

Chichester District Council

Planning Committee

12 July 2023

Planning appeal APP/L3815/W/23/3322020 Land North of Highgrove Farm, Bosham (LPA ref. BO/21/00571/FUL)

1. Contacts

Report Author:

Jeremy Bushell Principal Planning Officer (CDC DM Majors & Business)

Tel: 01243 21031 E-mail: jbushell@chichester.gov.uk

2. Recommendation

2.1 That the Planning Committee:

i) notes the information within the report,

ii) agrees to contest appeal APP/L3815/W/23/3322020, in respect of the:

- Lack of financial contribution of the scale envisaged in draft Policy T1 of the Local Plan 2021-2039: Proposed Submission to enable the Council to secure the identified A27 highway improvements
- Lack of infrastructure provision (affordable housing, nitrate mitigation land, recreation disturbance mitigation, public open space including equipped play area, allotments, community hall, mini football pitch, landscape buffer to east and north boundaries, shared use pedestrian/cycle link to/from site into Barnside, travel plan and travel plan monitoring, traffic regulation order contribution, highway improvements to local walking and cycling facilities) until a S106 Legal Agreement is agreed,
- Likely significant effects upon the Chichester Harbour and Solent Maritime SACs, by reason of a lack of suitable nitrates mitigation scheme resulting in discharge of nitrates into Chichester Harbour, contrary to section 63 of the Habitat Regulations 2017, acknowledging that it will be for the Inspector (as the competent authority) to undertake his own HRA and then consult with Natural England as part of the appeal process,
- Lack of up-to-date and comprehensive bat survey information, which results in the decision maker being unable to conclude that the development will not have a likely significant effect upon the Singleton and Cocking Tunnels SAC, contrary to section 63 of the Habitat Regulations 2017, acknowledging that it will be for the Inspector (as the competent authority) to undertake his own HRA and then consult with Natural England as part of the appeal process, and

iii) agrees to dispute the appellant's evidence on housing supply if it differs materially from the Council's position.

3. Introduction

- 3.1 Full planning application BO/21/00571/FUL for a development of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction) was submitted to the Council in February 2021. During the course of the application significant and lengthy discussions took place on the following matters; the design of the dwellings and the street layout, the mix and tenure of the new homes, nitrate mitigation, sports pitch provision, securing a combined pedestrian/cycle link in the north-west corner of the site, surface water drainage and the availability of education provision in the locality. The application was finally submitted to the Planning Committee on 9 November 2022 where the officer's recommendation was to permit the development subject to the applicant entering into a S.106 agreement to secure the necessary infrastructure obligations. The Committee resolved to defer the application for a site visit and for officers to negotiate with the applicant the following matters - the size/orientation/position of the community building and to re-consider the proposed football pitch. There was a request for an updated comment from Southern Water and that WSCC as the local highway authority should attend the Committee to explain the impact on the local road network. Before officers were in a position to refer the application back to Planning Committee, the applicant decided to appeal against non-determination. The purpose of this report is to explain the grounds on which officers consider the appeal should be contested and to seek the views of the Planning Committee as to how the committee would have determined the application, had it had the opportunity to do so.
- 3.2 The applicant submitted an appeal to the Planning Inspectorate on 12 May 2023. The Planning Inspectorate confirmed the appeal would be heard by way of a Public Inquiry and has scheduled it for 6 days. The start letter from the Planning Inspectorate and subsequent emails has confirmed the Council's Statement of Case is due to be submitted to the Planning Inspectorate (PINS) on 19 July 2023, followed by the submission of full Proofs of Evidence on 5 September 2023, with the Public Inquiry to start on 3 October 2023.

4. Background

The Appeal Site and Surrounds

- 4.1 The appeal site comprises a large and broadly flat arable field which, on its western side, adjoins the Settlement Boundary of Broadbridge. On its southern side the 14.61 hectare (ha) site is contiguous with the A259 Main Road, which itself defines the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The site wraps around, but does not include, the Highgrove Farm complex of buildings on the southern boundary. The Highgrove Farm complex consists of a detached dwelling along with a number of low-key commercial uses which occupy former agricultural buildings. The site's eastern boundary is marked by a ditch, a line of vegetation beyond that and then another parcel of agricultural land attached to Ham Farm. To the north the site is bounded by the West Coastway railway line and to the west by the residential properties off Brooks Lane and Barnside. There is a gated agricultural field access from Barnside in the north-west corner of the site. The site is generally flat but with a slight fall in levels

from the north to the south-west and south-east. The site is located wholly in Flood Zone 1 as defined by the Environment Agency and therefore at the lowest risk of flooding. The Agricultural Land Classification is predominantly Grade 2 with the land adjacent to the western boundary and along the northern boundary being Grade 1. The site lies within the 12km buffer zone for the Singleton and Cocking Tunnels SAC which is designated for two bat species: Barbastelle and Bechstein's and within the catchment area for the Solent Maritime SAC. There are no public rights of way running across the site.

- 4.2 For the purposes of the development plan which comprises the adopted Local Plan, the made Bosham Parish Neighbourhood Plan (BPNP) and the Site Allocation Development Plan Document 2014-2029 (SADPD), most of the site is located outside of the Settlement Boundary and therefore within the Rest of the Plan Area where development is generally restricted to that which needs a countryside location. However, part of the site in the south-west corner comprising an area of 2.2 ha is identified for new housing in policy BO1 of the SADPD and secured full planning permission for 50 dwellings in 2018 (BO/17/03148/FUL). That permission has not been implemented and it expired on 15 January 2022. Notwithstanding that the permission has recently lapsed, the principle of building 50 dwellings on that part of the current application site is now established through the SADPD and the settlement boundary for Bosham is now revised to include that land.

5. The Proposal

- 5.1 Full planning permission is sought for the erection of 300 dwellings along with associated development including extensive SuDS infrastructure, a Community Hall (300 sqm GIA), allotments (approximately 2,522 sqm), an electricity sub-station, foul sewage pumping station and more than 2.8 ha of public open space, with the latter area incorporating 931sqm of equipped play area, a landscaped buffer to the east and north site boundaries and a mini grass football pitch suitable for children under 10 years old.
- 5.2 A single permanent vehicular access is proposed from the A259 Main Road in the same position as the previously approved access for the 50-dwelling scheme. The access comprises a conventional priority access junction arrangement with a 30m wide bellmouth running into a 5.5m wide spine road. As with the previous approval for the 50-dwelling scheme the access arrangement incorporates a 3.0m wide 'Ghost Island Right Turn Lane' within the centre of the A259 carriageway, with the creation of this feature necessitating a slight widening of the A259 into the site. A pedestrian refuge island is to be provided 33m west of the centre line of the access to facilitate crossing of the A259. A 4m wide second vehicular access to the site from the A259 with 12m wide bellmouth is shown provided further to the east, the use of which will be restricted to a construction access and as a temporary sales and emergency access. Once the sales access is no longer required the access would revert to a pedestrian and cycle connection only.
- 5.3 On the western boundary a footpath and cycleway connection would be provided through to Barnside in the north-west corner of the site, providing onward connectivity to the railway station and parade of shops in Broadbridge.

5.4 The proposed housing mix and tenure is as follows:

Market Mix - 210 dwellings

8 x 1 bed
76 x 2 bed
89 x 3 bed
37 x 4 bed

Affordable Housing - 90 dwellings

26 x 1 bed (16 x affordable/social rent, 2 x shared ownership, 8 x First Homes)
41 x 2 bed (22 x affordable/social rent, 6 x shared ownership, 13 x First Homes)
19 x 3 bed (9 x affordable/social rent, 8 x shared ownership, 2 x First Homes)
4 x 4 bed (all affordable/social rent)

- 5.5 The development comprises predominantly 2 storey houses and apartments with some 2.5 storey houses. Following the November Planning Committee and in response to the proposed changes to draft strategic policy for Highgrove Farm in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), the application has been amended so that 5 no. two storey houses previously shown on the eastern boundary of the site are now replaced with 5 no. single storey 2 bedroom ground floor bungalows constructed to Building Regulations M4(3) standard i.e. delivered at the outset as fully accessible units. The development also now proposes that 4 dwellings on the site will be delivered as custom build units to the extent that the internal layout with the exception of internal structural walls will be available to be fully customised by a purchaser. The development throughout would have a traditional rather than contemporary design with a palette of materials comprising brick, render, tile-hanging and flint with red and grey roof tiles. Some dwellings (39) have chimneys.
- 5.6 The proposal provides for 717 parking spaces through a combination of on and off plot parking, garages and visitor parking (60 spaces). Separate car parking provision is also made for the Community Hall and allotments. All dwellings are to be provided with electric vehicle charging facilities.
- 5.7 The proposals must mitigate for the additional nitrogen loading that would result from the development to ensure that the development overall is nitrate neutral. The applicant has secured the in-principle use of 3.40 hectares of existing farmland at Chilgrove Farm to function as nitrate mitigation land but this will need to be delivered through an overarching strategic nitrate mitigation to be agreed by the Council and the SDNPA. At the time of writing this overarching agreement is not in place.

6. Constraints

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

7.0 Planning History

17/03148/FUL	PER106	Construction of 50 dwellings, landscaping, associated works and access from the A259.
19/01227/EIA	EIA Not Required	Screening opinion - 300 dwellings (including re-planning of the approved 50 dwellings on the site), a 2FE Primary School, community buildings and public open space.

8. Representations and Consultations

8.1 Refer to **Appendix 1** for all received representations and consultations.

9. Planning Policy

The Development Plan

9.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Bosham Parish Neighbourhood Plan was made on 22nd November 2016 and forms part of the Development Plan against which applications and appeals must be considered. The Site Allocation Development Plan Document 2014-2029 is also part of the Development Plan and was adopted by the Council on 22 January 2019.

9.2 The principal policies of the Chichester Local Plan relevant to the consideration of this appeal are as follows:

- 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 33: New Residential Development
Policy 34: Affordable Housing
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 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

The Bosham Parish Neighbourhood Plan 2014-2029

- 9.3 The principal policies of the neighbourhood plan relevant to the consideration of this appeal are as follows:

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

CDC Site Allocation Development Plan Document (SADPD)

- 9.4 Part of the application site (the south-west corner) is subject to Policy BO1 of the DPD which allocates it for 50 dwellings. As the SADPD delivers the Local Plan Parish housing figure of 50 dwellings set out in LP policy 5, there are no policies allocating housing sites in the Bosham Parish Neighbourhood Plan.

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

- 9.5 This is a material consideration for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 9.6 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 Regulation 19 Local Plan took place from 3 February to 17 March 2023 and responses are currently being processed. Once this is complete, the Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024.
- 9.7 However, at this stage, the weight that can be attached to the policies contained within the new Local Plan in terms of decision making is limited and commensurate with government policy at paragraph 48 of the NPPF.

9.8 Relevant policies from the published Chichester Local Plan 2021–2039: Proposed Submission (Regulation 19) are:

- S1: Spatial Development Strategy
- S2: Settlement Hierarchy
- NE2: Natural Landscape
- NE3: Landscape Gaps between settlements
- NE5: Biodiversity and Biodiversity Net Gain
- NE6: Chichester’s Internationally and Nationally Designated Habitats
- NE7: Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
- NE8: Trees, Hedgerows and Woodlands
- NE10: Development in the Countryside
- NE13: Chichester Harbour Area of Outstanding Natural Beauty
- NE15: Flood Risk and Water Management
- NE16: Water Management and Water Quality
- NE19: Nutrient Neutrality
- NE20: Pollution
- NE 21: Lighting
- H1: Meeting Housing Needs
- H2: Strategic Locations/ Allocations 2021 – 2039
- H3: Non-Strategic Parish Housing Requirements 2021-2039
- H4: Affordable Housing
- H5: Housing Mix
- H6: Custom and/or Self Build Homes
- H8: Specialist accommodation for older people and those with specialised needs
- H10: Accessible and Adaptable Homes
- P1: Design Principles
- P2: Local Character and Distinctiveness
- P3: Density
- P4: Layout and Access
- P5: Spaces and Landscaping
- P6: Amenity
- P8: Materials and Detailing
- P14: Green Infrastructure
- P15: Open Space, Sport and Recreation
- P16: Health and Well-being
- P17: New and Existing Local and Community Facilities including Local Shops
- T1: Transport Infrastructure
- T2: Transport and Development
- T3: Active Travel - Walking and Cycling Provision
- T4: Parking Provision
- I1: Infrastructure Provision
- A11: Highgrove Farm, Bosham

National Policy and Guidance

- 9.9 Government planning policy comprises the National Planning Policy Framework (NPPF July 2021) and related policy guidance in the NPPG.
- 9.10 Paragraph 11 of the current 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.*
- 9.11 The following sections of the NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.
- 9.12 The Government is currently consulting on amendments to the NPPF but these proposed changes do not yet carry any weight.

Other Local Policy and Guidance

- 9.13 The following documents are also material to the determination of this planning appeal:
- Surface Water and Foul Drainage Supplementary Planning Document (SPD)
 - Planning Obligations and Affordable Housing SPD
 - Interim Position Statement for Housing Development
 - CDC Waste Storage and Collection Guidance
 - Bosham Village Design Statement 2011
 - CHC Chichester Harbour AONB Management Plan (2014-2029)

Interim Position Statement for Housing Development

- 9.14 Due to delays in the preparation of the Local Plan the Council recognises the need to set out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve a draft Interim Position Statement for Housing Development for the assessment of relevant planning applications and appeals with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. The Council considers that the Inspector should consider the proposal against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate new housing at a time when it cannot demonstrate a 5-year supply of housing land. It is not a document that is 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. It is a document that the decision maker should 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.

Levelling-up and Regeneration Bill: Reforms to National Planning Policy Consultation

- 9.15 On the 6 December 2022 a Written Ministerial Statement (WMS) was published setting out the Government's proposed changes to the planning system. Details of the changes have now been set out in a National Planning Policy Framework prospectus (published 22 December 2022).
- 9.16 On the 8 December 2022 the Planning Inspectorate published PINS Note 14/2022 that provides advice to Planning Inspectors on the action to be taken as a result of the WMS across all areas of PINS casework. Paragraph 3 states that a 'WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details are yet to be published and consulted upon'. Paragraph 5 of the PINS Note confirms that 'no action is required in any casework areas at present, as the WMS sets out proposals for consultation rather than immediate changes to government policy. Consequently, the starting point for decision making remains extant policy, which we will continue to implement and to work to until such time as it may change.'
- 9.17 At the time of writing the changes to the NPPF are still in draft form as such, at this stage, the changes outlined in the WMS are not national policy. Until such time that any amendments to the NPPF are published, the application falls to be assessed against the current NPPF and policy as outlined above.

10. Main Issues

- 10.1 The main issues arising from this proposal are:
- i) Principle of development and the policy position
 - ii) Layout, design and landscape impact
 - iii) Highways, access and parking
 - iv) Surface water drainage
 - v) Foul water drainage
 - vi) Ecology (including Protected Species and HRA issues)
 - vii) Community building
 - viii) Other matters (loss of agricultural land, education, sustainability, railway, mini football pitch, allotments and residential amenity)

i) Principle of development and the policy position

- 10.2 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 (and therefore by default, appeals)

'should be determined in accordance with the development plan unless material considerations indicate otherwise'

- 10.3 For certainty and clarity a plan-led approach to decision making on planning applications and appeals 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. 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 under Regulation 19 is proposed to be carried forward into the new Local Plan. Draft policy S2 of the Local Plan Regulation 19 Submission continues therefore to identify Bosham as one of the Service Villages i.e., as a focus outside of Chichester city and the Settlement Hubs for new development and facilities within an expanded settlement boundary.
- 10.4 In 2019, full planning permission for a development of 50 homes in the south-west corner of the current appeal site was given on the basis of compliance with policy BO1 of the CDC Site Allocations Development Plan Document (SADPD) and whilst that permission lapsed on 15 January 2022, the policy commitment is now enshrined as part of the development plan and the settlement boundary for Bosham will be re-drawn to encompass that site. The Council's development plan commitment for Bosham in terms of housing numbers through policy 5 and policy BO1 of the SADPD is therefore addressed albeit that the 50 units have yet to be constructed. The 50 dwelling SADPD site comprises 15% of the current appeal site in terms of its land area and the latter relies on the vehicular access approved for that development. The appeal proposal in essence therefore is for a net gain of 250 new homes over that which the Council has already sanctioned on part of the site.

- 10.5 Whilst the principle of developing 15% of the application site area in the south-west corner with 50 dwellings is established, there is no development plan support for increasing that level of housing from 50 dwellings to 300 dwellings with new housing on the adjoining land ahead of any firm commitment on future housing numbers and distribution in the Local Plan Review (LPR). The Council's current published position with regard to the Highgrove Farm site is in the Chichester Local Plan 2021–2039: Proposed Submission (Regulation 19). Within the proposed Local Plan Regulation 19 Submission, land at Highgrove Farm (in addition to the 50 dwelling SADPD site) is identified as a strategic land allocation under draft policy AL11, appropriate for a residential-led development of a minimum of 245 dwellings including 4 suitable serviced plots to provide self/custom build housing, a community building, accommodation for older persons including a component of care or support, provision of on-site open space and play area and three gypsy and traveller pitches.
- 10.6 The proposed Local Plan Regulation 19 Submission refines the previous Preferred Approach draft policy AL7 for Highgrove Farm. The previous requirement under the Preferred Approach for a new school on the site had already been removed from the policy at the time of the November Planning Committee following WSCC's Education Service confirming it no longer had a requirement for a new school on the site. It is clearly apparent given the continued inclusion of the Highgrove Farm site in the proposed Local Plan Regulation 19 Submission that it remains an important strategic housing commitment for the Council in terms of the contribution it can make to meeting the overall housing numbers. However, whilst under draft policy AL11 the land at Highgrove Farm remains a favoured site of the Council for future housing development, that proposed allocation has not been tested at examination and does not have enough weight in decision making consistent with government policy in paragraph 48 of the NPPF. Therefore, following a strict s.38(6) development plan approach, the appeal proposal is contrary to adopted policy.
- 10.7 In following a s.38(6) plan-led approach there are other factors to consider. 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 housing supply has identified that there is a potential housing supply of 3,174 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,350 net dwellings. This results in a deficit of 176 net dwellings which is equivalent to 4.74 years of housing supply. The Council has acknowledged that the adopted Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it can't currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11 d) ii) of the NPPF i.e. the presumption in favour of permitting sustainable development is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan with its revised housing strategy and numbers.

- 10.8 However, footnote 7 of paragraph 11 d) (i) contains an important caveat to the presumption in favour of permitting sustainable development in circumstances where development is likely to have a significant effect on a habitats site. In this case, the habitat sites relevant to the appeal site are the Chichester Harbour and Solent Maritime Special Areas of Conservation (SACs) and the Singleton and Cocking Tunnels SAC. Officers consider that footnote 7 is engaged in this appeal for reasons relating to the absence of nitrate mitigation and the impact on protected rare bat species which is discussed later in the report. With footnote 7 engaged the tilted balance, i.e. the presumption in favour of permitting sustainable development, no longer applies (paragraph 182 of the NPPF refers).
- 10.9 In acknowledging the habitat regulations issue, officers also recognise that simply adopting a position where all new housing proposals are resisted ahead of adoption of the new Local Plan is not a tenable approach. In order to ensure that the Council can demonstrate a housing supply it will be necessary for some new housing development to be permitted. As part of this consideration, it is now the Planning Inspector as the competent authority under the habitat regulations who must weigh up the significance of the effects of the development on the identified habitat sites as part of the overall decision on the appeal.
- 10.10 As part of that decision making context of delivering more housing, it is notable and relevant that the Council's Housing and Employment Land Availability Assessment (HELAA) in March 2021 identified the Highgrove Farm site as available, suitable and capable of delivering inter alia 250 new homes. While the HELAA is only a technical background document used to inform the review of the Local Plan and is not Council policy, it is significant that the Highgrove Farm site continues to remain one of the Council's preferred strategic housing locations along the East-West corridor which is the area identified as the focus for accommodating the main future housing growth in the next plan period.
- 10.11 In order to help assess the impacts of housing development outside of established settlement boundaries, during the period leading up to adoption of the emerging Local Plan, the Council has 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 fundamental aim of the IPS is to ensure early delivery of housing on sites which are not being brought forward through the local plan process.
- 10.12 When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current proposal scores well with the significant exception of adverse impacts related to the A27 and nitrates. It is relevant to consider each of the IPS criteria in turn:

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 entire length of the sites west boundary adjoins the settlement boundary for Broadbridge. The criterion is satisfied.

2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy.

Bosham/Broadbridge is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2) and draft Policy S2 in the proposed Local Plan Regulation 19 Submission. The Local Plan Regulation 19 Submission has identified Bosham as capable of accommodating further sustainable growth to enhance and develop its role as a Service Village. The village is host to a good range of facilities and services, including a Primary School, community facilities, local shops and a GP surgery. It has a railway station and good bus links between Havant and Chichester. In terms of its facilities and location in the settlement hierarchy it is considered appropriate for a development of 300 dwellings. The criterion is satisfied.

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.

It is considered that the development meets this point. There is no actual or perceived coalescence likely to arise from permitting this development. The development would retain a landscape gap of approximately 1.25 km across a predominantly open rural landscape (from the eastern edge of the site to the nearest point of the Fishbourne settlement boundary at Blackboy Lane). See section on landscape impact below but it is considered that this criterion is met.

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 proposals would result in a density of approximately 20.53 dwellings per hectare based on the overall site area (approximately 30 dph for net developable area). There is no artificial sub-division of the land comprising the red lined application site. In the context of the rural edge of settlement location, this level of development compares favourably with the Council's 'benchmark' density value of 35dph for greenfield sites and is considered acceptable. The proposal meets this criterion.

5) Proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views and intervisibility between the South Downs National Park and the Chichester Harbour AONB.

See section on landscape impact below, but it is considered that the proposal would comply with the above criterion.

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 affect the potential or value of the wildlife corridor.

The application site is outside of the proposed Strategic Wildlife Corridors set out in the Local Plan Regulation 19 Submission. The criterion is not therefore applicable in this instance.

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.

Following submission of the appeal against non-determination officers have had discussions with the appellant with regards to the financial contribution towards the co-ordinated package of improvements to junctions on the A27 Chichester Bypass to allow for increased road capacity, reduce traffic congestion and improve safety. The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the Local Plan 2021-2039: Proposed Submission. The formula is set out in draft Policy T1 Transport Infrastructure and at this point in time equates to £7,728 per dwelling.

Officers acknowledge that draft Policy T1 of the Local Plan 2021-2039: Proposed Submission (LPPS) is emerging and not adopted policy. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, mean however that unless all housing permitted ahead of the adoption of the LPPS delivers the financial contributions of the scale envisaged in draft Policy T1 of the LPPS, the Council will be unable to secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the LPPS. The appellant has not committed, without reservation, to the payment of this financial contribution which puts the delivery of the necessary highway improvements in doubt and thus there is no guarantee that this criterion will be met.

Whilst the appellant has agreed in principle to enter into a Section 106 Agreement for other infrastructure (affordable housing, open space, and local off-site highways improvements), in the absence of a signed agreement these improvements cannot be guaranteed.

It is considered therefore that the proposal would not meet the above criterion.

8) Development proposals shall not compromise on environmental quality and should demonstrate high standards of construction in accordance with the Council's declaration of a Climate Change Emergency. Applicants will be required to submit necessary detailed information within a Sustainability Statement or chapter within the Design and Access Statement to include, but not be limited to:

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;

- **Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- **Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- **Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The development will need to meet the enhanced Part L building regulations criteria which were introduced in the revisions to the Building Regulations in June 2022. Additionally, the development is proposing solar PV panels on all dwellings to meet the 10% requirement for renewables and all properties will have electric vehicle parking. Water consumption will be limited to 110 litres person per day. The criterion to deliver environmentally sustainable development is therefore considered to be met.

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 design and layout of the development are considered to be acceptable in the context of the location - see further assessment below. The criterion is met.

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.

Bosham is defined in the extant Local Plan and in the Local Plan Regulation 19 Submission as a 'Service village'. The proposed development would benefit from a relatively high level of accessibility by non-car modes. For example, the nearest bus stops are located along the A259 with bus stops for westbound and eastbound services (44a, 56 and 700 services) being within 300 metres of the site access. Bosham railway station is approximately 900 metres from the site via Main Road and Station Road. A dedicated off-site pedestrian/cycle link is to be provided in the north-west corner of the site through the existing residential development at Barnside providing a more direct route from the site to the railway station and local shops. The criterion is met.

11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed. This includes, where relevant, provision of the necessary information for the LPA to undertake a sequential test, and where necessary the exception test, incorporation of flood mitigation measures into the design (including evidence of independent verification of SUDs designs and ongoing maintenance) and evidence that development would not constrain the natural function of the flood plain, either by impeding flood flow or reducing storage capacity. All flood risk assessments should be informed by the most recent climate change allowances published by the Environment Agency.

This criterion is considered to be satisfied (refer to the assessment below). The site is located within EA flood zone 1, as an area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development whilst factoring in the in-combination effect of higher groundwater levels.

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 site will discharge its foul water flows to the Bosham WwTW at Harts Farm where there is sufficient headroom to accommodate the development. The development results in a positive nitrogen budget for which the appellant is required to provide suitable mitigation. Whilst the appellant has secured the in principle use of nitrate mitigation land at Chilgrove Farm which is to be changed from the growing of cereal crops to the planting of broadleaved woodland, at the time of writing that process is not fully resolved. There remains uncertainty with regard to the hydrology aspects of the land drainage at Chilgrove Farm in terms of the mitigation land being able to deliver the required nitrate reduction prior to the development at Highgrove Farm commencing and the first homes being occupied. To ensure greater certainty in the process and acting on the precautionary principle in terms of the Habitat Regulations, the Council is proposing an overarching s.106 agreement jointly with the landowner at Chilgrove Farm and the South Downs National Park Authority which will then provide nitrate credits. In the absence of certainty as to when this process will be resolved the appeal proposal cannot demonstrate that it would not have a likely significant [harmful] effect on the Chichester Harbour SPA contrary to section 63 of the Habitat Regulations 2017. On this basis the criterion is not currently satisfied.

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. The Council will seek to impose time restricted conditions on planning applications to ensure early delivery of housing

The applicant/developer is a national housebuilder, the site is a greenfield site and there are no site abnormalities which are likely to delay implementation of any permission once pre-commencement conditions have been discharged. The HELAA anticipates an estimated timescale for delivering the housing of 100 units in years 1-5 and the remaining 150 units in years 6 -10. On the proviso that a timely resolution can be delivered in respect of the nitrate mitigation then there is nothing to imply that such a timescale is unrealistic or that the criterion cannot be complied with.

10.13 In the absence of an up-to-date Local Plan, the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would and, as a development management tool to assist in decision making, officers attach weight to the conclusions reached on the 13 above criteria. The only criteria within the IPS which is not met therefore are Criterion 7 (failure to secure infrastructure obligations) and Criterion 12 (absence of demonstrable nitrates mitigation) but members should be mindful that the proposal scores well against all of the other criteria. Aside from the lack of agreement on infrastructure contributions (which may yet be resolved), and mindful of the HRA protected bat species issue (which is not an IPS criterion), the conclusions on the IPS criteria strongly suggest that the principle of housing development on this sustainable site is considered acceptable. That principle is underscored through the Council's continued agreement to promote the site as a draft strategic housing site in the Local Plan Regulation 19 Submission.

ii) Layout, design and landscape impact

10.14 The proposed layout follows established urban design principles, with a network of streets and street-facing dwellings arranged around a series of perimeter blocks. The vehicular access from the A259 tracks directly north at 5.5 metres wide then east looping around the central core which incorporates the large central area of green open space at circa 1600sqm which is over-looked on all four sides and incorporates an equipped area of informal play of approximately 291sqm. This primary road gives rise to a series of secondary/tertiary roads between 5.5m wide(majority) and 4.8m wide and then private drives which narrow to around 3.5 metres. Allotment gardens with parking are located in the north-west corner of the site adjacent to the railway line. A line of dwellings running along the site's western boundary have their rear garden boundaries set back a variable distance between 5 and 12 metres from the site boundary creating an ecological corridor with the existing trees and field ditch.

10.15 The appeal proposal includes a broad mix of detached, semi-detached and short terraces of two and two-and-a-half storey houses and apartments. All properties benefit from reasonable-sized gardens complying with CDC design guidelines and acceptable levels of privacy. Following the November Planning Committee and the subsequent publishing of the proposed Regulation 19 Local Plan policies, 5 ground floor only bungalows have been included on the eastern edge of the development in place of 5 x 2 storey houses. The reduced height of the bungalows will contribute to providing a softer and more sinuous edge to the settlement boundary than currently exists at Broadbridge. The proposals also include 4 x custom build serviced plots. Parking is provided focused mainly 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 HEDNA.

- 10.16 The design of the individual dwellings evolved during the course of the application through input from the Council's Design Officer and generally follows a 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. Key improvements to the original layout secured during the application stage included a loosening of the urban grain on the west side of the site through a slight expansion of the built area into formerly undeveloped land at the north-east part of the site. This in turn has resulted in a series of key benefits including more generous curtilage for some properties, more streetside tree planting in accordance with NPPF paragraph 131 (increased further following the November Planning Committee) and a significant reduction in long unbroken rows of streetside parking, particularly in the western part of the site. The large main central green space has also been redesigned to be more accessible, particularly to residents in the western part of the site, who would have a much longer route to the significant green spaces to the east.
- 10.17 Final details of facing and roof materials would be reserved by suggested planning conditions should permission for the development be granted on appeal, but these are likely to predominately comprise brick, tile hanging, render and flintwork to elevations with red and grey plain tiles to roofs.
- 10.18 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) and policy 33 of the Local Plan.
- 10.19 In terms of the development's wider landscape impact, the proposals include a generous planting belt on the eastern side of the site wrapping part way around the north-east and south-east sides, varying in width by between approximately 41m and 100m and comprising a mix of shrub and tree planting, public amenity grassland and meadow with planted up SuDS features to create a robust boundary with the adjoining farmland. The front part of the site, which flanks the A259, would comprise a wide swathe of landscaping, including the shallow SuDS drainage basins and swales interspersed with tree planting. The proposed dwellings closest to the A259 would be set back approximately 28m in the south-west corner and 48m in the south-east corner. A series of footpaths provide connectivity within the site responding to anticipated desire lines. A green route following the line of the main north-west to south-east swale passing through the site and skirting around the edge of the central area of open space provides connectivity between the A259 and the off-site connection into Barnside and thereon to the existing facilities in Broadbridge.

- 10.20 The proposed draft allocation of the strategic site comprising the appeal site in the Local Plan Regulation 19 Submission (draft policy AL11) is informed by several background studies. The Chichester District Landscape Capacity Study (March 2019) identifies the Broadbridge to Fishbourne Coastal Plain sub-area (91) which stretches from the A27 to the north to the A259 to the south of which the site is a relatively small part as having overall medium/low capacity for development. Clearly, the development of any site, and in particular any greenfield site, will have an impact on the baseline character and appearance of its surroundings. To develop the appeal site as proposed 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.
- 10.21 The Landscape Gap Assessment (May 2019) also produced for the Council to support the review of the Local Plan and potential strategic allocations identifies what it defines as a 'strategic gap' between Bosham/Broadbridge and Fishbourne (part of the former designated strategic gap between Chichester and Emsworth). The gap identified in the Landscape Gap Assessment does not include the appeal site but comprises land approximately 750m wide adjacent to it, to the east of Ham Farm extending towards Fishbourne. It is the width of this gap which means that people travelling along the A259 or by train or along cycleways perceive a reasonable stretch of predominantly open and undeveloped countryside between Bosham/Broadbridge and Fishbourne which in turn contributes to the perceived separation of those settlements and their separate identities. The gap is considered essential to protect in order prevent the actual or perceived coalescence of the settlements and the proposals in that regard are not in conflict with Local Plan policy 48(5).
- 10.22 The appellant's proposals acknowledge the landscape constraints of sub area 91 by proposing a landscape led approach to the layout of the development. The site of the proposed development is visually separated from the identified landscape gap in the Landscape Gap Assessment by the farm buildings and boundary screening at Ham Farm and has been designed with a layout which constrains the eastward spread of built development through the inclusion of a significant landscaped buffer on the eastern site boundary. The landscaped buffer maintains a viewing corridor from the A259 - which marks the boundary with the AONB - through the site to the National Park to the north. It is relevant in landscape terms regarding intervisibility between the AONB and the National Park that approximately one third of the site frontage with the A259 in the south-west corner has already had planning permission granted for 50 homes on the DPD allocated site. With that permission there was an implicit acceptance that the previous unimpeded intervisibility between the AONB and National Park from the baseline position of an open field would be changed to one providing only a transitory viewing corridor. The current appeal, by setting back and tapering the eastern edge of the proposed built form adjacent to the A259, results in an undeveloped frontage of around 80 metres to the A259 which will provide a significant viewing corridor. The layout of the development also makes provision for a viewing corridor from the existing development at Barnside retaining long views east towards Chichester Cathedral through the proposed housing.

- 10.23 The approach to the front (south) part of the site and the eastern fringe has been the subject of detailed discussion and negotiation during consideration of the application, to strike a balance between integrating the development into its wider setting through the use of planting that is sufficient to soften but not hide it, to provide adequate surface water drainage and to preserve some views through the site towards the South Downs whilst limiting any impact on the AONB to the south. The SuDS basins at the south boundary which will be lined will provide opportunities for tree and shrub planting at their perimeter to assist the development's integration and to filter and soften views.
- 10.24 Overall, the approach taken is considered to 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 prerequisite to the adoption of any roads given that none (or very little) currently exists in the adjoining part of the village.
- 10.25 It is also necessary 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 Walton Lane on its western side and Chequers Lane to the east and 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 is 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 selection process, the impact of the proposal upon the setting of the AONB is considered both limited and acceptable.
- 10.26 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, it is relevant that the proposals respond to two of the key Principle and Significant Views identified in the Neighbourhood Plan in terms of views east from Barnside to the Cathedral spire and views north from the A259 to the National Park. Having considered the various representations, the fact that a prominent part of the site is now allocated for housing development and has had planning permission for 50 dwellings and considering the landscape-led layout of the current proposals, officers are satisfied that from a landscape perspective the site meets the objectives of criterion 5 of the IPS and Local Plan policy 48 and is therefore appropriate by that measure for the level of development proposed. It is not considered therefore that the harm associated with the change in the baseline appearance of the site from open field to a housing development which is landscape-led is significantly demonstrable to justify defending an appeal on landscape grounds.

iii) Highways, access and parking

- 10.27 Access to the development from the A259 would be via a conventional priority access junction arrangement leading to a 5.5m wide primary road which then gives rise to a series of secondary/tertiary roads between 5.5m wide (majority) and 4.8m wide and then private drives which narrow to around 3.5 metres. As previously noted, 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. The appeal proposal would provide the same site access that was approved for the previous 50 dwelling permission so the principle to that extent has already been established.
- 10.28 The site entrance would be flanked by footways and incorporate a 3m wide cycle priority layout across the entry/egress of the development conforming to LTN 1/20 and linking into the existing combined A259 footway-cycleway located along the site frontage. As part of a S.106 agreement the development would be required to deliver improvements to local walking and cycling infrastructure (provision of tactile paving and surface improvements on existing A259 crossing adjacent to Bosham roundabout; dropped kerbs and tactile paving at crossing point adjacent to access to the Broadbridge Business Centre off Delling Lane; and footway surface improvements on the north side of the A259 opposite Chequer Lane).
- 10.29 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 and fire appliances, to safely manoeuvre and turn.
- 10.30 Parking would be provided within individual plots or to the front of dwellings with visitor spaces formed in bays off the distributor roads. The number of spaces proposed (717.5) meets the predicted demand and is considered acceptable. The dimensions of external parking spaces (5m x 2.5m) and garage spaces (6m x 3m internal) meet the required minimum.
- 10.31 Given the proximity of the site to the A27 Fishbourne Roundabout, National Highways (NH) 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 on the strategic road network. However, since the planning application was considered by the Planning Committee in November 2022 there is a necessary update in this regard in terms of the level of contribution.

- 10.32 The Chichester Local Plan 2014-2029 was adopted on the 14 July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9 of the adopted Local Plan, alongside the Planning Obligations and Affordable Housing SPD. As part of the evidence base for the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), transport studies have been undertaken to understand the impacts of development on the highway network in the plan area and surrounding area. These transport studies have identified that a number of highway improvements will be required to mitigate the impact of the development, particularly in relation to junction improvements on the A27 Chichester Bypass. Draft Policy T1 Transport Infrastructure of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) makes provision for a co-ordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion and improve safety.
- 10.33 The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the Submission Local Plan. The formula is set out in draft Policy T1 Transport Infrastructure and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the Local Plan 2021-2039: Proposed Submission (LPPS) is emerging and not adopted policy. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, is however such that unless all housing permitted ahead of the adoption of the LPPS deliver the financial contributions of the scale envisaged in draft Policy T1 of the LPPS, the Council will be unable to secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the LPPS. Given this position, it is officer recommendation that non-compliant schemes are not supported on the basis of the acute nature of the Council's position and the risk to housing delivery in the district. In this instance the appellants have not confirmed that they will provide the financial contributions envisaged in the draft Policy T1 of the LPPS unless the planning Inspector considers that the proposals meet the tests in the CIL regulations and thus officers recommend that the appeal is contested in respect of this issue.
- 10.34 In terms of the development providing means of access to and from it other than via the private car, prolonged negotiations between officers and the applicant have resulted in an off-site pedestrian and cycle link being proposed in the north-west corner of the site through Barnside. This would provide a more direct route along lightly trafficked roads to the mainline railway station with its hourly service in each direction and to the services and parade of shops in Broadbridge. It would also facilitate access to the Brooks Lane railway crossing which provides a bridleway connection to the north. The new link would provide an opportunity for existing residents at Broadbridge to access the proposed community hall, allotments and large areas of public open space on the appeal site. The Highgrove Farm site also provides access to the eastbound and westbound bus stops on the A259 both located within approximately 300 metres of the existing site access. The bus stops are served by 3 services (44a, 56 and 700) with the 700 service providing connections between Bognor-Chichester-Havant-Portsmouth every 20 minutes. The site is therefore considered to be sustainably located in transport terms with the availability of accessible alternatives in addition to use of the private car.

iv) Surface water drainage

- 10.35 The appeal site is located within Environment Agency Flood Zone 1. Whilst this indicates the site has a low probability of flooding, initial borehole testing has shown relatively high groundwater levels and anecdotal evidence from the local community indicates that a drainage approach based solely on ground soakage - infiltration - is unlikely to prove adequate particularly in the south-west corner of the site.
- 10.36 In view of the above, the submitted indicative drainage strategy is based on a sustainable drainage system which includes swales to convey the surface water and a series of interlinked shallow attenuation basins with 1 in 3 perimeter banking positioned along the site frontage. The system would ultimately outfall to an existing drainage ditch located at the southwestern boundary of the site, with outflow restricted through a hydrobrake or similar so as to be no greater than the current greenfield rate. Sufficient storage will be provided to accommodate a 1:100 year rainfall event with an additional 40% allowance to account for future climate change. The Council's Drainage Engineer has assessed the proposed drainage strategy in the context of recent flooding incidents downstream. The appellants approach to drainage is considered acceptable in principle subject to it being proved that infiltration is not possible at all.
- 10.37 Officers are mindful of advice in the PPG regarding application of the sequential test to the selection of development sites in respect of groundwater flooding issues. Modelling maps produced in association with WSCC as the Lead Local Flood Authority (LLFA) identify the site as potentially at high risk from groundwater flooding. However, this degree of 'risk' is based on modelled data only not on actual site measurements. The appellant's drainage consultant as part of the submitted Flood Risk Assessment (FRA) and FRA Addendum has carried out winter groundwater monitoring across the middle and western parts of the site to provide greater certainty of the actual site conditions. The results of this monitoring show that groundwater levels here are lower than the LLFA mapping evidence suggests. The actual results show identified groundwater levels at between 0.23m and 1.67m below ground level compared with the modelled figure of 0.025m and 0.5m i.e. a lower level of risk than the modelling suggests and below the highest area of risk identified on the LLFA mapping (within 0.025m of the ground surface) which is restricted to a small corner of the north-west part of the site where it is proposed to site the allotments. Notwithstanding these results and given the relatively high groundwater levels, the Council's Drainage Engineer has recommended that further groundwater monitoring, and shallow percolation tests should be carried out during the winter period across the remaining parts of the site to further inform the final drainage strategy and it is recommended that a condition is requested in that regard. Notwithstanding this, the Committee will note that there is no objection from the Drainage Engineer or from the LLFA.
- 10.38 The SuDS basins in the southern part of the site will necessarily need to be lined to prevent groundwater ingress so as to retain the maximum available volume. It is anticipated that they will only fill during significant rainfall events and will normally be predominantly empty. During each time it rains there will be some flow into these basins and there will be a low flow channel that will meander through the basins to allow for these flows. Provided the outer perimeter of the basins are planted-up appropriately - the base and sides overlying the liner will be grassed - they should appear as natural and attractive features that contribute to the foreground setting of the development.

10.39 It is recommended that a condition is requested to control the drainage scheme and the final configuration of the basins and their landscaping, but the submitted details indicate that a drainage solution resulting in the maintenance of current greenfield discharge rates is achievable. The Council is therefore satisfied that the site can be drained acceptably and that the provisions policy 42 of the Local Plan are met.

v) Foul Water Drainage

10.40 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 mid-way along the south part of the site from where it will then be pumped to the Harts Farm wastewater treatment works.

10.41 Whilst there is sufficient capacity at the receiving wastewater treatment works at Harts Farm to process new flows, the comments of Southern Water (SW) regarding the need to upgrade the existing network of pipes in order to convey those flows are noted. The carrying out of these reinforcement works is the responsibility of SW using the Infrastructure Charge which, since April 2018, is levied on all new residential development.

10.42 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 network 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, it is recommended that a condition is requested to require the submission of evidence demonstrating that all necessary works will be carried out prior to occupation of any dwelling.

10.43 Although the appellant has demonstrated that the site can be drained, officers note the concern of Bosham Parish Council and third parties with regard to the foul drainage implications arising from the proposed development. Ultimately it is the statutory duty of Southern Water to ensure that the off-site infrastructure leading to the WwTW is fit for purpose, that the development is satisfactorily drained, and that the proposed development does not lead to problems elsewhere in the system. If Southern Water is not performing its statutory function then the recourse is to the industry regulator OFWAT. Any failings on behalf of Southern Water to deliver required improvements to the offsite network are failings under Part 4 of the Water Industry Act 1991 not under the Town and Country Planning Act. Southern Water raised no objection to this planning application, subject to potential network reinforcements carried out under its own statutory regime. Officers' view therefore is that it would be unreasonable to defend the appeal on these grounds given the likelihood of a technical solution with limited environmental impact. Given that the Inspector will be determining the appeal proposal on the basis of the tilted balance being engaged (depending on the conclusion reached on the HRA issues) or even on the flat balance, it is considered unlikely that this impact will outweigh the benefits of delivering more housing.

vi) Ecology

Protected Species

10.44 As a predominantly open field in arable use the principal features of ecological interest are largely confined to the field margins and the tree and scrub lined field boundaries. A low population of slow worms and common lizard were recorded in the north-west corner of the site. The appeal scheme proposes a significant landscape buffer on the east boundary extending around the north-east and south-east corners and a number of ecological enhancements. These include: establishing grassland open space, woodland and species rich meadow, protection of existing trees, hedgerow and scrub with native infill planting where needed, installation of 5 bat boxes on trees to be retained and 6 bat boxes on properties throughout the site, 30 nest boxes for birds to benefit Starlings, Swifts and Sparrows in particular and log piles for Stag Beetles and other invertebrates. The SuDS basins are to be seeded around the perimeter with a species rich water meadow grass mix to provide an additional ecologically valuable habitat. It is recommended by the Council's Environment Officer that a condition is requested to secure the ecological enhancements and habitat mitigation proposed by the appellant.

Bats

10.45 The field boundaries of the site generally provide foraging and commuting corridors for bats and up to 7 species of bat were recorded in 2019 surveys which were carried out in the summer and early autumn of 2019. The bat survey states that it has a validity of two years and so is now out of date. One of the bat species detected at the site is the rare Barbastelle bat which is a protected species for which the Singleton and Cocking Tunnels SAC was designated. The Highgrove site lies approximately 11.5 km within the 12 km buffer zone for the SAC. The Council's Environmental Strategy Manager (CESM) is critical of the bat survey not only because it is out of date, has not been renewed and does not reference the Singleton and Cocking Tunnels SAC, but because the static recorder methodology used was inadequate as the detector type used under records species with quieter calls and secondly because the number and coverage of the static detectors was not sufficient to understand the use of the site by bats. Only the western boundary had a detector whereas the walked transect survey results show extensive use of the southern boundary of the site, including by the rarer Myotis species (the Bechstein bat is part of this genus). In the opinion of the CESM the information in the bat survey report does not have the required degree of certainty to be relied upon in an HRA undertaken by CDC and, this would also apply to any HRA undertaken by the Inspector. The CESM points out that case law specifies evidence to inform an HRA must be up to date, valid and meet a high degree of scientific certainty.

10.46 The Committee is advised that in the opinion of the CESM, had the planning application been determined by the Council, insufficient information to inform an HRA would be a reason for refusal. However, it is also recognised that there is time to undertake a new survey of the site this summer. That survey, if conducted across three months with walked transects and the deployment of two full spectrum detectors per boundary, should be capable of giving sufficient information to understand the use of the site by SAC bat species (and other bat species including s41 bat species). That in turn would allow for an assessment of mitigation measures for those species present (including Appropriate Assessment if Barbastelle or Bechstein's are present). However, as it stands, officers' recommendation is that the appeal should be contested based on the lack of up-to-date and comprehensive bat survey information, which results in the decision maker being unable to conclude that the development will not have a likely significant effect on the Singleton and Cocking Tunnels SAC.

Biodiversity Net Gain

10.47 From a baseline ecological position where the features of interest are restricted to the field margins it is considered that overall, the proposals will result in a biodiversity net gain (BNG) for the site. In advance of secondary legislation to the Environment Act 2021 which will come into force in November 2023, it is not yet mandatory for developers to quantify the extent of BNG as part of a planning application but the biodiversity measures overall find support in existing Local Plan policy 49(3).

Recreational Disturbance and Over-wintering Birds (HRA)

10.48 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 contributing towards the well-established Bird Aware Solent scheme. The appellant has agreed to make such a contribution and, were the appeal to be allowed, this would need to be secured through the S106 legal agreement referred to below. As part of the appeal process the Inspector will be the competent authority and therefore, under Section 63 of the Habitat Regulations, will be required to undertake their own HRA in consultation with Natural England.

10.49 With regard to over-wintering birds, the wintering bird surveys have established the site is not important for wintering birds and is not used or suitable as foraging habitat by Solent Wader and Brent Geese.

Nitrates (HRA)

10.50 The appeal site is arable farmland and has been used for the growing of crops for which a fertilizer has been applied for in excess of 10 years. The appellant has carried out the necessary nutrient neutrality assessment which is based on the updated March 2022 methodology set out by Natural England. This compares the nitrogen load associated with the last use of the land for the growing of crops with the proposed use for primarily housing development. The resultant calculations show that without appropriate mitigation the proposed development would result in a positive nitrogen 'budget' which has the propensity to add to the existing nutrient burdens and deterioration of the protected waters of the Chichester Harbour SPA and Solent Maritime SAC. To avoid a resultant

likely significant effect on these protected areas and thereby conflict with the Habitat Regulations, the appellant reached agreement with a local landowner at Chilgrove Farm to convert an area of 3.40 hectares of existing agricultural land to broadleaved native woodland. That land, the nitrate mitigation land, is necessary for the development to demonstrate that it is nitrate neutral overall. However, since the November Planning Committee, the South Downs National Park Authority (SDNPA) in which the nitrate mitigation land is located has advised the Council and the landowner at Chilgrove Farm that it will no longer enter into standalone S.106 agreements for nitrate mitigation proposals at Chilgrove Farm. The SDNPA has written to the Council to confirm that going forward it is seeking a wider strategic solution. The SDNPA is therefore seeking a 'strategic' S.106 agreement that would secure nitrate credits for developments planned in Chichester district including the proposed development at Highgrove Farm.

10.51 At the time of writing there is no overarching strategic S.106 agreement for nitrate mitigation at Chilgrove Farm, and therefore there is no mechanism to secure nitrates mitigation. In addition, information submitted to the Council in support of a proposed scheme of mitigation indicates that whilst the land at Chilgrove Farm is hydrologically linked to Chichester Harbour, and therefore it has the potential to provide effective mitigation, there is a lag time of at least 2 years for the nitrates to reach the harbour. Based on the information currently available any mitigation at Chilgrove would not become effective until 2 years after the land has been taken out of agricultural use, and therefore the LPA cannot at this time be satisfied that the mitigation would be effective prior to the occupation of the proposed dwellings. Without a tested scheme of nitrate mitigation secured through a legal agreement the appellant is not therefore able to show that the development would not conflict with section 63 of the Habitat Regulations which the Council as the competent authority in carrying out an Appropriate Assessment is required to demonstrate. Natural England's 'no objection' to the proposals is founded completely on appropriate nitrate mitigation measures being secured through a S.106 agreement. With the proposed development now at appeal, it is the Planning Inspector who becomes the 'competent authority'. In the absence of nitrate mitigation being secured via the legal agreement the Committee is advised that this is a clear ground on which the Council should defend the appeal.

vii) Community Building

10.52 In addition to the majority residential component of the appeal scheme, the proposals also include provision for a community building. Proposed Local Plan Regulation 19 Submission policy AL11 supports the provision of community facilities and policy 4 of the neighbourhood plan states that '...proposals for new community facilities of an appropriate scale that comply with BPNP policies will be supported.' Existing community facilities in Bosham include the village hall in Walton Lane and St. Nicholas Church Hall off Brooks Lane both of which are well-used by numerous local clubs, groups and societies. With the additional population realised by 300 new homes the provision of an additional facility to serve a community function is considered important. This is particularly so given that the relationship of the Highgrove site to the existing adjacent development at Brooks Lane where, with the exception of the proposed cycle/pedestrian access point in the north-west corner of the site, the development will largely be a self-contained entity.

- 10.53 The single storey community building built in brick with a hipped tiled roof has an open hall (130 sqm), 2 meeting rooms (2 x 21 sqm), kitchen, welfare facilities, foyer, storage and courtyard parking for 14 cars with additional visitor spaces close by and will provide a focal point for meeting the needs of the new community as well as being available for use by the existing community in Bosham. Following the November Planning Committee the community building has been increased in size by 72sqm to 300sqm (GIA) to meet the SPD minimum and has been relocated to the north eastern part of the site to provide ancillary facilities to relocated the sports pitch. The inclusion of externally accessible WC facilities will support the wider play space and pitch provision in this corner of the site. Solar PV panels are also to be installed on the roof of the building and it recommended that a condition is requested in this regard. It is envisaged that the building and associated parking area will be managed and maintained by a management company which would need to be secured through the s.106 agreement.
- 10.54 Officers note the comments of Bosham Parish Council with regards to the level of parking that has been allocated to the allotments and community centre not being sufficient but the County Highways officer has commented that the provision is acceptable. The proposals provide 14 spaces and WSCC also point to the fact that the development provides 4 visitor parking spaces in close proximity to the hall (as well as 60 visitor spaces on the site overall). The conclusion is therefore that the level of parking is satisfactory in combination with the effective management of the facilities by the management company through the S.106 agreement.
- 10.55 Following re-consultation on the re-located and larger building the Council's Community Engagement Manager has re-affirmed that there is merit in the provision of a facility within the development as the volume of new housing would inevitably put significant pressure on the existing facilities in the Parish and particularly at St. Nicholas Hall which would be the closest and which is predominantly occupied by the village pre-school. Some concern is expressed regarding the uncertainty of the end user but until the new community at Highgrove Farm is established the scope of the potential future uses will not be known and in that regard it is considered that the fairly generic internal layout is appropriate and were the appeal to be allowed and permission granted, it could be amended at a later date according to the intended uses. For the purposes of the appeal it is requested that a condition is imposed restricting the use of the building.

vii) Other Matters

Loss of agricultural land

- 10.56 The appeal site is a mix of grade 2 and grade 1 agricultural land. This is a land classification pattern which in addition to some grade 3 land is repeated all the way along the East-West growth corridor as identified in the adopted Local Plan and the Local Plan Regulation 19 Submission. To the north of the corridor opportunities for growth are severely constrained by the presence of the National Park whilst to the south of the A259 growth opportunities within the corridor are similarly constrained by the AONB. Whilst the thrust of government policy in the NPPF is to make as much use as possible of brownfield or previously developed land (paragraphs 119/120) before using the best and most versatile agricultural land (grades 1, 2 and 3a), the simple truth is that brownfield land does not exist in the levels necessary for the significant amounts of new housing which the Council has to deliver. To deliver large scale proposals for housing development such as on proposed strategic site at Highgrove Farm, difficult decisions

will need to be made regarding utilising productive farmland. Highgrove Farm is in other respects unconstrained by technical constraints such that cannot otherwise be overcome by the application of appropriate conditions or section 106 obligations and whilst the loss of agricultural land weighs against the proposals it is not considered to be of sufficient weight to justify the Council defending the appeal on this basis particularly in the context of the Council having already determined through the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) that this is a site which it considers is appropriate for new housing.

Education

- 10.57 Policy AL7 of the Local Plan Review Preferred Approach referred to the Highgrove Farm site providing 250 dwellings and a two-form entry primary school. The Preferred Approach containing AL7 was published in December 2018 and subsequent to that WSCC as the local education authority (LEA) has reviewed the likely requirements for education provision going forward. Following long and detailed discussions on this matter the LEA has confirmed to the Council that there is no longer a requirement for the provision of an education facility on the appeal site. A potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. WSCC is to pursue this approach and is therefore content that the future education needs can be addressed through CIL. The Committee will note that the previous requirement for a school has not been carried forward into the Local Plan Regulation 19 Submission.

Sustainability

- 10.58 The appellant's proposals are supported by an Energy Report in response to the requirements of Local Plan policy 40. With the advent of the new Building Regulations in June 2022, there are some key changes under Part L (Conservation of fuel and power) which the proposed development will need to comply with as a matter of course. As a minimum, new build homes will now need to produce at least 31 per cent less carbon emissions than current standards. There are also new minimum efficiency standards in terms of the thermal efficiency of the fabric of new homes and a requirement under new Part S of the Regulations that all new homes will have to have the preparatory work completed for the future installation of an electric vehicle charging point.

10.59 The appellant's proposals are to deliver a fabric first approach to minimising energy needs in order to achieve the 31% reduction. Following the November Planning Committee and to maximise the energy supplied from renewable resources, the proposals are now for solar PV's to be installed on each property on the site to deliver an average improvement of 19.6% in carbon emissions reduction based against the Part L 2013 Building Regs (the June Building Regulations do not introduce a specific new requirement/target for renewable energy). The Council's Environmental Strategy Officer has welcomed the introduction of the PV's across the whole development and commented that the 19.6% improvement on emissions is satisfactory. In terms of the updated building regulations the improvements now required are noted as being significantly better than the Council's current requirements under Local Plan policy 40. In terms of water savings, the developer identifies 110 litres per person per day maximum usage which accords with policy 40. The applicant's Sustainability Statement advises that all dwellings are to be supplied with electric vehicle charging facilities. In the event that the appeal is allowed it is recommended that relevant conditions are requested to secure the sustainable benefits proposed by the appellant.

Railway

10.60 Following original submission of the planning application, Network Rail (NR) raised a formal holding objection on account of concerns it had about the likely safety implications of the development at the Brooks Lane at-grade railway crossing at Barnside, adjacent to the north-west boundary of the site. This is particularly so in view of the sustainable pedestrian/cycle link which the development proposes to create in that corner of the site. The Brooks Lane crossing is a public bridleway and WSCC Rights of Way has confirmed that it would not accept either a diversion of the route so that it does not cross the railway line at this point or its downgrading to a footpath only. Following survey work at the crossing and detailed negotiations between NR and the developer, a mitigation package has been agreed. This entails the installation of Miniature Stop Lights (MSL's) at the crossing together with an audible warning system to warn users of the crossing of on-coming trains.

10.61 NR, as the statutory railway undertaker responsible for the safety of the railtrack network, is satisfied that with the installation of the MSL's the safety of the crossing which is open to use by pedestrians, cyclists and potentially horse traffic is satisfactorily addressed. To that end the developer has agreed to pay a contribution of £800,000 to fund the upgraded safety measures at the crossing. On the basis of this upgrade being secured, WSCC Rights of Way has removed its original holding objection. The financial contribution will be secured through a separate agreement between the developer and NR and, on the advice of the Council's solicitor, a Grampian condition will be recommended as part of the appeal to ensure that the safety upgrades funded by the contribution are delivered prior to occupation of the first dwelling on the site. The upgrade is a necessary component of the development to make the application acceptable in planning terms and satisfies the necessary Regulation 122 tests from the Community Infrastructure Levy in that regard. Officers are satisfied that with the proposed mitigation the railway safety mitigation issue is satisfactorily addressed.

Mini Football Pitch

- 10.62 To accord with the Infrastructure SPD in respect of the provision of sports pitches for major developments of over 200 dwellings and in response to the Council's Playing Pitch Strategy which suggests a Local Plan area need going forward to 2036 for 4 mini pitches, the appeal proposes a children's playing pitch measuring 61m x 43m. The location of the pitch has been amended since the application was last considered by the Committee in November. The grass pitch has been moved from the south-east part of the site and is now proposed adjacent to the LEAP (the position of which has been adjusted as a consequence) and the relocated community building in the north-east corner. This is considered to result in a more satisfactory arrangement with children having ready access to toilet facilities in the new community hall. A lay-by plus the 14 spaces adjacent to the community building and nearby visitor spaces provide a satisfactory level of car parking and the LHA has confirmed it is happy with that level of provision.
- 10.63 One of the priority actions of the Council's Playing Pitch Strategy is a new football ground for Bosham Football Club (BFC). The Club is seeking a full-size adult pitch, floodlit with spectator stands around the periphery. It is considered that the Highgrove site is not an appropriate location to site such a facility particularly given the requirement for floodlights and the fundamental contradiction this would cause in respect of the Dark Skies policy of the National Park and the inter-relationship of the site both to the National Park and the AONB. The mini football pitch would not be floodlit, would not be fenced off and would have no spectator stands. It would have 2 junior goalposts 12ft x 6ft. There would need to be a section of ball stop fencing erected adjacent to the pitch part-way along the north site boundary with the railway line, the exact specification of which will be agreed by Network Rail but following consultation the anticipation is of a 2.4 metre high steel palisade fence which could be secured by condition. When not in use for football, the pitch would form part of the open amenity space for recreational use by the community. BFC has advised that it is keen to grow its youth teams and the proposed pitch would facilitate that objective. The proposal is supported by the Council's Divisional Manager for Sport and Leisure. It is envisaged that the hiring of the pitch, the associated parking and the on-going management and maintenance would be undertaken by the estate management company for the development secured through the S.106 agreement.

Allotments

- 10.64 In addition to the proposed community building, and the mini football pitch, the appeal proposes further community provision in the form of approximately 2,522 sqm of allotment space (the SPD requirement is for 2,456 sqm based on the housing mix proposed). The proposed allotment plots are located in the north-west corner of the site adjacent to the boundary with the railway line. The allotments are to be provided with shed bases and sheds, a water supply and perimeter fencing. Seven car parking spaces are to be provided off a dedicated access. The allotments are located well within the recommended 600m walking distance of all proposed properties on the site. The management company to be set up to manage the community building will manage the allotments and the allocated allotment car parking spaces also. The inclusion of the allotments meets the SPD requirement and responds to an identified need more widely. As a supporting background document to the review of the Local Plan, the Chichester

Open Space Study 2014 - 2036 (September 2018) identified a shortfall of 6.21 ha in the overall supply of and access to allotment space in the east-west growth corridor. 'The main gaps in access are in parts of Chichester Parish, and within Parishes including **Bosham**, Funtington, Chidham and Hambrook, Fishbourne, Westhampnett and Boxgrove.' [emphasis added]. The proposed development would help address that identified need.

Residential Amenity

- 10.65 The nearest existing residential properties are on the west side of the appeal site at Brooks Lane, Brooks Barn and at Barnside. The dwellings at Brooks Lane are in the main well set back from the site with generous rear gardens mostly in excess of 20 metres. The properties are separated from the appeal site by a line of tree and hedgerow boundary planting. Back-to-back separation distances between the existing properties and those proposed are in excess of the Council's standards (minimum 20m) and in some instances up to around 60 metres and there would as a consequence be only a limited impact on the established private residential amenity of these dwellings. Similarly, whilst the separation distances between existing and proposed dwellings at Brooks Barn and Barnside from dwellings on the new development are not as great they are still in excess of the standard and are acceptable. Therefore, whilst the change in character and appearance of the site from its baseline condition as an agricultural field will be obvious to existing residents, this change will not result in the development appearing overbearing or result in overlooking. There are no demonstrable grounds to resist the development in that regard.
- 10.66 In terms of the new dwellings on the site itself, it is considered that the layout is successful in that it respects the standard required separation distances between dwellings so as to avoid direct overlooking and to ensure a satisfactory level of residential amenity.

Recommended Conditions

- 10.67 With any appeal, there is a requirement for the Council and appellant to provide the Inspector with a list of suggested conditions. This is provided without prejudice to the Council's case in the event the Inspector allows the appeal. The conditions that officers believe are necessary to make this development acceptable are set out in Appendix 2 below.

Infrastructure/Planning Obligations

10.68 This development is liable to pay the Council's CIL indexed at £147.01 per sqm which will address most of the infrastructure matters. If planning permission is granted by the Inspector, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation. This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.

- 30% Affordable Housing (no more, no less than 90 units) with a tenure split as follows:
 - 25.5% First Homes (23 units)
 - 17.7%% Shared Ownership (16 units)
 - 34.4% Social Rent (31 units)
 - 22.2% Affordable Rent (20 units)

Affordable mix

Rent – 51 units

16 x 1 bed

22 x 2 bed

9 x 3 bed

4 x 4 bed

Shared ownership/First Homes – 39 units

10 x 1 bed

19 x 2 bed

10 x 3 bed

0 x 4 bed

Appropriate management by an approved body and a nominations agreement

- Occupation of 5 x M4(3) bungalows to be age restricted to persons 65 years and over but subject first to marketing exercise to establish demand
- Financial contribution towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) calculated at the time of granting any permission. The current estimate is £2,318,400 (300 x £7,728 per dwelling)
- Financial contribution of £196,128 for recreational disturbance mitigation at Chichester and Langstone Harbours SPA in accordance with Local Plan Policy 50 and Planning Obligations and Affordable Housing SPD
- Securing off-site nitrates mitigation scheme which would likely include changing the use of land in active agricultural use to non-agricultural/horticultural purposes (the growing of native broadleaved woodland) in perpetuity as mitigation for nitrate neutrality. Payment of monitoring fee in that regard. The mitigation must meet the requirements of the guidance of Natural England and would need to be land outside of the National Park if it is to be secured as part of a S.106 agreement

- Provision of Community Hall building comprising 300 sqm (GIA minimum) with full public access and associated car parking, together with management and on-going maintenance arrangements
- Provision of allotments
- Mini football pitch for up to U9/U10 age group
- Landscape buffers along the northern and eastern site boundaries
- Public Amenity Open Space including an equipped play area of 931 sqm (minimum) provision, management, and on-going maintenance
- A management company for the open space land, the play area, the landscape buffers, the allotment land and associated parking, the community hall and mini football pitch and associated car parking, visitor parking and communal landscaping areas to provide for the management and on-going maintenance
- Delivery of an adopted shared use pedestrian and cycle link to/from site into Barnside to be carried out by the developer
- Travel Plan and Travel Plan Auditing Fee of £3,500
- To submit a Traffic Regulation Order application to WSCC for an extension of the 30mph speed limit along the A259 and to make a financial contribution of £7,500 to support that application
- Improvements to local walking and cycling facilities - improvements to footway surface north side of A259 to east of site; tactile paving and surface improvements at A259 east entrance to Bosham roundabout and dropped kerbs and tactile paving to west of Delling Lane at entrance to Broadbridge Business Centre
- WSCC S106 monitoring fee £600
- CDC S106 monitoring fee of £5,106

11. Conclusion and Planning Balance

11.1 This appeal proposal is for a significant amount of new housing development in the designated Rural Area outside of but adjoining the existing settlement boundary for Bosham. In such a location and following a development plan approach to determining planning applications and appeals, the appeal should normally be dismissed. However, the picture is more complicated. The Council cannot demonstrate a 5-year housing land supply and acknowledges that its housing policies in the development plan are also out of date. In such circumstances, the starting point for the decision maker is to ask whether paragraph 11 d) of the NPPF (the 'tilted balance') is engaged.

- 11.2 Paragraph 11d) states:
'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 or 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'
- 11.3 With regard to 11d)(i), Footnote 7 of the NPPF sets out the relevant areas and assets in respect of when the tilted balance does not apply. These include the Singleton and Cocking Tunnels SAC and the Chichester Harbour and Solent Maritime SACs. For the reasons set out above, it is considered that in the absence of appropriate secured mitigation for likely significant adverse effects on Chichester Harbour and Solent Maritime SACs resulting from discharge of nitrates into Chichester Harbour and as a result of the lack of up-to-date and comprehensive bat survey information, which results in the decision maker being unable to conclude that the development will not have a likely significant effect upon the Singleton and Cocking Tunnels SAC, Paragraph 180a) of the NPPF provides a clear reason for dismissing the appeal. Moreover, given the consequent adverse effects on the Chichester Harbour and Solent Maritime SACs from nitrates and the uncertain effect on Barbastelle and potentially Bechstein bats within the Singleton and Cocking Tunnels SAC, Paragraph 182 of the Framework indicates that the presumption in favour of sustainable development does not apply, even in the absence of a 5-Year Housing Land Supply ("5YHLS"). As such, the 'tilted balance' would not in any event apply. The decision maker therefore needs to consider the application on the basis of a 'flat balance' rather than the 'tilted balance'.
- 11.4 Without agreement from the appellant with regard to the uplifted A27 contributions (as set out above), there is significant concern that the existing infrastructure cannot cope with the new development proposed. Officers would attach substantial weight to this adverse impact if not adequately secured through the S106 Agreement, together with all other necessary infrastructure.
- 11.5 In terms of benefits, this proposal would substantially increase the supply and choice of housing in the district. This would in turn reduce pressure on the 5-year housing supply perhaps making it easier for the Council to resist inappropriate development elsewhere. The provision of substantial numbers of affordable homes will be especially welcome. The Highgrove Farm site is a sustainably located site adjoining the existing settlement boundary for Broadbridge. The appeal site also includes a portion of land that has been allocated for housing development by the Council and has previously received planning permission for 50 dwellings. Significantly, it has consistently been identified in the evidence base to the Local Plan Review as an important strategic housing site located as it is on the East-West corridor where new growth is planned going forward and it is now carried forward under policy AL11 of the proposed Chichester Local Plan: 2021-2039 Submission Plan (Regulation 19).

- 11.6 The appellants' infographic estimates the following key socio-economic benefits arising from the proposal:
- 300 new homes including 90 affordable homes
 - Construction value (est. total cost of construction) - £49 million
 - Construction direct employment – 115 jobs per year
 - GVA over the build period - £10.9 million
 - Additional resident expenditure - £9.2 million
 - First occupation expenditure (on goods and services) - £1.5 million
 - Additional Council tax payments - £25 million over 10 years
 - New Homes Bonus - £2 million over a 4-year period
- 11.7 In addition, the proposal will deliver biodiversity enhancements, significant areas of new open space with public access, community benefits in the form of a new community hall, allotments and a sports pitch for boys and girls and improvements to the local sustainable transport network. Following amendments carried out to the layout of the site and design of the buildings during the application there is no reason that the development will not be of high quality in design terms.
- 11.8 Whilst the wider concerns and objections of the Parish Councils and third parties are noted, there is no compelling evidence arising from consideration of this appeal proposal that the existing infrastructure cannot cope with the new development proposed. The development will “wash its own face” in terms of the infrastructure requirements it generates through obligations secured under the S.106 agreement and potential wider benefits could be secured through the development's CIL receipts. Officers regard this as a good sustainable site for new housing and a proposal which responds well to the constraints which the report has identified above.
- 11.9 However, in terms of environmental constraints for the reasons outlined above, the development has failed to provide and secure suitable nitrate mitigation which can demonstrably meet the requirements of the habitat regulations. Furthermore, the bat surveys are out of date and inadequate in terms of their methodology, which results in the decision maker being unable to conclude that the development will not have a likely significant effect upon the Singleton and Cocking Tunnels SAC. Therefore, the proposal cannot satisfy the requirements of the Habitat Regulations, as it cannot be established that the proposal would not be likely to have a significant effect on the Singleton and Cocking Tunnels SAC and the Chichester Harbour and Solent Maritime SACs. Officers would attach substantial weight to this adverse impact which would outweigh the benefits set out above.
- 11.10 The proposal would have some negative impacts on landscape character and appearance, but it is implicit in the Council's continued promotion of the site for housing under the Local Plan Regulation 19 Submission that these impacts are accepted. The development is landscape led to mitigate for the impact of new built development and as a result of the significant swathe of open space at its eastern side would only result in a limited adverse impact on the local landscape character.

- 11.11 It is officers view that the development would have limited adverse impact on the setting of the AONB. Whilst contributing to the pleasant and predominately rural character of this part of the A259 corridor, this land is peripheral to the AONB and is not read as part of its defining harbour-side landscape. It is relevant that any adverse impact on the Harbour formed part of the Site Allocations DPD site selection process, and the impact of the proposal upon the setting of the AONB is similarly considered both limited and acceptable.
- 11.12 If the Inspector was to disagree with officers and found that the 'tilted balance' was engaged, it is considered that in applying the tilted balance the benefits of delivering new housing, including affordable housing and other benefits would not be sufficient to outweigh the identified adverse impacts. These adverse impacts are in respect of the nitrates impact upon the Chichester Harbour and Solent Maritime SACs, the lack of information with regard to the impact on SAC bats in relation to the Singleton and Cocking Tunnels SAC, together with the lack of a signed S.106 Agreement to secure all other infrastructure requirements and delivery of infrastructure supporting the necessary A27 improvements. Therefore, in this situation, officers consider the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 11.13 For the reasons stated within this report it is recommended that the LPA contests appeal APP/L3815/W/23/3322020, in respect of the matters as set out in paragraph 2.1 of this report.

Background Papers

The application, and all submitted appeal documents, can be viewed online at: [21/00571/FUL | Construction of 300 dwellings \(including 90 affordable dwellings\), community hall, public open space, associated works and 2 no. accesses from the A259 \(one temporary for construction\). | Land North Of Highgrove Farm Main Road Bosham West Sussex \(chichester.gov.uk\)](https://www.chichester.gov.uk/21/00571/FUL)

Appendices

Appendix 1: Representations and Consultations

Appendix 2: Recommended Conditions

APPENDIX 1

1. Representations and Consultations

1.1 Bosham Parish Council

(Comments received 12.01.2023)

Bosham Parish council maintains its objection to this application. In particular we note that SW have not yet updated their response to deal with sewage capacity generated from this development and NOTE the number of hours of surcharges of waste water into the harbour, an international protected site.

We also have further observations arising from this substitute plan:

1. The application does not comply with the new NPPF (in particular para 176) with the development site being located adjacent to the ANOB and within immediate proximity to the SDNP.
2. We NOTE the unexplained enlargement of the SUDs area reduces the amount of useable amenity space. We would ask that the required recreational space be recalculated without the SUDS areas to ensure there is adequate facility for this size development.
3. We also NOTE the quality and quantity of proposed planting has been reduced on both the south and north boundaries.
4. Whilst we NOTE the relocation of the small under 9's football pitch, this still remains inadequate sports provision for this development and the wider community of Bosham which is already lacking recreational space.
5. Whilst the community building is larger, it still has inadequate parking, no storage facilities for equipment, but an over provision of toilets. We have concerns about the torturous route through the development for vehicle access.
6. We NOTE the planned proposal of 23 allotments but only 7 parking spaces.

(Comments received 01.11.2022 from November Committee Agenda Update sheet)

Whilst we welcome the inclusion of additional sports facilities {in the form of a grass mini football pitch for the under tens} we are astonished that this proposal should come at such a late stage and is going before the CDC Planning Committee without proper prior consultation with the community and seemingly little thought given to practicalities. The Parish objects in the strongest terms at this poorly considered proposal.

It should be remembered that in the early days of the preparation of this proposed housing development that the entire northern area of the site was earmarked for a school and recreation area. This recreation area was first considered for a replacement full size football pitch for the Bosham Football Club to enable the recreation ground/school sports pitch to cope with increased demand. The recreation area was subsumed into space for a community hall and allotments and the area that had been earmarked for the school became additional housing.

We do have the following concerns with this proposal:

1 Position

The position chosen at the southern end (of the site) is known to be the wettest part of the development site and therefore could be rendered unusable, particularly for young children, during periods of heavy rain. The pitch is situated extremely close to the planned tree and shrub planting. Experience tells us that Bosham Football Club do not like overhanging trees or leaves falling onto the pitch. It is our understanding that play areas should not be situated closer than 20m from a residential boundary. If this is correct, we would like assurance that this has been taken into account. It appears that the eleventh hour inclusion of this facility has been shoe-horned in with no thought given to viability or suitable close facilities. We consider the layout of the whole site should be reconsidered with a view to incorporating the pitch on the drier northern part of the site close to the facilities available at the community hall.

2 Parking

No information has been provided on the envisaged frequency of use by BFC. If the pitch is to be used for matches held each weekend, we consider that 6 drop off/parking spaces will be insufficient to accommodate parents and spectators.

3 Buffer

The proposal erodes the open space buffer on the south-eastern edge of the site which was indicated to be an ecological area with a wildflower meadows, shrubs and trees. It has already been reduced in width since the Planning Statement posted in February 2021 by the housing line spreading further eastwards, particularly in the northern section. We are still awaiting a reply to our email (dated 17.08.22 and signed by Charlotte Pexton) requesting confirmation that the open space requirement has been met. We would like assurance that the current open space does meet the made Local Plan requirement. With the mini pitch marked on the plan it is clear just how little recreational space there is for 600+ residents of the new development. It is a well recorded fact that Bosham already has less than the minimum accepted public open space and this proposal for a dedicated single use recreation facility will only exacerbate this lack of amenity.

(Comments received 08.09.2022)

We NOTE that a total of 139 substitute plans have been lodged since August 3, in two tranches. At no time have BPC been advised of this new information by CDC. It is not possible to detect what changes are proposed without many hours of comparison and it would have been helpful if the applicants had highlighted these as happens with substitute plans in most other applications.

We NOTE that the amount of open space on the eastern side has now been noticeably narrowed. We maintain and reiterate our objection of 8th April 2021. In addition, we query the wisdom of building Grade 1 and 2 farmlands at a time of great uncertainty over food security for our country.

We have further concerns with regards to the inadequate amount of parking that has been allocated to the allotments and community centre.

(Comments received 13.01.2022)

Maintain our previous objections.

(Comments received 08.04.2021)

Bosham Parish Council strongly object to this application.

As you know, BPC has consistently objected to proposals for any significant housing development on this site which goes beyond the 50 dwelling units agreed through the adopted Local Plan. As you may be aware BPC have, on a without prejudice basis, agreed to engage with the applicant to try and ensure that whatever scheme comes forward, it does so in the best possible way.

Having reviewed the scheme and Chichester District Council's Position Statement of November 2020 BPC have identified a number of concerns outlined below. In assessing this scheme, BPC have had regard to the recent High Court decisions (of March 2021) concerning Gladman Developments and the presumption in primacy given to the adopted Development Plan policies compared with the NPPF.

In particular the judgements reinforce upon the decision maker the need to consider carefully all the policies of the Plan and attach appropriate weight. It is not simply a case of policies being rendered out of date because of the lack of housing land supply and that the tilted balance in NPPF automatically leads to a grant of planning permission (see Gladman Developments Limited v Secretary of State for Housing and Local Government, case CO/3932/2019 and CO/4265/2019). In that context the District Council needs to carefully consider how it applies itself in relation to Section 5 and paragraph 6.1 of its Position Statement having regard to these judgements.

Principle

As noted above, recent High Court decisions have influenced how the NPPF guidance ought to be applied and the weight attached to adopted Local Plan policies. The Court judgement notes that NPPF is non statutory guidance whereas the adopted Local Plan is underpinned by Statute. Whilst NPPF is a material consideration, it remains the case that development plan policies are not to be excluded from consideration in the tilted balance exercise. The decision maker must have regard to all relevant development plan policies and any other material considerations. Footnote 7 does not render obsolete the policies deemed to be out of date and it remains a matter for the decision maker to assess these and attach appropriate weight. On this basis, the District Council needs to consider carefully all the adopted policies, the weight they can attach to them - including the housing delivery policies stated in the adopted Local Plan. The process of determining this planning application is not considered to be as straightforward as perhaps is indicated in the applicant's Planning Statement. In this regard, it is important to consider the Chichester Local Plan Key Policies (CLPKP) as a starting point. In particular, Policy 2 concerning settlement hierarchy and Policy 45 relating to development in the countryside.

BPC set out below more detailed comments, in no particular order.

Housing Mix

BPC have noted the comments made by the Housing Enabling Officer. In particular, BPC are concerned that unless the mix of housing reflects the most up to date evidence base, in this case the HEDNA 2020, then the proposals cannot be deemed to meet the social sustainability criteria laid down at paragraph 8b) of the NPPF. BPC recognise that its existing housing stock in the Parish is weighted towards the 3 or more bedroom dwelling and that the proposed mix of market housing is heavily weighted to this category as well. If this mix were permitted, it would undermine the social objectives being promoted in the Local Plan and not contribute to a balanced community within the Bosham area. Another important element of the housing mix is addressing the various age profiles within the locality. At present there is no indication of any homes either suitable for older people or which comply with the Lifetime Homes design thus ensuring they meet accessibility standards. At present it is felt that the scheme does not comply with Policy 7 of the CLPKP and DM2 of the LPR.

Design

The proposals aim to create a density of just over 40 dwellings per hectare. The draft policy of the Chichester Local Plan Review 2016-2035: Preferred Approach (LPR) identified a minimum of 250 new homes and a primary school at the Highgrove Farm site under draft Policy AL7. Policy 33 of the CLPKP expects the highest standards of design and appropriate densities. Our understanding is that following discussions with the County Council, the school was not considered appropriate at the site and as part of the redesign by the applicants, allotments were included together with more housing. What now appears on the plans is a scheme with a very tight urban grain which impinges upon design in our view. For example, the main green link through the site disappears to the north where it comprises only small grass verges and cannot reasonably be described as part of the green link. The dominance of the swale along parts of the green link together with its piecemeal character in the vicinity of plots 137 to 143 and 146 to 153 suggests that a lower density would enable a more appropriate consideration of the role of green spaces through the built up part of the development. The density appears to prevent any well defined or noticeable character to be developed, for example, the eastern and southern edges of the scheme could have been set at a lower density commensurate with their sensitive location, opposite open space and the countryside. Proposing smaller dwellings to meet the mix criteria is one opportunity that may free up the density and allow more planting within the built up part of the site. As a consequence, BPC feel that the scheme does not yet meet the design quality tests of Policy 33, Section 12 of the NPPF and the guidance to strike the right balance in terms of density at Section 11 of the NPPF and Policy DM3 of the LPR. Policy 7 of the CLPKP sets out a number of criteria and one of these concerns renewable energy. Normally a scheme of this size would be supported by a statement outlining energy efficiency and the sustainability credentials of the designs. For example water efficiency techniques, solar power and such like. BPC note that electric vehicle charging points are proposed and that in identifying the number of points, the applicant's have looked at growth and demand over time. Given that the applicants assessment only goes to 2025, BPC are of the view that by the time permission is granted, a s106 is agreed and conditions discharged, it will be closer to 2023. Accordingly there are very strong grounds to insist on much higher proportions of electric charging points than is currently proposed. A planning condition could require a scheme to be submitted which has regard to growth in demand for a 5 year period from the date of the condition discharge and has regard to the Government's efforts to support electric vehicles from 2030 onwards.

Landscape and open space

BPC have considered the assessments made by Terra Firma in their landscape and visual assessment reports and note the relevance of adopted CLPKP 2, 45 and S24 of the LPR. Generally we note a divergence between the assessment carried out in 2017 under application 17/03148/FUL, the Landscape capacity Study of 2019 carried out by the same firm for Chichester District Council and the report, which supports this application. As a result of this divergence, we remain concerned that the landscape and visual assessment has not been conducted in an appropriate way and that this could influence the final decision. BPC are of the view that that the landscape assessment does not represent a fair or reasonable assessment of the levels of landscape and visual impacts arising from the proposed development on open agricultural farmland at Highgrove. The landscape and visual effects of the proposed development on Highgrove are consistently understated in our view. This message is taken forward into the Planning Statement in particular in the section on the Chichester IPS and sections 3, 4, 5 and 6. It paints an incorrect picture of the levels of adverse landscape and visual effects of the proposed development on the open agricultural land, adjacent to the AONB, with views to the SDNP (including a Valued View identified in the Bosham Parish Neighbourhood Plan) and on the effect on the Gap between Bosham and Fishbourne. An example of the above points is set out below:

Volume 1 Landscape and Visual Impact Appraisal and the 2019 Landscape Capacity Assessment

At paragraph 3.2.4.7 although mention is made of the landscape capacity being medium/low there is no examination of what this means. For example, in the 2019 Landscape Capacity Assessment produced by Terra Firma for Chichester District Council, the medium/low capacity within which the site is located is stated as:

"The Medium / Low capacity (orange) - A low amount of development may be accommodated only in limited situations, providing it has regard to the setting and form of existing settlement and the character and the sensitivity of adjacent landscape character areas. In some cases no development would be acceptable and the reason for this is explained in the conclusion".

This report goes on to state:

"It is possible that some built development may be accommodated within the existing cluster of buildings and potentially to the north of Broadbridge provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape, respecting the historic settlement pattern and locally distinctiveness. Great care would need to be taken to avoid any landscape or visual harm ensuring the separate identities of the settlements are protected and considering valued views."

The results of this 2019 study have not been properly assessed as part of this Planning Application. It would seem that the company producing this landscape and Visual Assessment has some degree of conflict of interest and the District Council would be within their rights to ask for a new assessment. Notwithstanding, it is clear that the 2019 Landscape Capacity Study identified very little scope for development in this area and the current application has not been properly assessed by the landscape consultants.

Volume 1 Landscape and Visual Impact Appraisal and Viewpoints

At paragraph 4.10.1 reference is made to views from the site to Chichester Cathedral but there is no reference to the views to the South Downs National Park or to the Area of outstanding natural Beauty to the south. This is considered to be a significant omission which undermines the appraisal. It is considered that the locations chosen for the viewpoints do not fully represent the important/significant views to and from the site. This is particularly the case when the 'Valued View' that is included in the Bosham Neighbourhood Plan (across the eastern part of the site to the SDNP) is not assessed. Instead, a view further to the east has been chosen, which shows a very limited view across the southern part of the site. This is disingenuous and regard should be had to the view identified in the Neighbourhood Plan.

Volume 2 Landscape and Visual Impact Appraisal: Appraisal of landscape Effects

Paragraph 5.4.1 2 states that the proposed development would result in a minor beneficial landscape effect on the eastern part of the existing Broadbridge settlement in spite of the fact that the outlook from the eastern part of Broadbridge would be over the proposed built development rather than over the open fields of Highgrove Farm. The wrong emphasis is placed upon the landscaped open space on the edge of the proposed development. In relation to the fields to the south of the A259 (paragraph 5.7.1 in volume 2) it is stated that the effect of the proposed development would result in a minor beneficial landscape effect in spite of the change from open fields to built development on the other side of the road. This assessment and conclusion is counter intuitive and in our view wrong and wrongly places full weight on the landscape strip along the frontage of the development site.

At section 7 in volume 2 the reporter assesses the views from the private houses to the south of the A259 on Chequer Lane. The report concludes that the effects on views from locations in close proximity of the site would be moderate/minor adverse. The definition of what this means is set out in Paragraph 2.9 of volume 1 and states - 'Moderate/minor effects can be defined to be effects unlikely to be a consideration in the decision making process and / or of very local importance and therefore not significant.' In our view this does not take into account the location adjacent to the AONB, the views to the SDNP, the change from open agricultural fields to a built development and the resultant effect this would have on the quality and extent of the gap between Bosham and Fishbourne. Unfortunately, we find this assessment is lacking in quite some considerable way. At paragraph 7.4 in Volume 2, (viewpoint 3 from A259) it is stated that the development of Highgrove would result in a minor adverse effect. Whilst it is recognised that this is a close viewpoint, it remains the case that current views will inevitably take in the open agricultural land, SDNP and AONB. It is not considered that the assessment is proportionate or fair in categorising this as minor adverse effect. At paragraph 7.6.3 in Volume 2 (viewpoint 5 along Chequer Lane) and also viewpoint 6 it is stated that the South Downs would be visible above the proposed residential development. A review of the photographs provided shows that the existing houses to the north of the A259 obscure views to the SDNP as would the proposed houses at Highgrove therefore obscuring views to the South Downs. BPC are of the view that the assessment has been tailored to provide a supportive answer rather than acknowledging and assessing the reality of this site. In some respects if the latter approach had been followed, it may have resulted in a different layout, design and quantum of development.

Volume 1 landscape and Visual Impact Assessment and Gaps between settlements
In the Landscape Gap Assessment 2019 prepared by Terra Firma Consultancy Ltd for CDC an assessment and proposal for a gap between Bosham and Fishbourne was discussed. The area of the proposed gap in this report would not provide the extent of land required to create a meaningful Gap between Fishbourne and Bosham. In order to be legible and apparent such a gap needs to be at least 1500m wide. The assessment by the applicants has not considered the merits of the retained gap or whether the scheme maintains a credible and legible gap which is consistent with its purpose. The 2019 Landscape Assessment says that a gap should be: "a key contribution to the perceived separation of the settlements particularly experienced by people travelling along the A259, the train line and Chequer Lane".

In preparing the proposals some degree of assessment of the suitability of the gap should have been undertaken. It should consider 'the open character of the gap and the open views across the arable landscape on either side of the A259, with visual links to the hills within the South Downs National Park and Chichester Harbour AONB which forms part of the gap to the south.' The importance of the gap when viewed from the railway line and A259 should also be considered. The gap not only has a strategic role in preventing coalescence between Chichester and Emsworth but a more local anti-coalescence role between Broadridge/Bosham and Fishbourne. Consequently, the assessment should consider the extent to which the scheme continues to contribute to the purpose of a gap, how the perceived openness of the gap would be changed and the effect on important views and the setting of the settlements. As noted above, BPC have a number of concerns regarding the landscape and visual impact assessment provided with this application both in terms of content, scope and the conclusions reached. At this juncture it is difficult to see how the proposals could comply with draft Policy S24 of the LPR, relating to development outside settlement boundaries. There is no assessment of how the scheme conserves key features and qualities of the landscape, and is appropriate in scale, siting and design. The environmental values noted above also appear as criteria in draft Policy S26 of the LPR and those policies which seek to protect landscape character such as Policy DM28, DM19 and DM20 of the LPR. In particular the effect of the proposals on the nearby Chichester Harbour AONB. As such the proposals for the site do not comply with these draft policies and of course are inconsistent with the Policy 2 and 45 of the CLPKP.

Lighting Strategy and Habitat

The site is in a sensitive rural location and close to the South Downs National Park and Chichester Harbour AONB. The commitment to 'Dark Skies' is something that BPC takes very seriously and we note that an adopted Supplementary Planning Document for the Chichester Harbour Area does seek to reduce light impacts. The site is adjacent to this area and light spill and impacts can rightly be considered in our view. In the scheme for 50 units approved under reference 17/03148/FUL the applicant's consultants WYG, produced a comprehensive lighting assessment which set out certain best practices including restrictions on upward lighting. No such report accompanies this current planning application and Plan 2108 Rev A indicates a significant number (51) 6m high street light columns with a tilt of 5 degrees. There is no assessment of what this means for dark skies and given the importance for surrounding protected species and the National Park and AONB, BPC feel very strongly that this requires proper assessment and a reduction in the scale and design of the street lamps where necessary. Currently, the proposals are contrary to draft Policy DM19 and DM29 and criterion 10 of Policy 40 of the CLPKP.

Foul Water, Nitrate screening and Habitat Regulations

An issue which BPC has continuously been concerned with is the manner in which drainage and particularly foul drainage is addressed in this area. In Section 4 of the Utilities Statement there is no assessment of whether or not there is existing capacity in the Southern Water system to accept 301 dwellings with peak flows of 13.9 litres per second. The applicants rely on the now outdated 50dwelling scheme that they say did not require any upgrades to the foul network. This is not accepted by BPC and we note the email from Stephen Harris of Chichester District Council to Southern Water dated 4th February 2019 and emails from the applicant's agent acknowledging this issue (see application 17/03148/FUL) where reference was made to the inadequacy of the foul water infrastructure. As you will know, all sewage from Bosham including Broadbridge, Funtington and West Ashling villages is handled by the Harts Farm WwTW, South of Bosham village. In times of heavy rainfall, under existing CSO dispensations, there has been periodic discharges of raw and diluted, but untreated, sewage into Chichester Harbour at Furze Creek. The connecting pumping station at Stumps Lane also discharges at these times into the Harbour at the Bosham village waterfront. As you know Policy S31 of the LPR requires applicants to demonstrate that their scheme can be delivered without any adverse harm, and the lack of assessment since the 4th February 2019 and the lack of consideration in this application, suggests that BPC's concerns and those of the Planning Committee who raised this issue have not been addressed. BPC notes that the Habitat Regulations Assessment concludes that there is likely to be a significant effect from the increase in residential development on the Chichester Harbour SPA. Primarily this will be as a result of additional recreational pressure. An appropriate assessment is therefore required. BPC are of the view that it is not only the recreational pressure which is of importance in the appropriate assessment. As noted above, the sewage infrastructure in the locality is at capacity and Southern Water have discharged foul water into the protected harbour. The increase in Nitrates is a relevant consideration and must be properly assessed. At this juncture we are of the view that the scheme cannot be said to comply with Policy 40 (criterion 10) of the CLPKP. Chichester Harbour is also a RAMSAR site and the lack of consideration of this issue would suggest that the appropriate assessment of likely impacts would raise some issues of significant concern. This is deeply concerning to BPC and the scheme would clearly make matters worse and so cannot move forward to a positive determination without convincing evidence that foul water can be adequately addressed. Natural England describes Chichester Harbour as now being in an 'unfavourable and declining' condition. According to their report "Chichester Harbour is one of the most important sites for wildlife in the United Kingdom and is globally important for migratory birds. The harbour is designated as a Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA) for birds."

Bio-diversity

The Chancellors' 2019 Spring Statement indicated it will be mandatory for all development in England to deliver a 'Biodiversity Net Gain'. A more recent Government Statement (23 July 2019) outlines further details about how the Biodiversity Net Gain requirement will be defined, as well as exemptions, protections for 'irreplaceable habitats', and how net gain will be administered. The Government has indicated that it would come into effect this year. Securing good quality planting and habitats is key to making this site sustainable and in order to comply with Policy 49 of the CLPKP and Policy DM29 of the LPR. BPC note that there are very few trees proposed within the built part of the site and that more information of planting types and schedules is required. BPC would expect conditional requirements to enable 10% biodiversity gain across the whole site. BPC have not been

able to discover a tree report on the District Council's web site and this ought to be provided in order to inform the debate over biodiversity and net gain.

Access Highway Matters

One of the issues which BPC has consistently raised is with regard to the crossing of the A259 and the opportunity to integrate better the two housing areas centred around the railway station and Bosham old Village. BPC note the central refuge that is proposed that reflects one in the vicinity and it had been hoped that some form of formalised crossing could be utilised, perhaps a traffic light controlled crossing. The development proposed is likely to be car dominated despite the Travel Plan and this is indicated at Table 6.2 where the growth in pedestrian traffic is fairly modest. BPC place great weight on integration and infrastructure which enhances pedestrian access. Section 3.9 of the Travel Plan notes nearby facilities but access is not just about travel distance. The A259 is a barrier to walking and cycling and so proposals should consider how this can be mitigated through provision of fixed infrastructure such as traffic light controlled pedestrian crossings and additional footways beyond the site. BPC note the secondary and temporary access. BPC would not wish to see this access retained in the long term and would require that it is effectively controlled to ensure it cannot be used other than in an emergency.

Open Space, Play Equipment, and Management Policy 54 concerns the provision of open space and refers to the standard of 3.55ha per 1,000 population in rural areas. Open space includes both formal spaces such as children's play areas, allotments and amenity space and more informal areas comprising natural green spaces. On this measure, the development would comply with Policy and this is welcomed. As with all developments of this size a key aspect concerns the future management of the allotments and open space. At this stage it is not clear how this will occur and whether it will be via a management company and subsequent service charge or will there be efforts to secure the adoption of certain forms of infrastructure and spaces by either the Parish or District Council. The application does not include a draft Heads of terms and the future management of the facilities will be of importance to complying with Policy 9 of the CLPKP and Policy S12 of the LPR. BPC cannot comment on this matter until more information is provided and BPC would need to be involved in any subsequent discussions. BPC note on the Landscape Strategy Plans a reference to Trim Trail stations and in other documents reference is made to the Parish Council providing play equipment. If BPC were to agree to manage the open and other spaces, then it would have to be on the basis that the infrastructure is delivered first (including equipment).

Summary

There are clearly a number of fundamental issues which remain and which need to be resolved before any positive consideration can be given to this application. The first relates to the decision making process and the High Court cases heard in early March of this year. These set out the way in which the adopted Planning Policies should be considered. On site specific matters, BPC remains highly concerned at the foul drainage situation and the lack of evidence that this can be addressed effectively. BPC are also highly concerned with the landscape and visual impact assessment and the conclusions that flow from it. It is not felt that the scheme has been assessed correctly and so the design and quantum of housing which flows from it is flawed. Other, more detailed design points are included with this response and as matters proceed we reserve the right to comment again on any aspects of the scheme.

1.2 Fishbourne Parish Council

Although this application relates to development in a neighbouring parish, Fishbourne Parish Council OBJECTS to this development on the grounds of its implications for Fishbourne. The scale of development along the East - West corridor means that it is no longer enough to consider any application in isolation. This is seen particularly in the danger of creeping coalescence which would be the inevitable result of any one large development between Bosham and Fishbourne. This would lead to an unplanned urban sprawl resulting in environmental damage which would have a serious impact on Chichester Harbour AONB and on the health and quality of life of residents. If the villages in the Harbour Villages Ward are to protect their individuality, the gaps between them have to be substantial enough to make an impact on people driving through. There has also been so much building in the past that there is no leeway left for more building unless it is accompanied by the necessary infrastructure. The failure to provide this is in stark contrast to the commitment in the Conservative Party's manifesto for the December 2019 General Election to place infrastructure ahead of development. The A259 is already working at full capacity and the cumulative effect of all the traffic-generating development from villages to the west of Fishbourne will lead to gridlock, particularly on approaches to Fishbourne Roundabout and ever greater use than at present of country lanes which are inappropriate for rat run traffic. In this context, there is little logic in increasing the traffic on the Fishbourne Roundabout from both directions - the new link road (AL6) which will acquire an additional access point and the extra traffic from the Highgrove Development and other developments along the A259. The irreparable harm to top quality agricultural land is another issue in common. Where is the logic in reducing the amount of best quality productive farmland at a time when world population forecasts are rising and the UK is facing uncertainty about trading agreements? This would be a dangerous precedent to set. The Interim Position Statement from CDC includes a requirement that developments should avoid an adverse impact on the surrounding landscape character. This would not be met if building took place on the Highgrove or Bethwines Farm since there would be an irreversible reduction in the visual impact of the current view between the Harbour and Kingley Vale and the South Downs National Park. The NPPF (paragraph 170) emphasises the importance of maintaining the qualities of the natural and local environment by "protecting and enhancing valued landscapes recognising the intrinsic character and beauty of the countryside preventing new and existing development from being adversely affected by unacceptable levels of soil, air, water or noise pollution." The proposed development would also be in conflict with Policy S24 of the revised Local Plan which requires developments to "conserve and where possible enhance the key features and qualities of the rural setting" and Policy S26 which requires "ensuring the distinctive local landscape character and sensitivity is protected."

1.3 Funtington Parish Council

Although this application relates to development in a neighbouring parish, Funtington Parish Council OBJECTS to this development on the grounds of its impact on Funtington Parish and the surrounding area. Funtington Parish Council would like to reiterate the objection made by Fishbourne Parish Council (our neighbouring parish) in their objection to the above application:

The scale of development along the East - West corridor (A259) means that it is no longer enough to consider any application in isolation. This is seen particularly in the danger of creeping coalescence which would be the inevitable result of any one large development

between Bosham and Fishbourne. This would lead to an unplanned urban sprawl resulting in environmental damage which would have a serious impact on Chichester Harbour AONB and on the health and quality of life of residents. If the villages in the Harbour Villages Ward are to protect their individuality, the gaps between them have to be substantial enough to make an impact on people driving through.

There has also been so much building in the past that there is no leeway left for more building unless it is accompanied by the necessary infrastructure. The failure to provide this is in stark contrast to the commitment in the Conservative Party's manifesto for the December 2019 General Election to place infrastructure ahead of development. The A259 is already working at full capacity and the cumulative effect of all the traffic-generating development from villages to the west of Fishbourne will lead to gridlock, particularly on approaches to Fishbourne Roundabout and ever greater use than at present of country lanes which are inappropriate for rat run traffic, in Funtington we have a rat run heading west from Ratham Lane through to Southbrook Road and out into West Ashling Road, which is in constant use, and is especially heavy during peak times. In this context, there is little logic in increasing the traffic on the Fishbourne Roundabout from both directions - the new link road (AL6) which will acquire an additional access point and the extra traffic from the Highgrove Development and other developments along the A259. The irreparable harm to top quality agricultural land is another issue in common. Where is the logic in reducing the amount of best quality productive farmland at a time when world population forecasts are rising and the UK is facing uncertainty about trading agreements? This would be a dangerous precedent to set.

The Interim Position Statement from CDC includes a requirement that developments should avoid an adverse impact on the surrounding landscape character. This would not be met if building took place on the Highgrove or Bethwines Farm since there would be an irreversible reduction in the visual impact of the current view between the Harbour and Kingley Vale and the South Downs National Park.

The NPPF (paragraph 170) emphasises the importance of maintaining the qualities of the natural and local environment by "protecting and enhancing valued landscapes recognising the intrinsic character and beauty of the countryside preventing new and existing development from being adversely affected by unacceptable levels of soil, air, water or noise pollution."

The proposed development would also conflict with Policy S24 of the revised Local Plan which requires developments to "conserve and where possible enhance the key features and qualities of the rural setting" and Policy S26 which requires "ensuring the distinctive local landscape character and sensitivity is protected."

1.4 Chidham and Hambrook Parish Council

The Parish Council of Chidham & Hambrook is the neighbouring Parish lying directly to the East of the boundary of the Parish of Bosham. We have considered the voluminous documentation (119 documents in all) submitted by the Agent for this massive housing development on Grade 1 (mostly) high quality agricultural land which lies North of the increasingly busy A259 which separates this undeveloped area of rural countryside from the AONB of Chichester Harbour. We are deeply concerned about the impact which this very sizeable development will have not just on the somewhat distant communities of North Bosham and the bigger community of the ancient and historic village of Bosham

lying for the most part some distance to the South of the A259 but also on our Parish and our residents. The size of development proposed is completely out of proportion to the semi-rural communities which exist in both Bosham and Chidham & Hambrook. Adding 301 dwellings to land North of the A 259 will load the infrastructure - road; transport; medical; educational; amenities - disproportionately - virtually a 25% uplift on the total number of homes in the Parish of Bosham and equivalent to a 30% loading on the number of dwellings in our own Parish and it will remove a vast tract of open, high quality agricultural land for ever. The National Planning Policy Framework (NPPF) states very clearly indeed that very serious consideration should be given to preserve "the economic and other benefits of the best and most versatile agricultural land". We cannot support the removal of such high quality agricultural land now that the UK is in a post-Brexit world where food security has risen much further up our nation's list of priorities and sustaining our ability to grow more and better produce seems to be completely disregarded by avaricious and opportunistic developers. We support absolutely the evidence provided by certain members of the public in their objections and the detailed objection filed by the Bosham Association who have highlighted very clearly that on both the treatment of sewage and wastewater and nitrate neutrality the Agent and the multifaceted team of professionals supporting this application have failed to present either correct or convincing arguments in support of this massive development.

ACCESS

We are extremely concerned at the proposal for all vehicles entering into and exiting from this development of 301 dwellings will be via a single point of access on to and off the A259. The A259 has somewhat bizarrely been denominated a "resilient road" which enables it to be used by A27 users when - and this occurs with some frequency - the A27 is closed. The A259 is not a straight road and it has numerous bends and variable speed limits along its length. Highgrove Farm sits on a stretch of 40mph road, but the speed limit drops to 30mph close to Walton Lane - the site of the new and enlarged St Wilfrid's Hospice with all of its vehicular traffic. We are very concerned that adding a potential vehicle load from the development of a minimum of 600 cars, plus innumerable cycles and motorcycles will render the A259 an accident 'black spot' - a serious danger to new and more significantly existing residents and users of a now very busy A road. It seems to us that there is absolutely no overall transport infrastructure plan for the villages to the West of Chichester. Each potentially available piece of land is viewed in splendid isolation and no real concern is being given to the overall impact of multiple applications to build hundreds, even thousands of homes all of which will require a minimum of one vehicle per household as the Southern rail service and the 700 Coastliner bus service are grossly inadequate to remove road transport as an option for residents of any of the Harbour Villages. A further concern is that there is no footway on both sides of the A259 - there is one only on the North side and the much debated Chemroute solution appears very unlikely indeed to improve the situation for either pedestrians or cyclists. The simple and undeniable fact is that the width of the A259 and its verges to North and South are insufficient to handle the growth in use which the advent of hundreds of additional homes will bring. Chaos will reign because of the lack of foresight and planning and serious injuries to road and footway users will increase exponentially. There is no safe crossing point planned for pedestrians to access the southern part of Bosham which is where the school is located. There are also no footways down the length of Walton Lane leading to the school and the only recreational play and sports facilities in the entire village.

BIODIVERSITY

Building intensely on this fine quality agricultural land will be an irreversibly negative and indeed traumatic effect on over a hundred species all of which enjoy the land, hedgerows and trees which exist today. The site is just a road's width away from the Chichester Harbour AONB and this land provides a corridor of continuous countryside connecting the Kingley Vale National Nature Reserve, the South Downs National Park (SDNP) to the North and the areas covered by protective designations within the Chichester Harbour AONB.

The NPPF in par 175 states: "When determining planning applications, local planning authorities should apply the following principles:-

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused" We contend that this application flies completely in the face of protecting the unique wildlife of this part of West Sussex and would, if approved, be excessively negative and very harmful for the existing biodiversity found on this land today.

DARK SKIES and overall environmental impact

We cannot accept that the proposed development's street lighting will assist in preserving the wonderful dark skies that are so important for so many species of wildlife that either reside in or visit both the AONB and the SDNP. We see no evidence that this development will do anything approaching state of the art installation of energy-saving and environmentally positive housebuilding. Developers should be obliged to design and build homes in 2021 and beyond that are state-of-the-art in terms of energy efficiency and heating systems. No future retrofitting should be required if homes are designed now to the very latest and highest specifications. Chichester District is under siege due to crazily high housing targets being set by Central Government and a large number of developers who have only one interest - that of building as many houses as possible as quickly as possible. Our district will not be winning any awards for its spectacular natural beauty if such planning applications as this are approved. Long-distance views and beautiful developments are uncomfortable bedfellows.

AMENITIES

North Bosham is mainly populated with young families with small or teenage children. There are no amenities for this section of the population: no play, recreational or sports facilities. They are all located in the southern part of Bosham which means the A259 has to be crossed by a multitude of pedestrians. The developer is proposing to build a further 301 houses with absolutely no amenities for future or current residents. . The only proposal is for a community hall, where one is already located in Brooks Lane, and allotments, which were not deemed necessary by Bosham's residents. This is irresponsible and shows a blatant disregard for those who will be buying these homes. Given the difficulty in accessing by foot or bike southern Bosham a great many families will be using cars to drive the short distance to access the play and recreational facilities located there.

RESIDENTS' SAFETY

There is another very obvious and concerning safety issue with the current foot crossing of the railway line at the top of Brooks Lane. The plans show a pedestrian and cycle access into Brooks Lane, which is very near to the foot crossing gate. This crossing has no safety system in place and is a tragedy waiting to happen and yet the plans suggest that hundreds more people should be directed to use this unsafe crossing! Add the fact that there is no provision whatsoever for play areas to entertain children on this development and we think the safety risk is crystal clear.

HOUSING MIX

Bosham has a disproportionate number of 3+ bed houses. The Housing Enabling Officer has noted that this development has too many 3 and 4 bed houses and an inappropriate mix of affordable rented to social rented.

We actively encourage CDC's Planning Department to refuse this application for the sake of all those who currently reside and live West of Chichester and who live and work here because of its semi-rural, uncrowded and full of natural beauty environment.

1.5 Chichester Harbour Conservancy

(Summarised)

Recommendation - Objection:-

- 1) That sufficient headroom has not been demonstrated at a wastewater treatment works. Concern is therefore expressed that it could be possible that the number of stormwater discharges into Chichester Harbour would increase, adversely affecting the delicate ecology and protected European sites there. This view has been confirmed by the letter from Southern Water dated 1 April 2021, commenting on this planning application.
- 2) Proposals would erode a valuable countryside gap, providing separation between the settlements of Broadbridge (Bosham) and Fishbourne, adversely affecting the setting of the Chichester Harbour AONB; and,
- 3) The land is designated countryside where development will only be permitted where it requires a countryside location and meets an essential, small scale and local need which cannot be met within the existing settlement. The application is therefore considered to be prejudicial to the proper consideration of the soundness of Policy AL7 of the emerging local plan.
- 4) That in terms of paragraph 15 of the NPPF for development to be sustainable it must address economic, social and environmental priorities. The Conservancy is of the opinion that environmental priorities would not be addressed if these proposals went forward. In particular regard to ecological matters, the area supports breeding skylarks and yellowhammers (both declining species of arable farmland) and a population of slowworms, and is important for foraging bats (7 species at least, including barbastelle - Bat Activity Report, WYG, Dec 2020). The area is part of a larger, undeveloped area and is a key link between the farmland of Bosham peninsula to the south and South Downs National Park to the north. Development of this area will greatly reduce its value to farmland birds, and its value as a link between Chichester Harbour AONB and SDNP, and further fragment the important habitats of both designated landscapes.

- 5) In respect of the IHP tests, The Conservancy considers tests 3 (erosion of countryside gap between settlements), 5 (impact to the setting of the AONB), 7 (infrastructure) and 10 (sustainable location of development) are not met.

1.6 Southern Water

(Summarised)

Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Southern Water and the Developer will need to work together to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development programme and the extent of network reinforcement required. Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of any works required. Southern Water endeavour to provide reinforcement within 24 months of planning consent being granted.

Condition recommended: Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. CDC's technical staff and the relevant authority for land drainage should specify the surface water drainage arrangements through SuDS.

1.7 National Highways

(Summarised)

Highways England [now National Highways] recognise that the development is expected to generate 155 AM peak hour trips (08:00-09:00) and 149 PM peak hour trips (17:00-18:00). Assessment of the distribution of census journey to work data shows that the majority of these trips will use the A27, either via Fishbourne Roundabout (flows to/from the east) or the A259/A27 junction at Warblington (flows to/from the west). However, we note that the TA states: "The A27 Fishbourne roundabout is forecast to exceed capacity in the future base assessment year with the addition of background traffic growth only. Although the addition of the proposed development traffic further exacerbates queueing and capacity constraints at the junction, the impact of the proposed development is considered to be negligible in comparison with the baseline traffic flows and background growth."

National Highways does not agree with this conclusion as we consider that any development trips impacting a junction that is already overcapacity is a severe impact on the Strategic Road Network without further mitigation. However, as per our pre-application response we would not object to the proposed development provided that the applicant makes an appropriate contribution to the A27 Local Plan mitigations based on 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 A27 Chichester Bypass, a contribution in line with the "Southbourne (parish)" development zone is required, which equates to a total of £542,703 (301 dwellings x £1,803/dwelling). With the agreement of the payment of the contribution, we would then be satisfied that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and MHCLG NPPF particularly paragraph 109) [now paragraph 111 in the July 2021 NPPF revision].

1.8 Natural England

(Summary of comments received 22.08.2022)

No Objection subject to appropriate mitigation being secured.

Natural England notes that an updated Nitrate Mitigation Proposal and Appropriate Assessment have been submitted in line with the latest published guidance (v5-June 2020). We confirm that the proposal will result in an additional 84.81 Kg/TN/yr, which will require offsetting in order to achieve nutrient neutrality, and to mitigate any potentially harmful impacts to the designated sites. We also acknowledge the applicant's voluntary increase of the mitigation area by 5%. As such a total 3.37 ha (3.21 + 0.16 [5%]) area of land at Chilgrove Farm has been identified as suitable for securing mitigation via conversion from cereal cropping use to woodland planting. Natural England can confirm that it is satisfied with the proposed method of mitigation - and that due diligence has been given to our advice on calculating nutrient assessments - on the assumption that the land currently under cereal cropping use is converted to woodland and managed in perpetuity through a S106 agreement, as per the submitted HRA Screening Matrix and Appropriate Assessment Statement.

(Summary of comments received 21.02.2022)

No Objection subject to appropriate mitigation being secured. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Nutrient assessment - The assessment concludes that the proposed development would reduce the nitrogen load by -85.285 Kg/TN/yr, providing betterment to Chichester Harbour. As a result of this conclusion, the Appropriate Assessment has ruled out the need for mitigation. On the basis of these Nutrient Balancing Assessment calculations, Natural England agrees that mitigation against nutrient impacts is not required. With regard to the WwTW, Natural England has previously raised concerns over Bosham's capacity to accommodate new developments without risk of foul flooding. It is noted that the water company will be reinforcing the network where needed to support it. It is our advice that your authority work with the water company to ensure this happens.

(Summary of comments received 27.05.2021)

Apologies for not previously providing comments on the Nitrates issue. Will provide comments on it as part of any Appropriate Assessment. With regard to our previous concerns surrounding insufficient capacity at Bosham WwTW, this was a matter which has been highlighted through the in the Local Plan Review. We advise that, as competent authority, Chichester District Council are best suited to understand the local capacity issues of any WwTWs that serve developments allocated in their Local Plans and that they may ultimately approve. There needs to be sufficient certainty at the Appropriate Assessment stage as to where the foul water shall ultimately flow to, and whether the proposed WwTW can actually accommodate any additional developments. Additionally, any nutrient neutrality calculations need to take into consideration the permit levels of the WwTW that shall serve the development.

(Summary of comments received 26.03.2021)

Recreational Pressure - Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, [in light of the People Over Wind Ruling by the European Court] may need to be formally checked and confirmed by your Authority through an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) which Natural England must be consulted on.

1.9 South Downs National Park Authority

(Comments received 06.01.2023)

Reiterate previous comments which are summarised below.

(Summarised)

Landscape and Visual Impacts

The application documents make several references to views towards the Downs being retained but have not fully demonstrated how or what views would be retained. It is acknowledged that the proposed open space on the eastern edge of the site would allow for a narrow corridor of view to be retained, but this is directed to the north-east, where the land dips down to the Lavant valley, and so in these views the higher ground of the Downs would be likely to be obscured by the development. The application also fails to demonstrate how the proposals respond to the scale and form of the existing settlement of Broadbridge. The inclusion of trees within the public elements of the site and creation of softer rural edges to the development are welcomed, along with a green route through the site, although this tails off towards the north-west and no trees have been provided between the back-to-back garden plots which is a missed opportunity. We would encourage the District Council to ensure that trees provided throughout the site are of an appropriate species, both in terms of landscape character and biodiversity value, that they are of a suitable size/maturity, and that their long-term care and replacement of any dead/dying specimens is ensured.

Access

The provision of cycle/footways around the site and connecting through the development between the A259 to Barnside and on to the station and shops on the B2146 is welcomed. However, the site is not within easy reach of the SDNP for walkers and cyclists. The main opportunity is via the bridleway immediately north of the railway line at Brooks Lane but it is unlikely that the SDNPA would actively promote this route into the National Park as it involves a passive level crossing across the railway and relies on a section of the B2146. This route is also not suitable for walkers as for the most part there is virtually no pavement provision along the B2146. The application mentions the combined A259 Cycleway/footway and that cycleways close to the site will be promoted. The A259 is well-used by cyclists and is designated as part of the National Cycle Network (NCN 2). It extends from Emsworth to Chichester and provides a link with Salterns Way and Centurion Way, which respectively provide safe access to the AONB and National Park. Given the likely increase in usage generated by this and other recent developments along the A259, we would recommend the allocation of S.106 contributions to support the improvement of this route.

Lighting

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England. We would therefore wish for the following advice from our Dark Skies consultee to be taken on board: Street lighting (including any lighting proposed along the A259) - if necessitated - should be installed according to the WSCC Lighting of Developer promoted Highway schemes (2015). For subsidiary residential roads fittings with zero upward light spill should be used and managed by sufficient control technology to be consistent with WSCC part night switching. Any non-domestic lighting, i.e. lighting above 10 lux or above 1000 lumens, should be approved by additional planning consent, supported by detailed lighting plans.

Conclusion

If the District Council is minded approving the application, we would encourage particular consideration of our comments regarding tree planting, contribution to off-site walking and cycling links, and Dark Night Skies.

1.10 Sussex Police

(Summarised)

With the level of crime and anti-social behaviour in Chichester district being below average when compared with the rest of Sussex, I have no major concerns with the proposals. The development in the main has outward facing dwellings which has created a good active frontage with the streets and the public areas being overlooked. Advice on various detailed matters that the developer is recommended to consider when implementing the development. Suggests installation of an intruder alarm and the siting of CCTV for the prevention and detection of crime. Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013.

1.11 Network Rail

(Summary of comments received 20.01.2023)

Erection of 2.4 m general purpose palisade fencing needed for the area by the football pitch that could affect the railway.

[Planning Officer comment: the fencing is required as ball-stop fencing for the Under 9 football pitch. A condition (34) is attached to the recommendation in this regard]

(Summary of comments received 21.07.2022)

The holding objection is removed subject to a payment of £1,000,000 secured via the S.106 agreement to fund the installation of Miniature Stop Lights (MSL's) at a cost of £800,000. The remaining £200,000 would fund a feasibility study to explore closure options (this would be prior to installing MSLs), i.e., downgrading of footpath to remove bridleway status and routing over the AHB road level crossing, through station and re-joining Prow north of the railway. The mitigation needs to be in place prior to occupation.

[Planning Officer comment: The required contribution is set at £800,000. The additional £200,000 offered by the developer is not necessary as direct mitigation to make the development acceptable in planning terms and would not satisfy the CIL regulations. Further commentary on this is at paragraph 8.48 below]

(Summary of comments received 14.05.2022)

Holding Objection. The development is part of the expected growth of population between Chichester and Havant and the existing stopping train [at Bosham station] could easily accommodate the additional passengers that this development is expected to generate. Suggest 'First and Last Mile' enhancements to the existing road and pavements from Barnside, via Brooks Lane, Williams Road and then the B2146 Station Road to encourage future and existing residents to take up active travel and reduce the reliance on the car by providing modern standards for walking and cycling

1.12 WSCC – Highways

(Additional comments received 13.01.2023 on amended plans post November Planning Committee)

Parking – Vehicular parking levels for the community centre and allotments are acceptable.

Provision of coach parking space – assume this will be only used irregularly and thus need to be managed when required by a local group (community centre) rather than formal TRO

Cycle parking provision required for allotments/community centre/football pitch

[Planning Officer comment: the coach lay-by was not a requirement of WSCC and has now been replaced by additional visitor car parking spaces]

Summary of comments

Access

A revised access proposal has been developed which provides cyclist priority over the site access in line with guidance provided within LTN 1/20. The proposals shown on drawing titled Cycle Priority Junction Layout and numbered 103154-SK014 Rev B provide a red surfaced priority crossing at the site access. The access has been subject to a stage 1 Road Safety Audit and an agreed designer's response.

Sustainable Transport Connections

A shared use link is proposed to the north west corner of the site leading on to Barnside. The applicant has been in discussion with the adjoining landowner (Hyde Housing) who would be willing to transfer the land [at Barnside] to WSCC which would be adopted as highway. This adoption would allow a contribution to be taken towards the creation of a 3m shared use path (as shown on plan ref Proposed Indicative Pedestrian and Cycle Access via Barnside and no 103154-SK022 rev A) linking on to Barnside which given the low volumes of vehicles would operate as a shared space arrangement. A bollard would be provided to prevent motor vehicles from using the link and a sum of £20k to be secured to deliver the works outside the application site. The applicant proposes localised improvements to the pedestrian and cycle network to improve opportunities for future residents to travel to local facilities sustainably.

Parking

A total of 717.5 spaces are detailed within the parking schedule (Garages count as 0.5 spaces) and are within 10% of the WSCC parking guidance. Electric Vehicle charging will be provided in line with WSCC standards and secured via condition noting the recent changes to the Building Regulations under Part S.

There are no specific standards on parking requirements for the combined community building/allotment land uses and it's up to the developers to provide an appropriate level. One thing that the community hall maybe used for is group fitness activities. The parking demand for a 250m² unit would be 11 spaces for that use. The development also provides 4 visitor parking spaces near the hall (as well as 60 overall). For any larger events the internal network of the development could also accommodate a level of parking on carriageway. I don't raise any concerns about the provision or parking levels for the mini football pitch but would suggest a couple of Sheffield stands are provided for cycle parking.

Layout

Revised vehicle tracking has been provided which addresses previous concerns.

Travel Plan

A revised travel plan has been provided and should be secured via S106.

Conclusion

No objection is raised to the application subject to the following S106 and conditions.

S106

- Chichester A27 SPD contribution
- Contribution towards the delivery of shared use link at Barnside of £20,000
- Travel Plan
- Travel Plan Auditing Fee of £3,500
- Traffic Regulation Order contribution of £7,500 to enable the extension of the 30mph speed limit along the A259 (prior to commencement).
- Improvements to Local Walking and cycling facilities

Conditions

Access; Emergency Access; Car Parking Spaces; EV Parking Spaces; Cycle Parking; CEMP.

1.13 WSSC - Public Rights of Way

(Comments received 02.08.2022)

No Objection. WSSC's Public Rights of Way (PRoW) team would not support any downgrade of Bridleway 3595 to a Footpath should this be the desired result of any feasibility study carried out as part of the proposed mitigation package. The Bridleway provides important links to the north, over the A27. It is highly likely that objections would be received.

I note Network Rail also suggest the feasibility study look at diverting the PRoW. This diversion is partly to follow along the platform. A Bridleway allows for pedestrians, cyclists and equestrians making this an undesirable and impractical diversionary route. Given the above, I suggest no money be spent on a feasibility study and I would support the proposed mitigation of the installation of Miniature Stop Lights as described in Network Rail's supplementary Consultation Response dated 2nd August 2022, at the at-grade railway crossing that BW 3595 currently makes use of.

[Planning Officer Comment: As referenced above, a contribution towards the future feasibility of either downgrading the existing crossing from bridleway status to footpath status and/or re-routing the existing bridleway is no longer part of the proposals]

(Summary of comments received 02.02.2022)

I note the development plans to convert the existing farm access to provide a dedicated walking and cycling connection to serve the northern portion of the site. This would give non-motorised users almost immediate access to Bridleway 3595 which then crosses the railway. I note and understand Network Rail's concerns about the increased use of the unmanned crossing this development would undoubtedly lead to and the risk that presents. PRoW users' safety is of paramount importance.

There is therefore the need to improve the safety of this crossing which should be a condition placed upon the developer. Network Rail are best placed to advise regards how this can be achieved and the Public Rights of Way team can advise on such suggestions. Until such time I am lodging a holding objection.

1.14 WSCC - Lead Local Flood Authority

(Summary of comments received 01.04.2021)

No objection.

Current surface water flood risk based on 30 year and 100 year events - Low risk
Modelled groundwater flood hazard classification - High risk. The risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding.

Watercourses nearby - Yes

Records of any surface water flooding within the site - Yes. We have received a report and photograph from The Bosham Association showing flooding within the south-west corner of the proposed site in January 2014. We have records of other locations within Bosham that also suffered from surface water flooding in June 2012.

[Planning Officer Comment: In light of amended national planning policy guidance on potential groundwater flooding issues and the appropriateness of a site for development, the LLFA has subsequently confirmed its advisory response of 01.04.21 i.e. that it continues to hold no objection with respect to overall flood risk and is satisfied with the additional evidence submitted by the applicant in the Flood Risk Addendum which is based on actual winter groundwater monitoring on the site]

1.15 WSCC - Fire and Rescue

(Summarised)

The need is to ensure all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting and that there is Fire Service vehicle access. Condition recommended to secure appropriate positioning of fire hydrants to meet the requirements.

1.16 WSCC - Education Services

(Summary of comments received 27.01.2022)

Since December, the County Council as LEA has been investigating whether any primary school in the School Planning Area could be expanded further in order to accommodate the additional children from this application site, and other development sites in the Bourne School Planning Area. This has entailed an assessment of existing school sites, meetings with stakeholders and internal discussions. These have necessarily needed to take place before we could have any confidence that we were able to house the pupils arising from the current development site proposals.

The County Council as LEA can now inform Chichester District Council, as determining authority, that a potential way forward has been identified through the expansion of a school in the Bourne School Planning Area, in addition to expansions already planned as a result of allocated housing developments. While it is at an early stage and feasibility, design and consultation will need to be undertaken, the County Council as LEA, will pursue this solution which can provide education mitigation for the proposed development. In view of the work County Council as LEA has undertaken in the assessment of education capacity, which has led to a potential solution through the expansion of a primary school in the Bourne School Planning Area, and delivery of the project via CIL, the holding objection is removed.

There is now no education objection to the application.

(Summary of comments received 23.12.2021)

As part of this application, the developer would be expected to demonstrate how they intend to mitigate against the impact of their proposed developments on education. In the absence of a new education facility at Southbourne due to the neighbourhood plan process, it is not clear how the applicant will mitigate the education provision from the proposed development. Taking into consideration the above points the County Council as LEA are providing this consultation response as a holding objection until the developer is able to provide full details of their proposed primary education mitigation proposals, and the County Council completes their assessment of education capacity.

(Summary of comments received 06.10.2021)

This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. School places are limited in the locality so expansion of existing facilities or a new facility are expected to be required to accommodate the development. The developer would be expected to demonstrate how they intend to mitigate against the impact on education.

1.17 CDC - Housing Enabling Officer

(Summarised)

The applicant has engaged with the Housing Delivery Team to arrive at the proposed mix. As such, this is acceptable and will contribute to meeting the needs of affordable and market tenured households who need larger family style accommodation as well as first time buyers and older households who may need smaller accommodation. The distribution of the affordable housing throughout the site is in line with the SPD requirement in that they are not clustered in groups of larger than 15 units. All units appear to meet or exceed the nationally described space standards which is welcomed. The Housing Delivery Team raises no objections to this proposal.

1.18 CDC - Archaeology Officer

(Summarised)

There is no known archaeological reason to object to this development. However, a site of this size located beside a Roman road on the coastal plain, where later prehistoric and Roman activity is known to have proliferated, is bound to contain deposits of archaeological interest. It should therefore be evaluated prior to development, preferably by both geophysical survey and trial trenching, in order to identify the likely extent of any such deposits and to prepare measures to mitigate the effects of development on them. Pre-commencement condition required for submission of written scheme of investigation to include trial trenching, recording of findings and subsequent publishing of results.

1.19 CDC - Drainage Engineer

(Summary of comments received 03.10.2022)

They have shown the majority of the site not to be at “high risk”, and therefore groundwater flood risk should not be a constraint in these areas, however they have shown that the western edge is at significant risk (less than 0.5m bgl), and therefore development should be located sequentially (away from the western edge). I would not have an issue with the [monitoring] data from 2017, as we’d not expect groundwater to have significantly changed since then. The monitoring only covers the original smaller developable area and not the now larger area which we understand is being considered, they will need to do groundwater monitoring in these areas.

(Summary of comments received 07.04.2021)

Site is wholly within tidal/fluvial flood zone 1 (low risk), and our mapping does not indicate any significant surface water flood risk. However, we are aware of surface water flooding in the area around the southwest corner of the site, which may be the result of the restrictive nature of the culvert leaving the site and travelling under the A259. Developer has given due consideration to the appropriate location and design of surface water drainage features to achieve necessary capacity and water quality (via the SuDS management/treatment train). This approach is acceptable in principle, but only subject to infiltration proving not to be viable which should be established through winter groundwater monitoring. Conditions recommended to secure final details and maintenance/management of the SuDS.

1.20 CDC - Contract Services

(Summarised)

The plans look really good. The developer has incorporated waste collection points to limit reversing which is great. No concerns from a waste point of view.

1.21 CDC - Conservation and Design Officer

(Summary of comments received 14.02.2022)

Overall design approach

Key improvements to the standard elevations were secured throughout the lifecycle of the application and include better view terminating elevations, corner turning sites and the addition of chimneys on prominent plots. Some detailed design issues around flint panels and quoin details were improved.

Layout and density

Density issues have been addressed by an expansion into formerly undeveloped land at the north which reduced pressure on the most densely developed parts of the site. This has resulted in a series of key benefits including more generous curtilage for some properties, better dimensioned public circulation routes, more mature streetside planting and a significant reduction in long unbroken rows of streetside parking, particularly in the western part of the site. The difference in densities between the western and eastern parts of the site is much less stark as a result. A significant rural gap to the east of the built form is retained and comprises a key characteristic of the proposals. The main central green space has been redesigned to be more accessible, particularly to residents in the western part of the site, who would have a much longer route to the significant green spaces to the east.

Summary

Key design improvements to the scheme have been secured and result in a proposal which is of an appropriate density, with good quality elevations, street level planting, access to green space and a reasonable quality public realm. As such, the proposal is in accordance with the design requirements of the NPPF and local policy.

(Summary of comments received 11.06.2021)

In terms of overall design approach the mixture of housing types is relatively coherent and avoids too much repetition through the use of varying elevational treatments. Chimneys should be added and corner sites that constitute terminating street views should be revised/redesigned. In terms of layout, whilst the retention of rural gaps to the south and east of the built form is welcomed the central amenity space should be increased in size and given more prominence through good quality landscaping. The overall density should be reduced to allow for better quality street scenes. There should be a less compacted built form particularly in the western section of the site which is in stark contrast to the eastern part. In views along the main streets, the reduced distance between individual buildings gives them the appearance of a single mass, exacerbated by a lack of mature planting and the prevalence of the communal parking. There should be more off-street parking, reducing the reliance on large, frontally located car parks.

1.22 CDC - Environmental Protection

(Summarised)

Land Contamination - accept conclusions [of submitted risk assessment report] however recommend a more detailed site investigation is undertaken given the size of the proposed development and the fact that it is over 6 years since the initial site investigation works were undertaken. Standard conditions recommended.

Noise - accept calculations in submitted noise reports and recommend conditions to secure the implementation of noise mitigation measures for inside and outside dwellings in garden areas.

Air Quality - air quality assessment should be submitted which covers both the construction and operational phases of the development. Mitigation measures to reduce the impact of the development should be included and the methodology produced by the Sussex Air Quality Partnership with respect to emissions mitigation assessment should be taken into account.

Lighting - A condition is recommended to control external lighting.

Construction - A construction and environmental management plan (CEMP) should be drawn up to control impacts during construction and a condition applied.

Foul Drainage - In order to minimise noise, odour or other impacts the pumping station is recommended to be at least 15m from residential dwellings.

1.23 CDC - Community Facilities

(Comments received 12.03.203 – summarised)

Reiterate previous comments noting that the existing facilities in the Parish and particularly those at St Nicholas Church Hall are predominantly occupied by the Village Preschool – Bosham.

(Summarised)

I think on balance that there is merit in the provision of a facility within the development - the volume of additional housing would inevitably put significant pressure on the existing facilities in the Parish and particularly those at St Nicholas Church Hall which would be the closest. The development is fairly inward looking and the connectivity to the Broadbridge settlement is limited, so new residents may well value a facility within the site.

The fairly generic specification of the proposed building is a concern given the unidentified end user. I think that the potential for a local group or organisation to take ownership and management could be revisited in the light of the outcome of the application. If approved the applicant should be given a period for "marketing" to identify an end user and provide us with more detailed proposals. Ultimately if the pursuit of an end user were unsuccessful then we could consider a commuted sum to pay for the enhancement of existing community facilities in the Parish of Bosham, which would be necessary given the likely impact of the additional households.

1.24 CDC - Environmental Strategy

(Comments from Environmental Strategy Manager received 30.06.2023)

The Singleton and Cocking Tunnels SAC is designated for two bat species; Barbastelle and Bechstein's. Natural England guidance is that development within 12km of the tunnels should assess the potential of the development to impact on these bat species. The site is within the 12km zone. The appellant's bat survey was carried out in the summer and early autumn of 2019. The survey states it has a validity of two years (para 2.4). The survey methodology consisted of three walked transect surveys in June, July and October 2019 and the deployment of one Anabat (zero-crossing) static detector for five nights in each for the same months. The static detector was on the western boundary 70m north of the A259.

The walked transect surveys did not detect the SAC species of bat (although it cannot be ruled out that the Myotis sp. records were Bechstein's bat). The static recorder did record a low number of Barbastelle passes on three occasions, one in each of the survey months. At the time this was not picked up by either the applicant's ecologist or CDC ecologist as an issue for Habitats Regulations Assessment and was not included in the CDC HRA. It therefore falls to the Planning inspector as competent authority to undertake a revised HRA.

The bat survey is now out of date. In addition, the static recorder methodology used was inadequate as the detector type used under records species with quieter calls and secondly the number and coverage of the static detectors was not sufficient to understand the use of the site by bats as only the western boundary had a detector. The transect survey results show extensive use of the southern boundary of the site, including by the rarer Myotis species.

The information in the bat survey report does not have the required degree of certainty to be relied upon in an HRA undertaken by CDC and in my view, this also applies to any HRA undertaken by the Inspector. Case law specifies that evidence to inform an HRA must be up to date, valid and meet a high degree of scientific certainty.

My view is that, had this application been determined at this point by CDC, insufficient information to inform an HRA would be a reason for refusal. That said there is time to undertake a new survey of the site this summer. That survey, if conducted across three months with walked transects and the deployment of two full spectrum detectors per boundary, should be capable of giving sufficient information to understand the use of the site by SAC bat species (and other bat species including s41 bat species). That in turn would allow for an assessment of mitigation measures for those species present (including Appropriate Assessment if Barbastelle or Bechstein's are present). As this is a full

application the detailed layout, planting and lighting designs have been submitted but without adequate bat data the impacts on the rarer and more light-averse species cannot be assessed. It is possible that additional mitigation may be required, depending on which boundaries are being used by bats (and the bats species). This may include changes to the layout and planting proposals. This is more likely, in my view, if the western boundary is an important commuting / foraging route as the boundary buffer is narrow on this side compared to the southern and eastern edges and the gardens and houses which are the light sources are closer to that boundary than for other boundaries.

(Comments received 11.01.2023)

We are pleased to see the inclusion of PV on all properties on the site and as part of a policy 40 condition this should be included.

(Comments received 01.08.2022)

I am pleased [BDW] have agreed to the installation of PV and the level proposed with a 19.6% improvement on emissions is satisfactory. With regard to the updated building regs, these are actually better (considerably) than the requirements of [Local Plan] policy 40 so these will meet our requirements that were set within policy 40.

(Comments received 28.02.2022)

Sustainable energy approach - I think it is fully justifiable to ask for 10% from renewable [energy] sources and on a site of this size is fairly easy to achieve as many other sites have done (usually through PV).

(Summary of comments received 11.02.2022)

Great Crested Newts - A degree of common sense should be applied here. There is sufficient mitigation in place for reptiles, as detailed in the Ecological Mitigation Management Plan (Dec 2020), that will also ensure that great crested newts are not harmed by the proposals. This includes a precautionary approach where all vegetation clearance will be undertaken whilst supervised by a suitably licensed ecologist, and a fingertip search of all suitable vegetation being lost will be undertaken by a suitably trained ecologist. If Great Crested Newts are found during the process all works must stop and Natural England contacted.

(Summary of comments received 03.12.2021)

Sustainable energy approach - Proposals achieve 31% energy savings and the suggested condition is sufficient. We would like to encourage larger schemes to integrate renewable energy supply into their site plans where possible however we know this isn't always feasible.

suggested condition (by applicant):

"Notwithstanding forthcoming changes to Building Regulations, each dwelling hereby permitted shall achieve a reduction of at least 31% in energy use relative to the extant 2013 Building Regulations. The development hereby permitted shall not be first occupied until a sustainability verification report, specifying the methods employed to attain this energy reduction requirement, has been submitted to and approved in writing by the Local Planning Authority."

(Summary of comments received 01.12.2021)

Policy 40 - We would expect the new dwellings to achieve the highest levels of sustainability in accordance with policy 40 in the local plan. Require details on how the buildings will perform compared to the energy performance required through the building regulations (and to achieve at least a 19% improvement on this) and provide details of any low carbon measures to be incorporated.

Nutrient Neutrality - Following Submission of the Nutrient Balancing Assessment (September 2021) we are satisfied that there will be a reduction in TN onsite and no further work is required relating to this.

(Summary of comments received 16.08.2021)

Great Crested Newts - Information submitted is not sufficient. We would like the report from the 2017 GCN survey to be submitted so that we are able to assess the limitations of the survey as mentioned in the ecological appraisal and the potential of the habitats to support GCNs.

Bats - we are happy that the mitigation proposed would be suitable. A condition should be used to ensure the mitigation recommendations take place. Additionally, habitat enhancements benefiting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; The use of a range of native tree and shrub species within landscaping proposals; and Establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape. We require that multiple bat boxes are installed on the buildings onsite, or bat bricks are integrated into the buildings facing south/south westerly positioned 3-5m above ground.

Nesting Birds - we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. We would like multiple bird boxes to be installed on the new developments / and or on the trees within the gardens of the properties to accord with submitted mitigation strategies. An area of open grassland should be included within the proposals. This should be cut once a year (in late summer) and have a rich diversity of plants in order to provide a good food resource for winter birds.

Reptiles - Following submission of Ecological Assessment Sept 2019, we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Water Voles - Due to the presence of water bodies which should support water voles, no works can take place within the ditches surrounding the site and a 5m buffer should be set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed. An additional buffer zone along the railway line should be enhanced as this is a key east to west corridor and could support dormice.

Hedgehogs - Precautions should be put in place for hedgehogs and the site will need to be searched carefully before works begin. A hedgehog nesting box should be installed within the site to provide future nesting areas for hedgehogs.

Badgers - Prior to start on site a badger survey should be undertaken, within one month prior to development commencing, to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

Recreational Disturbance - A contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Enhancements - Enhancements should be provided in accordance with those proposed within section 6 of the Environmental mitigation and management plan for the mitigation for the habitats of the site. These include wildlife pond, wildflower meadow planting, bat and bird boxes, log piles on site, 2 x hedgehog nesting boxes and gaps under fences, grassland to benefit reptiles.

1.25 CDC – Sport and Leisure

As part of the development there is a requirement for some formal sports pitch provision. We understand the constraints of the site and are therefore willing to accept a mini football pitch 64m x 46m in dimension. It will need to be constructed in accordance to Sport England and Football Foundation guidelines for community use. There is also a requirement for some ancillary car parking spaces for parking and drop off.

1.26 272 Third Party Objections

- i. Highgrove field floods and is not suitable building land, concerns about increased surface water run-off
- ii. existing sewerage network cannot cope, raw sewage is being discharged into harbour, this proposal will make it worse
- iii. there is a lack of wastewater capacity at Bosham WwTW
- iv. there will be a harmful impact of nitrates on the protected waters of the Harbour
- v. loss of valuable grade 1 and 2 agricultural land and food security
- vi. should develop brownfield land first before green fields
- vii. why is the site not providing a Primary school. There are no local school spaces
- viii. loss of village identity, will turn Bosham into an urban town part of continuing sprawl along the coast
- ix. loss of strategic gap between Bosham and Fishbourne - coalescence
- x. loss of landscape openness, key views and intervisibility between AONB and National Park
- xi. harmful to local biodiversity and wildlife which uses the field
- xii. loss of wildlife corridor between AONB and National Park
- xiii. highway safety

- xiv. roads already over capacity, will lead to more traffic congestion and severe gridlock at east end of A259 onto Fishbourne roundabout
- xv. 25% increase in settlement size with no new infrastructure to serve the development -schools, doctors' surgery, limited bus service etc
- xvi. village does not need another village hall

APPENDIX 2

SUGGESTED CONDITIONS

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

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

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

N81:2818 102 Rev D1; 103154-SK05 Rev B; 103154-SK014 Rev B; N81:2818 250 Rev P1; 103154-SK022 Rev A; Housetype Booklet December 2022; 2351-TFC-XX-00-DR-L-3001 P02; N81:2818 105 Rev P18; N81:2818 106 Rev P16; N81:2818 107 Rev P17; N81:2818 108 Rev P15; N81:2818 109 Rev P14; N81:2818 112 Rev P10; N81:2818 114 Rev P7; N81:2818 115 Rev P7; N81:2818 117 Rev P7; N81:2818 201 Rev P2; N81:2818 104 Rev P26; N81:2818 110 Rev P14; 1595-TF-XX-00-DR-L-1001-P11; 1595-TF-XX-00-DR-L-1002-P11; 1595-TF-XX-00-DR-L-1003 P09.

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

3) **No development shall commence** until an updated Phase 1 Contaminated Land report has been submitted to and been approved in writing by the Local Planning Authority. If the updated report 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.

4) If the Phase 2 report submitted pursuant to condition 3 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.

5) **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.

6) **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.

7) **No development shall commence** until a Construction and Environmental Management Plan (CEMP) comprising a schedule of works and accompanying plans 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 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) waste management including prohibiting burning and the prevention of litter
- (p) provision of temporary domestic waste and recycling bin collection point(s) during construction,
- (q) hours of 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.

8) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements and recommendations set out in the Ecological Mitigation and Management Plan Appraisal, the Wintering Bird Survey and the Reptile Report all prepared by WYG in December 2020 and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. In addition to the mitigation measures the ecological enhancements shall include:

- wildflower meadow, wooded copse and wetland SuDS planting
- filling gaps in tree lines or hedgerows with native species
- the provision of 5 x bat boxes on retained trees within the site and 6 x bat boxes installed on dwellings throughout the site facing south/south westerly and positioned 3-5 m above ground

- the provision of 10 x swift nesting boxes, 5 x starling nest boxes, 10 x open fronted bird boxes and 5 x sparrow terraces
- the provision of 3 no. log piles as habitat for stag beetles
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site
- 2 x hedgehog nesting boxes

Reason: In the interest of conserving and enhancing biodiversity.

9) **No development shall commence** until details of the arrangements for the future access and maintenance of any existing watercourse or culvert (piped watercourse) crossing or abutting the site have been submitted to and been approved in writing by the Local Planning Authority. The future access and maintenance shall thereafter be carried out in accordance with the approved details. At no time shall current and future landowners be restricted or prevented as a result of the development from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure the continued effectiveness of the surface water drainage system is maintained.

10) **No dwelling shall be occupied** on the site unless and until the off-site foul drainage infrastructure necessary to serve the development is operational and it is confirmed in writing by the sewerage undertaker that sufficient sewage capacity exists within the network to accommodate the development.

Reason: To ensure adequate provision for drainage.

11) Notwithstanding any information submitted to the contrary details including planting plans and section drawings of the final configuration of the proposed SuDS basins in terms of size and positioning and the associated landscaping proposals shall be submitted to and be approved in writing by the Local Planning Authority **before commencement of the development** hereby permitted. At no time shall the SuDS basins be enclosed by perimeter fencing. The development shall thereafter be carried out in accordance with the approved details unless any variation is subsequently agreed in writing by the Local Planning Authority following the submission of details in that behalf.

Reason: To ensure the effective function of the SuDS basins and to ensure their successful integration into the surroundings in the interests of visual amenity.

12) **Before the development hereby permitted is commenced** the developer shall enter into an agreement with Network Rail to deliver additional safety mitigation measures comprising Miniature Stop Lights and associated infrastructure (or such alternative measures as may be agreed in writing with Network Rail) at the Brooks Lane, Bosham railway crossing and written evidence of such agreement (including the timetable for the works) shall be submitted to the Local Planning Authority. The agreed safety mitigation measures shall be fully installed and operational prior to occupation of the first dwelling on the development or in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail.

Reason: To ensure the development does not have an adverse impact on the safety of the railway crossing.

13) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, window/door surrounds and roofs of the building(s) have been submitted to and been 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) **Before construction of any dwelling above slab level** and notwithstanding any information submitted to the contrary details shall be submitted to and be approved in writing by the Local Planning Authority of the windows to be installed in the development. Window frames shall be flush fit and not storm proof frames and shall be set within window reveals of not less than 100mm depth. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure a development of visual quality.

15) **No development above slab level shall commence** until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

Reason: To ensure the finishes to be used are appropriate in the interest of amenity and to ensure a development of visual quality.

16) **Before construction of any dwelling above slab level** a noise scheme to include close boarded fence or walling in accordance with drawing no. N81:2818 106 Rev P16 to a height of not less than 1.8m around all garden areas shall be submitted to and be approved in writing by the Local Planning Authority showing how the recommendations in section 5 of the noise impact assessment produced by 24 Acoustics (dated December 2020) will be put in place at the development. Thereafter the approved noise impact measures shall be implemented in full prior to first occupation of any dwelling on the site.

Reason: To ensure an acceptable noise environment for all future occupiers of the development.

17) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facilities shall be submitted to and be approved in writing by the Local Planning Authority. No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Sustainability Statement dated September 2021 and the approved technical EV charging points details.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and to accord with the terms of the application.

18) The landscaping of the site shall be based on the submitted strategic planting drawing nos. 1595-TF-XX-00-DR-L-1001 RevP11; 1595-TF-XX-00-DR-L-1002 RevP11 and 1595-TF-XX-00-DR-L-1003 RevP09, the Proposed Plot Landscaping Plan N81:2818 110 RevP14 and the Proposed Landscaped Areas Plan 116 Rev D1 and shall be in accordance with a further detailed set of landscape drawings specifying the location, numbers, size and species of trees, including street trees and shrubs to be planted together with details of the proposed watering infrastructure and regime, and a programme/timetable for implementation to be submitted to and approved in writing by the Local Planning Authority **before occupation of the first dwelling on the site**. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which 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 amenity

19) **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. The manual shall also include the arrangements for the future access and maintenance details of any watercourse or culvert (piped watercourse) crossing or abutting the site. Upon completed construction of the SUDS system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual, including the approved access and maintenance details for any watercourse or culvert.

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.

20) **Before the Community Hall building is first brought into use** the car parking provision allocated for that purpose and access to that provision as shown on Proposed Site Layout drawing no. N81:2818 104 P26 shall be provided and shall thereafter be retained for car parking purposes.

Reason: To ensure satisfactory parking provision for the use and to accord with the terms of the application.

21) The solar PV panels where provided shall be constructed so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No dwelling as shown on drawing no. N81:2818 114 114 Rev P7(Proposed PV Plan) shall be occupied unless the solar PV panels for that respective dwelling have been provided and are ready for use. The Community Building shall not be brought into use unless and until solar PV panels have been installed on the roof of the building in accordance with details and specifications to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development delivers carbon reductions and a sustainable development in accordance with Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and the Council's Interim Position Statement for Housing Development (November 2020) and to accord with the terms of the application.

22) **Before first occupation of any dwelling**, details showing the precise location, installation and ongoing maintenance of fire hydrants to be supplied (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and be approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Services. The approved fire hydrants shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

Reason: In the interests of amenity and in accordance with The Fire and Rescue Services Act 2004.

23) **No dwelling shall be first occupied** until covered and secure cycle storage and waste/recycling bin provision for that dwelling has been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such provision shall thereafter be retained for the stated purpose.

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

24) **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.

25) **No part of the development shall be first occupied** until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Cycle Priority Junction Layout and numbered 103154-SK014 Rev B.

Reason: In the interests of road safety

26) **No dwelling hereby permitted shall be first occupied** until the car parking space(s) and any associated turning space serving that dwelling have been constructed, surfaced and drained in accordance with the Proposed Site Layout drawing no. N81:2818 104 P26 Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide satisfactory car-parking space for the development in accordance with the submitted details.

27) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day. **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

Reason: To ensure water efficiency within the dwellings and to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

28) **Before occupation of the first dwelling on the site** hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority for the specification and timetable for delivery of the off-site pedestrian/cycleway link in the north-west corner of the site via Barnside as shown on Pell Frischmann drawing number 103154-SK022 Rev A. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To accord with the terms of the application and to facilitate sustainable transport.

29) The Community Hall hereby permitted shall not be used other than as a community resource for local community purposes within Use Class F2 of the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020.

Reason: To accord with the terms of the application and to provide a building for use by the community.

30) **At no time** shall any street lighting be installed in the development hereby permitted. This restriction shall not prohibit the installation of street lighting at the junction of the site access with the A259 the form of which shall be first agreed in writing by the Local Planning Authority in consultation with the Local Highway following the submission of details in that behalf. The junction street lighting shall thereafter be carried out in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and foraging bats, and local residents from light pollution and to accord with the terms of the application.

31) Following closure of the show homes/sales offices and before their subsequent first occupation as dwellinghouses as permitted the temporary secondary access shall be reconfigured to provide an emergency vehicular access onto the A259 constructed in accordance with plans to be submitted to and approved in writing by the Local Planning Authority and shall include measures to prevent unauthorised non-emergency vehicular access. The access once constructed shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To accord with the terms of the application and to ensure that the emergency access is suitable for its intended purpose.

32) Before construction of the final wearing course of the internal roads within the development hereby permitted details shall be submitted to and be approved in writing by the Local Planning Authority of the surfacing materials which shall be suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The final wearing course of the internal roads shall thereafter be constructed in the approved surfacing materials.

Reason: To ensure that the internal roads are designed and constructed to withstand the weight of the heaviest vehicles using them.

33) Before occupation of the 150th dwelling hereby permitted the junior grass football playing pitch shall be provided on the site in the location shown on drawing no. N81:2818 104 P22. The playing pitch shall be levelled, drained, seeded, marked out and provided with age appropriate goalposts (12ft x 6ft) in accordance with Sport England guidance and details to be first submitted to and approved in writing by the Local Planning Authority. The playing pitch area shall be suitable for the up to 10 years old age group and shall measure not less than 61m x 43m with an additional 3m overrun all around it making 64m x 46m overall. At no time shall the playing pitch be floodlit or any fencing erected around its perimeter.

Reason: To accord with the terms of the application and in the interests of amenity.

34) The junior grass football playing pitch hereby permitted shall not be first brought into use unless and until ball stop fencing has been erected on the north site boundary where the pitch is adjacent to the railway line and following the submission and approval in writing by the Local Planning Authority of details in that regard. Details to be provided shall include the height, form, length and position of the fencing and the future maintenance arrangements. The fencing shall be carried out in accordance with the approved details and maintained in that position thereafter.

Reason: To accord with the terms of the application and to provide safety measures for the adjacent railway line.

35) Prior to development above damp-proof course level of each of the 4 no. custom-build dwellings identified at plots 84, 85, 88 and 89 on drawing no.112 P10 details of the proposed form and specification shall be submitted to and be approved in writing by the Local Planning Authority. Details shall include:

- Floor plan layouts offered to prospective purchasers (non-loadbearing walls can be added/omitted)
- Kitchen specifications
- Bathroom specifications
- Any amendments to the external appearance of the dwelling necessary to accommodate the available floor plans

The development of the custom-build dwellings shall thereafter be constructed in accordance with one of the available options as agreed in writing with the Local Planning Authority.

Reason: To accord with the terms of the application.

36) The 5 no. two bedroom bungalows at plots 245, 251, 277, 284 and 285 on drawing no. 112 P10 shall be constructed in accordance with M4(3) specifications as set out in the Building Regulations 2010 (as amended).

Reason: To accord with the terms of the application.