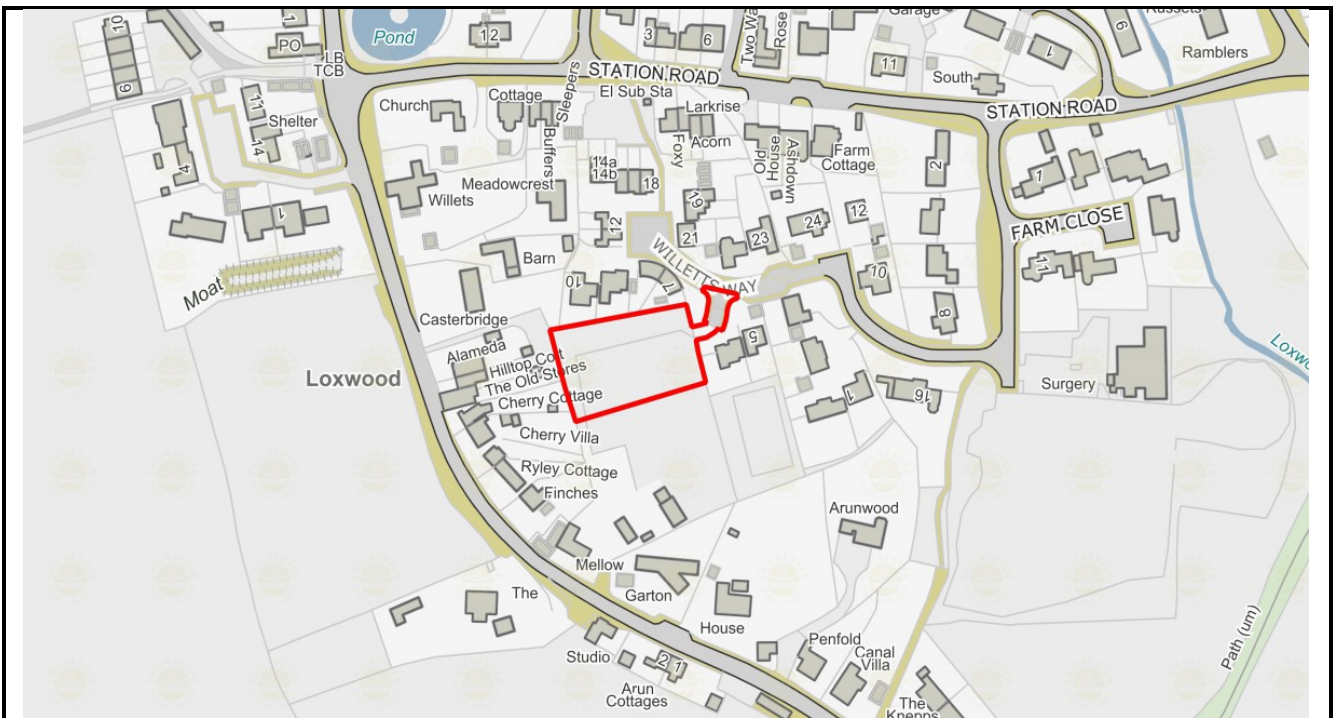



Parish: Loxwood	Ward: Loxwood
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LX/23/01104/FUL

Proposal	5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping		
Site	Land South West of Willets Way Willetts Way Loxwood West Sussex		
Map Ref	(E) 503955 (N) 131371		
Applicant	Loxwood Mellow	Agent	Mr Huw James

RECOMMENDATION TO DEFER FOR S106 THEN PERMIT



	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
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1.0 Reason for Committee Referral

1.1 Parish Council Objection – Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The 0.17ha greenfield site is located to the south of the village of Loxwood. Loxwood has been identified as a Service Village in Policy 2 of the Local Plan and is located within the northeast of Chichester District. Whilst the site is located outside of the Settlement Boundary of Loxwood and is in the rural area, the northern and eastern boundaries adjoin the settlement boundary. There is open land to the south and existing dwellings to the north, east and west of the application site, with their respective residential curtilages backing onto the application site's boundaries.
- 2.2 A number of the dwellings located to the west of the application site (including Alemeda, Hilltop Cottage, The Old Stores, Box Cottage, Ryley Cottage, Finches and Mellow) are Grade II Listed Buildings which are located a minimum of 30 metres from the application site. To the east of the application site is the access road Willetts Way, a residential road which serves a number of existing residential properties. The application site is a rectangular parcel of land which is generally level and currently comprises a paddock.
- 2.3 Willetts Way can be accessed via Farm Close and Station Road which adjoins the B2133, the main route through the village. The site is located within Flood Zone 1.
- 2.4 Loxwood retains a semi-rural character through being a compact village surrounded by fields and areas of woodland. The B2133 has several side roads leading to pockets of development and cul-de-sacs surrounded by open countryside. The historic core of the village has gradually expanded from Guildford Road and the High Street through new development and infilling of gaps. The dwellings are predominately detached or semi-detached with some short terraces.

3.0 The Proposal

- 3.1 The proposal is described as the construction of: 5 no. residential dwellings, vehicular and pedestrian access, and hard and soft landscaping.
- 3.2 The single point of vehicular access for the proposed development would be from the north site boundary off Willetts Way and would comprise an approximately 14m wide bell-mouth access, narrowing to a road 4.9m wide within the development.
- 3.3 The applicant is proposing a mix of 2, 3 and 4 bedroom chalet style 1.5 storey dwellings. The requirement for affordable housing has not been triggered due to the number of dwellings proposed, therefore all dwellings will be open market housing. The proposed housing mix is as follows:
 - 2 bed x 2
 - 3 bed x 2
 - 4 bed x 1
 - Total 5
- 3.4 The proposed layout of the dwellings consists of a line of 4no. units running from north to south on the western half of the site, comprising two detached units and a pair of semi-detached dwellings, with the remaining unit located within the south-east corner of the site. Open space is shown located to the north-east corner of the site, whilst the central section of the site serves as the access road, accommodating a turning head for larger vehicles.

The proposed dwellings would not exceed 2 storeys in height and the proposed materials palette aims to provide a traditional feel with mixed stock red bricks, vertical tiling, and plain clay roof tiles.

- 3.5 The 5 dwellings would be served by 13 car parking spaces consisting of 11 allocated and 2 visitor spaces. Each dwelling would be provided with an Electric Vehicle Charging point and served by cycle storage within domestic gardens or garages.

4.0 History

21/02849/FUL - 5 no. residential dwellings, vehicular and pedestrian access, and hard and soft landscaping.

STATUS: Appeal – The Council is not contesting the Appeal.

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 Parish Council

Object Loxwood Neighbourhood Plan Policy 13 D is not respected. The proposals are outside of the settlement boundary. The sub-division suggests an intention for further development. Affects the amenity of nearby residents through over-development. Parking appears to be insufficient.

6.2 Natural England

No objection - subject to appropriate mitigation being secured

6.3 Southern Water

Please see the attached extract from Southern Water records showing the approximate position of our existing water main asset within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 125 mm diameter water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future maintenance access.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.

- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public water mains.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please note: There is a private foul sewer within the access of development site.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

6.4 WSCC Highways

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application (LX/23/01104/FUL), with regards to any highway safety or capacity concerns. The application is supported by way of a Transport Statement (TS) prepared by Motion.

The application site is located to the southwest of Willets Way, approx. 500 metres from the centre of Loxwood village. The site is currently vacant and is being used as a paddock. The development proposals are for construction of 5 no. residential dwellings (1 x 4-bed, 2 x 3-bed and 2 x 2-bed) with vehicular and pedestrian access and associated landscaping.

The site was subject to a similar application in 2021, for which no highway objection was raised.

The site is primarily accessed from Station Road via Farm Close and Willets Way. Station Road is a classified 'C' road, subject to 30mph speed limit. The existing spur on Willets Way which provides access into the site will be amended to suit proposed site layout. The vehicular and pedestrian entrance into the site is by using the new shared surface access. The junction of Farm Close with Station Road has visibility splays in excess of 90 metres in both directions. This is well in excess of the visibility splays in line with Manual for Streets (MfS) guidance for a 30mph speed limit.

WSCC's online record for road traffic collisions have been interrogated. This reveals there are no personal injury accidents recorded near to the site access either on Willets way or at the Station Road / Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form.

In line with WSCC's Guidance on Parking at New Developments (September 2020) the development is provided with 13 parking spaces (3 no. for the 4-bedroom house, 2 no. for the 2 and 3-bedroom houses and 2 no. visitor spaces). Two bicycle storage spaces per dwelling are provided within rear garden stores and garages. The LHA is satisfied with the level of parking provision for the development.

Refuse collection and delivery will occur within the site with refuse and delivery vehicles being able to enter and leave the site in a forward gear using the on-site turning head. This is demonstrated on tracking diagrams within the submitted Transport Statement.

The site is near to both the A281 and B2133 and within 6.3 miles of the mainline Billingshurst train station with frequent trains to nearby towns as well as London. There are bus stops along Loxwood High Street (B2133) with services to Horsham and Guildford. There are many amenities and services within Loxwood that are within recommended walking and cycling distances. Therefore, the LHA consider the site as sustainable.

The nationally recognised TRICS database is used to estimate the level of person and vehicular trips generated by the proposed residential development. It is estimated that development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. An estimated vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement are generated. Having assessed the trip generation within the submitted Transport Statement, the LHA would not consider that the additional trips would cause a material impact on the operation of the local highway network.

The Local Highway Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal. If the Local Planning Authority (LPA) is minded to approve the application, conditions are recommended.

6.5 CDC Coastal and Water Management Engineer

The site is wholly within Flood Zone 1 (low risk) and we have no additional knowledge, or records of the site being at significant flood risk. Therefore, subject to satisfactory drainage we have no objection to the proposed use, scale or location based on flood risk.

In the application form submitted as part of this application, the applicant has ticked multiple boxes in response to the question of how surface water will be disposed of; SuDS, soak-aways and main sewer. Our mapping systems suggest that there is a Southern Water surface water sewer in the vicinity of the site, therefore such an approach may be acceptable, but this will depend upon the results of ground investigations.

If on-site infiltration proves to be unviable and an off-site discharge is necessary, then the applicant will need to obtain confirmation from Southern Water about:

- a) Whether there is sufficient capacity within the surface water sewer for any discharge from the site.
- b) Whether Southern Water's permission to connect/discharge into this sewer will be forthcoming.

- c) The nature/design of the SuDS infrastructure that Southern Water will allow to be upstream of and discharge into their surface water sewer.

The surface water drainage scheme design should follow the hierarchy of preference as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Therefore, the potential for on-site infiltration should be investigated and backed up by winter groundwater monitoring and winter percolation testing. The results of such investigations will be needed to inform the design of any infiltration structures, or alternatively be presented as evidence as to why on-site infiltration has not been deemed viable for this development.

If, following site investigations, it is concluded that on-site infiltration is viable, infiltration should then be utilised to the maximum extent that is practical (where it is safe and acceptable to do so). Any soakage structures should not be constructed lower than the peak groundwater level. We would also like to see dedicated discrete soak-away structures for each individual property.

Wherever possible, roads, driveways, parking spaces, paths and patios should be of permeable construction.

If on-site infiltration is proven not to be possible, drainage via a restricted discharge to the local surface water sewer may be acceptable, but only if the applicant can obtain the required permission from Southern Water. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s).

Given the nature of the development, to bring it in line with current guidance, the Documentation supporting the drainage design should be able to demonstrate that the infiltration/SuDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional 45% climate change allowance

6.6 CDC Environment Officer

Following submission of the Water Neutrality Statement (May 2023) the proposal will cause an increase in water consumption of 1445l/day above the existing water demand. To reduce the increased water consumption level as stated in the report it is proposed that the following will be incorporated into the proposal:

- Water reducing measures (382 l/day reduction)
- Rain water harvesting and tank onsite (400 l/day reduction)
- Rain water harvesting and tank at offsite farm (3717.29 l/day reduction)
- TOTAL REDUCTION OF 4,499.29l/day

We are satisfied that the overall water demand will be reduced, and the site will become water neutral. However, we require that evidence is provided to show the agreement is in place with the farm landowner. A condition should be used to ensure this takes place and ensure the fittings retained within the property or only replaced with fittings with the same efficiency or a higher level of efficiency and the rainwater harvesting system installed offsite remains in use and only replaced with the same or higher specification system.

Following submission of the Preliminary Ecological Appraisal (September 2021), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

We would like bird boxes to be installed on the new dwelling or existing trees.

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.

Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

As detailed in the Preliminary Ecological Appraisal (September 2021), measures should be taken to ensure badgers and other small mammals are not harmed during construction. The mitigation detailed in Section 4.26 is suitable and a condition should be used to ensure this.

Due to the updated Building Regulations which were published in June 2022 we require that the Sustainability Statement is updated to reflect these changes.

6.7 CDC Housing Enabling Officer

No comments.

N.B the Housing Enabling Officer raised no objection to the previous scheme, which remains unchanged in respects of housing mix.

6.8 CDC Conservation and Design Officer

In design and conservation terms the main potential impacts relate to the series of grade II listed buildings along High Street which have boundaries with the site to the west.

The development site is currently open and undeveloped land. The existing field could be said to form part of the widest possible extent of the setting of these listed buildings, but intervening vegetation, distance and other structures reduce its relative importance in forming that setting. The most important parts of the setting of those buildings are found in their more immediate surroundings and include their gardens, domestic curtilage, vegetation, and other elements that are more easily visible in conjunction with the listed buildings.

Should the land be developed in the manner proposed, the presence of domestic buildings in the landscape would fit within an existing pattern of established development in the wider settlement. The proposals will not differ markedly from the pattern of development that has already been established. The appreciation of the listed buildings along High Street, which is the primary way they are appreciated, will be unaffected. The listed buildings will still be appreciable and visible from the developed land in much the same way as they are from the field presently. In fact, as the access to that area will now be public, they may in fact be more readily appreciated than from the centre of a private field.

In summary, whilst a less important part of the setting of the listed buildings will be changed it does not constitute a harmful impact, due to the distance, intervening vegetation and other primary viewing and experiential points being largely unchanged. The proposals are considered to be in accordance with the relevant sections of the NPPF.

6.9 CDC Archaeology Officer

Investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. This would be best secured via the imposition of a suitable standard condition such as our PC18.

The aim would be to secure a suitable investigation, and this might take the form of a watching brief on all significant groundworks or an initial investigation by trial trenching followed by targeted investigation thereafter as appropriate.

6.10 Third party objection comments

Ten third party representations of objection have been received concerning the following matters:

- a) Impact upon listed building/setting of listed building
- b) Additional vehicle traffic
- c) Overlooking
- d) Water supply/drainage issues
- e) The land should be allotments
- f) Bat activity in rear gardens
- g) Unhappy with layout
- h) Subdivision of the site
- i) Loss of privacy
- j) No screening to listed buildings
- k) No attempt to consult neighbouring properties (by applicant)
- l) Inappropriate application when CDC has no five-year supply
- m) Unsustainable location
- n) No local shop
- o) Loxwood is not a service village
- p) Loxwood NP overlooked
- q) Significant number of new housing in Loxwood
- r) Pressure on local services

- s) Removal of hedgerow buffer
- t) The planning inspector should judge the case
- u) Reliant upon private car
- v) Lack of sewer capacity

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.
- 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 7: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 25: Development in the North of the Plan area
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity

Loxwood Neighbourhood Plan (2016)

- 7.3 The Loxwood Neighbourhood Plan was made on 20 September 2016. The following policies are relevant to this development:
- Policy 1 Housing Allocation Policy
 - Policy 2 Settlement Boundary Policy
 - Policy 7 Street Lighting Policy
 - Policy 8 Infrastructure - Foul Water policy
 - Policy 9 Built Environment - Housing Density Policy
 - Policy 10 Built Environment - Vernacular Policy
 - Policy 15 Telecommunications & Connectivity
 - Policy 18 Flood Risk

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.5 Consideration should be given to Sections 1 (Introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 5 (Delivering a sufficient Supply of Homes), Section 9 (Promoting sustainable transport), 12 (Achieving Well-Designed Places), 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change) and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

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

- 7.6 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in late Summer/early Autumn 2023. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at Paragraph 48 of the NPPF (2021).
- 7.7 Relevant policies from the published Chichester Local Plan 2021 - 2039: Proposed Submission (Regulation 19) are:
- Policy S1 Spatial Development Strategy
 - Policy S2 Settlement Hierarchy
 - Policy NE1 Stand-alone Renewable Energy
 - Policy NE5 Biodiversity and Biodiversity Net Gain
 - Policy NE6 Chichester's Internationally and Nationally Designated Habitats

- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE15 Flood Risk and Water Management
- Policy NE16 Water Management and Water Quality
- Policy NE17 Water Neutrality
- Policy NE21 Lighting
- Policy NE22 Air Quality
- Policy NE23 Noise
- Policy H1 Meeting Housing Needs
- Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039
- Policy H4 Affordable Housing
- Policy H5 Housing Mix
- Policy H6 Custom and/or Self Build Homes
- Policy H10 Accessible and Adaptable Homes
- Policy P1 Design Principles
- Policy P2 Local Character and Distinctiveness
- Policy P3 Density.
- Policy P4 Layout and Access
- Policy P5 Spaces and Landscaping
- Policy P6 Amenity
- Policy P8 Materials and Detailing
- Policy P9 The Historic Environment
- Policy P10 Listed Buildings
- Policy T2 Transport and Development
- Policy T3 Active Travel - Walking and Cycling Provision
- Policy T4 Parking Provision
- Policy A15 Loxwood

Interim Position Statement for Housing Development

- 7.8 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report, the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. However, through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.72 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.
- 7.9 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with

immediate effect. In the absence of a 5YHLS new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries. The IPS is not formally adopted 'policy' and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

Other Local Policy and Guidance

7.10 The following documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- National Character Areas (2014): Low Weald (Area 121)
- Chichester District Landscape Capacity Study (2019): Loxwood Eastern Low Weald (sub-area 159)
- WSCC Parking Standards (September 2020)

7.11 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:

- 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

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. Planning appeal APP/L3815/W/22/3313480
- ii. Principle of development and policy position
- iii. Design and impact upon character of the surrounding area, landscape impact and residential amenity
- iv. Housing Mix
- v. Impact on Heritage Assets
- vi. Impact upon amenity of neighbouring properties
- vii. Impact upon highway safety and parking
- viii. Drainage/flooding
- ix. Ecology
- x. Sustainability
- xi. Water Neutrality
- xii. Other matters

Assessment

i. Planning appeal APP/L3815/W/22/3313480

- 8.2 In October 2021 planning permission was sought on this site for ‘5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping’ under application reference 21/02849/FUL. The application was deferred by the Council Planning Committee in October 2022 and a subsequent appeal against non-determination was lodged by the applicants. In March 2023, the Council’s Planning Committee resolved to not contest the Appeal. By not contesting the Appeal, the Council confirmed to the Planning Inspectorate that planning permission should be granted, subject to conditions and S106 agreement.
- 8.3 This application is identical to the appeal scheme, except for the proposed off-site water neutrality mitigation, which is detailed further below and has been found acceptable by both Natural England and Officers. The purpose of this application is twofold. Firstly, the applicants, in submitting this application, are seeking to obtain planning permission, in advance of a decision being issued by the Inspector. A decision which is highly likely to be in favour of granting permission, given that the Council resolved not to contest the Appeal. This is likely to avoid both parties (the applicants and the Council) encountering any further unnecessary costs associated with the Appeal. Secondly, it has allowed the applicants to submit an alternative off-site water neutrality scheme, which is now their preferred solution.
- 8.4 Consequently, whilst Officers and the Planning Committee are considering a new planning application, the decision to not contest the pending Appeal is a material consideration that should be attributed significant weight. It is considered that it would likely constitute unreasonable behaviour, if the Planning Committee now sought to raise issues with this application, given that it is identical to the Appeal scheme, save for the off-site water neutrality mitigation measures.
- 8.5 The only material change to this current application is the water neutrality mitigation, which Natural England has found to be acceptable. It would be difficult to substantiate a reason for refusal relating to the proposed water neutrality mitigation measures, in the absence of an objection from Natural England.

ii. Principle of development and policy position

- 8.6 The primacy of the Development Plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) which states that applications ‘*should be determined in accordance with the development plan unless material considerations indicate otherwise*’.
- 8.7 The site currently lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area, wherein Local Plan Policy 45 resists development of the nature and scale proposed. For certainty and clarity, a plan-led approach to decision-making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing.

The Council has acknowledged that the Local Plan, in terms of its policies for the supply of new housing, are out-of-date, because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF Paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date, insofar as they relate to the provision of housing. Policy 45 as a countryside policy is out of date insofar as it is linked to Policy 2 and is therefore reliant on there being up-to-date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the LPR.

- 8.8 The Loxwood Neighbourhood Plan, within Policy 1 advises the parish will provide a minimum of 60 houses on allocated and windfall sites located within the Settlement Boundary. Policy 2 aligns with the NPPF's presumption in favour of sustainable development. Policy 3 identifies the allocated sites but goes on to advise windfall sites should conform with other policies within neighbourhood plan policies. Therefore, the application site's location outside of the defined settlement boundary would be contrary to neighbourhood plan policies.
- 8.9 However, there are other factors to consider. The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. As part of that review process, the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021.

The purpose of the HELAA is to identify a future supply of land which is suitable, available and achievable for housing and economic development. The HELAA forms a key component of the evidence base that will inform the Chichester Local Plan Review.

The application site is identified as green (developable) in the HELAA. The HELAA has identified that the site, plus a wider section of land totalling 0.4 ha, is capable of an indicative capacity of a maximum of 30 dwellings. In terms of suitability, the HELAA states *"The site is potentially suitable subject to detailed consideration including on matters of access"*. In relation to achievability, it states *"Resolution would be required on matters of access/ransom for connection to Willetts Way or alternative access. The promoter suggests that this is achievable. Lower estimated yield used due to constraints"*. As set out in WSCC Highways consultation response, the access from Willetts Way has been subject to detailed consideration and is considered acceptable.

- 8.10 Whilst the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Its significance is that the application site has been identified as suitable, available and deliverable to provide new housing during the Plan period.
- 8.11 The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and identifies 4.74 years of housing supply. As such, the Council's housing policies are deemed out of date and the provisions in Paragraph 11(d) of the NPPF (known as the 'tilted balance'; i.e., where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies) are engaged. It does not necessarily follow that the absence of a 5-year

housing supply means the application should be allowed on that basis alone; however, for the application to be refused, the Council would need to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits.

8.12 In the absence of a five-year housing land supply, the Council produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan area. The proposal scores well against the 13 criteria of the IPS and is considered to represent a good quality development in the Local Plan area, without any adverse impacts having been identified. It is relevant to consider the application against each of the IPS criteria in turn:

8.13 **1) The site boundary in whole or in part is contiguous with an identified Settlement Boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).**

The north and east boundaries of the application site are joined to the existing settlement boundary of Loxwood. It is considered that this criterion is therefore satisfied. *Compliant*

8.14 **2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.**

Loxwood is a service village providing a reasonable range of basic facilities to meet the everyday needs of local residents. CLP Policy 2 states that provision will be made for small scale housing developments, in this instance, five dwellings would not be regarded as inappropriate, and the criterion is therefore satisfied. *Compliant*.

8.15 **3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.**

The application site is constrained by existing residential development to the north, east and west and would therefore serve as a natural extension to the existing settlement. The proposal would not project into the countryside and would not extend beyond wider edges of the village. There is no actual or perceived coalescence likely to arise from permitting this development. The criterion is satisfied. *Compliant*.

8.16 **4) Development proposals make best and most efficient use of the land, whilst respecting the character and appearance of the settlement. The Council will encourage planned higher densities in sustainable locations where appropriate (for example, in Chichester City and the Settlement Hubs). Arbitrarily low density or piecemeal development such as the artificial sub-division of larger land parcels will not be encouraged.**

The proposal would result in a density of approximately 29.4 dwellings per hectare. In the context of the rural edge of settlement location, this level of development would be acceptable for the surrounding vicinity. The site is a single field, which was fenced off by the applicants following the transition of ownership with the original owners of Mellows selling both the dwelling and paddocks separately. It is not considered that the wider site has been artificially subdivided. In the context of the rural edge of settlement location and

the pattern of existing housing this level of development is considered acceptable. The criterion is satisfied. *Compliant.*

8.17 5) Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings.

It is considered that the development complies with this criterion, with the size, scale and detailed design of the dwellings considered appropriate in the context of the site and its wide surroundings, which include a modern housing development. The application site is not located within visible distance from the South Downs National Park or the Chichester Harbour AONB. The criterion is satisfied. *Compliant.*

8.18 6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor.

The application site is outside of any proposed Strategic Wildlife Corridor. Therefore, this criterion is not applicable. *Not applicable.*

8.19 7) Development proposals should set out how necessary infrastructure will be secured, including, for example: wastewater conveyance and treatment, affordable housing, open space, and highways improvements.

It is considered the proposal would meet the above criterion, with the wastewater disposal to be provided through a connection to the existing main sewer network. The scheme is not of a scale where an affordable housing contribution, provision of open space or any highways works are required, but it would be CIL liable. The criterion is satisfied. *Compliant.*

8.20 8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.

The development would meet this criterion, with this matter discussed further within the sustainability section of this report. The criterion is satisfied. *Compliant.*

8.21 9) Development proposals shall be of high-quality design that respects and enhances the existing character of settlements and contributes to creating places of high architectural and built quality. Proposals should conserve and enhance the special interest and settings of designated and non-designated heritage assets, as demonstrated through the submission of a Design and Access Statement.

The development is appropriate in terms of its size, scale, siting and detailed design and would not be of detriment to the rural tranquil setting of Loxwood and would serve as a natural extension to the existing housing development and settlement. The proposal would not negatively harm the Listed Buildings to the west of the application site and is not considered to be within the immediate setting. This is discussed further in later assessment. This criterion is satisfied. *Compliant.*

8.22 10) Development should be sustainably located in accessibility terms and include vehicular, pedestrian and cycle links to the adjoining settlement and networks and, where appropriate, provide opportunities for new and upgraded linkages.

The development is sustainably located on the edge of the existing settlement boundary and within an existing housing development. The site benefits from an existing access road, with pedestrian access onto nearby footpaths possible. This criterion is satisfied. *Compliant.*

8.23 11) (abridged) Development must be safe from flooding

The application site being wholly located within Flood Zone 1, an area with the lowest level of flood risk. The drainage system is to be designed through SuDS and soakaways to satisfactorily manage the discharge of surface water from the development. Therefore, this criterion is satisfied. *Compliant.*

8.24 12) Where appropriate, development proposals shall demonstrate how they achieve nitrate neutrality in accordance with Natural England's latest guidance on achieving nutrient neutrality for new housing development.

The application site lies outside of the Chichester Harbour Fluvial Catchment, to the north of the Chichester District in a location where it is not necessary to demonstrate nutrient neutrality. Therefore, this criterion is not applicable. *Not applicable*

8.25 13) Development proposals are required to demonstrate that they are deliverable from the time of the submission of the planning application through the submission of a deliverability statement justifying how development will ensure quicker delivery.

This application seeks full planning permission, and there are no abnormal occurrences within the development site that would otherwise restrict or delay implementation of the development following the discharge of pre-commencement conditions, in the event that planning permission is granted. As such, it is considered criterion 13 of the IPS would be satisfied. *Compliant.*

8.26 The proposed development is considered to meet all the relevant criteria in the IPS. Consideration has been given to the Development Plan, including the Neighbourhood Plan, and the Council's 5-year housing land supply position which results in the tilted balance being engaged. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above the 'principle' of housing development on this site is considered acceptable.

iii. Design and impact upon character of the surrounding area, landscape impact and residential amenity

8.27 The NPPF states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high-quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density,

height, scale, and neighbouring and public amenity. Policy 47 sets out that development should respect the distinctive local character and sensitively contribute to creating places of high architectural and built quality. Policy 48 amongst other considerations requires proposals to respect and enhance the landscape character of the surrounding area and site.

- 8.28 The site achieves a built density of 29.4 dwellings per hectare, which broadly aligns with the 35 dwellings per hectare set out within the supporting text of the local plan and achieves a layout which is respectful of the edge of settlement location, the surrounding context of the site. It would also accord with the aims of Policy 9 of the LNP, which seeks to achieve densities which are reflective of the semi-rural nature of the parish and give an impression of spaciousness.
- 8.29 The site occupies a setback position, behind the existing row of properties which front Willets Way and is accessed via a spur road, which was partially constructed with the earlier housing development. The proposal sees the spur road slightly realigned, extended into the development with shared surface internal roadway. A parcel of open space is located to the right (north) of the access road, contributing to the spacious feeling to the development.
- 8.30 The layout of the dwellings consists of a single detached property, to the south-east corner of the site, which would align with No.6 Willets way to the east. It would serve as the focal dwelling for the development since it would be visible from outside of the development site. The remaining four dwellings would occupy the western half of the site, achieving back-to-back distances in excess of 44m, with the cottages to the west, and rear gardens in excess of 12m, including the landscaping buffer. The north, east and west boundaries of the site would incorporate sizable landscape buffers, particularly to the north-west corner of the site, where the new built form would be closest to the neighbouring dwellings, which would help to screen the development and filter views of the built form. The level of separation with the dwellings to the north is acceptable, on balance, particularly when considering the enhanced landscaping and the shorter gardens characteristic of the dwellings on the adjoining development.
- 8.31 The layout and scale of the development are considered to reflect the form of the surrounding housing, particularly within the adjoining Willets Way, with regards to the form/shape of the road and the scale and siting of the housing and other nearby residential development to the north and west. The proposed site plan indicates areas of landscaping within the development, which are concentrated in several key areas, in order to establish a green frontage with internal road, together with screening to the parking area to the northern boundary. A detailed hard and soft landscape plan, securing the details of the proposed shared surfacing material and the proposed size, density and species of planting has been suggested via condition.
- 8.32 The detailed design of the dwellings has been amended during the application, in order to address the design concerns raised by the Parish Council. The elevations show the units to be of a chalet bungalow 1.5 storey scale throughout. It is considered that the scale would align with the nearby residential development and assist in integrating the proposal into the wider site context and characteristics. The revised material palette now includes, red brick, hanging tile to first floor elevations, clay roof tiles and grey window, which will result in an attractive, high quality rural housing scheme that would be appropriate to its

rural context and surrounding. The proposal would therefore meet the design objection of the LNP Policy 10.

8.33 All new development is likely to result in a change to the character and appearance of that land, but that change by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply. As such, it is considered that the proposal is appropriate for the site context and characteristics, the proposal would result in a high-quality rural housing scheme that would be appropriate to its rural context and surroundings. Therefore, there are no objections to the design.

8.34 In considering the above, the development would be of an appropriate layout and density, and result in a high-quality design that would sympathetically incorporate into the surrounding area. On this basis, the development would accord with the contents of Section 12 of the NPPF, Policies 33, 47 and 48 of the Chichester Local Plan and Policies 9 and 10 of the Loxwood Neighbourhood Plan.

iv. Housing mix

8.35 The proposed mix of housing (2 x 2 bed, 2 x 3 bed, 1 x 4 bed) is appropriate and in line with the Housing and Economic Development Needs Assessment (HEDNA). Given the size of the development, it does not trigger the need for the provision of affordable housing in line with Policy 34 of the local plan. It is therefore considered the proposal is acceptable in this respect.

v. Impact upon Heritage Assets

8.36 Many of the dwellings to the west of the site, along High Street are Grade II listed and concern has been raised by several third parties, in respect of the potential impact upon these properties. The proposal has been reviewed by the Council's Principal Conservation and Design officer, who is satisfied the proposal would not result in a harmful impact upon the setting of the listed buildings.

8.37 It is noted the proposal could be said to occupy the widest possible extent to the setting of these buildings; however, it is of lesser significance due to its distance from the building, with the most important parts being the immediate curtilage of the buildings. The proposal would also not change the principal view of the cottages from High Street.

8.38 Overall, the proposal is not considered to have an adverse impact upon the surrounding heritage of the site, and therefore the proposal would comply with the relevant guidance contained within Section 16 of the NPPF, notably Paragraph 202 and Policy 47 of the Local Plan.

vi. Impact upon amenity of neighbouring properties

8.39 The NPPF, in Paragraph 130, states that planning decisions should create places that offer a high standard of amenity for existing and future users. Additionally, Policy 33 of the Chichester Local Plan includes a requirement to protect the amenities of neighbouring properties.

8.40 The layout of the site retains an acceptable level of amenity for the neighbouring properties, with adequate levels of separation between neighbouring properties. In addition, the internal layout of the site is considered to reflect an acceptable amenity for further occupiers of the five new dwellings. The proposal is therefore considered to result in an acceptable level of amenity for both the existing neighbouring properties and the future occupiers of the dwellings subject to this application. The proposal would comply with national and local planning policies in this respect

vii. Impact upon highway safety and parking

8.41 Both vehicular and pedestrian access to the site is proposed to be achieved through an approximately 14m wide bell-mouth access from Willetts Way which narrows to 4.9m within the development. Pavements are proposed at the start of the junction which then stop when into the development. From considering the WSCC online record for road traffic collisions, no personal injury accidents are recorded near to or the site access either on Willetts Way or at the Station Road/Farm Close junction. This indicates that the site access has been operating in a safe manner in its present form. Therefore, no objection is raised on access grounds.

8.42 In terms of traffic movements, the proposed development would generate person trips of 6 in the AM peak hour, 5 in the PM peak hour and 44 during the total daily movements. Also, it is estimated that vehicular trips of 3 in the AM peak hour, 2 in the PM peak hour and 12 during the total daily movement would be generated. The LHA does not consider that the proposal would have an unacceptable impact on the highway network.

8.43 In terms of proposed parking, the proposal includes 13 car parking spaces, 11 for residents and 2 for visitors. Electric vehicle charging points will be provided at each unit. The parking provision is in accordance with the LHA's 'Parking guidance for New Developments'.

8.44 The application is accompanied by swept path diagrams tracking an 8.53m long refuse vehicle demonstrating that there is adequate manoeuvrability within the site. The Council's contract services officers have been consulted and have raised no objection to the proposal.

8.45 In terms of sustainable travel, WSCC Highways highlight that the site is in close proximity to both the A281 and B2133 and 6.3 miles of the Billingshurst train station which has frequent train services to nearby towns and London. There are bus stops located on B2133 and Station Road with services to Horsham, Worthing and Guildford. Many amenities and services within Loxwood are accessible via walking and cycling. Additionally, the application proposes cycle storage within the domestic gardens or garages of the units. Therefore, the LHA consider the site as sustainable.

8.46 WSCC has confirmed no objection to the proposal in terms of highway safety and advised the proposal would not result in a severe cumulative impact on the operation of the highway network, sufficient to refuse development on highways grounds which is the relevant test to be applied in terms of NPPF Paragraph 111. Subject to recommended conditions (including access, parking, CEMP and EVCP), the proposal is considered acceptable by the highway authority from a highway safety and capacity point of view and no objection is raised.

viii. Drainage/flooding

8.47 The site is within Flood Zone 1 (low risk) and therefore the principle of development is acceptable in principle. The Council's Drainage engineer has confirmed that the proposed drainage is also acceptable in principle and has recommended that a condition be imposed requiring fully details of the drainage. Therefore, subject to future compliance with the suggested condition, the proposal would achieve acceptable surface water drainage.

ix. Ecology

8.48 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced whilst the NPPF makes it clear in Paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.

8.49 The Council's Ecology officer has reviewed the Preliminary Ecological Appraisal (PEA) accompanying the planning application and is satisfied with its findings, the recommendations, and enhancements. The PEA acknowledges the site's location within The Mens & Ebernoe Common Special Areas of Conservation (SAC) and acknowledges consideration should be given to the rare species of bats, for which both SAC are designated, but acknowledges the site offers limited habitat for bats currently. The report recommends several mitigation measures, including lighting controls to limit the impact upon the SACs. The impacts upon the SACs have been carefully considered, and sufficient information has been submitted alongside the application to demonstrate that the proposal would not have an impact upon the designated site.

8.50 The proposal would also achieve biodiversity enhancements, which can be secure via condition. In addition, several areas of mitigation have also been highlighted, including restricting timeframes for aspects of the site clearance, such as vegetation and brush piles to limit the impact upon nesting animals. These have been incorporated into a suggested condition.

8.51 Therefore, subject to compliance with the recommended conditions, the proposal shall adequately safeguard and enhance the biodiversity of the site in accordance with national and local planning policies.

x. Sustainability

8.52 The applicant's Sustainability and Energy Statement comply with the requirements of Policy 40 of the CLP and criterion 8 of the IPS. The report was however produced prior to the update to building regulations, meaning the savings set out within the report are relative to the older standards. Nevertheless, the report details the proposal would incorporate a combination of measures including 'fabric first' construction, including low U-Values, and good airtightness. Energy efficiencies secured through a fabric first approach would be supplemented in terms of renewable energy using solar photovoltaic panels (56 x 400w photovoltaic panels). In addition, due to the timing of construction, the development would now be required to be built in accordance with the updated building regulations. As such, Officers are satisfied the proposal would result in a sustainable form of development, which would exceed the requirement of building regulations.

8.53 The proposal also includes the provision of electric vehicle charging points for each dwelling, which are now a standard requirement under building regulations. In addition, as detailed more comprehensively below, the proposal seeks to minimise water usage, with a standard water consumption standard of a maximum of 110 litres per person per day. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan Policy 40.

xi. Water Neutrality

6.54 The application is located within the Sussex North Water Supply Zone. Much of the water supply in Sussex North is sourced from groundwater abstraction points which drain water from the Arun Valley SAC, SPA and Ramsar Site. Natural England has confirmed that it cannot, with certainty, conclude no adverse effect of abstracting such water on the integrity of the Arun Valley SAC, SPA and Ramsar Site (all designated under the Habitats Regulations). Natural England's Position Statement confirms that new developments must not add to the adverse impact on the Arun Valley SAC, SPA and Ramsar Site. The proposal must therefore demonstrate it would not increase water abstraction. In other words, it must be 'water neutral'. Natural England set out the definition of water neutrality as "the use of water in the supply area before the development is the same or lower after the development is in place".

6.55 The proposal for five additional dwellings would clearly increase water usage compared to the existing use of the site, with the proposal calculated to result in an increase demand of 1,063.40 l/day or 388,141 l/annum. The onus lies with the applicants to demonstrate water neutrality, with the applicants providing a water neutrality mitigation scheme for concertation in via an Appropriate Assessment in consultation with Natural England.

6.56 The proposed water neutrality solution seeks a two-pronged approach, with on and off-site mitigation proposed. The on-site mitigation includes the provision of rainwater harvesting, which would then be utilised within the proposed dwellings to meet the non-portable water demand (i.e., toilet flushing, garden watering/vehicle washing). This is possible, through the provision of a below 2,700 litre (2 bed) or 3,600 litre (3+ bed) water storage tank, which is installed, below ground within the rear garden of each dwelling. The tanks would be compatible with any below ground surface water storage system which may be required. The stored rainwater is pumped into a secondary water tank within the attic space of the properties, with the water then gravity fed to the required outlets within the properties. The provision of on-site mitigation reducing the water demand by 400.48l/day or 146,175.2 l/annum and provide storage for 16,200 litres of water, which would exceed 35 days' worth of usage, i.e., would provide at least 35 days' worth of drought protection in the event of a prolonged period of no rainfall.

6.57 In combination, off-site rainwater harvesting mitigation is proposed to be installed within a Farm in Plaistow and this will meet remaining deficit of 662.62 l/day. The Farm is a cattle farm with an average water use of 5,172.83 l/day. The off-site measures involve the harvesting of rainwater from the roof of Barn 1 which would provide an average daily yield of rainwater of 3717.29 litres. It is proposed to install a 131,000-litre modular tank which would be sufficient to ensure a 35-day drought protection. The 3717.29 litres average yield from Barn 1 is greater than the 662.62 required to be offset from the proposed development and there is adequate headroom within these calculations to ensure there is certainty the development can achieve water neutrality.

6.58 The mitigation measures would be controlled by way of a S106 agreement. The S106 agreement would specify that the measures need to be fully operational prior to the first occupation of the development and would include all parties involved.

6.59 A Habitat Regulations Assessment (HRA) has been undertaken by the Council, which concludes that, with mitigation the proposed scheme would not have an adverse effect on the integrity of the European Protected Site under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. Natural England has been consulted on the HRA and concurs with this conclusion. Therefore, the development can be considered to demonstrate water neutrality.

xii Other matters

6.60 As shown in the consultation responses section of this report, recent investigations prior to the development of a site south of Loxwood Farm Place, less than 100m to the west, have demonstrated that the general area has the potential to contain rare evidence relating to later prehistoric settlement and utilisation of the land. If similar deposits are present, their significance would merit preservation from the effects of development, and this should be achieved through a process of investigation and recording prior to or during construction. As such it would be necessary to impose a condition, should permission be granted, requiring a written scheme of archaeological investigation of the site to be submitted and approved by the LPA.

6.61 There is a single tree, to the far northeast corner which lies within the neighbouring properties rear garden which has the potential to be affected by the proposed development. The proposal has been accompanied by an Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan which details adequate mitigation and protection for this tree during and post construction. It is of note this tree will lie adjacent to the proposed open space, limiting potential impacts to its health. Officers are satisfied, subject to compliance with the proposed protection measure that there will be no adverse impact to the health of the tree.

Conclusion

6.62 In conclusion, the proposal would result in a high-quality residential development, which would be acceptable in terms of its impact upon neighbouring properties, relationship with nearby listed buildings and integrate well within the surrounding area. It is located within a sustainable location, on the edge of an existing settlement boundary, and incorporates satisfactory parking facilities, plus safe vehicular and pedestrian access and egress. It also makes provision for open space, landscaping and opportunities for improved biodiversity measures. The proposal also achieves water neutrality, through a combination of on and off-site offsetting measures, which have been tested via an Appropriate Assessment and found to be acceptable by Natural England.

6.63 This application is identical to the appeal scheme, which the Councils Planning Committee resolved not to contest. Therefore, whilst Officers and the Planning Committee are considering a new planning application, the pending Appeal is a significant consideration for this application. It would constitute unreasonable behaviour, if the Planning Committee now sought to raise issues with this application, given that it is identical to the Appeal scheme, save for the off-site water neutrality mitigation measures

8.64 The NPPF requires local planning authorities to demonstrate that they have a rolling 5-year supply and when there is less than a five-year supply the NPPF engages the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The Council is unable to demonstrate that it has a five-year supply of housing land and therefore the housing policies in the Local Plan are now considered to be out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on housing applications as it ordinarily would. In accordance with Paragraph 11 of the NPPF, permission should be granted, only except where the 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'. As set out above, this is not considered to be the cases and consequently, the application. permission is recommended to be granted, subject to a S106 to secure the proposed water neutrality measures and the conditions set out below, permission is granted.

Human Rights

8.65 The Human Rights of all affected parties have been taken into account and the recommendation is considered 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 three years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Decided Plans"

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

3) **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.

4) No development shall commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure adequate provision for foul 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

5) **No development shall commence**, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) 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 anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) 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,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- (k) waste management including management of litter and construction waste, including prohibiting burning.

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.

6) **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 a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken by an appropriately qualified archaeologist 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.

7) Notwithstanding any details submitted **no development/works shall commence above slab level** until a full schedule of all materials and finishes to be used for external walls and roofs of the building(s) and all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Upon submission of the details to the Local Planning Authority samples of the proposed materials and finishes shall be made available for inspection on site, unless otherwise agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule of materials and finishes, unless any alternatives are agreed in writing via a discharge of condition application.

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.

8) Notwithstanding any details submitted **no development/works shall commence above slab level** until a Sustainability and Energy Statement has been submitted to and approved in writing by the Local Planning Authority. The Sustainability and Energy Statement shall build upon the measures previously set out within the Sustainability and Energy Statement prepared by bluesky Unlimited (21 September 2021) and provide updated calculations based upon the 2022 updated to Building Regulations. Once agreed, these measures shall be fully implemented prior to the first occupation of the dwellinghouse and thereafter retained in perpetuity for their designated use.

Reason: To minimise the impact of the development upon climate change.

9) The dwellings hereby permitted shall not be first occupied until the on-site water saving measures and rainwater harvesting mitigation measures as detailed within the submitted Technical Note 2: Water Neutrality Statement produced by motion (16 May 2023) been fully implemented, are operational and a verification report for all the onsite water neutrality mitigation measures has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the water neutrality measures shall be retained and maintained to an operational standard, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the necessary mitigation measures to ensure an alternative water supply is in place prior to occupation of the development. In the interests of biodiversity.

10) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained 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 covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

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

12) 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.

13) 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, which shall include native planting, shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, the provision of enhancements outlined within the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership, and shall include a program for the provision of the landscaping and ongoing management which shall include details showing the installation and operation of a watering system. 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.

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.

14) No part of the development hereby permitted shall be occupied until full of the maintenance and management of the shared space, open space, and landscaping, has been submitted to and approved in writing by the Local Planning Authority. The manual is to include details of the owner or management company, financial management and arrangements for the undertaking of any maintenance and repair works. Upon first occupation of the development, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: The details are required to ensure the shared space, open space, and landscaping are properly maintained and managed in the interest of the visual amenity and character of the area.

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) The following ecological mitigation measures shall be adhered to at all time during construction;

- a) Any brush, compost and/or debris piles on site could provide shelter areas and hibernation potential for hedgehogs. These piles must be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.
- b) To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles. This involves any removal of scrub, grassland or ruderal vegetation to be done sensitively and done with a two phased cut.
- c) Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).
- d) A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.
- e) Bird boxes should be installed on each of the dwellings.

Reason: In the interests of protecting biodiversity and wildlife.

17) **The development hereby permitted shall not be carried out** other than in full accordance with the Preliminary Ecological Appraisal (September 2021) prepared by The Ecology Partnership.

Reason: In the interest of conserving and enhancing biodiversity.

18) **The development hereby permitted shall not be carried out** other than in full accordance with the Arboricultural Report: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan (31 August 2021).

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability.

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

Reason: In the interests of residential amenity.

20) 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.

21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no external illumination shall be provided on the site other than in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed location, level of luminance and design of the light including the use of warm light, and other measures to reduce light spill. Thereafter the lighting shall be maintained in accordance with the approved lighting scheme in perpetuity.

Reason: In the interests of protecting wildlife and the character of the area.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - SITE LOCATION PLAN	PL-01	P1	12.05.2023	Approved
PLAN - PROPOSED BLOCK PLAN	PL-02	P3	12.05.2023	Approved
PLAN - PROPOSED SITE PLAN	PL-04	P4	12.05.2023	Approved
PLAN - PROPOSED OUTBUILDINGS FLOOR PLANS AND ELEVATIONS	PL-09	P2	12.05.2023	Approved

Details	Reference	Version	Date Received	Status
PLAN - PLOT 1 PROPOSED FLOOR PLANS AND ELEVATIONS	PL05	P3	12.05.2023	Approved
PLAN - PLOTS 3 & 4 PROPOSED FLOOR PLANS AND ELEVATIONS	PL06	P4	12.05.2023	Approved
PLAN - PLOT 2 PROPOSED FLOOR PLANS AND ELEVATIONS	PL07	P3	12.05.2023	Approved
PLAN - PLOT 5 PROPOSED FLOOR PLANS AND ELEVATIONS	PL08	P3	12.05.2023	Approved
PLAN - PROPOSED STREET SCENES	PL10	P4	12.05.2023	Approved

INFORMATIVES

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

2) 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 Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QZW6HCERFRS00>

