make a contribution of 50 x £1,803, which equates to £90,150.

## 6.5 Natural England

Original comments - No objections subject to appropriate mitigation being sought in respect of the nearby RAMSAR and SPA sites. Regard must be had to the proximity of the site with the Chichester Harbour AONB. Protected species Standing Advice should be followed and biodiversity and landscape enhances should be secured where these can reasonably be achieved.

Further comments - Natural England agrees with the conclusion of the Council's Appropriate Assessment i.e. that an adverse effect on the integrity of the SPA will be avoided as mitigation, through Bird Aware Solent, has been secured.

## 6.6 South Downs National Park Authority (conclusion only)

Subject to the timing of the application being accepted, our concerns are limited to detail of the landscaping and lighting proposals which should be straightforward to address through amended details or via conditions.

## 6.7 Sussex Police

No objections. Advice on various detailed matters that the developer is recommended to consider when implementing the development.

## 6.8 WSCC Local Highway Authority

The submitted Design Audit is satisfactory. Further information regarding (i) the interaction of the proposed access with the existing bus stop and (ii) visibility and facilities for pedestrians crossing the A259 has been submitted and is acceptable.

Lighting of the junction itself will be a matter for the detailed design stage, however, street lighting within the development would not (in the event of adoption by the LHA being considered) be sought giving the prevailing character of the locality.

The design of the junction is appropriate for the development proposed and there would be no severe impact on local road capacity. Highways England should be asked whether there is a requirement for a contribution towards the A27 improvement scheme.

The site has good access to bus and train services and can be considered sustainable in that regard. The parking provision meets the anticipated demand and is appropriately located and laid-out within the development.

No objections subject to conditions concerning the detailed design of the access, prevention of surface water drainage onto the highway, adequate cycle parking and the provision of a Construction Management Plan.

#### 6.9 WSCC Flood Risk Management

No objections. Wholesale raising of land levels should be avoided. WSCC does not have any records of surface water flooding within the confines of the site. Local drainage ditches should be maintained. Work should not commence until a drainage scheme has been finalised, in agreement with the District Council's Drainage Engineer.

#### 6.10 CDC Environmental Health Officer (verbal) (noise)

No objections subject to conditions requiring adherence to the mitigation measures set out in the submitted Noise and Vibration Impact Assessment.

#### 6.11 CDC Environmental Health Officer (contamination)

Given the historical use of the site conditions requiring an assessment and, if necessary, remediation of land contamination should be applied. No objections in terms of air quality.

#### 6.12 CDC Housing Enabling Officer

Following the Housing Delivery Manager's previous comments the applicant has amended the market mix to the following to meet the SHMA recommendations:

No amendments have been made to the affordable housing mix, which was previously agreed by the Housing Delivery Manager. We require that this mix be secured within the section 106 agreement.

The Housing Delivery Team raises no objections to this proposal.

#### 6.13 CDC Archaeology Officer

No objections subject to condition requiring pre-commencement trial trenching investigations.

#### 6.14 CDC Drainage Engineer

Thank you for consulting us on the additional information.

There have been a number of improvements, including the provision of a swale in the south west corner of the site. They have also demonstrated that an attenuated system with a restricted discharge should adequately drain the development.

We would still expect at detailed design for infiltration to be further investigated and utilised where possible, based on the initial monitoring shallow soakage may be possible in the north of the development.

The attenuation pond along the front of the site will have flows during all rainfall events, but will only fill during more significant events. If the proposed low flow channels are constructed, the banks gradient is slack and the surface is of sufficient quality and seeded, then these could be visibly attractive areas. We will give this further consideration at detailed design.

On foul drainage, the developer has a right to connect. The recent introduction of the infrastructure charge means that a fee is now levied against every new property. This levy will fund the necessary improvements to the network and it is the responsibility of the sewerage company to deliver the required works.

It is still our recommendation that the conditions we suggested in earlier consultation responses - relating to the agreement of the detail of a surface water scheme and details for its long term maintenance and management - are included should the application be approved

We note that a buffer has been provided around the western watercourse, this will need to be a minimum of 3m from the top of the bank to ensure future maintenance is not impeded. Please could this be conditioned?

#### 6.15 CDC Environmental Strategy Officer

No objections subject to conditions securing various ecological enhancements and mitigations including a financial contribution to the Solent Disturbance and Mitigation Project.

#### 6.16 CDC Conservation and Design Manager

The amended proposals are acceptable, except for one item:  
the (parallel) car parking shown on the open green space should be eliminated.

As I said before, this doesn't seem necessary given the dedicated car parking for the houses shown in front of the homes here, because the visitor car parking should be accommodated elsewhere.

Otherwise, I would say that if this density is a given, the layout should be broadly acceptable.

#### 6.17 113 Third Party letters of objections have been received concerning:

- i) Brownfield land , rather than greenfield agricultural land, should be used first
- ii) Site is prone to flooding
- iii) Sewage system will be overloaded
- iv) Site will cause the coalescence of Bosham and Fishbourne
- v) Will worsen existing road congestion in the area
- vi) Lack of suitable pedestrian route from the site to the village
- vii) Not well integrated with village
- viii) Insufficient screening

- ix) Wrong tree species have been selected
- x) Lack of architectural imagination
- xi) No green space or play provision
- xii) This is not the location where the village wants to see housing
- xiii) Views towards to South Downs will be lost
- xix) Harm to character and appearance of the AONB
- xx) Highways risks increased due to proximity with new hospice development
- xxi) Local schools and doctors' surgeries are already full-up.
- xxii) Application is a precursor to a larger development
- xxiii) What contribution will the developer make towards the local community?
- xxiv) Site not accessible by transport means other than the private car
- xxv) Speed limit should be lowered in vicinity of the access
- xxvi) Application is premature ahead of adoption of the Site Allocations DPD
- xxvii) Site is least sustainable option for the village
- xxviii) Loss of good quality agricultural land
- xxix) Harm to ecological value of the land
- xxx) Some boundary screening is outside of the application site
- xxxi) Proposal fails to meet the requirements of various Neighbourhood Plan policies
- xxxii) Noise assessment is inadequate
- xxxiii) Development is too dense
- xxxiv) Changes to scheme do not address previous objections, and several of the application's supporting docs have not been updated.

#### Applicant's/Agent's Supporting Information

In 2017 a planning application was submitted for 50 dwellings in accordance with the then Chichester District Council's emerging Local Plan Allocations Plan approved by Cabinet and full Council.

The planning process had commenced previously when in 2012 the first public exhibition was held by the applicant to share initial ideas regarding the development of the site. During the next few years the Parish Council decided to prepare a Neighbourhood Plan which the applicant welcomed and fully engaged in, preparing additional material and attending four further public exhibitions. The key comments received included questions of traffic and drainage both topics of which have been fully explored with the Highways Authority and Southern Water. There were objections raised regarding the very principle of development which explains why the applicant has followed due process and engaged in the Chichester Local Plan, The Neighbourhood Plan and the more recent Chichester DC Local Plan Allocations Plan in order to discuss openly the various options putting the case forward to develop the site for much needed housing development in the District, to include affordable housing.

Throughout the whole period of six years the applicant has worked positively with key stakeholders including the Parish Council and local community as well as Chichester District Council. Latterly Inspector Barrett's report has concluded after listening to all the comments and objections from all parties including the Parish Council and local residents that, " I find the proposed allocation positively prepared, justified, effective and consistent with national policy I have no reason to refer to the Council to consider alternatives therefore."

The planning application itself has been scrutinised by officers at the Council from various disciplines as well as the County Council and other external organisations none of whom object to the proposals. It is acknowledged there remain a number of objections from local residents, some to the principle, but with the recent Inspector's report combined with the current robust application which is planning policy compliant, we would endorse the officer's recommendation and request Committee to approve 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. The Bosham Neighbourhood Plan was made on 22nd November 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:

#### 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 6: Neighbourhood Development Plans

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 13: Chichester City Transport Strategy

Policy 33: New Residential Development

Policy 34: Affordable Housing

Policy 35: Affordable Housing Exception Sites

Policy 39: Transport, Accessibility and Parking

Policy 40: Sustainable Design and Construction

Policy 42: Flood Risk and Water Management

Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Policy 45: Development in the Countryside

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 54: Open Space, Sport and Recreation

## Bosham Parish Neighbourhood Plan 2014-2029

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

- Policy 1 - The Settlement Boundary
- Policy 2 - Criteria for Housing Development
- Policy 5 - Conservation of the Historic Environment
- Policy 6 - Landscape and the Environment
- Policy 7 - Ecology, Wildlife and Biodiversity
- Policy 8 - Flooding and Drainage
- Policy 9 - Transport and Highways

### Emerging CDC Site Allocation Development Plan Document (SADPD)

- 7.4 The purpose of the SADPD is to identify non-strategic sites for housing and employment, review relevant parish settlement boundaries and allocate identified local centres, in conformity with the Local Plan. When adopted, the SADPD will form part of the Development Plan.
- 7.5 The SADPD was submitted for examination in March 2017 and hearings conducted by a Government-appointed inspector were held in September 2017. The Inspector's report on the Examination was received in October 2018 and the Council is now moving forward to adoption, which is anticipated to take place in January 2019.
- 7.6 In her summary, the Inspector concluded that the SADPD 'provides an appropriate basis for the planning of the District' provided a number of modifications are made to it.
- 7.7 The application site is subject to Policy BO1 of the DPD which allocates it for 50 dwellings Land at Highgrove Farm. The text of the policy including the proposed modifications is set out below:

*Land at Highgrove Farm, east of Broadbridge, Bosham is allocated for 50 dwellings on 2.2ha. The site boundary and settlement boundary is shown on inset map 1 and the Chichester Local Plan: Key Policies 2014-2029 policies map.*

*The site will be developed in accordance with the following site specific criteria.*

*Development shall:*

- *ensure the layout, height and mass of buildings respect the character and setting of nearby development given its prominent location in the landscape;*
- *provide appropriate landscaping and screening to minimise the impact of development on Broadbridge and the setting of the Chichester Harbour Area of Outstanding Natural Beauty and South Downs National Park including views to and from the wider and the surrounding area;*
- *provide a satisfactory means of access from the A259; and*
- *provide open space and/or green buffer landscaping to the north and east of the new development;*

- *provide a connection to the nearest point of adequate capacity in the sewage network, in collaboration with the service provider; and*
- *take account of any adverse effect on foraging habitat for Solent Wader and Brent Goose associated with the Chichester and Langstone Harbours SPA.*

### Chichester Local Plan Review 2035

7.8 On 20th November 2018 the Council approved the Chichester Local Plan Review 2035 - Preferred Approach (December 2018) for an 8 week period of public consultation. Draft Policy SA7 deals with Bosham Parish and proposes the allocation of land that adjoins the application site for a '*residential-led development of a minimum of 250 dwellings and a two-form entry primary school.*' This draft Plan carries very limited weight at this stage.

### National Policy and Guidance

7.9 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*

7.10 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 8, 9, 11, 12, 14 and 15. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

7.11 The Government's New Homes Bonus (NHB) was set up in response to historically low levels of housebuilding and 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

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

CDC Planning Obligations and Affordable Housing SPD  
Surface Water and Foul Drainage SPD  
CDC Waste Storage and Collection Guidance  
Bosham Village Design Statement 2011  
CHC Chichester Harbour AONB Management Plan (2014-2029)

7.13 Chichester Community in Partnership

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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. The principle of the development
- ii. Layout, design and landscape impact
- iii. Existing residents' living conditions
- iv. Highways and parking
- v. Surface water drainage
- vi. Foul water drainage
- vii. Ecology
- viii. Other matters

## The principle of the development

- 8.2 The site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area wherein the policies of the Local Plan generally seek to resist development of the nature and scale proposed.
- 8.3 However, as referred to in Section 7 of this report, the application site is allocated for housing development in the emerging CDC Site Allocations Development Plan Document (SADPD) which, amongst other things, seeks to meet the Parish housing numbers established by Policy 5 of the Local Plan. Policy 5 establishes an indicative housing number of 50 dwellings for Bosham Parish. This is the key consideration in terms of the establishing the acceptability of the principle of the development.
- 8.4 The SADPD has been the subject of a lengthy adoption process including hearing sessions held over a number of days. Following the receipt of the Inspector's report in October 2018 it is scheduled to be considered for adoption by Cabinet and Council in January 2019.
- 8.5 Policy B01 of the SADPD allocates the Highgrove Farm site for a development of 50 dwellings; the full text of the policy (including proposed modifications) is set out at paragraph 7.7 above.
- 8.6 During her examination the Inspector considered the views of various local stakeholders on the merits of Highgrove Farm as a potential development site, and also with regard to the site selection methodology that resulted in it being chosen as the sole site to meet the housing needs of Bosham Parish.
- 8.7 In her report, the Inspector agrees that Policy BO1 should be modified so as to include various criteria that aim to minimise the impact of the development on the local environment and infrastructure network.
- 8.8 With regard to the site selection process the Inspector concluded as follows:
- 40. A number of representors, including Bosham Parish Council, suggested that the parish indicative number should be provided on a number of smaller sites, rather than one site. In this context other sites in the locality were put forward as being preferable. However, I find the proposed allocation positively prepared, justified, effective and consistent with national policy. I have no reason to refer to the Council to consider alternatives therefore.*
- 8.9 Paragraph 48 of the NPPF states that weight may be given to planning policies contained in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 8.10 With regard to criterion a), the SADPD is approaching the final stage of its lengthy adoption process.
- 8.11 With regard to criterion b), the Inspector has considered the objections of various stakeholders but has concluded that Policy BO1, as it is proposed to be modified, provides a sound basis for meeting the Parish's housing needs. Consequently, for the purposes of this criterion, by fully taking into account the representations of third parties the objections to the policy have effectively been considered and addressed by the Inspector.
- 8.12 With regard to c), the Inspector concluded that the SADPD is *'consistent with the Local Plan in terms of the approach to the scale and distribution of development and the allocation of sites'*.
- 8.13 In view of the above it is considered that, whilst not yet part of the Development Plan, Policy BO1 now carries very substantial (in fact almost full) weight and that refusal on the grounds of prematurity would not be justified. Accordingly, the principle of developing the application site for 50 dwellings is considered to be acceptable.
- 8.14 The remaining sections of this report seek to assess the proposal in the context of the detailed requirements of emerging Policy BO1 and the relevant adopted Development Plan policies, alongside other material considerations including national planning policy and guidance.

#### Layout, design and landscape impact

- 8.15 The proposed layout follows established urban design principles, with a hierarchy of streets defining three areas of street-facing dwellings; two blocks on the eastern side of the site together with a line of dwellings backing onto a landscaping belt running along its western boundary. Generous planting belts of between 10m and 15m in width would be formed along the site's eastern and northern sides respectively, creating a robust boundary with the adjoining farmland. The front part of the site, which flanks the A259, would comprise a 15m wide landscaped area, including a shallow drainage basin and swale backed by and interspersed with tree planting.
- 8.16 A key element of the development is a generous and broadly rectangular area of public open space which would incorporate an equipped play area at its northern end. The open space would be overlooked by dwellings on three of its four sides, and has been located so as to enable northward views of the South Downs from the vicinity of the site's access.
- 8.17 The proposal includes a broad mix of detached, semi-detached and short terraces of two and two-and-a-half storey houses along with one block of two storey maisonettes. Given the relatively low density of the development (23dpHa), all properties benefit from reasonable-sized gardens and acceptable levels of privacy. Parking is primarily provided within the curtilage of dwellings and hard surfacing is therefore not a dominant feature of the layout. The distribution of affordable dwellings throughout the development is considered acceptable, as is the mix and tenure of both market and affordable dwellings which accords with the SHMAA.

- 8.18 The design of individual dwellings, which has evolved during the course of the application, follows a generally traditional approach. A mix of hipped and gabled roof forms is proposed along with the use of various design details to add visual interest such as chimneys, corbelling, dentilled eaves, brick and arch detailing to window openings and various styles of fenestration.
- 8.19 Final details of facing and roof materials would be reserved by planning condition should permission be granted, but these are likely to predominately comprise brick, tile hanging and flintwork to elevations with plain tiles to roofs.
- 8.20 It is considered that the approach that has been taken to the layout and detailed design of the development is appropriate to the site's context and consistent with the objectives of the relevant Development Plan policies including Policy 2 of the Bosham Neighbourhood Plan (Criteria for Housing Development).
- 8.21 In terms of the development's wider landscape impact, it is important to first reiterate the preceding comments regarding the substantial weight that must now be given to the allocation of the site for up to 50 dwellings within the emerging Site Allocations DPD.
- 8.22 Clearly, the development of any site, and in particular any greenfield site, will have an impact on the character and appearance of its surroundings, and it must be acknowledged that an assessment of the relative merits of various sites in terms of their landscape impact formed part of the DPD site selection process that was considered to be sound by the examining Inspector. It is acknowledged that various local stakeholders, including the Parish Council and Chichester Harbour Conservancy, have expressed strong concerns about the landscape and visual impact of developing the Highgrove Farm site. However, having considered the various representations it is noted that, subject to the inclusion of various safeguards within SADPD Policy BO1, the inspector concluded that the site was appropriate for development. Officers agree with this conclusion.
- 8.23 Whilst the allocation of the site clearly involves an acceptance that there will be an encroachment beyond Broadbridge's settlement boundary into a currently undeveloped and relatively open area of farmland, it is nevertheless important that, as far as is possible, any detailed proposals mitigate their impact on the wider landscape.
- 8.24 In this regard, it is noted that, in accordance with Policy BO1, the proposal includes substantial planting belts to the site's northern and eastern boundaries which will serve to soften views towards the development from these directions. Further, when approaching the site from the east it is noted that the existing buildings complex and associated visual clutter at Highgrove Farm will serve to reduce the impression of an encroachment of the development towards the east.
- 8.25 The approach to the front part of the site has been the subject of detailed discussion and negotiation and involves attempting to strike a balance between integrating the development into the street scene through the use of planting that is sufficient to soften but not hide it, providing adequate surface water drainage, preserving some views through the site towards the South Downs and limiting any impact on the AONB to the south.

8.26 Overall, the approach taken is considered to indeed strike an acceptable balance. In addition, any impact has been further mitigated following the removal of the originally-proposed street lighting during the course of the application. Following discussions with WSCC it has been confirmed that the inclusion of such lighting would not be a pre-requisite to the adoption of any roads given that none currently exists in the adjoining part of the village.

8.27 It is also both necessary and a specific requirement of Policy BO1 to have specific regard to the potential impact of the proposal upon the Chichester Harbour Area of Outstanding Natural Beauty. In this respect it is noted that the land within the AONB immediately to the south of the site comprises a flat arable field formed by Delling Lane on its western and eastern side sides and Chequers Lane to the south, with sporadic development visible along parts of both roads. Whilst contributing to the pleasant and predominately rural character of this part of the A259 corridor, this land is peripheral to the AONB and not read as part of its defining harbour-side landscape. Bearing also in mind that any effect on the Harbour formed part of the Site Allocations DPD site section process, the impact of the proposal upon the setting of the AONB is considered both limited and acceptable.

#### Existing residents' living conditions

8.28 Given the nature of the existing and proposed boundary screening and the separation distances involved, the proposal should not result in any material harm to the amenity of the residents of the nearest dwellings located at Highgrove Farm and along Brooks Lane. The recommendation below includes a planning condition requiring the submission of a Construction Management Plan that would seek to minimise impact on existing residents during the construction phase of the development.

#### Highways and parking

8.29 Access from the A259 would be via a conventional priority access junction arrangement leading to the development's 5.5m wide spine road, with 4.8m distributor roads beyond. As noted at paragraph 3.4 above, a right-turn lane would also be formed within the centre of the A259 carriageway in order to facilitate safe access to the site by vehicles approaching from the east.

8.30 The spine road would be flanked by 2.0m wide footways, linking into the combined A259 footway-cycleway located along the site frontage. The minor terminal roads within the development would comprise shared surfaces.

8.31 Both the junction design and proposed pedestrian crossing facilities (to the west of the site) have been subject to a Highway Safety Audit and are considered appropriate in terms of both safety and capacity by the Local Highway Authority. The internal layout of the development is likewise considered acceptable and will allow all vehicles, including refuse freighters, to safely manoeuvre and turn.

8.32 Parking would be provided primarily within individual plots, with a small number of visitor spaces formed in bays off the distributor roads. The number of spaces proposed (117) meets the predicted demand and is considered acceptable. The dimensions of external parking and garage spaces meet the required minimum.

8.33 Given the proximity of the site to the A27 Fishbourne Roundabout Highways England (HE) has requested a financial contribution towards the A27 Local Plan mitigation scheme set out in the CDC Planning Obligations and Affordable Housing SPD. The applicant has agreed to make this contribution in order to mitigate the impact of the development, and the Section 106 Legal Agreement includes an obligation requiring the applicant to enter into a separate agreement with HE in order to secure that payment.

#### Surface water drainage

8.34 The application site is located within Environment Agency Flood Zone 1. Whilst this indicates the site has a low probability of flooding, both initial borehole testing and anecdotal evidence from the local community indicates that a drainage approach based solely on ground soakage is unlikely to prove adequate.

8.35 In view of the above the submitted indicative drainage strategy is based on a mixture of beneath-ground storage crates alongside use of a shallow attenuation basin and swale positioned along the site frontage. The system would ultimately outfall to an existing drainage ditch located along the western boundary of the site, with outflow limited so as to be no greater than the current greenfield rate.

8.36 Further information has been sought regarding the frequency of inundation of the drainage basin and the consequences of this in terms of its appearance. As noted from the CDC Drainage Engineer's consultation response above, the basin will only fill during significant rainfall events and will normally be empty. Provided the basin and swale are graded and planted-up appropriately, they should appear as natural and attractive features that contribute to the setting of the development.

8.37 The drainage scheme would be finalised following further detailed design work, however, the submitted indicative scheme indicates that a drainage solution resulting in the maintenance of current greenfield discharge rates is achievable.

#### Foul water drainage

8.38 It is proposed that foul sewage would be discharged to the public sewer in Brooks Lane with the aid of a new pumping station to be located in the south-west corner of the site.

8.39 Whilst there is sufficient capacity at the receiving waste water treatment works to process new flows, the comments of Southern Water (SW) above regarding the need to upgrade the existing network of pipes in order to convey those flows is noted. As acknowledged by both SW and the CDC Drainage Engineer the carrying out of these reinforcement works is the responsibility of SW using the new Infrastructure Charge which, since April 2018, is levied on all new residential development.

8.40 Whilst the provision and timing of any necessary on and off site foul infrastructure works is now the sole responsibility of Southern Water, given the known capacity issues in the Parish it is important to ensure that any network reinforcement that is required is completed prior to occupation of any dwellings. Accordingly, Condition 22 in the recommendation below requires the submission of evidence demonstrating that all necessary works will be carried prior to occupation of any dwelling. An informative is also proposed advising that discussions between the developer and Southern Water commence at the earliest possible stage in the development process.

#### Ecology

8.41 The application proposes a number of on-site ecological enhancements together with safeguarding measures during the development's construction phase, both of which would be reserved by planning condition.

8.42 With regard to the requirement of Policy BO1 to take account of any adverse effect on foraging habitat for Solent Wader and Brent Geese, it is noted that a recent survey has concluded that the site is not suitable for and is not used by these species.

8.43 Turning to the issue of potential recreational disturbance at the nearby Chichester and Langstone Harbours Special Protection Area, Natural England has confirmed its agreement with the conclusions of the Council's Appropriate Assessment that the proposals should not have an adverse effect on the integrity of this European site subject to the developer making a contribution towards the Bird Aware Solent scheme. The applicant has agreed to make such a contribution, and this would be secured by the S106 legal agreement referred to below.

#### Other matters

8.44 The application raises a number of other detailed issues relating to matters such as land contamination, archaeological safeguarding and the need for noise mitigation in respect of the frontage dwellings. These and other detailed matters are dealt with by means of the proposed planning conditions set out below.

#### Significant Conditions

8.45 A full schedule of conditions and informatives is proposed at the end of this report. Notwithstanding the information contained in the application, further detailed information is required in connection with matters such as surface water drainage, building materials, land contamination, landscaping, archaeology, electric vehicle charging infrastructure and the detailed design of the site access. Other proposed conditions require adherence with submitted details in respect of matters such as ecological enhancements, bin and cycle storage provision, noise mitigation and the maintenance of highway visibility splays.

### Section 106 Agreement

- 8.46 This proposal requires a S106 Agreement to make the development acceptable. Drafting of the agreement is well advanced, and the Agreement will include the following obligations:
- 30% affordable housing (15 units)
  - A27 mitigation payment (£90,150)
  - Open space/ landscape buffer/play area provision, management and maintenance
  - Chichester Harbour SPA mitigation (£29,146)
  - Safeguarding of access routes through to adjoining potential-future-development land
- 8.47 This development is liable to pay the Council's CIL charge of around £470k.

### Conclusion

- 8.48 The application site is allocated for a development of 50 dwellings by Policy BO1 of the emerging CDC Site Allocation DPD which is at an advanced stage of preparation and for the reasons set out above this policy now attracts almost full weight. The principle of developing the site for 50 dwellings, which will both meet Bosham's current housing requirement and help underpin the Council's currently positive 5 year housing land supply position can, therefore, be supported.
- 8.49 The preceding sections of this report demonstrate that the proposal accords with the aims and objectives of Site Allocation DPD Policy BO1, and other relevant local and national planning policies and guidance including Neighbourhood Plan Policy 2.
- 8.50 Given that there are no material considerations indicating otherwise, it is recommended that, subject to the conditions set out below and the Section 106 obligations referred to above, permission is granted.

### Human Rights

- 8.51 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 3 years from the date of this permission.

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

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 14146-BT6; 041.0011.100 REV P8; 1201 REV.E; 1202 REV.E; 1203 REV.B; 1301 REV.C; 1302 REV.C; 1401 REV.C; 1402 REV.C; 1501 REV.B; 1502 REV.B; 1503 REV.B; 1504 REV.B; 1520 REV.B; 1521 REV.B; 1601 REV.C; **1595**: 0001 REV.B, 1001 REV.F, SK-20180 102 REV.PO2, 20180 105 REV.PO1; **18-2075**: 000 REV.A, 001 REV.C, 002 REV.C, 003 REV.C, 004 REV.C, 005 REV.C, 006 REV.C, 007 REV.D, 008 REV.C, 009, SS-001 REV.D, SS-002 REV.D, SS-003 REV.D, 1BM-001, 1BM-002, AR-001 REV.B, AR-002 REV.B, AR-005, AR-006, AS-001 REV.B, AS-003, AS-005, AS-006, CO-001 REV.C, CO-002 REV.C, CO-004, GAR-001 REV.A, GAR-002 REV.B, GAR-003 REV.C, GAR-004, KN+-001 REV.B, KN+-002 REV.A, KN+-003 REV.B, KN+-004 REV.A, KT-003, KT-004, LE-002 REV.B, LE-003 REV.B, LE-004 REV.A, LE-005 REV.A, LE-006 REV.A, LE-007, ST-002 REV.A, ST-005 REV.B, ST-008, ST-009 REV.A, SUB-001, WD-001 REV.B, WD-003 REV.B, WD-006 REV.A, WD-008, WD-009, WD-010, WD-011

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

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

- (a) the phased programme of demolition and construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,
- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.

Reason: These details are necessary pre-commencement to ensure the development proceeds in the interests of highway safety and in the interests of protecting nearby residents from nuisance during all stages of development and to ensure the use of the site does not have a harmful environmental effect.

**4) No development/works shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and 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.

5) Notwithstanding the submitted information **no development shall commence** until details of the proposed overall site-wide surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

6) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, 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.

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.

7) If the Phase 1 report submitted in connection with Condition 6 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.

8) If the Phase 2 report submitted in connection with condition 7 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.

9) **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.

10) **No development shall commence** until a strategy outlining details of the sustainable design and construction for all new buildings, including maximum water use of 110 litres per person per day, sustainable building techniques and technology, energy consumption maximising renewable resource and electric vehicle charging infrastructure have been submitted to and approved in writing by the Local Planning Authority. This strategy shall reflect the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029. 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.

11) **No development shall commence** until the findings of an up-to-date site-wide badger survey have been submitted to and approved by the Local Planning Authority. Where the findings of the survey indicate that a mitigation strategy is required, the development shall not be carried out other than in accordance with the approved details.

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

12) **No development shall commence on the Sustainable Urban Drainage System (SUDS)** until full details of the maintenance and management of the SUDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall 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 serving each phase, 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.

13) Notwithstanding any details submitted **no works above slab level shall commence** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the buildings and hard surfaces 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.

14) Notwithstanding any details submitted **no works above slab level shall commence** until detailed drawings of the following features comprised in the development have been submitted to and approved in writing by the Local Planning Authority:

- roof eaves, verges and soffits
- window arches, reveals and decorative detailing
- door canopies and decorative mouldings

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in order to ensure a development of visual quality.

15) Notwithstanding the submitted information **no development above slab level shall commence** until a detailed lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme approved by the Local Planning Authority shall be fully implemented in accordance with the approved details and thereafter retained in perpetuity.

Reason: To protect the rural appearance of the area , the environment and local residents from light pollution and in the interests of preserving the nature conservation interests of the area.

16) **The development hereby permitted shall not be first brought into use** until a fully detailed landscaping, planting and ecological enhancement 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. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site and shall incorporate the recommendations of the submitted Extended Phase 1 Habitat Survey Report. 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 appearance of the locality, to enable proper consideration to be given to the impact of the proposed development on existing trees and to improve the biodiversity of the locality.

17) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should 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.

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.

18) Prior to first occupation of the dwellings hereby permitted the associated boundary treatments shall be provided in accordance with the approved drawings. Thereafter the boundary treatments shall be maintained as approved in perpetuity.

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

19) **No part of the development hereby permitted shall be occupied** until refuse and recycling storage facilities have been provided in accordance with the submitted details. 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.

20) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access and associated pedestrian enhancements have been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the submitted details shall demonstrate the achievable highway visibility splays. 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.

21) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces, including garage spaces, have been constructed in accordance with the approved plans.

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

22) **No occupation shall take place** unless and until evidence has been submitted demonstrating to the Local Planning Authority's satisfaction that the on and off site sewage infrastructure works necessary to safely accommodate foul flows from the development will be carried out prior to the occupation of any dwelling.

Reason: To ensure the development is adequately drained and that existing capacity issues in the locality are not exacerbated.

23) The development shall not be carried out other than in accordance with the recommendations of the submitted:

- Reptile Presence /Likely Absence Survey Report dated Aug 2017; and
- Great Crested Newt Presence /Likely Absence survey dated Aug 2018

Reason: To the preserve the conservation status of these protected species

24) The development shall not be carried out other than in accordance with the recommendations of the submitted Noise and Vibration Impact Assessment dated 26 April 2018. Once installed, the mitigation measures shall be maintained in perpetuity.

Reason: To ensure satisfactory living conditions for the occupiers of the most noise-sensitive parts of the development

25) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0700 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

## 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) With regard to condition 14 the submitted information should include detailed drawings at a scale of no less than 1:20 cross referenced with the approved elevation drawings so as to highlight the location of the features in question.

3) S106

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

4) 278 Agreement of the 1980 Highways Act - Works within the Highway  
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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

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

6) Your attention is drawn to the comments of the CDC Environmental Strategy Unit with regard to ecological safeguarding during the implementation phase of the development.

7) It is recommended that turning areas are constructed sufficiently robustly so as to accommodate manoeuvring of heavy vehicles including refuse freighters.

8) You are advised to engage with Southern Water as soon as possible in order to coordinate the phasing of the development with the provision of the sewage infrastructure improvements necessary to serve it.

For further information on this application please contact Steve Harris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OYFAHDERM8U00>