


Parish: East Wittering And Bracklesham	Ward: The Witterings
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EWB/22/02214/FULEIA

Proposal	Erection of 280 no. residential dwellings (including affordable housing), associated highway and landscape works, open space and flexible retail and community floorspace (Use Classes E and F).		
Site	Land at Stubcroft Farm, Stubcroft Lane, East Wittering, Chichester, West Sussex, PO20 8PJ		
Map Ref	(E) 480574 (N) 97796		
Applicant	Barratt David Wilson Homes	Agent	Mr Peter Cleveland

RECOMMENDATION TO REFUSE



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1.0 Reason for Committee Referral

- 1.1 Significant major application where officers consider decision needs to be made by the Committee

2.0 The Site and Surroundings

- 2.1 The application site covers an area of approximately 16.9 hectares (ha) (outline application site area = 0.94ha and full application site area = 16.013ha) of arable land and is located wholly within the Parish of East Wittering and Bracklesham, directly adjacent to the Parish Boundary line with West Wittering. The greenfield site lies within the Rural Area (i.e. outside any defined Settlement Boundary), however, parts of the south-western edges of the application site directly adjoin the Settlement Boundary of East Wittering. The site comprises arable land and the submitted report concludes the site is grade 2 ('very good' quality) agricultural land.
- 2.2 East Wittering is defined as a Settlement Hub in the adopted Chichester Local Plan (CLP), which offers a range of employment, retail, social and community facilities including a primary school, post office, pharmacy and churches. There is a paved footpath on the eastern side of Church Road leading from the application site to the centre of the settlement. There is also a regular bus service to Chichester, with bus stops located to the north-west of the site on Piggery Hall Lane and to the south of the site on Stocks Lane. Dedicated off-road cycle facilities provide a link to West Wittering (from Cakeham Road / B2179) and then onwards towards Chichester using the Salterns Way, where it connects to National Cycle Routes 2 and 88. Public Footpath (route 3) also runs along the north-west corner of the application site.
- 2.3 The site comprises two parcels of agricultural land separated by a hedgerow running east-west. The southern parcel in part, bounds the existing built-up area of East Wittering, where it abuts the residential roads known as Barn Road, Field Road, Meadows Road and Wessex Avenue, as well as the rear of properties fronting onto Church Road to the south-west corner. To the south-east lies a recreation ground with football pitch, bowling green and play area. To the south-west the site abuts school the playing fields of East Wittering Community Primary School.
- 2.4 On the other side of Church Road to the west of the site, lies residential development, including a relatively recent development (13/03286/FUL refers) known as 'Sandpiper Way', which is solely accessed via Church Road. Directly to the north of 'Sandpiper Way', an outline permission for 70 dwellings was recently allowed at appeal (PINS ref.3286315).
- 2.5 The northern parcel is bounded by Church Road to the west, a watercourse to the north-east / east and commercial development at Hilton Park business centre to the north, with a small cluster of residential development beyond, including the grade II* Church of the Assumption of St Mary the Virgin. There is a TPO group of trees (ref.85/00436/TPO), comprising Elm, Poplar, Willow, Hawthorn and Cupressus to the north-east boundary which separates the site from the business park. The north-west boundary fronts onto Church Farm Lane where the existing agricultural vehicle access is sited.

- 2.6 Further to the east and north-west the site is bounded by agricultural fields. Further north, along Piggery Hall Lane, is a cluster of post-war development known as 'Furzefield' including a grade II listed Public House known as the 'Thatched Tavern', caravan park and public footpath links.
- 2.7 The site is relatively flat, with hedgerows and trees to some outer perimeters. Levels at the site gradually fall from west to east, sloping towards the watercourse / agricultural drainage ditch (referenced in the Strategic Flood Risk Assessment (SFRA) as the 'Hale Farm Ditch') to the north-east and eastern boundary. The OS Open Rivers dataset identifies the route of the drain to be southwards through East Wittering where it joins the sea via a controlled outfall approximately 640m to the south of the site. The Environment Agency (EA) has confirmed the majority of the site falls within Flood Zone 1 (low risk), with the drainage ditch to the north-east and eastern boundary falling within Flood Zones 2 and 3 (high risk).
- 2.8 The Arun to East Head and Chichester harbour coastal models have been updated as part of the Interim Strategic Flood Risk Assessment (SFRA) (December 2022) to understand the tidal and coastal flood risk along the Local Plan area. The tidal mapping provides information for present day Flood Zone 3b, 3a and 2 (Appendix D) and for the for the climate change event for the years 2091 and 2121 (Appendix E). The interim Level 1 SFRA shows the majority of the site to be at a high-risk of future flood risk as a result of tidal flooding taking into account the current climate change allowances.
- 2.9 The site lies 0.6km to the north of the Solent and Dorset Coast Special Protection Area (SPA), 1.9km north-east of the Solent Maritime Special Area of Conservation (SAC), 0.6km north of the Bracklesham Bay Site of Special Scientific Interest (SSSI), 1.4km south-east of the Local Wildlife Site (LWS) Redlands and Meadows. Additionally, the site lies 2.5km east of the Chichester and Langstone Harbours SSS, SPA and Ramsar Site. Furthermore, the northern parcel of the application site has been re-classified by the Solent Wader and Brent Geese Strategy Steering Group on 30.11.2022 as a Secondary Support Area for the overwintering birds of the Chichester and Langstone Harbours SPA and Ramsar site.

3.0 The Proposal

- 3.1 Full planning permission is sought for the erection of 280 residential dwellings (including 30% affordable housing) along with the associated development including the following:
- 4.886ha of open space largely positioned to the eastern boundary of the site.
 - Extensive SuDS (Sustainable Drainage Systems) infrastructure located within the open space to the eastern boundary of the site.
 - Provision of 20,000sqft of flexible retail and community floor space (Use Classes E and F) to the north-west corner of the site.
 - The provision of 2540sqm of allotments to the north-east corner of the site.
 - Provision of 270sqm equipped play area (LEAP) within an area of open space positioned centrally within the site.
 - Provision of 5010sqm activity area (including indicative 'Pump Track') located in the south-east corner of the site within the public open space.

- Provision of 5460sqm school ecology area to the south-west corner of the site.
- Provision of 1000sqm landscape bund to the south-east of the site separating the activity area from Wessex Avenue.
- Inclusion of 2 pumping stations to the eastern side of the site within the public open space.

- 3.2 In terms of access the development proposes a single means of access onto Church Road. The site access would form a bellmouth arrangement measuring 7.5m wide with a 12m radii. The width of the access road would then reduce to 6m-6.5m approximately 20m into the site to the east, secondary routes measure 4.8m-5.5m, while tertiary routes and cul-de-sacs measure a minimum of approximately 4m wide. Visibility splays of 2.4m x 96.4m are provided in both directions.
- 3.3 In terms of pedestrian and cycle access, a 2m wide pedestrian footway is provided on the northern side of the access road with a 3m wide footway/cycleway provided on the southern side. Secondary roads would benefit from a 2m wide footway on at least one side of the road. Tertiary routes and cul-de-sacs would operate as shared surfaces. The proposed footways and footway/cycleway would provide a connection onto the existing footway on Church Road and would be separated from the carriageway by a verge. Dropped kerbs and tactile paving will also be provided across the site access to ensure the safe and accessible passage of pedestrians when travelling north-south on Church Road.
- 3.4 In addition, to the main site access, two emergency accesses are proposed. The first is to the north onto Church Farm Lane and the second is to the south-east onto Wessex Avenue. Both emergency accesses would provide pedestrian and cycle access with a lockable bollard provided to prevent unauthorised vehicle access. The access onto Church Farm Lane would form a crossover arrangement. The emergency access onto Wessex Avenue would be formed through the extension of the existing turning area into the site and includes the provision of a 1.2m wide footway to the north of the existing turning head. Associated crossing facilities in the form of a dropped kerb would be provided to facilitate safe connection to the existing footway on Wessex Avenue.
- 3.5 Highways improvements are proposed to the existing pedestrian crossing on Church Road to provide an improved pedestrian crossing for residents of Sandpiper Walk. To the south of the site access there is an existing crossing point in the form of dropped kerbs and tactile paving across Church Road for residents of Sandpiper Walk. To assist with warning drivers on Church Road that pedestrians are in the carriageway, it is proposed that reflective bollards would be provided either side of the tactile paving.
- 3.6 The employment part of the site is located in the north-west corner, approximately 260m from the main access onto Church Road. Access to the employment area is via the main internal spine road which measures 6-6.5m in width. A junction is provided in the form of a bellmouth arrangement which provides the access into the parking compound for the employment units. A circulatory parking compound is provided which measures approximately 6m in width. Visibility at the employment access would need to accord with an internal design speed of 20mph and subsequently demonstrate 2.4m x 25m. A 2m wide footway flanks both sides of the access providing connections between the employment aspect and the wider site to the east and onto Church Farm Lane to the west.

3.7 With regard to 'future proofing', the submitted plans allow for future road and cycleway connections to be provided to the east, towards Bracklesham. A footpath link to the future Skate Park is also shown to the south-east corner of the site.

3.8 The proposed housing mix and tenure is as follows:

Market Mix – 196 dwellings (70%)

10 x 1-bed flats
59 x 2-bed houses (including 2 bungalows)
79 x 3-bed houses
48 x 4-bed houses

Affordable Housing – 84 dwellings (30%)

21 x First Homes (14 x 1-bed flats and 7 x 2-bed houses)
29 x Social Rent (6 x 1-bed flats, 15 x 2-bed houses and 8 x 3-bed houses)
18 x Affordable Rent (4 x 1-bed flats, 2 x 2-bed bungalows, 3 x 2-bed houses, 6 x 3-bed houses and 3 x 4-bed houses)
16 x Shared Ownership (6 x 2-bed houses and 10 x 3-bed houses)

3.9 The development makes use of perimeter blocks and would comprise predominantly of 2-2.5 storey houses, including bungalows alongside a small number of apartments. In terms of layout and design the residential development is laid out around a central spine road from which secondary, tertiary and cul-de-sacs routes will form. The development has been divided into character areas which are defined by their design and materials. The proposal adopts a traditional design with a material palette comprising red brick, black weatherboarding, dark brown tile hanging, white render and flint/stone prefabricated block. The roofs are proposed to be a mixture of roof tiles in grey, red/brown and dark brown.

3.10 The outline (22/02235/OUTEIA refers) part of the proposal includes a 45 bedroom sheltered living scheme located adjacent to Church Road towards the northern end of the frontage with parking to accord to WSCC standards. It would likely include a mix of 1 and 2-bedroom apartments. The apartments would be sold by the applicant with a lease containing an age restriction which ensures that only people of 60 years or over, or those of 60 years or over with a spouse or partner of at least 55, can live in the development.

3.11 The residential element of the proposal provides for 706 parking spaces (comprising 614 allocated and 92 visitor/unallocated) through a combination of on and off plot parking, garages (measuring 6m x 3m in dimension), car ports and visitor parking (81 spaces). 16 car spaces would be provided for the proposed activity area, 43 (plus 3 disabled) spaces would be provided for the offices and 16 (plus 1 disabled) space would be provided for the community hall. Electric Vehicle (EV) charging is proposed to be provided in accordance with Appendix B of WSCC's standards for residential parking. On plot cycle parking would be provided in accordance with WSCC's residential cycle parking standards, with cycle parking spaces on-plot provided within garages or sheds in rear gardens. Communal cycle parking would be provided in communal stores also in accordance with WSCC's standards.

3.12 The employment element of the proposal provides for 63 car parking spaces. This includes 46 spaces being provided for the office uses, 9 spaces provided solely for the community hall and 8 spaces provided for shared use between the community hall and the offices. Of these, 4 spaces are provided for disabled users (3 associated with the offices and 1 for the community hall). No EV charging spaces would be provided. However, all spaces would be passive allowing for the opportunity to provide active spaces in the future. The layout demonstrates two cycle parking facilities; one to the front of the office units and one to the front of the community hall. The cycle facilities at the front of the offices provides 7 Sheffield stands, providing space for 14 cycles. The facilities located to the community hall provides 5 Sheffield stands, providing space for 10 cycles.

3.13 The landscaping strategy seeks to retain trees and hedgerows where possible by filling gaps with native species. Native tree planting, hedgerows and mixed native scrub are proposed along boundaries. Street trees will line key avenues within the development.

3.14 During the course of the application amended plans have been received which:

- Amended plans to address the housing mix.
- Proposed changes to layout reflect housing mix amendments and the introduction of bungalows and alternative play provision.
- Amended information to address National Highways, WSCC Highways and CDC Environmental Protection comments.

4.0 Relevant History

22/02235/OUTEIA	PDE	Outline application (with all matters reserved except for Access) for the construction of sheltered living accommodation.
21/01090/EIA	EIA Required	EIA Screening Opinion in response to development of up to 320 no. residential dwellings along with public open space and new means of vehicular access onto Church Road.

5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Strategic Gap	NO
Tree Preservation Order	NO
EA Flood Zone	See paragraphs 2.7 and 2.8 above
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 East Wittering and Bracklesham Parish Council

Comment received on 15th September 2023

East Wittering and Bracklesham Parish Council OBJECT to this application.

National Highways formal recommendation that the application should not be determined for a period of 6 months (13th March 2024). We await the results of the remodelling regarding the congestion at the Stockbridge Roundabout.

WSCC Highways Authority's requirements for pedestrian improvements to be made and a revised junction modelling.

Conclusion Given the lack of information available at this time the LHA would not be in a position to support the proposals at this stage. Therefore, the following reasons for Refusal should be applied: It has not been demonstrated that safe and suitable access onto the highway to the site can be achieved for pedestrians and cyclists, nor that the opportunities for sustainable access has been taken up in accordance with paragraph 110 of the National Planning Policy Framework and contrary to policies 8 Transport and Accessibility and 39 Transport, Accessibility and Parking of the Chichester District Council Local Plan.

West Sussex County Council Lead Local Flood Authority objected due to the absence of an acceptable Flood Risk Assessment and drainage strategy. The application is not in accordance with NPPF paragraph 167 or 169, PPG Flood risk and coastal change or Policy 42 in the Chichester Local Plan: key Policies 2014-2029.

Chichester District Council Environmental Officers requirements for a mitigation strategy due to the site being re-categorised as a secondary habitat with the Solent Waders and Brent Geese Strategy. Provision of an onsite dog walk, infill planting of native species be incorporated into the landscaping plans, a 10 meter not 8 meter buffer between the bank of the water vole habitat and construction work and CEMP be produced for the ditch so controls are put in place to ensure no pollutants and sediments are able to enter the water course. A mitigation survey be produced due to the presence of reptiles within the field margins. A badger survey be undertaken and details of how biodiversity net gain will be achieved and a sustainability statement be submitted to meet the requirements of Local Plan Policy 40.

Insufficient Gap Boundary the proposed development does not maintain an adequate gap boundary between the proposed site and neighbouring properties, a cramped boundary gap may contribute to a sense of overcrowding in the area which could impact the comfort and tranquillity of the neighbourhood. Overcrowding can also strain local infrastructure and services.

The significant loss of Grade 2 farmland that would result from this development. Preserving and protecting our agricultural land is crucial for the sustainable future of our community. Grade 2 farmland is a valuable and limited resource that plays a vital role in supporting local food production and ensuring food security. The UK's grading system categorizes farmland based on its quality and suitability for agricultural purposes, and

Grade 2 land is characterized by its moderate limitations, making it well-suited for a wide range of crops. It is essential to maintain and protect Grade 2 farmland to support local agriculture and maintain a stable food supply. The proposed development would result in the irreversible conversion of Grade 2 farmland into non-agricultural use, effectively diminishing our ability to produce food locally. This loss is concerning for several reasons:

1. **Food Security:** Our community relies on local agriculture to provide fresh, sustainable food. The loss of Grade 2 farmland would reduce our ability to produce food locally, increasing our dependence on external sources and potentially affecting food security.
2. **Environmental Impact:** Farmland plays a crucial role in maintaining ecological balance and mitigating climate change. The conversion of Grade 2 farmland into developed areas can lead to habitat destruction, increased carbon emissions, and reduced biodiversity.
3. **Agricultural Sustainability:** Preserving Grade 2 farmland is essential for the long-term sustainability of our agricultural sector. A reduction in high-quality agricultural land could hinder the productivity and competitiveness of our local farmers.
4. **Community Resilience:** Local agriculture contributes to the economic well-being of our community. The loss of Grade 2 farmland could have adverse economic effects on local farmers, leading to job losses and decreased economic resilience.

Loss of Open Space the proposed development would alter the character of the community by introducing housing that does not align with the existing aesthetic standards of the area

Comment received on 28th November 2022

Object.

The Parish Council have serious concerns regarding flood risk and drainage capacity for the development following the comments from WSCC as the lead local flood authority and regarding A27 network capacity following the comments from National Highways. We request the opportunity to reconsider the application should the opinion of the statutory consultees change following the provision of additional reports and information from the developer.

6.2 West Wittering Parish Council

West Wittering Parish Council wishes to object to further development in the area of Church Lane for the following reasons:

Unacceptable loss of the rural gap - between the small rural settlement of Furzefield and the village settlement of East Wittering. At present the site in agricultural use provides an important division and loss of this gap will create the perception of coalescence between Furzefield and East Wittering. This development will further urbanise the countryside, which at present provides an important setting for both Furzefield and the entrance to East Wittering. The inevitable road improvements in the same area will also have an unacceptable detrimental impact on this rural area and create one large conglomerate of dwellings and the loss of the rural character of the area. The listed building, The Thatched Tavern, is in close proximity.

Impact on Highways - These are well rehearsed arguments, the impact on local rural road junctions, capacity of roundabouts between the site and Chichester, and the undisputed congestion on the A27 with no mitigation ever likely to happen. Cllr Montyn (WSCC) has referred to the current situation with the highway issues and the Parish Council agrees that the current state of the highway network does not have capacity without significant mitigation. The cumulative impacts of additional traffic at all junctions between the site and Chichester together with all the other potential developments on the peninsular are not acceptable.

Inadequate Sewerage network - Cllr Montyn (WSCC) has written to you separately concerning the appalling state of the sewerage system. It is already overloaded and cannot just accept hundreds more houses without a significant upgrade. The whole subject has been presented by Cllr Montyn at recent planning inquiries and at no point has any of his evidence been challenged. It is undisputed facts that there is no headroom for further discharges into the current system. These facts are contained in the Water Company's own data. Further evidence is emerging about the very serious harm that is being done to the flora and fauna in the sea as a result of chemicals and pollutants in the sewerage discharges into the sea. It is current science (CHASM and work on endocrine disruptors) that permanent damage is being done to the harbour as a result of these discharges. It is inconceivable that yet more sewerage will end up in the sea as a result of this development unless the sewerage system is robust and able to contain all the effluent with no further discharges ever. Evidence shows that this is not the case and for this reason alone no further development should be permitted when there is a risk of more pollution into the sea.

Flooding uncertainty - at present it is not clear what the current status of the site is as the most recent Strategic Flood Risk Assessment is just emerging. Local experts are very concerned about further development in this area as a result of future flooding. In the very least it is premature to rely on old flooding maps and data on which to judge this issue. The Parish Council is intending to hold a meeting in private to look at the new SFRA in the next couple of weeks and hopes to be able to amplify this part of its objection. A more detailed submission will be made when more information is available on the Strategic Flood Risk Assessment of the area.

Sustainability - The Parish Council is concerned about the sustainability of this location for further significant development on a green field site. It is inevitable that any new residence will be car reliant. Since East Wittering was last considered at the Local Plan review, when it was classed as a settlement hub, various services have either disappeared or been significantly diminished. West Wittering Parish Council is placing a holding objection to this large development on the edge of the East Wittering settlement area as it impacts on the coalescence between the two villages. It is also unsustainable in terms of sewage and water management, flooding and transport. The current road network on the Peninsula and on the adjoining A27 is unable to cope with a development of this size. Although potentially being classed as a Settlement Hub in the emerging CDC Local Plan the services available to communities in East Wittering have reduced considerably in recent years and therefore there will also be inadequate services for this development. A more detailed submission will be made when more information is available on the Strategic Flood Risk Assessment of the area.

Food Security - The Parish Council is concerned about the further loss of agricultural land when food security and locally sourced food is becoming much more important to residents. **Increased Recreational Pressure** - The site is located in an area which is heavily designated to protect the flora and fauna of the coast and hinterland. The introduction of significant further numbers of residents using these areas for recreation is not acceptable without proven mitigation measures. The cumulative impacts of these new residents together with all the other new residents need to be fully assessed in terms of local impacts on these important sites. The Parish Council wishes to reserve its right to make further representations as soon as clarification has been sought on the SFRA and any other planning matters.

6.3 Earnley Parish Council

At its meeting on 24th October 2022, Earnley Parish Council reviewed this application and resolved to object on the basis of the impact of additional traffic on the junctions up to and including that with the A27, the burden to the sewage infrastructure, the amenities especially local health services, and loss of agricultural land.

6.4 Selsey Town Council

Selsey Town Council object to this application due to over development on the peninsula. There will be an impact on the local schools and the roads. Selsey Town Council are also unhappy with the sewerage system and request that they would need assurance that Southern Water has resolved issues.

6.5 West Itchenor Parish Council

West Itchenor Parish Council fully supports the objections made to this application from East Wittering and Bracklesham Parish Council.

6.6 Natural England

Comment received 17th November 2022

No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).

Natural England considers that this advice may be used for all applications that fall within the parameters detailed below.

This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Chichester and Langstone Harbour Special Protection Area (SPA). It is anticipated that new residential development within this zone is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development and therefore such development will require an appropriate assessment.

Your authority has measures in place to manage these potential impacts through a strategic solution which we have advised will in our view be reliable and effective in preventing adverse effects on the integrity of the relevant European Site(s) from such impacts associated with such development. The strategic solution may or may not have been adopted within the local plan but must be agreed to by Natural England.

Natural England is of the view that if these measures, including contributions to them, are implemented, they will be effective and reliable in preventing adverse effects on the integrity of the relevant European Site(s) from recreational impacts for the duration of the development proposed within the relevant ZOI.

However, the application of these measures to avoid adverse effects on site integrity from recreational impacts associated with development proposed within the relevant ZOI should be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). In this regard, Natural England notes the People Over Wind Ruling by the Court of Justice of the European Union that mitigation may not be taken into account at screening stage when considering 'likely significant effects', but can be considered at appropriate assessment.

Providing that the appropriate assessment concludes that the measures are secured as planning conditions or obligations by your authority to ensure their strict implementation for the full duration of the development, and providing that there are no other likely significant effects identified (on this or other protected sites) as requiring to be considered by your authority's appropriate assessment, Natural England indicates that it is likely to be satisfied that your appropriate assessments will be able to ascertain that there will be no adverse effect on the integrity of the European Site (from recreational pressure in view of its conservation objectives). Natural England will likely have no further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

Natural England should continue to be consulted on all proposals where provision of site specific SANGS (Suitable Alternative Natural Green Space) or other bespoke mitigation for recreational impacts that falls outside of the strategic solution is included as part of the proposal. We would also strongly recommend that applicants proposing site specific infrastructure including SANGs seek pre application advice from Natural England through its Discretionary Advice Service. If your consultation is regarding bespoke site-specific mitigation, please reconsult Natural England putting 'Bespoke Mitigation' in the email header.

Reserved Matters applications where the outline permission was granted prior to the introduction of the Strategic Solution, should also be subject to the requirements of the Habitats Regulations and our advice above applies.

6.7 Environment Agency

Environment Agency Position

We are pleased to see all properties and infrastructure are proposed within Flood Zone 1.

As the responsible authority for this species, our main concerns are around the water vole population known to be present, and the retention of watercourses across the site. Development that encroaches on watercourses can have a potentially severe impact on their ecological value. A watercourse runs alongside the northern and eastern boundaries of the development site.

Networks of undeveloped buffer zones help wildlife adapt to climate change and will help restore watercourses to a more natural state. The proposed development will therefore only be acceptable if a planning condition is included requiring a scheme to be agreed to protect a 10 metre wide buffer zone around the watercourse.

A condition is recommended to secure a scheme for the provision and management of a 10 metre wide buffer zone alongside the watercourse.

We fully support proposals to retain watercourses, hedge lines and mature trees across the site. Any required vegetation removal should be carried out avoiding the bird nesting season and opportunities should be taken to infill and connect hedgerows within the development footprint. Whilst Suds schemes may add biodiversity benefit to the site this is not their main function and all opportunities for Biodiversity net gain should be taken with regard protected species, not only water voles but also bat species and reptiles which are confirmed present through ecological surveys.

We would expect the production of both an CEMP & LEMP, to be submitted to and approved by the local Planning Authority. These are required for protection of species and habitats during the construction phase and to ensure a long term commitment to future management for the benefit of ecology.

Environmental Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal).
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal).
- on or within 16 metres of a sea defence.
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert.
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

6.8 National Highways

Comment received 13th September 2023

Summary

We have carried out a review of the additional information and our comments are set out in the NHPR attached. Our recommendation is that we request the planning authority does not determine the application (aside from refusal) for a period of 6 months to allow the applicant time to address the outstanding issues raised in the attached NHPR.

Full comment

Since our previous comments dated 18 April 2023, a National Highways Response Note (NHRN) has been prepared by the applicant to address issues raised. Whilst the NHRN address some of the concerns previously raised, there are matters remaining outstanding. National Highways has actively engaged in an attempt to address outstanding comments; however no further information has been provided.

Planning Policy

The TA was required to refer to the most up to date and relevant documents to ensure compliance with the policies contained within. This has been actioned in the NHRN and is accepted.

Personal Injury Accident Data

The PIA data was required to be extended to 5 years pre-pandemic, which has been done. The NHRN identifies no underlying concern on the SRN which would be exacerbated by this development and is therefore accepted.

Trip Generation

Confirmation regarding the flexible use of the site compared to the proposed trip rates was requested, and subsequently the quantum of PM trips for the community centre. It was commented that it seemed unlikely that the community centre would generate zero trips in the evening, and it could be argued that the evening would generate the most trips due to people finishing work and going to attended classes/ courses etc.

However, it was also noted that the availability of TRICS surveys is somewhat lacking. Further narrative was provided stating that the TRICS surveys indicated zero trips in the peak hour, but significantly more in the hours 1800-2000. It was also posited that use of the community centre would more than likely result from local trips, with a negligible number requiring use of the SRN.

Therefore, whilst the provided trip rates are not necessarily agreed, it is agreed that the proposed quantum of trips reaching the SRN is acceptable.

Trip Distribution/ Assignment

The NHRN has provided further clarification and extended the study area as requested.

Committed Development

The NHRN provides confirmation of the acceptance of committed development, including the additional sites included for robustness. This point is therefore accepted.

Assessment Approach

The NHPR states that there is to be no severe impact on any junctions on the SRN, however, this point has not been agreed and remains outstanding.

In general terms, National Highways do not accept percentage impacts as being a reason to say impact is not severe. In the case of Stockbridge roundabout, there is noted as being queuing on the A286 in the AM peak:

This snapshot [map included within comments] indicates queuing of c.900m long which shows congestion. The proposed trip generation and distribution of the proposed development indicates adding 79 cars to this arm of the junction (from Table 4 in the

NHRN, taking those departing towards Stockbridge Roundabout in the AM peak).

Whilst the overall impact in terms of percentages of flow through the junction may be relatively low, this arm in particular does not see those levels of flow and thus the percentage impact is much higher. It is therefore considered that this could have a severe impact on the A286 arm of the junction, other users of Birdham Road, and an increased delay for those travelling west to east on the A27 (by A286 traffic circulating on the roundabout) which would not be acceptable.

As such, further investigative analysis/ modelling should be submitted regarding Stockbridge Roundabout, with the potential requirement for a works package to mitigate the impact of the proposed development.

In terms of Fishbourne Roundabout and Whyke Roundabout, National Highways is content that the impacts are both less and already on the A27 and thus have a reduced impact on junction performance. These two roundabouts would therefore need no further analysis/ modelling.

Recommended Non-Determination

It is recommended that the application should not be determined for a period of 6 months from the date of this response (until 13 March 2024).

Reason: to allow the applicant sufficient time to carry out the required modelling works as mentioned above.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

Comment received 18th April 2023

Summary

Our previous holding response expired on the 17th April 2023. Whilst we continue to work with the applicant to enable them to provide us with the relevant information to be able to form an informed response, we are unable to provide a positive recommendation at this

time. Our formal recommendation is that your Council should not determine this application (other than a refusal) because of the potential for harm to the Strategic Road Network (SRN).

Comment received 17th January 2023

Summary

Our formal recommendation is that your Council should not determine this application (other than a refusal) because of the potential for harm to the SRN.

Comment received 17th October 2022

Summary

National Highways (NH) have been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. NH will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN; in this case, particularly the A27 in the vicinity of Chichester.

The additional evidence has been reviewed by our consultants and our response is based on their advice. NH note that there are a number of matters still requiring further clarification or information in order for NH to be able to assess the implications of the proposal on the SRN.

Until such time as the requirements are fully met, we will not be able to assess whether the proposals comply with national planning and transport policy set out in DfT Circular 02/13 (especially paras 8 to 11) and MHCLG NPPF2021 (especially paras 110 to 113). Therefore, until sufficient information has been provided to enable us to obtain a clear view of the impact of this proposed development on the SRN, our formal recommendation is that your Council should not determine this application (other than a refusal) because of the potential for harm to the strategic road network.

Accordingly, I attach our NHPR response recommending that planning permission should not be granted for a period of 3 months, expiring on 17 January 2023. This is to allow time for the applicant to provide the information as set out in the attached NHPR dated 17 October 2022. This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regard to the required further assessments.

6.9 Active Travel England

No comment to make as its Statutory Consultee remit applies only to qualifying consultations that were made valid by the LPA on or after 1st June 2023. Standing advice note provided.

6.10 Southern Water

The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Please note:

- The 340 mm foul rising main requires a clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the rising main without consent from Southern Water.
- No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul rising main.
- All existing infrastructure should be protected during the course of construction works.

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

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service and please read our New Connections Charging Arrangements documents.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance.

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

Condition recommended to ensure construction of the development does not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

6.11 Portsmouth Water

No concerns regarding impacts to groundwater quality.

6.12 Sussex Police

Residential

The applicant is directed to www.securedbydesign.com where the SBD Homes 2019 Version 2 document can be found.

The orientation of the dwellings will ensure that all publicly accessible areas including the road layout, and communal amenity space benefit from overlooking and good natural surveillance. Parking throughout the development is provided with a mix of garages, driveways, lay-bys, and parking courts with visitor parking distributed across the development.

Where communal parking occurs, it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.

From a crime prevention perspective with regards to the proposed apartments within the development, it will be imperative that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. Trades person or timed-release mechanisms are not advised as they have proven to be the cause of antisocial behaviour and unlawful access to communal developments. For additional information refer to chapter 27 of the SBD Homes Document Version 2 2019.

Additionally, it is recommended the postal arrangements for the apartments are through the wall or externally mounted secure post boxes. The applicant is strongly advised not to consider letter apertures within the apartment front doors. The absence of the letter aperture removes the opportunity for lock manipulation, fishing and arson attack and has the potential to reduce unnecessary access to the block.

With regards to the proposed LEAP/LAPS - areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse. They should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. I would also ask that the play areas are surrounded with fencing and self-closing gates which will provide a dog free environment.

With regards to cycle storage throughout the development - research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. The minimum requirements for such equipment are as follows:

- Galvanised steel bar construction (minimum thickness 3mm), filled with concrete;
- Minimum foundation depth of 300mm with welded 'anchor bar'.

With regards to footpath and cycle route design within the development it is requested that these conform to the requirements as indicated within the SBD Homes 2019 Version 2 document Chapter 8 paragraphs 8.8 - 8.12.

With regards to landscaping - careful selection of plant species is critical in order not to impede natural surveillance and avoid unnecessary high maintenance. Trees on appropriate route stocks can provide a more reliable means of reducing the likelihood of reducing natural surveillance.

Trees may restrict the performance of street lighting or cause damage by collision with branches and should not be located within 5 metres of a light source. Account must be taken of the effects of seasonal variations. As a general recommendation, where good visibility is needed shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage or lower branches below 2 metres which allows 1 metre field of view between them.

Finally, lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

Stubcroft Business Hub/Community Building

The applicant is directed to the website www.securedbydesign.com where the Secured by Design (SBD) Commercial Development 2015 Version 2 document can be found. Advice is also provided regarding CCTV.

The installation of an intruder alarm is a matter for the specifier, but consideration should be given to the installation of an intruder alarm as required by the eventual commercial tenants.

The applicant may wish to consider applying for a Parkmark accreditation for the car parking area. Parkmark and the Safer Parking Scheme is owned by Police Crime Prevention Initiatives Ltd on behalf of the police service and managed by the British Parking Association. It is aimed at reducing both crime and the fear of crime in parking facilities. Details can be found at www.parkmark.com.

Finally, lighting throughout this area of the development will be an important consideration and where it is implemented it should conform to the recommendations within BS5489-1:2020.

6.13 Scottish and Southern Electricity Networks

Comment received 19th October 2022

SSEN have no objection to the planning application, however, please obtain approximate plans of out cables from www.isbud.co.uk to check for any assets.

Comment received 28th September 2022

SEEN have no objection to the works however there are live cables that cross the proposed entrance to the site. If the ground levels are to be altered the cables will need to be dropped to allow for the driveway. Please contact our connections team to raise a job to have the cables lowered. Connections@sse.co.uk

6.14 WSCC Education

The 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. For the avoidance of doubt, Education covers all children from 0-18 and up to 25 for SEND pupils.

6.15 WSCC Lead Local Flood Authority

Comment received 22nd August 2023

We object to this planning application in the absence of an acceptable Flood Risk Assessment (FRA) & Drainage Strategy relating to:

- The application is not in accordance with NPPF paragraph 167 or 169, PPG Flood Risk and Coastal Change or Policy 42 in the Chichester Local Plan: Key Policies 2014-2029.
- We would suggest the LPA advises the applicant to complete the Sequential/Exception test with particular consideration to future flood risk, based on information in the Chichester Strategic Flood Risk Assessment.

We will consider reviewing this objection if the issues as highlighted in the Technical Response document are adequately addressed. No further information was submitted following our previous objection in November 2022.

Reason

To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

For further advice on what we expect to be contained within the FRA to support a planning application, please refer to our West Sussex LLFA Policy for the Management of Surface Water on our surface water drainage webpage.

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Chichester District Council on behalf of WSCC. It is advised to discuss proposals for any works at an early stage of proposals.

Comment received 18th November 2022

West Sussex LLFA has two principal concerns in relation to the proposed site:

- The ability to accommodate the 5,511 m³ attenuation storage on site (based on the full application for the whole site 22/02214/FULEIA), given the high groundwater levels known to exist in the area;
- The ability to effectively discharge from this site throughout the lifetime of development without further knowledge of the possible effects of tide-locking both related to the discharge to Hale Farm Ditch and, in turn, the extent to which Hale Farm Ditch may be tide-locked (dependent upon the invert level of its outfall to the sea) that in turn will create tide-locking within the ditch.

The LLFA's groundwater mapping, for all bar the most northern part of the site, shows 1% annual exceedance probability (AEP) groundwater levels to be between 0.025m and 0.5m from the surface. This evidence of high groundwater levels is also further underpinned by the groundwater monitoring data provided: . . .in Winter 2019/2020 and 2020/2021, groundwater was consistently recorded less than 1m bgl, reaching 0.43m bgl in BH2 at its height (paragraph 3.1.8 of Reference B).

Reference B acknowledges: *'At detailed design stage, any basin that is designed with a base level below the maximum winter groundwater level in that location will need to ensure the design has suitable lining to prevent the ingress of groundwater into the SuDS feature, reducing its overall capacity to store runoff. Furthermore, any lining will require suitable anchoring and calculations to demonstrate stability to avoid floatation from the hydrostatic uplift caused by the groundwater table.'* Based upon review of LiDAR data, ground levels range between about 4.7m and 5.4m above Ordnance Datum in the areas where the detention basins are proposed. Given the proximity to the coast, there is a strong possibility that these groundwater levels may be tidally influenced and, therefore, will increase in elevation with sea-level-rise throughout the lifetime of the development. At the very least, further evidence of the design of structures envisaged to provide the requisite attenuation storage, taking into consideration predicted groundwater levels over the lifetime of the development is appropriate. Furthermore, the applicant should assess whether the proposed structures could displace (and therefore elevate) existing groundwater levels.

In addition, to robustly demonstrate that this site can be effectively drained over the lifetime of the development, the applicant needs to establish the extent to which the Hale Farm Ditch is predicted to be tide locked over the lifetime of the development and therefore the extent to which the discharge from the site is likely to be tide-locked. Modelled simulation for the drainage should reflect the predicted duration and implications of a surcharged outfall for the lifetime of the development.

Recommendation

For the reasons given in Section 2, the LLFA recommends approval be withheld for this application, given the inadequacy of evidence to demonstrate that the site can be effectively drained for the lifetime of the development and that flood risk has been adequately assessed and minimised.

6.16 WSSC Highways

Comment received 5th September 2023

Background

WSSC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and accessibility considerations for the proposals. The transport aspects of this application are supported by way of a Transport Assessment (TA) which provides a number of areas of supporting information including a Stage 1 Road Safety Audit (RSA), Capacity testing via the Trip Rate Information Computer System (TRICS) database and capacity testing via Junctions 9 software. The TA has been compiled using pre-application advice undertaken with the LHA. This application proposes the development of 280 residential units and up to 1,860sqm of employment use. In addition to this, the development proposes several community facilities including an allotment, activity area and school ecology area. The LHA previously undertook a site visit on the morning of the 18th October 2022 following the original consultation request.

A further response was sent on the 21st June 2023 where 4 areas of additional information were assessed. The LHA has had further discussions with the applicant in August 2023 on the points stated below. In addition to the earlier areas of additional information, the LHA has identified that some of the Junction Modelling agreed in the 2021 pre-application request would require some additional testing.

Pedestrian Improvements - No further comments following our response from the 21st

June 2023. The LHA understand the applicant was going to consider the feasibility of pedestrian improvements further but at the time of writing the LHA has not received any further information on this point or a commitment from the applicant to provide pedestrian improvements in the form of dropped kerb/tactile paving and crossing points on Church Road/Piggery Hall Lane.

Travel Plan - The applicant has confirmed that the TP will be updated with TRICS SAM surveys. As with the above the LHA has not viewed a revised TP at this stage.

A286/B2206 Highway Contribution - The LHA would accept the applicant's justification methodology for calculating the contributions. It has been confirmed that Project IBP/349 of the Chichester District Council infrastructure Business Plan CIL Spending Plan (<https://www.chichester.gov.uk/article/29784/Infrastructure-Business-Plan-including-CIL-Spending-Plan>) is the correct figure and this is £600,000 as opposed to the £377,500 quoted within the original TA. At this stage a cost breakdown of the site's contribution has not yet been submitted by the applicant and agreed with the LHA.

Revised Junction Modelling- Following the pre-app advice, provided by WSCC, in April 2021 subsequent sites have either been submitted or granted planning consent. For example, the Clappers Lane site (20/03125/OUT) was subsequently allowed at appeal and planning permission granted on 19th August 2022, prior to the submission of 22/02214/FULEIA and therefore would now be classed as a committed development.

The pre-app for planning application 22/02214/FULEIA was held over a year before the application was submitted in late August 2022. Between the pre-app request and the submission and determination of this planning application circumstances have changed with additional committed developments and therefore it is only right and reasonable that these are taken into account. All relevant committed development sites should be included within the assessment of the transport impacts so that the Highway Authority can fully understand the likely cumulative highway implications of the proposed development.

Also now requiring consideration is the Main Road, Birdham application 23/01497 which is a re-submission of 21/01830 which is currently at Planning Appeal. Therefore, at the exact moment in time the earlier application (21/01830) is not a committed development but will be soon if it's approved at appeal, therefore the LHA would consider that this should be taken into account.

It should be noted that not all junction modelling would need to be revisited. Rather, only the junctions that are impacted by the additional committed developments would have to be reviewed. Therefore, the LHA are of the view that the cumulative impact of the development needs further assessment.

Conclusion

Given the lack of information available at this time the LHA would not be in a position to support the proposals at this stage. Therefore, the following reasons for Refusal should be applied:

- It has not been demonstrated that safe and suitable access onto the highway to the site can be achieved for pedestrians and cyclists, nor that the opportunities for sustainable access has been taken up in accordance with paragraph 110 of the National Planning Policy Framework and contrary to policies 8 Transport and Accessibility and 39 Transport, Accessibility and Parking of the Chichester District Council Local Plan.
- It has not been demonstrated that the cumulative impact of the development would have a 'severe' impact on the adjoining highway network contrary to paragraph 111 of the National Planning Policy Framework (NPPF) and policy 39 Transport, Accessibility and Parking of the Chichester District Council Local Plan.

Comment received 21st June 2023

Background

WSCC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and accessibility considerations for the proposals. The transport aspects of this application are supported by way of a Transport Assessment (TA) which provides a number of areas of supporting information including a Stage 1 Road Safety Audit (RSA), Capacity testing via the Trip Rate Information Computer

System (TRICS) database and capacity testing via Junctions 9 software. The TA has been compiled using pre-application advice undertaken with the LHA. This application proposes the development of 280 residential units and up to 1,860sqm of employment use. In addition to this, the development proposes several community facilities including an allotment, activity area and school ecology area. The LHA previously undertook a site visit on the morning of the 18th October 2022 following the original consultation request.

Following the LHA's response from the 7th November 2022 the LHA requested further consideration on the following matters:

- Speed survey is undertaken again to ensure no significant changes have taken place in speeds since 2016.
- Confirmation from the applicant on the likely contribution being put forward as part of the mitigation works on the A286/B2206.
- Explore pedestrian improvements on the nearby road network in lieu of the proposed Gateway Works.
- Some further consideration to the TP comments as outlined above in the response.

The applicant has provided a further Technical Note (TN) to address the points raised by the LHA.

Speed Survey -Two speed surveys have been undertaken in February and March 2023 respectively. In summary both speeds surveys are comparable to the 2016 surveys. The LHA would be satisfied with the speeds and achievable visibility splays as outlined within the TN.

A286/B2206 Highway Contribution -The LHA would accept the applicant's justification methodology for calculating the contributions. Having spoken to internal colleagues a question is raised of the source of the £377,500 as quoted within the TN. We would seek

clarification which document this figure was obtained from.

Pedestrian Improvements - The LHA has reviewed the TN's comments and still holds the views that pedestrian infrastructure should be improved as a result of this application. Therefore, it is still considered that the opportunity to provide a pedestrian refuge should be further explored, given the existing bellmouth's width, close proximity to the site and connectivity to the exiting footway to the north. In addition some further improvements to the north towards Piggery Hall Lane should be implemented. This should include improvements to the existing infrastructure in the form of crossing points with tactile paving. Paragraph 110 of the National Planning Policy Framework (NPPF) states that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; and safe and suitable access to the site can be achieved for all users". Both of these paragraphs are deemed relevant in this context.

Further to the north the 'Furzfield' bus stops provided a stop for the 5 day 614 service which links to Selsey in both directions, it is considered that residents and employees at the site would be likely to utilise this facility if they wished to travel to Selsey which has additional retail and employment opportunities over the centre of East Wittering to the

south of the site. It is also the nearest bus stop to the site. The Highway Authority are therefore of the view that a safe and accessible walking route for all, irrespective of a persons level of mobility should be provided along this route.

It is considered the two requests meet the tests of Section 122 of Community Infrastructure Levy (CIL) regs in that they are:

(a) necessary to make the development acceptable in planning terms;- Policy 8 (Transport & Accessibility) of the Chichester Local Plan states that the Council will work with developers, "... to improve accessibility to key services and facilities and to ensure that new facilities are readily accessible by sustainable modes of travel." This request is clearly related in planning terms to the development and is considered necessary to ensure that the sites is accessible, via foot, to nearby facilities including the nearest bus stop and other neighbouring properties.

(b) directly related to the development; and – as above this request is clearly related to the impact of the development and is necessary to ensure the site and it's nearby facilities and infrastructure, are accessible by all, including those with a mobility issue or visual impairment.

(c) fairly and reasonably related in scale and kind to the development. – the works are relatively minor in terms of the nature of the works and the proposed financial costs. Given, the scale of development, 280 units, the proposed works are considered to be related in scale and kind to the development and its transport impact.

In light of the above the Highway Authority would look for the applicant to implement the following via a Section 278 agreement:

- Explore the potential for a pedestrian refuge at the junction of Church Farm Lane.
- Provide tactile paving at the junction of Church Farm Lane.

- Provide dropped kerb and tactile paving crossing point of Church Road, where the two footpaths currently meet.
- Undertake any necessary widening works to the footpath, where Church Road bends and turns into Piggery Hall Lane.
- Provide dropped kerb and tactile paving crossing point of Piggery Hall Lane where the footpaths meet.

Travel Plan - The only outstanding matter on the Travel Plan remains the requirement to undertake a TRICS SAM compliant surveys as part of the monitoring. The TN states that the applicant is happy to undertake such monitoring, but given the site is a mixed use development with one access and multiple land uses it is not apparent how the differentiation between the land uses would be made. The LHA would prefer if SAM surveys were undertaken. It's the overall trip rate for the site that is important in this instance as the residential element will generate most trips. In any event, TRICS may/should be able to attribute trips to the different elements. The applicant would need to discuss that with TRICS when they commission the survey (TRICS will do a site visit).

Conclusion

The LHA has reviewed the additional information provided by the applicant's TN. As outlined above there are some areas of additional information and consideration that we would still require.

Comment received 7th November 2022

Background

WSSC in its role of Local Highway Authority (LHA) has been consulted on the above proposals for highway safety, capacity and accessibility considerations for the proposals. The transport aspects of this application are supported by way of a Transport Assessment (TA) which provides a number of areas of supporting information including a Stage 1 Road Safety Audit (RSA), Capacity testing via the Trip Rate Information Computer System (TRICS) database and capacity testing via Junctions 9 software. The TA has been compiled using pre-application advice undertaken with the LHA.

This application proposes the development of 280 residential units and up to 1,860sqm of employment use. In addition to this, the development proposes several community facilities including an allotment, activity area and school ecology area. The LHA undertook a site visit on the morning of the 18th October 2022.

It should be noted another live planning application is being considered under 22/02235 for sheltered living accommodation at the site. This application will be considered within a separate LHA response and will follow in due course.

Access and Visibility

The site proposes a single means of access onto Church Road. The site access would form a bellmouth arrangement with dimensions of 7.5m wide with 12m radii. In accordance with MfS guidance, the site access is of sufficient width to allow two large vehicles to pass. The width of the access road would then reduce to 6.5m approximately 20m into the site to the east. Drawing 041.0033.001 Rev E has been submitted within the appendices of the TA and this demonstrates that the access works for a refuse vehicle and a rigid truck.

The LHA would advise that for completeness the speed surveys used within the TA are reproduced with more up to date information. Speed surveys were completed on Church Road in 2016 in the vicinity of the proposed access location. This survey confirmed 85th percentile speeds of 38.3mph and therefore visibility has been measured to 2.4m x 96.4m in both directions, these splays would be in accordance with Manual for Streets (MfS) parameters. Whilst the visibility shown on the drawings within the TA is considered sufficient the LHA would request that the surveys are undertaken again to ensure the speeds recorded are broadly in line from the surveys over 5 years ago.

In terms of pedestrian and cycle access, a 2m wide pedestrian footway is provided on the northern side of the access road with a 3m wide footway/cycleway provided on the southern side. The proposed footway and footway/cycleway would provide a connection onto the existing footway on Church Road and would be separated from the carriageway by a verge. The application will see dropped kerbs and tactile paving will also be provided

across the site access to ensure the safe and accessible passage of pedestrians when travelling north/south on Church Road.

Stage 1 Road Safety Audit

In accordance with the adopted WSCC 'Road Safety Audit Policy', a Stage 1 RSA has been undertaken in accordance with the GG119 governance document by an independent Audit. A Design Team response to the RSA has also been prepared to cover all areas for the problems raised. All matters raised in the RSA have been addressed in accordance with the Auditor recommendations and there are no outstanding matters raised through the audit process.

Gateway Feature and Crossing Point

The applicant has had liaison with local residents, these include upgrades to the existing gateway feature and pedestrian crossing point on Church Road (for Sandpipers Walk). The LHA would support the proposed crossing point concurring with the TA that it will aid accessibility in the immediate vicinity.

Within the TA details are provided on how the proposed improvements could be formed. These include 'Dragons Teeth' road markings and red surfaced 30 mph markings at the gateway feature. Drawing 041.0033.010 rev B within the appendices of the TA provides clarity on the proposals. The LHA has undertaken dialogue with our Road Safety Team and it is deemed that the proposals for red 30 mph repeater lining is not required as the average speeds recorded are not considered a speeding issue. The 'Dragons Teeth' markings are not a mitigation that WSCC as LHA support currently county wide and thus would not be required. Whilst it is acknowledged that the LHA has requested that the Speed Surveys from 2016 are carried out again we will re-visit this position again once we have the revised data. However based on the current readings in the TA we would not see a requirement for the features outlined.

Improvements to Pedestrian Infrastructure

It is advised in lieu of the Gateway Improvements outlined within the TA and commented on above that the applicant investigates the possibility of providing some additional improvements to Church Farm Lane junction. It is advised that a pedestrian refuge island is investigated to aid pedestrian movements across this junction. We acknowledge that the East Wittering Business Centre is in close proximity of this junction which will attract some HGV traffic. It is therefore advised that swept path diagrams are produced to demonstrate that manoeuvres for HGVs are able to be accommodated with improvements outlined. In addition some further improvements to the north towards Piggery Hall Lane should be considered. This should include improvements to the existing infrastructure in the form of re-surfacing or crossing points in the form of tactile paving.

Capacity

Traffic flow information has been provided with the current application within the TA, this has been provided by the applicant on what vehicular activity currently exists at the site. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably

located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. Using this data, it is evident that the proposed development in total is anticipated to generate 183 trips in the AM peak, 169 trips in the PM peak and 1,563 trips over a 12 hour period.

As agreed with the LHA at the pre-application stage, a number of local junctions have been subject to junction capacity assessments. The results of these assessments are within Sections 7,8,9 and 10 of the TA. In summary these indicate that local junctions would continue to operate within capacity, with the exception of the A286/B2201 Mini Roundabout. It has been confirmed within the TA that the proposed development would contribute towards the mitigation scheme identified within the Chichester Infrastructure Delivery Plan (CIDP). The LHA would request confirmation from the applicant on the likely size of the contribution that the applicant is to put forward.

Two sensitivity assessments have also been undertaken at local junctions these were also agreed at the pre-application stage with the LHA. The developments included within these assessments include the recently consented Land West of Church Lane development and the Land South of Clappers Lane application which has been granted consent at Planning Appeal, both of which were not objected to by the LHA. The second takes into consideration the impact of the development in the summer months when traffic volumes increase due to an increase in visitors to the local area. Both sensitivity assessments conclude that the majority of local junctions would still operate within capacity apart from the A286/B2201 Mini Roundabout. It is anticipated that the impact of the A286/B2201 Mini Roundabout during these periods are aided through the delivery of mitigation at this junction.

Sustainability and Accessibility

The TA considers matters of sustainability in the immediate vicinity of the site. The site has bus stops in close proximity located on Stocks Lane. The eastbound stop comprises a flagpole, timetable and layby while the westbound stop comprises a flag pole only. Further bus stops are available within the Village Centre. The bus services link to Chichester city including stops at secondary schools.

From Chichester Railway Station rail services run north to London east to Brighton and west to Portsmouth and Southampton. There are 2 trains per hour (tph) to London Victoria via Horsham, 2 tph to Brighton via Worthing, 1 tph to Littlehampton, 2 tph to Southampton Central and 3 trains per hour to Portsmouth and Southsea of which 2 continue to Portsmouth Harbour.

There are footways on the eastern side of Church Road which provide potential access from the site towards East Wittering village centre and associated facilities. At Stocks Lane to the south a pedestrian island with dropped kerbs is provided for pedestrians and similarly across Cakeham Road a pedestrian island, dropped kerbs and tactile pavement are provided to stores on the southern side of Cakeham Road.

The majority of the roads in the immediate locality of the site are lightly trafficked and considered generally suitable for cycling. The national cycle network can be accessed to the west of the site in the centre of West Wittering on Rockwood Road leading north towards Chichester where it connects to National Cycle Route 2 for cycle route east and west.

The site is located within walking distance of East Wittering village centre, which is based around Cakeham Road, Oakfield Road and Shore Road. Within the village centre there is a range of key facilities and amenities including two food stores, pharmacy and health centre, bank, butchers and a range of small independent retailers and local employers. There are also a number of public houses and restaurants located within the village centre and towards the beach.

The applicant has included a Travel Plan (TP) with the proposals, this has been assessed by the LHA's Travel Plan Officer. The following comments would be offered:

- We require the site to achieve a 12-hour weekday vehicle trip rate that is 10% lower than was predicted in the accompanying Transport Assessment.
- We require TRICS SAM surveys to be undertaken in years 1, 3, and 5 as the target and monitoring should cover the employment aspect of the development as well as the residential element. SAM surveys should be supplemented with informal monitoring in years 2 and 4 and these should help to establish the impact of each element on the overall trip rate.
- The TP needs to demonstrate a stronger commitment to the provision of a second round of £150 travel vouchers in the event the 5-year trip rate target is not achieved (sections 8.19 - 8.21).
- Car Clubs can be very effective in reducing car ownership thereby encouraging use of non-car modes for local journeys whilst enabling access to vehicles for essential/longer journeys. Although the number of residential units is probably at the lower end in terms of being able to support a Car Club in isolation, the mixed use nature of the site and the presence of existing residential developments in the locality should mean that a small car club would be viable here. Is there scope to require the applicant to provide 1 or 2 vehicles and spaces at this site?

Parking and Layout

For the residential element it has been demonstrated in the TA that the site's internal carriageway geometries can accommodate access and turning manoeuvres by large refuse vehicles. Bin carry distances for residents and collectors are in line with the maximum thresholds set out in MfS guidance. The main spine road will be designed with a 2m wide footway on one side of the road and a 3m wide footway/cycleway on the other, while secondary roads will see a 2m wide footway on at least one side of the road. In line with MfS parameters, tertiary routes and cul-de-sacs would operate as shared surfaces. This is considered sufficient as these roads are likely to have less than 100 movements per hour.

The TA confirms that the internal site layout will be in accordance with local aspirations for a footway/cycleway link to Downview public open space. The site layout has been developed with this aspiration in mind and proposes a 3m footway/cycleway connection through the site that connects Wessex Avenue to Church Road both via a formal footway/cycleway and with connection also provided to Church Farm Road for cyclists via on-road cycling. To allow for future connections to be provided to the east, towards Bracklesham, a 3m wide footway cycleway is proposed the north of Plot 160 this is shown within Appendix A of the TA.

The employment part of the site is located in the northern corner, approximately 260m from the main site access onto Church Road. Access to the employment area is via the main internal spine road which measures 6 - 6.5m in width. Swept path diagrams have been provided which demonstrate that turning can take place within the parking areas these are included in Appendix J of the TA.

Visibility at the employment access would need to accord with an internal design speed of 20mph and subsequently demonstrate 2.4m x 25m. The LHA would accept these splays and concur that these are a reflection of the likely vehicle speeds internally. A visibility splay assessment has been undertaken and is included in Appendix J. A 2m wide footway has been provided both sides of the access providing connections between the employment aspect and the wider site to the east and onto Church Farm Lane to the west. The location of the footway is demonstrated on the site layout included in Appendix A of the TA.

Vehicle parking for the residential units would be provided through a mixture of allocated spaces, visitor/unallocated spaces, garages and driveways. The TA has uses the LHA's residential parking standards calculator with the site providing a total of 614 allocated spaces and 92 visitor/unallocated spaces, equating to a total provision of 706 spaces. Whilst this is below the requirement there is flexibility of 10% within the LHA's parking parameters that is allowed for which the LHA would support.

Conclusion

Having assessed the content within the TA the LHA would request the following:

- Speed survey is undertaken again to ensure no significant changes have taken place in speeds since 2016.
- Confirmation from the applicant on the likely contribution being put forward as part of the mitigation works on the A286/B2206.
- Explore pedestrian improvements on the nearby road network in lieu of the proposed Gateway Works.
- Some further consideration to the TP comments as outlined above in the response.

6.17 West Sussex Fire and Rescue Service

No objection, subject to the requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150m of a fire hydrant for the supply of water for firefighting. Evidence will also be required that Fire Service vehicle access meets with the requirements identified in Approved Document B Volume 1 2019 Edition: B5 Section 13, including Table 13.1 and diagram 13.1.

6.18 WSCC Minerals and Waste

The application site in question does not meet the criteria for consulting WSCC as set out in the Minerals and Waste Guidance therefore, the minerals and waste authority offer a no comment to the proposed development.

6.19 WSSC PRoW Officer

I note Public Rights of Way (PRoW) are shown correctly on the plans and there are no planned diversions or extinguishments. No PRoW fall within the developer's control. Footpath 3 borders the north-west corner of the site and is the only PRoW the site has direct access to but this section is also a Highway maintainable D class road. On this basis, I have no objection to the development.

6.20 Chichester Harbour Conservancy

No comment

The location lies outside and beyond the AONB designated national landscape boundary. No comment is offered due to the physical distance and visual separation of the site from the AONB taking into account intervening structures, natural landscaping and the land contours, all of which result in the proposal having a lack of visual impact on the character and appearance of the AONB.

6.21 CDC Archaeology Officer

The Council's Archaeology Officer agrees with the results and conclusions of the desk based assessment supplied with the application (i.e. that the sites archaeological potential is unlikely to be such that development should be precluded but that this should be confirmed by field evaluation prior to development in order that the significance of anything of interest that it might contain can be properly preserved). A condition is recommended to secure a written scheme of archaeological investigation of the site.

6.22 CDC Economic Development Service

For the following reasons the Economic Development Service does not support the two applications.

- The site is currently in use as arable farmland which is a fully commercial use.
- The north of the site is adjacent to the industrial estate known as the East Wittering Business Centre, Hilton Park (the "Industrial Estate"). The Noise Impact Assessment (the "Assessment") states that the north of the site is subject to noise from the Industrial Estate. The Assessment therefore makes recommendations as to the window and ventilation requirements in the residential dwellings for their habitable rooms to be provided with an, "appropriate acoustic environment." However, we note that the Assessment states that the noise survey was carried out during the third national lockdown due to the Covid-19 pandemic. Although many businesses were able to operate during the third lockdown there were some restrictions on movement. There is therefore a risk that, now lockdown restrictions have ended, noise from the industrial estate may be louder than at the time of the Assessment and this could lead to inhabitants of the proposed new residential dwellings complaining about noise from the industrial estate which could potentially result in restrictions being placed on the companies operating at the estate which could adversely impact their business.

Regarding the above bullet point, should the use of the land be permitted to change to residential, we would draw attention to NPPF, 2021 paragraph 187. The applicant should

ensure that the residential, "development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".

A nearby campsite have informed us that on several occasions this summer the water pressure on the campsite was extremely low. There is a risk that the erection of the 280 residential dwellings and sheltered living accommodation on the site proposed under these two planning applications could further reduce the water pressure at the campsite and this could negatively impact this business. We view the campsite as a high-quality tourism facility which provides a positive contribution to the tourist offering in the Chichester District.

6.23 CDC Environmental Strategy Unit

Further comment received 4th September 2023

Updated comments following the submission of the updated layout plan and the re-categorisation of the site as a secondary habitat within the Solent Waders and Breen Geese Strategy.

Solent Waders and Brent Geese

Due to the site being identified as functionary linked secondary habitat within Solent Waders and Brent Geese Strategy (30/11/2022) we require that a mitigation strategy is created based on this. Currently without mitigation the HRA will determine there would be likely significant effect from the proposal.

Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used. We require that provision is provided onsite for dog walking in the form of a circular walk within the site, please can this be reflected within the landscaping plan.

Bats

The hedgerows, woodland and site boundaries on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (10m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Due to the clearance of boundary habitat along the western boundary of the site it has been recommended to compensate for the loss the retained boundary habitats are enhanced through infill planting of native species. We require that this is incorporated into the landscaping plans and a management plan is put in place to ensure these areas are maintained and protected.

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

Water voles

As detailed within the Water Vole Survey (June 2022) due to the presence of water voles onsite a large buffer has been proposed within the open space with a minimum of 59m between the ditch and any development. A further minimum 8m buffer is proposed between the bank and any construction work within the open space (including laying footpaths). We are concerned that this is below our recommended 10m buffer, please could this be altered to allow a 10m buffer for any paths.

As detailed within the Water Vole survey (June 2022) we will require that a CEMP is produced for the ditch so controls are put in place to ensure no pollutants and sediments are able to enter the water course. This may be in the form of an earth bund set back from the buffer strip to reduce direct run-off and sedimentation. We require that this CEMP is submitted as part of this application.

Reptiles

Due to the presence of reptiles within the field margins we require that a mitigation strategy is produced for the site. Though some information has been included within the Reptile Survey Report (June 2022) there is not enough information for us to be able to determine the mitigation strategy is suitable and we feel that for a site of this size a destructive search methodology would not be sufficient. We require that a full mitigation strategy is submitted and will need to include details of reptile fencing (including maps), translocation methods, the translocation site / enhancements and the timings of the works. The mitigation strategy will need to be submitted with this application prior to determination.

Badgers

Prior to start on site a badger survey should be undertaken 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.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Nesting Birds

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

Enhancements

Biodiversity Net Gain needs to be considered as part of the application prior to determination. The applicant will need to provide details of how biodiversity net gain will be achieved including submission of the biodiversity matrix. Example of enhancements we would be expecting to see include.

- Any trees removed should be replaced at a ratio of 2:1.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.
- Bird box to be installed on the buildings / and or tree within the garden of the property.
- Grassland areas managed to benefit reptiles.
- Log piles onsite.
- Gaps included at the bottom of the fences to allow movement of small mammals across the site.
- Hedgehog nesting boxes included on the site.

Sustainable Design and Construction

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will;

- Protect and enhance the environment.
- Achieve a maximum consumption of 110l of water per day per person.
- Complies with building for life standards or equivalent replacement.
- Sustainable design including the use of re-used or recycled materials.
- Minimise energy consumption through renewable resources.
- Adapt to climate change.
- Historic and built environment protected and enhanced.
- Improvements to biodiversity and green infrastructure.
- Maintain tranquillity and local character.
- Provision of electric vehicle charging points.

Further comment received 21st November 2022

Over wintering birds

Due to the sites being categorised as a candidate site within the Solent Waders and Brent Geese Strategy consideration will need to be given within the HRA for this. This has been assessed within the Over Wintering Bird Survey (June 2022) and following four years of survey effort it has been concluded within section 5.1 of the report that the site does not provide functionally linked habitat for SPA qualifying species.

Original comment received 13th October 2022

Recreational Disturbance

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used. We require that provision is provided onsite for dog walking in the form of a circular walk within the site, please can this be reflected within the landscaping plan.

Bats

The hedgerows, woodland and site boundaries on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (10m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

Due to the clearance of boundary habitat along the western boundary of the site it has been recommended to compensate for the loss the retained boundary habitats are enhanced through infill planting of native species. We require that this is incorporated into the landscaping plans and a management plan is put in place to ensure these areas are maintained and protected.

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

use of directional light sources and shielding.

Water voles

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As detailed within the Water Vole survey (June 2022) we will require that a CEMP is produced for the ditch so controls are put in place to ensure no pollutants and sediments are able to enter the water course. This may be in the form of an earth bund set back from the buffer strip to reduce direct run-off and sedimentation. We require that this CEMP is submitted as part of this application.

Reptiles

Due to the presence of reptiles within the field margins we require that a mitigation strategy is produced for the site. Though some information has been included within the Reptile Survey Report (June 2022) there is not enough information for us to be able to determine the mitigation strategy is suitable and we feel that for a site of this size a destructive search methodology would not be sufficient. We require that a full mitigation strategy is submitted and will need to include details of reptile fencing (including maps), translocation methods, the translocation site / enhancements and the timings of the works. The mitigation strategy will need to be submitted with this application prior to determination.

Badgers

Prior to start on site a badger survey should be undertaken 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.

Hedgehogs

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid-October to mid-March inclusive. The piles must undergo soft demolition.

Nesting Birds

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

Enhancements

Biodiversity Net Gain needs to be considered as part of the application prior to determination. The applicant will need to provide details of how biodiversity net gain will be achieved including submission of the biodiversity matrix. Example of enhancements we would be expecting to see include:

- Any trees removed should be replaced at a ratio of 2:1.
- Wildflower meadow planting used.
- Filling any gaps in tree lines or hedgerows with native species.
- Bat bricks / tiles are integrated into the buildings onsite facing south/south westerly positioned 3-5m above ground.

- Bird box to be installed on the buildings / and or tree within the garden of the property.
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Gaps included at the bottom of the fences to allow movement of small mammals across the site.
- Hedgehog nesting boxes included on the site.

Sustainable Design and Construction

Due to the requirements within Local Plan Policy 40: Sustainable Construction and Design, we require that a sustainability statement is submitted for this proposal. The statement will need to demonstrate how the requirements of policy 40 will be met. This includes how the site will:

- The site is currently in use as arable farmland which is a fully commercial use.
- Protect and enhance the environment.
- Achieve a maximum consumption of 110l of water per day per person complies with building for life standards or equivalent replacement.
- Sustainable design including the use of re-used or recycled materials.
- Minimise energy consumption through renewable resources.
- Adapt to climate change.
- Historic and built environment protected and enhanced.
- Improvements to biodiversity and green infrastructure.
- Maintain tranquillity and local character.
- Provision of electric vehicle charging points.

6.24 CDC Drainage Officer

Flood Risk

The majority of the site falls within flood zone 1 (low risk), there are some small areas of flood zone 2/3, which are associated with the main river which abuts the eastern boundary of the proposal. All areas of increased risk are shown to be open space, so subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage

The proposal is a restricted discharge to a watercourse (Main River), with surface water up to a 1 in 100year event + CC attenuated in open basins.

The applicant has undertaken groundwater monitoring which has shown groundwater to come very close to the surface (<0.15m BGL). These results mean that infiltration to ground is not going to be viable. Therefore the proposed approach (restricted discharge to an adjacent watercourse) is acceptable in principle (is in accordance with SuDS Hierarchy).

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

The site abuts a "main river" on its eastern edge, and we would recommend the EA are consulted to ensure suitable access for future maintenance is retained. There is also an ordinary watercourse which crosses the site (west-east). Flow within this watercourse must be maintained during, and post construction and a 3m buffer should be retained from the top of each bank to facilitate future maintenance.

Please add an advisory that "formal consent will be required from the Lead Local Flood Authority (WSSCC) or its agent (CDC) for the discharge of any flows to ordinary watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site."

We are satisfied that the applicant has demonstrated that the site should be able to be suitably drained. Therefore, if you are minded to approve the application we recommend the following conditions to ensure the site is adequately drained now, and for the lifetime of the development:

- Full details of the proposed surface water drainage scheme.
- Full details of the maintenance and management of the SuDS.
- Surface Water Drainage Proposal Checklist (Informative).

6.25 CDC Environmental Protection Officer

Comments received on 15th September 2023

Noise

Please accept these comments as a continued consultation response regarding the above application.

Consideration has been given to 24 Acoustics "Response to EHO Comments on Noise" (Ref: R9004-3 Rev 0, 7th June 2023). Our department is not supportive of the proposed plans. It is considered that better use of Good Acoustic Design should be used to ensure that windows do not have to be closed to attain adequate internal noise levels, as recommend in 8233:2014 "Guidance on sound insulation and noise reduction for buildings".

Reference is made to 24 Acoustics "Response to EHO Comments on Noise" (Ref: R9004-3 Rev 0, 7th June 2023). The following responses are offered:

1. The reason it was believed that the noise survey took place during the third national lockdown is that it is stated in Section 4.6 of Noise Impact Assessment (R9004-1 Rev 4, 4th August 2022) that "The survey was carried out during the third national lockdown due to the Covid-19 virus pandemic, with significant restrictions to movement but many businesses were still able to operate, with schools open". The timeline for lockdown restrictions that has subsequently been provided, is noted.
2. For the record our department does not misunderstand the Agents of Change Principle (Para. 187 (NPPF,2021), recently revised 5th September 2023). It is understood that the agent of change principle is applied where there is the risk of significant adverse effect. The point being made was that it was considered that it had not been adequately demonstrated that a significant adverse noise impact would be avoided. An indicative assessment of noise impact, in accordance with BS

4142:2014+A1:2019 for a HGV movement has subsequently been provided, that offers some reassurance, however a single HGV movement does not represent all potential commercial activities.

3. It is stated in the 24 Acoustics response that “As stressed above it will not be necessary for windows to be closed to achieve an adequate internal acoustic environment this will be at the residents’ discretion”. When looking to Table 1 Noise Impact Assessment (R9004-1 Rev 4, 4th August 2022, it indicates that windows shall have to be closed to Zone 1. Table 1 describes ambient noise levels at the west of the proposed development site as 57 dB LAeq, 16 hour during the day and 49 dB LAeq, 8 hour/ 70 dB LAm_{ax,F} at night. When windows are open for ventilation purposes internal noise levels can expect to be around 15 dB lower hence in the region of 42 dB LAeq, 16 hour during the day and 34 dB LAeq, 8 hour/ 55 dB LAm_{ax,F} at night therefore above the target levels set in British Standard 8233:2014 “Guidance on sound insulation and noise reduction for buildings for internal noise levels in habitable rooms”. It is not evident if the buffer zone to the western boundary allows for windows to be open and still achieve adequate internal noise levels.

Given the location of the site, it is considered that there should not be a requirement to close windows and offer alternative means of ventilation in order to meet adequate internal noise levels. Good Acoustic Design should be adopted to ensure adequate internal noise levels can be achieved with windows open for ventilation. If the above can be achieved, necessary conditions can be provided.

Noise Impact Assessment (R9004-1 Rev 4, 4th August 2022) states clearly in the Executive Summary that “For internal noise in residential properties, outline recommendations in terms of windows and alternative means of ventilation have been provided to ensure that provided windows remain closed, noise within habitable rooms would comply with maximum internal levels of 35 dB LAeq during the daytime and 30 dB LAeq and 45 dB LAm_{ax,f} at night for regular events” 24 Acoustics “Response to EHO Comments on Noise” (Ref: R9004-3 Rev 0, 7th June 2023) suggests that “it will not be necessary for windows to be closed to achieve an adequate internal acoustic environment this will be at the residents’ discretion”. Looking to Table 1 of the Noise Impact Assessment, it would seem that, windows shall have to be closed to Zone 1. The requirement for closed windows would not be supported by our department, as it is considered that the requirement can be designed out.

Comment received 13th September 2023

Air Quality

I have reviewed the EP comments made on 25 Oct 2022. With respect to air quality the following is noted:

Table 4.1 needs to be updated because the Stockbridge roundabout and Orchard Street AQMAs in Chichester have been revoked.(May 2022).

The Air Quality Assessment produced by Tetra Tech dated 25 May 2022 lists legislation and best practice guidance at section 2.1 – the list should be updated to reflect The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023, Local Air

Quality management Technical Guidance LAQM.TG22, Defra 2022.

Table 2.1 should be updated to reflect the changes to PM_{2.5} air quality standards, objectives, limits and target values.

The assessment sections 5.0 and 6.0 should be updated to reflect the change to the PM_{2.5} concentration and the text on p41 under Table 6.11 needs updating to reflect the PM_{2.5} predicted concentrations.

I do not think the overall conclusions of the report will significantly change but the report should reflect the up to date information. Request applicant update these sections of the report and re submit them.

Comment received 11th November 2022

In short, our department does not object to the principle of the development, however it is considered that more could and should be done to avoid an adverse noise impact at the proposed site through better acoustic design and layout.

These comments are specific to noise and are offered in response to 24 Acoustics Ltd communication (Reference: R9004-2 Rev 0, dated 26th October 2022). The points cover three broad topic areas and are provided as such.

Reference is also made to Planning Noise Advice Document: Sussex (September 2021) which has been formally adopted as a Technical Advice Note by Chichester District Council.

It is considered that it has not been demonstrated that all relevant Sections of the Planning Noise Advice Document have been adequately met namely, Sections 2.5.3, 3.2.1, 6.5.3, 6.5.4, 6.5.5, 6.5.6, 6.5.7, 6.6.

1. It is stated that it has been determined that "noise from the operation of the Business Centre and Industrial Estate was insignificant". It is stated that this was established in person during two separate site visits and the unattended noise survey.

Of note the survey took place during the third national lockdown due to Covid-19 virus pandemic. This may have had implications to business activity. The Noise Survey Results

Appendix B of the Noise Impact Assessment (Ref: R9004-1 Rev 4, 4-8-2022) are not available on the Planning Portal, which does not allow scrutiny.

Adequate consideration must be given to Para. 187 (NPPF, 2021) the agent of change principle, where development is unlikely to be supported unless the applicant provides clear evidence that noise attenuation to the existing noise sources can and will be provided.

A site visit was made to Hilton Park Industrial Estate, 7th November 2022, to assist more fully with this response. The site seems light industrial and industrial storage in nature and no external mechanical plant of note was evident. There was no evidence of noisy manufacturing activities. West Sussex Carpentry and Building, Unit A and Associated Technical Services, Unit D were approached to discuss their operations and the Industrial Estate in general. It was stated that deliveries and forklift movements with reversing

alarms take place at site, and they were not aware of any time restrictions for these activities.

Vehicle movements and deliveries should be assessed in accordance with BS4142:2014+A1:2019 as potential noise impact can be underestimated by relying on the assessment of the overall noise survey results and not assessed by the appropriate Standard.

It is noted that it is proposed that the properties along the northeast boundary, shared with the industrial estate, so the rear gardens are screened by the houses. It is not evident however that habitable rooms shall be orientated from the industrial estate. It is proposed that Mechanical Ventilation with Heat Recovery (MVHR) and closed windows are required to Zone 2 of the site in this area to attain adequate internal noise levels for residential living. MVHR does not offer thermal cooling and the concern is that during hot weather residents will open their windows and be subjected to potential disturbance amounting to a significant adverse noise impact.

2. It is stated that "areas identified as Zone 1 and Zone 2 may benefit from closed windows with alternative means of ventilation to ensure an acceptable noise environment which is compliant with the requirements of BS8233:2014". More accurately, it is evident that windows shall have to be closed to meet the appropriate Standard in Zone 1 and Zone 2. It is considered that more should be done to achieve adequate internal sound levels without the over reliance for windows to be closed.

It is acknowledged that other considerations must be considered alongside Good Acoustic Design (GAD). It is stated that "the design as shown is fixed and cannot be changed at this stage". Our department is not supportive of the design in the current format.

It is stated that "the noise impact on the proposed new dwellings is relatively minor". Having to have windows closed to achieve an adequate internal sound climate for residential living is not considered minor.

Reference is made to ProPG: Planning and Noise. New Residential Development (May 2017). Section 2.21 states "Good acoustic design is not just compliance with recommended internal and external noise exposure standards. Good acoustic design should provide an integrated solution whereby the optimum acoustic outcome is

achieved, without design compromises that will adversely affect living conditions and the quality of life of the inhabitants or other sustainable design objectives and requirements". An excerpt from Section 2.33 states "Most residents value the ability to open windows at will, for a variety of reasons, and LPAs should therefore normally request that designers principally aim, through the use of good acoustic design, to achieve the internal noise level guidelines in noise-sensitive rooms with windows open". Figure 3 provides "Typical acoustic design issues to be included in an Acoustic Design Statement". A host of considerations have been provided. For this proposed development, it would seem that very limited consideration to Good Acoustic Design has been provided, namely providing a 20m buffer from noise source and rely on windows to be closed. This is not considered adequate.

3. It is pleasing to read that "where it is necessary for residents to rely on closed windows in order to achieve an acceptable internal noise environment then consideration should be given to the risk of overheating". It is not accepted however that overheating is no longer a planning matter with the introduction of Building Regulation Approved Document O (ADO).

Building Regulations are a minimum standard to be met by law. Where it is deemed necessary the planning regime can be used to impose more stringent or nuanced criteria. For example, Approved Document E specifies minimum standards for sound insulation between properties. Planning conditions are readily used to specify heightened levels of sound insulation, above Building Regulations, where they are deemed necessary. Of note Approved Document O Section 2.2.1.1 refers only to noise within bedrooms at night.

It is considered that the assessment of overheating and the provision of adequate ventilation and noise control are inextricably linked. Noise can be a material consideration in Planning. It is not accepted that an overheating assessment should be addressed post-planning, the contrary is believed. Overheating assessment and mitigation can have material impacts on design features, orientation of facades etc. As such, it should be incorporated into the design of a development and not be an afterthought.

Comment received 25th October 2022

Our department does not object to the principle of development at the application site however, cannot be supportive of the proposed development, at this time, due to misgivings with the Noise Impact Assessment submitted to accompany the application. Comment is provided below, to offer clarification.

Noise

24 Acoustics' Noise Impact Assessment (Ref: R9004-1 Rev4, 4th August 2022) has been reviewed. It is considered that greater investigation is required as to the potential sources of noise from the East Wittering Business Centre, Hilton Park Industrial Estate located to the north of the application site and the potential impact upon proposed dwellings. Noise Sources from the Industrial Estate should be assessed in accordance with BS4142:2014+A1:2019 "Methods for Rating and Assessing Industrial and Commercial Sound". Any external mechanical plant or neighbouring commercial activities

should be assessed in accordance with the Standard. Commercial activities include vehicle movements on private land and deliveries to commercial units.

It is noted, in the Executive Summary of the Noise Impact Assessment, that acceptable internal noise levels within habitable rooms can only be ensured provided windows remain closed and mitigation is required to Zones 1 and 2. It is acknowledged that it is proposed to have a minimum separating distance of 20m from Church Road and proposed residential dwellings along the western boundary of the proposed site. Likewise, a similar buffer distance from the closest proposed residential façade to the Industrial Estate. It is considered that through more robust Good Acoustic Design (GAD) there can be less reliance on windows being closed. Maximising spatial separation between source and receiver; incorporating acoustic barriers; layout of scheme; orientation of buildings and

placement of sensitive rooms should always be fully explored prior to relying on building envelope design to mitigate noise to acceptable levels.

Where it is demonstrated that all other options have been exhausted and there shall be a reliance to close windows to meet acceptable internal noise levels, then a detailed Overheating Assessment shall be conducted to relevant Standards (e.g., CIBSE TM59) to further inform final design.

Other Environmental Health Considerations:

Lighting

It is considered that a lighting assessment shall have to be submitted showing how the development will comply with criteria advocated in the Guidance for the Reduction of Obtrusive Light (Institute of Lighting Professionals, GN01:2011).

Air Quality

Consideration has been given to Tetra Tech's Air Quality Assessment (Ref: 784-A099004, 25th May 2022). The findings of the Assessment are accepted. The effects of changes in traffic flow as a result of the proposed development, with respect to NO₂, PM₁₀ and PM_{2.5} exposure, is determined to be 'negligible' at all existing receptors. As there is no safe level of exposure to air pollution, it is recommended that air quality mitigation measures as detailed in Section 5.6.2 of Tetra Tech's Environmental Statement Volume 1 (June 2022) are conditioned should permission be granted.

Likewise, if permission were granted, then a condition is necessary to stipulate adherence to the dust mitigation measures listed in Section 8.1 of the Air Quality Assessment during construction works. This would be incorporated into an overarching requirement for a Construction Environmental Management Plan to be submitted for prior approval.

Contaminated Land

Consideration has been given to Wilson Bailey Geotechnical and Environmental Desk Study Report and Contaminated Land Assessment (Ref: J22034, September 2022). The desk study indicates that there is a LOW RISK of the identified potentially sensitive receptors being impacted by any residual contamination that could conceivably be present beneath the site. Given the scale of the proposed development, it would be considered that Standard Contaminated Land Conditions PC20, PC21 and PC22 (if remediation is required condition PO14 should be applied to verify that remediation has been undertaken satisfactorily) shall be necessary if planning permission were granted.

6.26 CDC Housing Officer

Comment received 1st September 2023

We have reviewed the revised plans and housing mix proposed by the applicant and appreciate the amendments made from the original proposals, in particular we are pleased to note that all the 2-bedroom, affordable dwellings are to be provided as houses, along with 2, 2-bedroom bungalows. We would have preferred to see an increase in the number

of 1-bedroom affordable homes but on balance we can confirm we are content with the revised mix.

The plan does not sure the location of affordable housing, but we not that the applicant intends to group these in small clusters around the site and that the dwellings exceed minimal space standards.

Comment received 3rd October 2022

The applicant has confirmed that 30% of units will be provided as affordable housing which will yield 84 new affordable homes. The CDC Housing Officer is pleased to note that the applicant intends to cluster these units in small groups around the site and that the design, style and form of the affordable units will be provided with the same level of detailing as the market homes on the site and will be delivered as 'tenure blind'.

Housing Mix

The application makes provision for 84 affordable new homes, which represents 30% of housing and as such is policy compliant.

National planning policy requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in planning policy and supporting evidence.

For Chichester the required proportions are as follows:

First Homes - 25%

Social Rent - 35%

Affordable Rent - 22%

Shared Ownership - 18%

The application has set out the following detailed housing mix in their application. The split on the market housing sits outside the ranges recommended within the April 2022 HEDNA and we would therefore object to the application with this stated mix.

However, a more detailed breakdown was noted on the Planning Layout Drawing giving further detail on the breakdown of the affordable housing tenures and the open market units. As stated, the open market units sit outside the recommended ranges, and we object to the application with this stated mix for the open market units. However, the split between First Homes, Social Rent, Affordable Rent and Shared Ownership (with one minor adjustment) is policy compliant and whilst we do not object to the mix of tenure being put forward, the mix of household sizes requires adjustment.

We are pleased to note that the applicant has stated that space standards will be exceeded. We welcome the applicant's reference to the provision of bungalows, although we note the plans only appear to reference 2 units of this type and would welcome further discussion on the size of these properties as there are some unmet housing needs which require specialist accommodation that could be met through this provision.

We would comment that should flats or maisonettes be provided our preference is for maisonettes to reduce the cost-of-service charges associated with communal areas, furthermore it is our preference to ensure households have direct access to private outdoor space where practicable, where it is not practicable, we would ask that these properties are either provided with access to a communal outside space or are very near to useable public open space.

6.27 CDC Planning Policy

Comment received 27th January 2023

On 24th January 2023 Council agreed the Pre-Submission Local Plan for Regulation 19 consultation, beginning 3rd February 2023. From this point (Regulation 19) the Plan will be at an advanced stage of preparation and its weight as a material consideration in the determination of planning applications will increase. The emerging plan will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the Strategic Road Network (A27). Any further permissions from 3rd February that do not make provision toward this infrastructure potentially put at risk delivery of the identified infrastructure improvements. Officers are currently taking advice on this issue and hope to provide a more detailed response over the next few weeks. It is therefore the recommendation of Planning Policy that, for the time being, and applications for new housing (representing a net increase) on or after 3rd February 2023 should not be determined for approval until further advice can be provided on this, and other policy related issues.

6.28 CDC Waste Officer

Provision of Bins

Individual properties would require one waste and one recycling bin. These come in two different sizes 140 litre or 240 litre, the general rule is for up to two persons in a household we would recommend 140 litre bins for up to four persons 240 litre bins.

In the instances of communal apartments there are two options available, either individual bins as above or bulk communal bins. If bulk communal bins are preferred then the number of bins required depends on how many apartments they serve. Generally bulk bins have a capacity of 1100 litres, the number of bins required can be calculated by taking the numbers of apartments in the block and multiplying it by 240 (litres), then divide is by 1100 (litres).

Other bin sizes are available and the above calculation can be adjusted to reflect this.

Site Layout

Firstly please refer to our refuse freighter dimensions detailed in the waste storage and collection service guide, Appendix A, page 14.

I would ask that attention is paid to the size, weight and turning circle of our freighters. Our freighter should not have to reverse over excessive distances and all turning areas should be sufficient in size to cater for our large refuse freighters.

This is especially important in areas where the refuse freighter is required to service a small mews/dead end road. If there is insufficient room for a turning area to be incorporated into a mews/dead end road we would require a communal collection point for bins at the entrance to the road. I can see from the proposed plans the developer has incorporated a number of bin collection points which is ideal.

All road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne vehicle. I would discourage the use of concrete block paving unless it is of a highway standard, as these tend to move under the weight of our vehicles.

To prevent access issues please may I insist that either parking restrictions are put in place, or adequate visitor parking is provided to prevent visitors from parking at the side of the road. Failure to address this issue at this stage may result in our refuse crew not being able to carry out their collections.

Bin Collection Points

Generally the collection point should be outside the front of the property just inside the property boundary, at the closest point to the public highway. However in the instances of shared driveways the bins would be required to be presented at the entrance of the driveway.

All communal bin storage areas should be sufficient in size to enable our collection crews to manoeuvre the bins out for emptying without the need to move other bins first. Further guidance is available in our standard waste requirements.

The proposal shows a flexible class C & F complex in the North Eastern corner of the site, with a communal bin storage area. Whilst the council may not be the preferred waste collection contractor we would always reply as if we were. In this case we have concerns over access to the bin store via the car park. We would recommend a swept path analysis is provided to demonstrate the safe passage of a refuse freighter is possible. We would also like to request additional space in front of the bin store to enable the bins to be pulled out from the bin store with the doors open. At present the plans suggest a rather narrow section of pavement outside, which is not ideal.

6.29 Sussex NHS Commissioners (CCG)

CIL planning response covers this as part of existing funds assigned.

6.30 Third Party Representations

242 Third Party letters of objection have been received from local residents including the Sussex Area Ramblers and the Manhood Wildlife and Heritage Group concerning the following:

- (a) Loss of fields and increasing urbanisation and ribbon development
- (b) Existing infrastructure cannot cope
- (c) Climate change and sea level rise leading to flooding of low lying areas
- (d) Further pressure on existing services such as roads, transport, schools, health care

- (e) The peninsula sewage system is already at capacity
- (f) Sewage overflows enter streets, homes, waterways and the sea
- (g) Increase in traffic leading to further congestion
- (h) Site has a watercourse running through and is prone to flooding
- (i) There is only one main road in and out of the peninsula.
- (j) Influx of tourists in the Summer months puts further pressure on the area
- (k) Negative effect on habitats and wildlife
- (l) Negative impact on quality of life
- (m) Loss of good agricultural land
- (n) Will negatively affect tourism which is important to local economy
- (o) Air, noise, light pollution
- (p) The homes won't be affordable to the local young families
- (q) Houses will become second homes and holiday rentals
- (r) Increase in crime rate
- (s) No dentist and no police station
- (t) No local jobs already, further housing will compound the issue
- (u) There are too many developments already
- (v) Increase in road traffic accidents
- (w) Cycling, walking and horse riding is already dangerous
- (x) The existing walking environment would be impacted by the proposals
- (w) Loss of village 'feel' and rurality
- (z) The benefits of the proposal do not outweigh the harms

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is currently no made neighbourhood plan for East Wittering and Bracklesham.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1 Presumption in Favour of Sustainable Development

Policy 2 Development Strategy and Settlement Hierarchy

Policy 3 The Economy and Employment Provision

Policy 4 Housing Provision

Policy 8 Transport and Accessibility

Policy 9 Development and Infrastructure Provision

Policy 22 Integrated Coastal Zone Management for the Manhood Peninsula

Policy 24 East Wittering and Bracklesham Strategic Development

Policy 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 45 Development in the Countryside

Policy 47 Heritage and Design

Policy 48 Natural Environment
Policy 49 Biodiversity
Policy 50 Development and Distribution of Birds in Chichester and Langstone Harbours
Special Protection Areas
Policy 52 Green Infrastructure
Policy 54 Open Space, Sport and Recreation

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

7.3 The Chichester Local Plan 2021-2039: Proposed Submission has now completed its 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination in Autumn this year. Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF. Policies relevant to this application are:

Policy S1 Spatial Development Strategy
Policy S2 Settlement Hierarchy
Policy NE2 Natural Landscape
Policy NE5 Biodiversity and Biodiversity Net Gain
Policy NE6 Chichester's Internationally and Nationally Designated Habitats
Policy NE7 Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat
Policy NE8 Trees, Hedgerows and Woodlands
Policy NE10 Development in the Countryside
Policy NE12 Development around the Coast
Policy NE14 Integrated Coastal Zone Management for the Manhood Peninsula
Policy NE15 Flood Risk and Water Management
Policy NE16 Water Management and Water Quality
Policy NE20 Pollution
Policy NE21 Lighting
Policy NE22 Air Quality
Policy NE23 Noise
Policy NE24 Contaminated Land
Policy H1 Meeting Housing Needs
Policy H3 Non-Strategic Parish Housing Requirements 2021 - 2039
Policy H4 Affordable Housing
Policy H5 Housing Mix
Policy P1 Design Principles
Policy P2 Local Character and Distinctiveness
Policy P3 Density
Policy P4 Layout and Access
Policy P5 Spaces and Landscaping
Policy P6 Amenity
Policy P7 Alterations and Extensions
Policy P8 Materials and Detailing
Policy P14 Green Infrastructure
Policy P15 Open Space, Sport and Recreation

Policy P16 Health and Well-being
Policy P17 New and Existing Local and Community Facilities including Local Shops
Policy E1 Meeting Employment Land Needs
Policy E2 Employment Development
Policy T1: Transport Infrastructure
Policy T2 Transport and Development
Policy T3 Active Travel - Walking and Cycling Provision
Policy T4 Parking Provision
Policy I1 Infrastructure Provision

National Policy and Guidance

7.4 Government planning policy comprises the National Planning Policy Framework (NPPF September 2023) and related policy guidance in the Planning Practice Guidance (PPG).

7.5 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 protects 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.'

7.6 Footnote 7 for Paragraph 11 d)i) clarifies that the policies referred to are those in the Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change

7.7 The following sections of the NPPF are relevant to this application: 2, 3, 4, 5, 6, 8, 9, 11, 12, 14, 15, 16 and Annex 1. The relevant paragraphs of the PPG have also been taken into account.

Other Local Policy Guidance

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

- CDC Planning Obligations and Affordable Housing SPD (July 2016)
- CDC Surface Water and Foul Drainage SPD (September 2016)
- CDC Waste and Storage Collection Guidance
- Chichester Landscape Capacity Study (March 2019): Section C, Sub-area 146
- West Sussex County Council Guidance on Parking at New Developments (September 2020)

- Interim Position Statement for Housing Development (November 2020)
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): South Coast Plain, Chichester Harbour and Pagham Harbour (SC3)
- CDC Flood Risk Sequential & Exceptions Test (January 2023)
- CDC Level 1 Interim Strategic Flood Risk Assessment (SFRA) (December 2022)
- CDC Level 2 Interim Strategic Flood Risk Assessment (SFRA) (December 2022)
- CDC Level 1 SFRA - Interim Methodology in support of Performing the Sequential Test (December 2022)
- WSCC Transport Plan (2011-2026)

Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five Year Housing Land Supply was published on 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing deficit of 176 net dwellings, equivalent to 4.74 years of housing supply. Through recent appeals and associated statements of common ground this figure has been refined and the Council's current agreed position is a supply equivalent to 4.72 years.

7.10 The Council therefore does not benefit from a Five-Year Housing Land Supply. To help proactively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the new Local Plan, the Council resolved in June 2020 to use the Interim Position Statement for Housing Development (IPS) to help increase the supply of housing by encouraging appropriate housing schemes. Following minor modifications, the IPS was approved by the Council's Planning Committee for immediate use for development management purposes in November 2020. New housing proposals considered under the IPS, such as this application, will therefore need to be assessed against the 13 criteria set out in the IPS document. The IPS is a development management (DM) 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 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 and appeals. It does not override the implications of the Framework in terms of housing supply issues but it is a document that the decision maker shall 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 i.e. speculative, sporadic un-planned for housing in inappropriate locations outside of settlement boundaries.

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

- Maintain low levels of unemployment in the district.
- Support local businesses to grow and become engaged with local communities.
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles.
- Promoting and developing a dementia friendly district.
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated.
- Maintain the low levels of crime in the district in the light of reducing resources.
- Support and empower communities and people to help themselves and develop resilience.
- Support communities to meet their own housing needs.
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services.
- Promote and increase sustainable, environmentally friendly initiatives in the district.
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area.

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The principle of development
- ii. Layout, design and impact on visual amenity and landscape character
- iii. Highways, access and parking
- iv. Residential amenity
- v. Flooding, surface water drainage and foul disposal
- vi. Ecology and biodiversity
- vii. Sustainable design and construction
- viii. Other matters

i. The principle of development

8.2 The primacy of the development plan and the plan-led approach to decision-making 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 applies to planning applications and planning appeals, states:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

8.3 The Chichester Local Plan: Key Policies (CLP) was adopted by the Council on 14th July 2015 and now forms part of the statutory development plan for the parts of the District outside the South Downs National Park. The site lies beyond any designated Settlement Boundary and is, therefore, within the Rest of the Plan Area wherein Local Plan policy 45 resists development of the nature and scale proposed.

8.4 For certainty and clarity, a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date because the settlement boundaries haven't been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 4, 5, 24 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 in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward into the emerging Local Plan. Draft policy S2 of the emerging Local Plan continues therefore to identify East Wittering / Bracklesham as one of the Settlements Hubs, although it is noted that East Wittering (along with Selsey) has more constraints than other settlements and as a consequence the largest levels of growth are expected in the sub-regional centre, settlement hubs outside the Manhood Peninsula and service villages, with more limited development coming forward in rural settlements and on the Manhood Peninsula.

8.5 The Council's published position with regard to East Wittering is set out in the emerging Local Plan (emerging policy H3). Emerging policy H3 (Non-Strategic Parish Housing Requirements 2021-2039) states a housing figure of 0 indicative housing numbers are to be planned for East Wittering. As set out in the Sustainability Appraisal (January 2023), the reasoning for this current allocation of zero and the shift away from the previous proposal to assign East Wittering a parish allocation for 350 (as set out in the Preferred Approach) is that

- the committed growth in East Wittering and on the Manhood Peninsula more generally is close to and may exceed the level of growth directed to East Wittering at the Preferred Approach stage,
- there is now an understanding that the Stockbridge and Whyke junctions are unlikely to be upgraded in the plan period and there has generally been an evidenced shift towards an increased focus on the east-west corridor, and
- there are now generally higher concerns regarding flood risk, with a need to be mindful of expanded flood risk zones under climate change scenarios. The most recent

Strategic Flood Risk Assessment (SFRA) shows extensive tidal flood risk across East Wittering under climate change scenarios.

8.6 As it stands, the emerging Local Plan is exactly that – the Council's proposed direction of travel. Therefore, at this stage in the Local Plan process, H3 is no more than an emerging policy, it 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 s.38(6) development plan approach, this proposal is contrary to policy, in particular policy 45 of the adopted Local Plan.

- 8.7 However, there are other factors to consider. The Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it cannot currently demonstrate 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11(d) of the NPPF, i.e. the presumption in favour of permitting sustainable development where there is no housing supply, is engaged (In this instance there are policies in the Framework relating to Habitats sites and flooding that are engaged. It is only if these are not offended that the 'tilted balance' is engaged). In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of the adoption of the new Local Plan with its revised housing strategy and numbers. With the Council currently unable to demonstrate a 5YHLS the Committee will be very aware of the notable increase in speculative housing applications on the edge of existing settlements. When viewed in the context of not having a housing supply, officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the new Local Plan is not a tenable approach. Housing supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate a supply and that this supply is maintained with a suitable buffer ahead of adoption of the new Local Plan, it will be necessary for some new housing development to be permitted.
- 8.8 The application site is considered to be developable in the Council's Housing and Economic Land Availability Assessment (HELAA, March 2021). The HELAA has identified that the site is capable of delivering an indicative capacity of 300 dwellings and states under suitability '*the site is potentially suitable for development subject to detailed consideration of access, landscape impact and ecology – including the current designation as a Brent Goose candidate site*'. Although the HELAA is a technical background study to assist the Council in its consideration of potential housing sites under the new Local Plan, it is not a policy document to rely on in decision making with regard to planning applications. Nevertheless its significance as a material consideration is that it has identified the site as being suitable, available and deliverable to provide new housing and this is relevant at a time when the Council is not able to show it is demonstrably producing enough dwellings to satisfy the government's housing requirement.
- 8.9 In acknowledging the current status of the Local Plan in terms of its out-of-date housing policies and the absence of a 5-year housing supply to effectively bridge the gap up to the point where the new Local Plan is adopted sometime in 2024, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, 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.
- 8.10 The Council has committed to continue using the IPS to provide a set of criteria against which to measure the potential acceptability of new housing proposals outside of current settlement boundaries. When considered against the 13 criteria of the IPS which define what the Council considers good quality development in the Local Plan area, the current proposal scored poorly and the Council has identified adverse impacts. It is relevant to consider the proposal against each of the IPS criteria in turn:
- 1) The site boundary in whole or in part if contiguous with an identified Settlement Boundary (i.e. at least one boundary must adjoin the settlement boundary or be immediately adjacent to it).**

The south-west corner and part of the southern boundary of the site directly adjoin the Settlement Boundary of East Wittering. It is considered this criterion is met.

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

The application site is located adjacent to parts of the northern edge of East Wittering, as settlement which is identified as a Settlement Hub in the Local Plan. A Settlement Hub is the second tier of settlement in the Local Plan Area behind Chichester City. Settlement Hubs such as East Wittering are therefore one of the most sustainable settlements in the Local Plan Area. The scale of development is considered appropriate adjacent to a Settlement Hub. In this context the proposed scale of development is considered appropriate and criterion 2 of the IPS is therefore 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

The site lies outside the location for any potential landscape gaps as identified in the CDC Landscape Gap Assessment (May 2019). The proposal, individually or cumulatively would not result in the actual or perceived coalescence of settlements. This criterion is considered to be 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.

Based on the net developable area (i.e. just the residential area) the proposed scheme (including 22/02235/OUTEIA) would have a net density of approximately 38dph (and approximately 19dph for the site as a whole). In the context, of its edge of settlement location and the pattern of existing housing to the south and west, the level of development proposed in this case is considered to make efficient use of the land, whilst still respecting the character and appearance of the local context. This criterion is considered to be met.

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 inter-visibility between the South Downs National Park and the Chichester Harbour AONB.

Refer to Section ii Layout, design and impact on visual amenity and landscape character below, 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 the proposed Strategic Wildlife Corridors set out in the Regulation 19 Submission Local Plan. The criterion is therefore not 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.

The Transport Study (2003) 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 applicant has not yet agreed to the payment of this financial contribution which puts the delivery of the necessary highway improvements in doubt and thus there is no guarantee this criterion will be met.

In addition, National Highways and the Local Highways Authority (LHA) are currently unable to support the proposals, given the lack of information at this stage (refer to paragraphs 6.8 and 6.16 above and Section iii Highways, access and parking below).

Wastewater disposal would be through the statutory undertaker. Southern Water state that their investigations indicate that they can facilitate foul sewage disposal to service the proposed development (see paragraph 6.10 above).

Whilst the applicant has agreed in principle to enter into a Section 106 agreement (or accept conditions) for other infrastructure (affordable housing, open space, SuDS, flexible retail and community floor space, allotments, LEAP, activity area, pumping stations, school ecology area and landscape bund), in the absence of a signed S106 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.

This criterion is met (refer to the assessment below at Section vii. Sustainable design and construction).

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.

Refer to Section ii Layout, design and impact on visual amenity and landscape character below, it is considered that the proposal would comply with the above criterion.

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

The development is sustainably located, with the application being within walking distance to the centre of East Wittering, with access to facilities and services including a primary school, two churches, a pharmacy, a Tesco Express, a number of Public Houses, restaurants and shops. There is also a paved footpath on the eastern side of Church Road leading from outside the application site to the centre of East Wittering.

Furthermore, the application site has good access to bus stops, which provide connections to Chichester railway station and other key facilities within the City. In this respect, the closest bus stops are located on Piggery Hall Lane and Stocks Lane, these bus stops are well served by a number of bus services, thereby facilitating alternative,

sustainable modes of transportation, other than the private car.

In dismissing an appeal (PINS ref.3286315). for an outline permission for 70 dwellings directly opposite the application site, the Inspector opined:

'The Council considers the development would not represent sustainable development as it would not be in accessible location, with a lack of accessible key local services and employment provision. I noted during my site visits that the site lies less than 10 minutes easy walk from the village centre, along a flat paved footpath. The village has an impressively varied range of local facilities for a settlement of its size, owing to the local tourist trade. I note that future residents would have to travel into Chichester to visit a private dentist, or to access a larger supermarket. Nevertheless, I am of the view that the available facilities in East Wittering would meet the day to day needs of most residents.'

However, notwithstanding the above the LHA are currently unable to support the proposals, given the lack of information at this stage (refer to paragraph 6.16 above and Section iii Highways, access and parking below).

In light of the above, the above criterion is therefore not 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 not met (refer to the assessment below at Section v. Flooding, surface water drainage and foul disposal).

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.

Not applicable in this instance. The site ultimately discharges to the waters at Pagham Harbour and is not within the Solent Maritime SAC catchment.

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 proposal is seeking full planning permission. Notwithstanding there are detailed concerns raised with regard to the impact of the development, if recommended for approval, a condition would be sought amending the standard 3-year period in which to implement the permission to a two year period, to expedite the delivery of the housing and to accord with criterion 13 of the IPS. On this basis the criterion would be satisfied.

Sub-Conclusion

- 8.11 The intention of the IPS is for the Council to be able to guide development to appropriate and sustainable locations. It will help to ensure that housing proposals that may be submitted in advance of the Local Plan Review are assessed in a consistent manner against national and local planning policies, with the aim of ensuring that the most appropriate development comes forward in the most suitable locations.
- 8.12 The acceptability of planning proposals will ultimately need to be assessed by the decision-maker on a case by case basis, in relation to the economic, social and environmental dimensions of sustainable development, leading to a conclusion about the overall sustainability of the proposals, whilst having regard to all elements of the proposal, up to date development plan policies including those within made Neighbourhood Plans, the NPPF, and other material considerations. This Interim Statement will seek to secure additional opportunities for housing development in locations which are sustainable and where it can be demonstrated that there would be early delivery of new homes, subject to meeting all of the criteria in this Statement.
- 8.13 Following assessment against the IPS, the proposal fails to comply with criteria 7, 10 and 11 (i.e. 3 out of 13) and as such the application site is not considered appropriate or sustainable, subsequently the principle is not supported. The full detailed planning assessment is carried out below.

ii. Layout, design and impact on visual amenity and landscape character

Layout and design

- 8.14 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 Church Road tracks east into the site at 7.5m wide before reducing to 6m-6.5m wide approximately 20m into the site, and then loops southwards around a central core which incorporates a mix of residential dwellings and an area of public open space including the equipped play area (LEAP). This primary road gives rise to a series of secondary and tertiary roads, including cul-de-sacs.
- 8.15 The flexible retail and community use part of the site is located in the north-west corner, approximately 260m from the main access onto Church Road. Access to the employment area is via the main internal spine road which measures 6-6.5m in width. A junction is provided in the form of a bellmouth arrangement which provides the access into the parking compound for the employment units. Parking for the community hall is provided to the north of the flexible retail / community use.
- 8.16 Allotment gardens with parking are included to the north-east corner of the site within the public open space provision. Furthermore, a school ecology area is provided in the south-west corner, together with an activity area in the south-east corner. The eastern side of the site is given over to the open space provision, including SuDS. The development is considered to be sufficiently set-back (approximately 20m) from the Church Road frontage by the existing grass verge and a new area of landscaping and as such, would respect the existing building line to the south. Two other smaller areas of public space are also included within the north-west area of the site. The proposals also include the provision of

landscape bund to the south-east of the site separating the activity area from Wessex Avenue.

- 8.17 The proposal includes a broad mix of detached, semi-detached and short terraces, comprised of apartments, bungalows and 2 to 2.5-storey houses. The employment element would comprise two, 2-storey (up to 11.2m) buildings, arranged in an 'L-shape' positioned within the north-west corner of the site. The development has been divided into five different character areas (i.e. 1. Entrance Gateway, 2. Wittering Core, 3. Parkland Edge, 4. Avenue & Central Green and 5. Southern Quarter) which are defined by their design and materials. All properties benefit from reasonable sized gardens complying with CDC design guidelines and acceptable levels of privacy. 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.
- 8.18 The design of the development (including the flexible retail and community use) generally adopts 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 brick detailing, bay windows, dormer windows, fenestration detailing and projecting porch features.
- 8.19 Final details of facing elevations and roof materials would be recommended to be secured by planning condition, but these are likely to comprise a mix of red brick, black weatheboarding, dark brown tile hanging, white render and flint/stone prefabricated block . The roofs will be a mixture of roof tiles in grey, red/brown and dark brown.
- 8.20 It is considered that the approach that has been taken to the layout and detailed design of the development is appropriate to the site's context and consistent with the objectives of the relevant Development Plan policies including the aims and objectives of the NPPF and Policy 33 of the CLP.

Impact on visual amenity and landscape character

- 8.21 It is important to consider the context of the site within its landscape when assessing the potential landscape impacts of the proposals.
- 8.22 The site is well contained to the south and south-west by existing development in East Wittering. The site can be seen from Church Road to the north-west of the site with some areas of vegetation screening whilst other views are unrestricted. Stubcroft Farm itself partially bounds the site from the north along Church Farm Lane. The site is bound to the east by agricultural fields, beyond which lies Stubcroft Lane (Public Footpath), which provides views of the site. The landscape character is one of flat, rural landscape on the edge of an established settlement.
- 8.23 The site is not within a designated landscape such as an AONB or National Park, nor is it within the setting of a designated landscape. The Chichester Harbour AONB is approximately 1.4km (0.9 miles) north and 1.9km (1.2 miles) west of the application site as the crow flies. Given the separation distance the Chichester Harbour Conservancy make no comment on the proposals.

- 8.24 It is noted that some third parties have raised concerns relating to the impact of the proposed development on the landscape character of the area. Concerns raised include the perceived loss of a rural gap, diminishment of rural character of the countryside and the creation of urban sprawl.
- 8.25 In weighing up the impact of the proposed development on the landscape character of the area, it is important to consider national and local planning policy as well as recent appeal decisions within the district.
- 8.26 Paragraph 130 of the NPPF states that decisions should ensure that developments are sympathetic to local character including the surrounding and landscape setting, while not preventing or discouraging appropriate innovation or change. Paragraph 174 of the NPPF goes on to state that decisions should contribute to and enhance the natural and local environment by *inter alia* protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 8.27 Policy 33 of the CLP states that new residential development must provide a high quality living environment in keeping within the character of the surrounding area and its setting in the landscape.
- 8.28 Policy 48 of the CLP states that *inter alia* planning permission will be granted there is no adverse impact on the tranquil and rural character of the area and must demonstrate that the individual identities of settlements, actual or perceived, is maintained and the integrity of predominantly open and undeveloped land between settlements is not undermined. Furthermore, it must be demonstrated that there is no adverse impact on the openness of views in and around the coast and that development recognises distinctive local landscape character and sensitively contributes to its setting and quality and also where proposals respect and enhance the landscape character of the surrounding area and site, and public amenity through detailed design.
- 8.29 Criterion 3 of the IPS states that the impact of development on the edge of settlements or potential landscape gaps, either individually or cumulatively must not result in the actual or perceived coalescence of settlements. In addition, Criterion 5 of the IPS states that proposals should demonstrate consideration of the impact of development on the surrounding townscape and landscape character.
- 8.30 The application proposals adjoin the settlement boundary to the south and south-west and are relatively well screened to the north, west and south. The site is more open to the wider rural landscape to the east, and it is this location where any landscape impact of the proposals would be most perceived. The proposals include a significant landscape buffer to the eastern boundary of approximately of between 50m and 75m in depth, including public open space, SuDS attenuation ponds and allotments. Whilst this space will become a more structured form of landscaping in contrast to the rural area beyond, it acts as a transition from the proposed development to the countryside setting and would soften the edge of the urbanising development.

- 8.31 It is considered that the development of any greenfield site would have some impact on the landscape character of the area by virtue of the nature of the altered visual context which would result from new development. However, it is necessary to consider whether the significance of that impact and how that weighs against the benefits of the scheme (for example housing delivery).
- 8.32 Due to the distance from the AONB, it is considered that the proposals would not impact upon any designated landscape and therefore the landscape is limited to the local area of countryside. In addition, the location of the site abuts a settlement to the south and thereafter far removed from any other adjacent settlement, defined or otherwise, and therefore would not be considered a form of any actual or perceived coalescence with another settlement. Instead, it would be read as an extension to East Wittering.
- 8.33 In addition, landscape impact needs to be considered within the wider policy context, particularly with regards to of the Council's current housing land supply position, the subsequent implications within paragraph 11 of the NPPF and application of the 'titled balance' in favour of development applies (however, in this instance there are policies in the Framework relating to Habitats sites and flooding that are engaged. It is only if these are not offended that the 'tilted balance' is engaged). In circumstances, where the 'tilted balance' is engaged any adverse impacts of the proposed development needs to significantly and demonstrably outweigh the benefits of the scheme, before any refusal can be considered justified. This has been the subject of many appeal decisions in the district, which form material planning considerations for this application.
- 8.34 For example, the appeal decision at Land South of Clappers Lane (PINS ref.3291160), located to the east of Bracklesham is relevant here. This appeal was allowed by the Planning Inspectorate in 2022. In this case, the appeal site bounded the edges of both Bracklesham to the west and Earnley village to the east, with the eastern edge of the development being proposed as formalised area of open space to act as a landscape buffer to the edge of Earnley village. The proximity of the built development to the adjacent village was therefore far greater than in this application where the scheme is far removed from any other settlement. In the appeal decision at Clappers Lane, whilst the Inspector gave significant weight to policies 33 and 48 of the CLP, he found that the scheme would not cause actual or perceived coalescence with the village of Earnley.
- 8.35 The Inspector also found that, while the development of any greenfield site would have an adverse impact on landscape character, the significance of the impact in that case was classified as having a 'medium adverse effect' and was given 'substantial weight' in the planning balance. However, this did not weigh sufficiently against the scheme to outweigh the benefits of the development in the titled balance exercise, particularly given the Council's lack of 5 year housing land supply at that time.
- 8.36 Other recent appeals within the district reflect this stance, that even where significant weight has been attached to moderate and/or significant harm caused by development to the landscape character of sites within the countryside (but outside of designated landscapes), this has not been sufficient to outweigh the benefits of housing delivery in the context of the titled balance.

8.37 Other appeal cases are summarised below, focusing of the Inspectors' consideration of

landscape character (noting that other considerations formed part of the overall outcome):

- Land to the West of Church Road (PINS ref.3286315) - April 2022
'Significantly harmful effect' on the rural character of the area identified by the Planning Inspector, given moderate weight in the planning balance. Harm did not significantly and demonstrably outweigh the benefits of the scheme. Appeal allowed on titled balance.
- Land East of Broad Road, Nutbourne (PINS ref.3295000) and Land West of Drift Lane, Chidham (PINS ref.3295004) – August 2023
'Significant harm' to landscape character of the area identified, given significant weight in the planning balance. Harm did not significantly and demonstrably outweigh the benefits of the scheme. Appeal allowed on titled balance.
- Chas Wood Nurseries, Main Road, Bosham (PINS ref.3299268) – October 2022
Greenfield site outside of settlement boundary. 'No adverse impact' on rural character of the area identified. Moderate cumulative adverse impacts of the appeal scheme did not significantly and demonstrably outweigh the benefits. Appeal allowed.

8.38 Having assessed the above, it is considered that there would be some level of harm caused to the landscape character of the area by virtue of the nature of the proposed change. However, this would be limited somewhat by the edge of settlement location and landscape mitigation proposed to the eastern edge of the proposed development. In addition, the weight attributed to this harm is limited by the titled balance in favour of development as a result of the Council's current housing land supply position, as supported by the appeal decisions listed above. It is considered that the any impact on the landscape character of the area resultant from the proposed development does not significantly and demonstrably outweigh the benefits of the scheme, namely the delivery of housing to help meet the needs of the district. Therefore, there is no justification for a reason for refusal on landscape grounds.

iii. Highways, access and parking

8.39 WSCC Local Highway Authority (LHA) has been consulted on the proposals for highway safety, capacity and accessibility considerations for the proposals. In addition, National Highways (NH) was also consulted with regard to the impact from the proposals on the Strategic Road Network (SRN).

8.40 Both the LHA and NH are unable to support the application at this current time, as it has not been possible to determine whether the application would have an acceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 02/2013 (particularly paragraphs 8 to 11) and paragraphs 110 to 113 of the NPPF. It has not been demonstrated that the proposed development, in combination with other development, would not have a 'severe' impact on the adjoining highway network, in particular on the A286 arm of the Stockbridge Roundabout, on other users of Birdham

Road and would not result in an increased delay for those travelling west to east on the A27 (by A286 traffic circulating on the roundabout), contrary to paragraph 111 of the

NPPF and Policy 39 of the CLP. Furthermore insufficient information, in the form of all relevant committed development sites to be included within the assessment of the transport impacts, has been provided for the LHA to assess the cumulative highway implications of the proposed development.

- 8.41 In addition, it has not been demonstrated that safe and suitable access onto the highway to the site can be achieved for pedestrians and cyclists, nor that the opportunities for sustainable access has been taken up in accordance with paragraph 110 of the NPPF and contrary to Policies 8 and 39 of the CLP.
- 8.42 As set out above, this proposal is subject to updates and changes resulting from the passage of time since the application was received by the Council. This is relevant in respect of the scheme of A27 improvements and contributions. The Chichester Local Plan 2014-2029 was adopted on the 14th 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.
- 8.43 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 equated 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, 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 applicant has not confirmed that they are willing to provide the financial contributions envisaged in the draft Policy T1 of the LPPS and thus officers recommend that the application is refused in respect of this issue.

iv. Residential amenity

- 8.44 The north of the site is adjacent to the industrial estate known as the East Wittering Business Centre, Hilton Park (the "Industrial Estate"). The applicant's Noise Impact Assessment (R9004-1 Rev 4, 4th August 2022) states clearly in the Executive Summary that "For internal noise in residential properties, outline recommendations in terms of windows and alternative means of ventilation have been provided to ensure that provided windows remain closed, noise within habitable rooms would comply with maximum internal levels of 35 dB LAeq during the daytime and 30 dB LAeq and 45 dB L_{Amax,f} at night for regular events". The applicant's noise consultants 24 Acoustics submitted a document in June 2023 titled "Response to EHO Comments on Noise" (Ref: R9004-3 Rev 0, 7th June 2023) in which it suggests that "it will not be necessary for windows to be closed to achieve an adequate internal acoustic environment this will be at the residents' discretion".
- 8.45 The Council's Environmental Protection officer has considered the details in Table 1 of the Noise Impact Assessment and concluded that it would seem that windows shall have to be closed to Zone 1. Table 1 describes ambient noise levels at the west of the proposed development site as 57 dB LAeq, 16 hour during the day and 49 dB LAeq, 8 hour/ 70 dB L_{Amax,F} at night. When windows are open for ventilation purposes internal noise levels can expect to be around 15 dB lower hence in the region of 42 dB LAeq, 16 hour during the day and 34 dB LAeq, 8 hour/ 55 dB L_{Amax,F} at night therefore above the target levels set in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings for internal noise levels in habitable rooms". It is not evident if the buffer zone to the western boundary allows for windows to be open and still achieve adequate internal noise levels.
- 8.46 The Environmental Protection officer states that the requirement for closed windows to meet adequate internal noise levels will not be supported by our department. "It is considered that better use of Good Acoustic Design should be used to ensure that windows do not have to be closed to attain adequate internal noise levels, as recommend in 8233:2014 'Guidance on sound insulation and noise reduction for buildings'". If the above can be achieved, necessary conditions can be provided. However, at the time of considering the application, insufficient information has however been provided to demonstrate that the requirement for closed windows can be adequately designed out. As such the proposal is contrary to policy 33 of the CLP.

v. Flooding, surface water drainage and foul disposal

Flooding

- 8.47 The NPPF requires decision makers, when considering planning applications, to undertake a sequential, risk-based approach to development to avoid, where possible, flood risk to people and property. This fundamental principle is set out in paragraph 159 of the NPPF:
- "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere."

8.48 Consequently, as per the NPPF a sequential approach to development should be undertaken, informed by a Strategic Flood Risk Assessment. The NPPF sets out the

essential requirements of the sequential test in paragraph 162:

“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”

8.49 More specific guidance is contained in the Planning Practice Guidance (PPG). Paragraph 7-001-20220825 of the PPG states areas at risk of flooding can be from any source, now or in the future, including rising groundwater and drainage. Paragraph 7-023-20220825 of the PPG states the Sequential Test is designed to avoid, so far as possible, development in current and future medium and high flood risk areas). This is because avoiding flood risk through the Sequential Test is the most effective way of addressing it.

8.50 When determining any planning applications paragraph 167 of the NPPF states, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location,
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment,
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate,
- d) any residual risk can be safely managed, and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

8.51 A site-specific flood-risk assessment has been submitted with the application however the submitted site-specific flood risk assessment does not reflect the flood risk evidence in the Council’s latest SFRA – Level 1 Interim Strategic Flood Risk Assessment Report December 2022, which is an update of the previous Level 1 SFRA (2018) and covers the Chichester District Council area, excluding the South Downs National Park. The Council’s Level 1 SFRA considers all sources of flooding in the plan area and the impacts of climate change. The applicant’s site-specific flood-risk assessment does not take account of the tidal mapping which provides information regarding the climate change scenarios for the year 2121 (Appendix E), when considering the sequential approach for development.

8.52 As set out in the site screening information which forms part of the Interim Level 1 SFRA 2022, the HELAA site (ref HEWB0002a - Land at Braklesham Lane (north)) which is very similar to the application site has the following results:

HEWB0002a (Land at Braklesham Lane (north))

- Present day flood zone: 13% FZ2, 11% FZ3a, 2% FZ3B – high risk
- Fluvial climate change (central allowance): 1% affected – low risk

- Tidal climate change (upper end): 92% affected – high risk
- Surface water including climate change: 1% affected – low risk
- Ground water: between 0.025m and 0.5m below ground surface level

8.53 In essence this information establishes that the application site has a high-risk of future flood risk as a result of tidal flooding with climate change allowances, as identified in the Council's Strategic Flood Risk Assessment (SFRA). The Sequential Test requires that development such as proposed by the proposal should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Council's own evidence indicates that were the Sequential Test to be applied it is likely that within the Local Plan area, there are likely to be a wide range of potential development sites which are at lower risk of flooding in the search area, having regard to the SFRA. The sequential test is predicated on the whole Local Plan area as the area of search. It would need to be demonstrated by the applicant why a different area of search would be appropriate, if a smaller area of search was to be proposed. Such information has not been provided by the applicant. Therefore in the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test, as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162.

8.54 The Council has not considered the Exception Test on the basis that the proposal has not passed a Sequential Test. Notwithstanding this position of the Council (i.e that insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding), in the event that the Sequential Test was passed, the Exception Test would also need to be satisfied. The need for the Exception Test will depend on the potential vulnerability of the site and the development proposed (NPPF paragraph 163). This application proposal would include dwellings which are classified as 'more vulnerable', employment, retail and community buildings classed as 'less vulnerable' and amenity open space classed as 'water-compatible'. To pass the Exception Test it must be demonstrated a development would provide wider sustainability benefits to the community that outweigh the flood risk; and, the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (NPPF paragraphs 164 – 165). In the absence of evidence to undertake the Sequential Test, it has not demonstrated the development would provide wider sustainability benefits to the community that outweigh the level flood risk. Neither has it demonstrated the development would be safe for its lifetime taking account of the vulnerability of its users, or that flood risk will not be increased elsewhere. Therefore, the Exception Test is not passed.

8.55 The application site is at high-risk of future flood risk as a result of tidal flooding taking into account the current climate change allowances, based on information in the Level 1 Interim Strategic Flood Risk Assessment Report December 2022. In the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162. The application is therefore unacceptable on flood risk grounds and is not in accordance with policy 42 of the

Chichester Local Plan: Key Policies 2014-2029, paragraphs 159, 161, 162, 163, 167 and 169 of the NPPF and guidance in the PPG 'Flood Risk and Coastal Change'.

Surface water drainage

8.56 As set out in the applicant's FRA, the proposed surface water drainage strategy is a restricted discharge to a watercourse (Main River), with surface water up to a 1 in 100year event plus climate change attenuated in open basins. The applicant has undertaken groundwater monitoring which has shown groundwater to come very close to the surface (<0.15m BGL). The LLFA's groundwater mapping, for all bar the most northern part of the site, shows 1% annual exceedance probability (AEP) groundwater levels to be between 0.025m and 0.5m from the surface. This evidence of high groundwater levels is also further underpinned by the groundwater monitoring data provided: . . .in Winter 2019/2020 and 2020/2021, groundwater was consistently recorded less than 1m bgl, reaching 0.43m bgl in BH2 at its height (paragraph 3.1.8 of Reference B). These results mean that infiltration to ground is not going to be viable.

8.57 In its consultation response, the LLFA has raised concern in relation to the ability for the development to accommodate the 5,511m³ attenuation storage on site (based on the full application for the whole site 22/02214/FULEIA), given these high groundwater levels. In addition the LLFA also raises concern with regard to the detailed design of the attenuation basins and whether they have been designed to be fit for purpose for the lifetime of the development.

8.58 Reference B acknowledges: "At detailed design stage, any basin that is designed with a base level below the maximum winter groundwater level in that location will need to ensure the design has suitable lining to prevent the ingress of groundwater into the SuDS feature, reducing its overall capacity to store runoff. Furthermore, any lining will require suitable anchoring and calculations to demonstrate stability to avoid floatation from the hydrostatic uplift caused by the groundwater table."

8.59 Based upon a review of LiDAR data, ground levels range between about 4.7m and 5.4m above Ordnance Datum in the areas where the detention basins are proposed. Given the proximity to the coast, there is a strong possibility that these groundwater levels may be tidally influenced and, therefore, will increase in elevation with sea-level-rise throughout the lifetime of the development. In their consultation response the LLFA require "At the very least, further evidence of the design of structures envisaged to provide the requisite attenuation storage, taking into consideration predicted groundwater levels over the lifetime of the development is appropriate. Furthermore, the applicant should assess whether the proposed structures could displace (and therefore elevate) existing groundwater levels". To date this information has not been provided.

8.60 In addition to the further information required with regard to the attenuation storage, as outlined above, the LLFA also requires the applicant to robustly demonstrate that this site can be effectively drained over the lifetime of the development. As part of this, the LLFA requiring the applicant to establish the extent to which the Hale Farm Ditch is predicted to be tide-locked (i.e. where the lower reaches of the flowing watercourse, such as Hale Farm Ditch in this instance, are affected by tide levels) over the lifetime of the development and therefore the extent to which the discharge from the site is also likely to

be tide-locked. The LLFA states that “modelled simulation for the drainage should reflect the predicted duration and implications of a surcharged outfall for the lifetime of the development”. To date this information has not been provided. The LLFA remains concerned with the detailed calculations of the drainage strategy in relation to the long term sustainability of the development, how the site would drain without effecting flooding elsewhere, location of SuDs, impact of flood risk on the development, and how the drainage and watercourse features would be maintained.

8.61 For the reasons set out above, insufficient information has been provided to demonstrate the site will be adequately drained by the proposed drainage strategy and flood risk assessment, which could increase flood risk elsewhere, therefore the application is not in accordance with the NPPF paragraphs 167 and 169. Furthermore, it has not been satisfactorily demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere and would therefore contrary to NPPF paragraph 159 and Policy 42 in the Chichester Local Plan: Key Policies 2014-2029.

Foul disposal

8.62 There are foul sewers located to the west of the site along Church Road and to the south of the site, which may provide points of connection for foul water from the proposed development. Given the site topography and the proposed development layout, in order to discharge the foul water from the site pumping stations may be required (as detailed on the proposed Layout Plan). The specific requirements are to be confirmed at the detailed design stage.

8.63 Southern Water as the statutory undertaker has not raised any objections to the proposal, stating that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water.

8.64 With the imposition of appropriate conditions, it is considered that the foul drainage component of the application can be successfully addressed in terms of ensuring that details of the proposed means of foul sewage disposal are submitted to and approved in writing by the Local Planning Authority.

vi. Ecology and biodiversity

- 8.65 Policy 49 of the CLP requires that the biodiversity value of the site is safeguarded and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity, is avoided or mitigated. Policy 49 further requires that developments should incorporate features that enhance biodiversity as part of good design and sustainable development. Paragraph 174 of the NPPF requires planning decisions to minimise impacts on and provide net gains for biodiversity.
- 8.66 The site lies 0.6km to the north of the Solent and Dorset Coast Special Protection Area (SPA), 1.9km north-east of the Solent Maritime Special Area of Conservation (SAC), 0.6km north of the Bracklesham Bay Site of Special Scientific Interest (SSSI), 1.4km south-east of the Local Wildlife Site (LWS) Redlands and Meadows. Additionally, the site lies 2.5km east of the Chichester and Langstone Harbours SSS, SPA and Ramsar Site. Furthermore, the northern parcel of the application site has been re-classified by the Solent Wader and Brent Geese Strategy Steering Group on 30.11.2022 as a Secondary Support Area (SSA) of functionally linked habitat for overwintering SPA bird species under the Solent Waders and Brent Goose Strategy.
- 867 The application is supported by a range of ecology-related information which is brought together in the submitted Environmental Statement. These assessments have found that the site currently supports a moderate population of reptiles within field margins, and that a number of bat species also use the site's hedgerows for foraging and commuting. Water voles have previously been recorded as using the drainage ditch that runs along the eastern boundary of the site. Notwithstanding the recent classification of the northern parcel of the site as a SSA for the SPA/Ramsar, the applicant's own surveys of overwintering birds (which pre-date the site's classification) found no evidence of the site's use by qualifying species.
- 8.68 Whilst approximately 75m of hedgerow would be lost in order to facilitate access to the site, the applicant's stated approach is to generally seek to protect, retain and where possible strengthen existing features of biodiversity value such as the hedgerows and watercourses that are internal and peripheral to the site. The ditch that runs along the site's eastern boundary will, for all but its northernmost section, be separated from the built elements of the development by a substantially undeveloped buffer of between 50m and 75m in depth, with this area incorporating SuDS features, tree and wildflower planting, recreational paths and the previously mentioned allotments. An 'Ecology Area' for the adjacent school is also shown indicatively in the south-eastern corner of the site, although it is unclear what this area would comprise or how it would be secured for school-use.
- 8.69 As noted from the responses set out at paragraph 6.23 above, the Council's Ecologist has set out a number of concerns about the impact of development on ecology and biodiversity.
- 8.70 Turning first to bats, it is considered that any potential impacts are capable of being sufficiently mitigated via a number of measures including; the use of buffer strips to hedgerows; gap-filling and other compensatory planting of native species to improve connectivity and enhance bat-friendly habitats; an appropriate lighting scheme; appropriate controls and protections during the construction phase. These measures are capable of being satisfactorily controlled via appropriately worded planning conditions.

- 8.71 With regard to water voles, the Council's ecologist has confirmed that the width of the proposed buffer flanking an approximately 150m length of the boundary ditch in the north-eastern part of the site boundary is insufficient to ensure the retention of sufficient appropriate habitat. Further details of mitigation measures to be employed during the construction phase of the development are required.
- 8.72 In terms of reptiles, given the nature and size of the population that has been identified on the site a greater level of detail in respect of a mitigation strategy is required.
- 8.73 In respect of both water voles and reptiles, despite the Council's ecologist's concerns being made clear early in the application process there has been no attempt by the applicant to address these matters through appropriate revisions to the plans and/or the submission of further information. Consequently, whilst it is accepted that it is likely that these matters are capable of being addressed, the proposals and supporting information are insufficient to enable the officer's to conclude that, before granting detailed planning permission, harm to these protected species can be avoided or sufficiently mitigated.
- 8.74 In respect of the Chichester and Langstone Harbours SPA/Ramsar the applicant is proposing a financial contribution towards the Bird Aware Solent Strategy in order to mitigate recreational disturbance impacts arising from the development. However, due to the close (2.5km) proximity of the site to the SPA/Ramsar, additional on-site mitigation in the form of a circular walking route – primarily aimed at those with dogs - is considered necessary. Although the proposed layout facilitates some opportunities for walking within the site, there is no evidence to demonstrate that measures specifically aimed at deflecting recreational pressure from the SPA – for example, through incorporation of a continuous off-road route to the site's periphery - have been incorporated or maximised.
- 8.75 As noted above, the proposals will result in the loss of approximately 16ha of functionally linked habitat for overwintering SPA bird species. The application contains no measures to mitigate or compensate for the loss of this significant resource.
- 8.76 Issues relating to the SPA/Ramsar have been addressed in an Appropriate Assessment (AA) carried out by officers. In view of the above conclusions in respect of impacts on the Habitats site the AA concludes that the development would result in the unmitigated loss of functionally linked Habitats site and that, accordingly, it results in significant harm to the designated site and accordingly the application cannot be permitted.
- 8.77 With regard to Biodiversity Net Gain (BNG) the applicant has confirmed that its approach in this regard is to 'seek to achieve' net gains in biodiversity. However, the detailed plans and supporting information contain very little evidence as to how such gains will be achieved. For example, there is no firm commitment to the use of a comprehensive package of measures such as those identified by the Council's ecologist, and nor has the opportunity been taken to quantify gains. Therefore the suggested BNG is not considered to be a significant benefit to weigh in the planning balance.

8.78 In summary on this issue, the application is subject to a number of serious shortcomings in respect of impacts upon both the qualifying species of the Chichester and Langstone Harbours SPA/Ramsar and protected species that inhabit or frequent the site. Further the application has failed to demonstrate that opportunities to enhance biodiversity will be maximised. Accordingly, these shortcomings are reflected in reasons 3 and 4 of the recommendation below.

vii. Sustainable design and construction

8.79 Policy 40 of the CLP requires the developer to demonstrate that all new dwellings comply with the 10 criteria set out in the policy. These include: how the proposal aims to protect and enhance the environment; that the proposal is water efficient (provision of 110 litres per person per day); how the new development complies with Building for Life Standards;

how the new development applies sound sustainable design building techniques and technologies and the use of renewable and recycled materials; how the energy consumption of the development is minimised and that the amount of energy supplied from renewable resources is maximised; how the proposal includes measures to adapt to climate change; how the historic and built environment, open space and landscape character will be protected; how the natural environment and biodiversity will be protected; development of appropriate scale, height, appearance, form, siting and layout to maintain tranquillity; and, local character and reduction of impacts associated with traffic and pollution. There are also provisions for sustainability in the IPS.

8.80 As noted from the responses set out at paragraph 6.23 above, the applicant has not submitted a detailed sustainability statement with the application, to demonstrate how the requirements of policy 40 will be met.

8.81 However, the submitted Planning Statement does have a brief section in relation to 'Sustainable Construction', which states that applicant would follow a fabric first approach to building design, including insulation, high-performance windows and doors, increased air tightness and maximising passive solar gains. The Planning Statement confirms the use of energy efficient boilers and that homes will be built 'well above' current Building Regulations for insulation.

8.82 With regard to renewable energies the applicant confirms heating will be provided using Air Source Heat Pumps (ASHP) and specified fixtures and fittings will reduce energy and water use throughout. A maximum of 110 litres per person per day water use would be conditioned to secure this requirement.

8.83 Whilst the applicant states that Electric Vehicle (EV) charging points will be installed within at least 40% of the properties, with the remaining spaces 'future proofed' with the necessary ducting for ease of installation at a later date, it is noted that this requirement has been superseded by Part S Building Regulations which sets a requirement for each dwelling or parking space to have access to an electric vehicle charge point. If all other elements were acceptable a condition would be imposed to secure EV charging facilities for the development (including the retail and community element).

8.84 In conclusion, although it is disappointing the applicant has not submitted a sustainability statement with the application as required, it is accepted that a detailed sustainability statement to demonstrate how the requirements of policy 40 and criterion 8 of the IPS will be met could be secured by way of a pre-commencement condition. Secured in this way the development would meet the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40.

viii. Other matters

Loss of agricultural land

8.85 An Agricultural Land Classification Report has been submitted (produced by Henry Adams, 9th March 2022), which concludes the entirety of the 16.9ha site is Grade 2 or 'very good quality' Best and Most Versatile (BMV) agricultural land. The applicant states

the site is unsuitable for large scale horticultural development due to access and traffic flow limitations. It is further concluded that the loss of a small area of land as a natural resource is minimal.

8.86 Policy 48(4) of the CLP states *inter alia* that planning permission will be granted where development of poorer quality agricultural land has been fully considered in preference to BMV land. This approach is underpinned in the NPPF which states at para 174(b) that planning policies and decisions should contribute to and enhance the natural and local environment by *inter alia* 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland'. Footnote 58 of the NPPF clarifies that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

8.87 The application has failed to clearly demonstrate that the development of poorer quality agricultural land has been considered in preference to BMV agricultural land in accordance with criterion 4 of Policy 48 of the CLP. In the event the 'tilted balance' is 'engaged' this harm would need to be weighed against the benefits of the provision of housing.

8.88 The proposed development would result in a significant and permanent loss of 16.9ha of Grade 2 BMV agricultural land. Grade 2 agricultural land is a finite resource. The unjustified loss of BMV agricultural land is contrary to the aims and objectives of the NPPF, including paragraph 174 of the NPPF (September 2023) and Policy 48 of the Chichester Local Plan: Key Policies 2014-2029. The proposal is a significant development in the countryside and it has not been satisfactorily demonstrated that the development is necessary in this location resulting in the loss of use of 16.3ha of Grade 2 agricultural land.

Archaeology

8.89 The Council's Archaeology Officer agrees with the results and conclusions of the desk based assessment supplied with the application (i.e. that the sites archaeological potential is unlikely to be such that development should be precluded but that this should be confirmed by field evaluation prior to development in order that the significance of anything

of interest that it might contain can be properly preserved). A condition would be applied to secure a written scheme of archaeological investigation of the site, if planning permission were granted.

Allotments, activity area, school ecology area

Allotments

8.90 The scheme proposes a community benefit in the form of 2540sqm of allotment space. The proposed allotment plots are located to the north-east corner of the site within the open space provision. Parking and storage facilities are also provided although the allotments are located well within the 600m walking distance of all proposed properties on the site. The inclusion of a significant provision of allotment space responds to an identified need. As a supporting background document to the Local Plan 2021-2039:

Proposed Submission, the Chichester Open Space Study 2014-2036 (September 2018) identified a shortfall of 5.82ha in the overall supply of and access to allotments space in the Manhood Peninsula, with a shortfall of 1.4ha in East Wittering. The proposed development would help address that identified need and is therefore considered a benefit of the scheme.

Activity area

8.91 The scheme also provided 5010sqm of activity area, which includes play equipment and an indicative pump track, located to the south-east corner of the site within the open space provision. 16 car parking spaces are also provided for this area to the north-west of the activity area, although the activity area is located well within the 600m walking distance of all proposed properties on the site. As a supporting background document to the Local Plan 2021-2039: Proposed Submission, the Chichester Open Space Study 2014-2036 (September 2018) identified a shortfall of in the overall supply of and access to amenity green space, parks and recreation grounds and play space for children and youths in the Manhood Peninsula. The proposed development would help address that identified need and is therefore considered a benefit of the scheme.

School ecology area

8.92 The scheme also provides 5460sqm for a school activity area to the south-west corner of the site, adjacent to the existing school's playing fields. The submitted Planning Statement states that independent meetings were held with representatives of the Primary School and WSCC Education officers, to consider the relationship between the proposed development and the Primary School, with regard to place provision and the potential to provide some additional land to the Primary School as additional playing fields. This could also include a direct connection between the proposed development and the school and an associated pedestrian and cycle access. At this stage it is unclear what this area would comprise or how it would be secured for school-use.

Flexible retail and community use

8.93 The application proposes the provision of 20,000sqft of flexible retail and community floor space (Use Classes E and F) in the north-west corner of the site. This is in the form of two buildings and associated car parking, incorporating a series of workspaces as well as the community use building, which will provide a multifunctional space for the new and existing community. If all other elements were acceptable a condition would be recommended requiring details of marketing for the proposed uses. Provision of the facilities together with their on-going management and maintenance arrangements will be secured through the S216 Agreement.

Contaminated land

8.94 Consideration has been given to Wilson Bailey Geotechnical and Environmental Desk Study Report and Contaminated Land Assessment (Ref: J22034, September 2022). The desk study indicates that there is a low risk of the identified potentially sensitive receptors being impacted by any residual contamination that could conceivably be present beneath the site. Given the scale of the proposed development, it would be considered

that the standard contaminated land conditions would be applied, if planning permission were granted.

Air quality

8.95 The Council's Environmental Protection Officer has considered Tetra Tech's Air Quality Assessment (Ref: 784-A099004, 25th May 2022) and accepts the findings. The effects of changes in traffic flow as a result of the proposed development, with respect to NO₂, PM₁₀ and PM_{2.5} exposure, is determined to be 'negligible' at all existing receptors. As there is no safe level of exposure to air pollution, it is recommended that air quality mitigation measures to reduce single occupancy car trips and increase sustainable transport modes as set out in the submitted Travel Plan produced by Basham Associates Ltd (August 2022) are secured (together with a monitoring and auditing fee of £3,500) through S106 agreement.

8.96 Likewise, if permission were granted, then a condition is necessary to stipulate adherence to the dust mitigation measures listed in Section 8.1 of the Air Quality Assessment during construction works. This would be incorporated into an overarching requirement for a Construction Environmental Management Plan (CEMP) which would be secured via condition.

8.97 Due to the passage of time the Council's Environmental Protection Officer has provided further comments (September 2023) in respect of air quality and the applicant's submitted information. This seeks Table 4.1 to be updated to remove the Stockbridge roundabout and Orchard Street AQMAs in Chichester as they have been revoked. It also requires the list of legislation and best practice (section 2.1) to be updated to reflect The Environmental Targets (Fine Particulate Matter₀ (England) Regulations 2023 and the Local Air Quality Management Technical Guidance LAQM TG22, Defra 2022. It also requires table 2.1 to be updated to reflect the change to the PM_{2.5} air quality standards, objectives, limits and target values and sections 5.0 and 6.0 and the text under Table 6.11 to be updated to reflect the change to the PM_{2.5} predicted concentrations. The Environmental Protection

Officer concludes the overall conclusions of the report will significantly change but the report should reflect the up to date information.

Infrastructure / Planning Obligations

8.98 This development is liable to pay the Council's CIL indexed at £120sqm which will address most of the infrastructure matters. The S106 Agreement has not been progressed due to the fundamental issues discussed above. If the development was otherwise acceptable, obligations would be required to secure the following:

- 30% Affordable Housing (84 units) (no more, no less) with a tenure split as follows:
 - 21 x First Homes (14 x 1-bed flats and 7 x 2-bed houses)
 - 29 x Social Rent (6 x 1-bed flats, 15 x 2-bed houses and 8 x 3-bed houses)
 - 18 x Affordable Rent (4 x 1-bed flats, 2 x 2-bed bungalows, 3 x 2-bed houses, 6 x 3-bed houses and 3 x 4-bed houses)
 - 16 x Shared Ownership (6 x 2-bed houses and 10 x 3-bed houses)
- Financial contribution towards the coordinated package of highway works on the A27

Chichester by-pass, 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 £2,163,840 (280 x £7,728 per dwelling)

- Off-site highways works to the pedestrian crossing point on Church Road.
- Financial contribution of the £51,000 towards the A286/B2201 mini roundabout mitigation scheme in accordance with the Chichester Infrastructure Delivery Plan (CIDP).
- Financial contribution of £208,172 towards the Bird Aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbours SPA/Ramsar together with the provision of an on-site continuous off-road circular walking route.
- Suitable mitigation to compensate for the loss of approximately 16ha of existing Secondary Support Area of functionally linked habitat for overwintering SPA bird species under the Solent Waders and Brent Geese Strategy.
- Provision, management and on-going maintenance of the allotments, school ecology area and activity area.
- Provision Management and on-going maintenance of the landscape bund to the south-east corner of the site adjacent to Wessex Avenue.
- Provision, management and on-going maintenance of Public Open Space (POS) including the equipped play area (LEAP), in accordance with Planning Obligations and Affordable Housing SPD requirements.

- Financial contribution of £3,500 for the monitoring and auditing of the Travel Plan by WSCC Highways.
- S106 monitoring fee of £6,638.

Conclusion and planning balance

- 8.99 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration.
- 8.100 The Council currently does not have a demonstrable 5-year housing land supply. Therefore the Council's housing policies are deemed out of date. Paragraph 11 of the Framework states that in such circumstances, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development, having regard to footnote 7. This includes Habitat sites and areas at risk of flooding. Therefore, the tilted balance does not apply.
- 8.101 The harm identified in respect of the risk of future flooding, impact upon wildlife and protected species (including those that are special features of European Designated sites), lack of safe and adequate access for all highways users and the combination of severe impacts upon the road network and a lack of mitigation, the loss of an area of best and most versatile agricultural land, lack of information to demonstrate that suitable measures to mitigate the impacts of noise can be provided whilst safeguarding the overall amenity of future occupiers, plus a lack of S106 legal agreement to secure a range of infrastructure requirements and mitigation for designated sites outweigh the benefits of the development. The proposed development conflicts with both national and local planning policies and therefore the application is recommended for refusal.

Human Rights

- 8.102 The Human Rights of all affected parties have been taken into account and the recommendation to refuse is considered justified and proportionate.

RECOMMENDATION

REFUSE for the following reasons:-

- 1) The application site is at high-risk of future flood risk as a result of tidal flooding taking into account the current climate change allowances, based on information in the Level 1 Interim Strategic Flood Risk Assessment Report December 2022. In the absence of an acceptable Flood Risk Assessment (FRA) and Drainage Strategy, the application fails the sequential test as insufficient adequate information has been submitted to show there are no reasonably available sites appropriate for this type of development, in areas at lower risk of flooding, as required in NPPF paragraphs 161 and 162. The application is therefore unacceptable on flood risk grounds and is not in accordance with policy 42 of the Chichester Local Plan: Key Policies 2014-2029, paragraphs 159, 161, 162, 163, 167 and 169 of the NPPF and guidance in the PPG 'Flood Risk and Coastal Change'.

2) Insufficient information has been provided to demonstrate the site will be adequately drained by the proposed Drainage Strategy and Flood Risk Assessment, particularly in respect of the detailed calculations of the drainage strategy in relation to the long term sustainability of the development, how the site would drain without effecting flooding elsewhere, location of SuDs, impact of flood risk upon the development, and how the drainage and watercourse features would be maintained. Therefore the application is not in accordance with the NPPF paragraphs 167 and 169. Furthermore, it has not been satisfactorily demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere and would therefore be contrary to NPPF paragraph 159 and Policy 42 in the Chichester Local Plan: Key Policies 2014-2029.

3) The proposed development would result in the loss of approximately 16ha of existing Secondary Support Area (SSA) of functionally linked habitat for overwintering SPA bird species under the Solent Waders and Brent Geese Strategy. The application contains no measures to mitigate or compensate for the loss of this significant resource. Furthermore, due to the close (2.5km) proximity of the proposed

development to the SPA/Ramsar, in addition to the financial contribution towards the Bird Aware Solent Strategy, additional on-site mitigation in the form of a circular walking route specifically aimed at deflecting recreational pressure from the SPA/Ramsar is considered necessary, in order to mitigate recreational disturbance impacts arising from the development. Without any measures to mitigate or compensate for the loss of the SSA or on-site measures to deflect recreational pressure from the SPA, it cannot be established that the proposal would not have a likely significant effect on a European protected site. Accordingly the proposal would conflict with policy 49 of the Chichester Local Plan: Key Policies 2014-2029, paragraph 180 of the NPPF (September 2023) and Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 (The Habitats Regulations).

4) In respect of both water voles and reptiles, insufficient information has been provided to demonstrate that harm to protected species can be avoided or significantly mitigated. The proposed development would therefore be contrary to paragraph 180 of the NPPF (September 2023) and Policy 49 of the Chichester Local Plan: Key Policies 2014-2029.

5) It has not been demonstrated that safe and suitable access onto the highway to the site can be achieved for pedestrians and cyclists, nor that the opportunities for sustainable access has been taken up in accordance with paragraph 110 of the NPPF (September 2023) and contrary to policies 8 and 39 of the Chichester Local Plan: Key Policies 2014-2029.

6) It has not been demonstrated that the proposed development, in combination with other development, would not have a 'severe' impact on the adjoining highway network, in particular on the A286 arm of the Stockbridge Roundabout, on other users of Birdham Road and would not result in an increased delay for those travelling west to east on the A27 (by A286 traffic circulating on the roundabout). Furthermore insufficient information, in the form of all relevant committed development sites to be included within the assessment of the transport impacts, has been provided for the Local Highway Authority (LHA) to assess the cumulative highway implications of the proposed development. The proposed development would therefore be contrary to paragraphs 110-113 of the NPPF (September 2023) and Policy 39 of the Chichester Local Plan: Key Policies 2014-2029.

7) On the basis of the information provided, the proposals, in combination with other development, would further impact upon the Strategic Road Network (SRN). This cumulative effect would likely have an unacceptable impact on the safety and function of both the SRN and the Local Highway Network (LHN). The Chichester Local Plan 2021-2039: Proposed Submission sets out a strategy to provide long term mitigation of these impacts, up to 2039, which requires all new housing development (net increase) to contribute towards identified improvements. 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 Chichester Local Plan 2021-2039: Proposed Submission delivers the financial contributions of the scale envisaged in draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission, 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 Chichester Local Plan 2021-2039: Proposed Submission. In the absence of any such contribution, the proposal would lead to an unsustainable increase in impacts upon these networks and would undermine the delivery of the necessary highways infrastructure strategy to see further growth of up to 3,600 dwellings beyond existing commitments. The proposal is therefore contrary to Policy 9 of the Chichester Local Plan: Key Policies 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission and Paragraphs 8, 104, 105 and 110 of the NPPF (September 2023).

8) The proposed development would result in a significant and permanent loss of Grade 2 Best and Most Versatile (BMV) agricultural land. It has not been adequately demonstrated that the proposal could not be sited on land of poorer quality. The proposal is therefore contrary to the aims and objectives of the NPPF (September 2023), including paragraph 174 and Policy 48 of the Chichester Local Plan: Key Policies 2014-2029.

9) Insufficient information has been provided to demonstrate that the requirement for closed windows to meet adequate internal noise levels can be avoided or designed out. The proposed development would therefore be contrary to Policy 33 of the Chichester Local Plan: Key Policies 2014-2029 and recommendations in 8233:2014 'Guidance on sound insulation and noise reduction for buildings'.

10) In the absence of a signed Section 106 legal agreement the application makes no provision for securing the necessary infrastructure obligations the proposal generates including the provision of affordable housing, transport infrastructure, the provision, management and maintenance of public open space including equipped play area, allotments, school ecology area, activity area and landscape bund. Furthermore there is no mechanism to secure the recreational disturbance mitigation for the Chichester and Langstone Harbour Special Protection Area or mitigation for the loss of the existing Secondary Support Area of functionally linked habitat for overwintering SPA birds. In failing to secure the necessary infrastructure and mitigation requirements which a development of this size generates, the proposals are contrary to Paragraphs 57, 63, 110 and 180 of the National Planning Policy Framework (September 2023) and Policies 8, 9, 34, 49, 50 and 52 of the Chichester Local Plan: Key Policies 2014-2029, Policies I1, T1 and T2 of the emerging Chichester Local Plan Review 2021-2039: Proposed Submission, the Conservation of Habitats and Special Regulations (2017) and the Planning Obligations and Affordable Housing SPD

INFORMATIVES

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

2) The decision was based on the following plans: CB_L_15_075_P1_1200/REV.E; CB_L_15_075_P1_1301/REV.E; CB_L_15_075_P1_1302/REV.E; CB_L_15_075_P1_1200/REV.E; CB_15_075_P1_000/REV.B; CB_15_075_P1_002/REV.H; CB_15_075_P1_003/REV.G; CB_15_075_P1_004/REV.G; CB_15_075-P1_005/REV.G; CB_15_075_P1_006/REV.H; CB_15_075_P1_007/REV.G; CB_15_075_P1_008/REV.G; CB_15_075_P1_009/REV.G; CB_15_075_P1_012/REV.G; CB_15_075_P1_013/REV.G; CB_15_075_P1_001/REV.K; CB_15_075_P1_ACG_2BH_01; CB_15_075_P1_ACG_ALD&ALD-2B_01; CB_16_075_P1_ACG_ALL_01/REV.A; CB_15_075_P1_ACG_BLA_01/REV.A; CB_15_075_P1_ACG_CUL_01/REV.A; CB_15_075_P1_ACG_FOX_01/REV.A; CB_15_075_P1_ACG_FOX_02/REV.A; CB_15_075_P1_ACG_FRA_01/REV.B; CB_15_075_P1_ACG_HOP_01/REV.A; CB_15_075_P1_ACG_KEN_01/REV.A; CB_15_075_P1_ACG_LIN_01; CB_15_075_P1_ACG_LYN_01/REV.A; CB_15_075_P1_ACG_T58&59&MAT_01; CB_15_075_P1_ACG_T58&59_T60&61_01/REV.B; CB_15_075_P1_ACG_WIN_01; CB_15_075_P1_ACG_WYC_01/REV.A; CB_15_075_P1_ACG_WYC_02/REV.A; CB_15_075_P1_BIN&CYC_01/REV.C; CB_15_075_P1_CIN&CYC_02/REV.A; CB_15_075_P1_E&F_01; CB_15_075_P1_E&F_02; CB_15_075_P1_E&F_03/REV.A; CB_15_075_P1_E&F_04/REV.A; CB_15_075_P1_EG_3BH&2BH_01; CB_15_075_P1_EG_ALD_01; CB_15_075_P1_EG_ALL_01/REV.A; CB_15_075_P1_EG_BLA_01; CB_15_075_P1_EG_CUL_01/REV.B; CB_15_075_P1_EG_FRA_01/REV.B; CB_15_075_P1_EG_HOP_01; CB_15_075_P1_EG_HOP_02/REV.A;

CB_15_075_P1_EG_KEN_01/REV.B; CB_15_075_P1_EG_LIN_01;
CB_15_075_P1_EG_MEW_01/REV.A; CB_15_075_P1_EG_T60&61_01/REV.A;
CB_15_075_P1_EG_WIN_01; CB_15_075_P1_EG_WYC_01;
CB_15_075_P1_EG_WYC_02/REV.B; CB_15_075_P1_GAR_01;
CB_15_075_P1_PE_3BC&2BH_01/REV.A; CB_15_075_P1_PE_3BH_01/REV.A;
CB_15_075_P1_PE_ALD-2B_01; CB_15_075_P1_PE_ALD_01/REV.B;
CB_15_075_P1_PE_ALL_01; CB_15_075_P1_PE_ALL_02/REV.A;
CB_15_075_P1_PE_CUL_01/REV.B; CB_15_075_P1_PE_HOP_01;
CB_15_075_P1_PE_KEN_01/REV.B; CB_15_075_P1_PE_LYN_01;
CB_15_075_P1_PE_WIN_01/REV.A; CB_15_075_P1_PE_WYC_01/REV.B;
CB_15_075_P1_PE_WYC_02/REV.A; CB_15_075_P1_SQ_3BC&2BH_01/REV.A;
CB_15_075_P1_SQ_3BC_3BH_01/REV.A;
CB_15_075_P1_SQ_3BC_3BH&2BH_01/REV.A;
CB_15_075_P1_SQ_3BH&2BH_01/REV.B;
CB_15_075_P1_SQ_3BH&2BH_02/REV.A;
CB_15_075_P1_SQ_4BH&3BH_01/REV.A; CB_15_075_P1_SQ_BED_01;
CB_15_075_P1_SQ_BED_02; CB_15_075_P1_SQ_HOP&MEW_01/REV.A;
CB_15_075_P1_SQ_HOP_02/REV.A; CB_15_075_P1_SQ_KEN_01/REV.B;
CB_15_075_P1_SQ_KEN_02/REV.B; CB_15_075_P1_SQ_KEW_01/REV.A;
CB_15_075_P1_SQ_KEW_02/REV.C; CB_15_075_P1_SQ_LIN_01;
CB_15_075_P1_SQ_MAT_01/REV.A; CB_15_075_P1_SQ_MID_01;
CB_15_075_P1_SQ_T58&59_T60&61_01/REV.B;
CB_15_075_P1_SQ_T60&61_01/REV.B; CB_15_075_P1_SS_01/REV.C;
CB_15_075_P1_SS_02/REV.D; CB_15_075_P1_SS_03/REV.C;
CB_15_075_P1_SS_04/REV.D; CB_15_075_P1_WC_2BB_01;
CB_15_075_P1_WC_2BH_03/REV.A; CB_15_075_P1_WC_2BH_05;
CB_15_075_P1_WC_3BC_2BH_01; CB_15_075_P1_WC_3BC_01/REV.A;
CB_15_075_P1_WC_3BH&2BH_01/REV.A; CB_15_075_P1_WC_3BH_01/REV.B;
CB_15_075_P1_WC_3BH_02/REV.A; CB_15_075_P1_WC_4BH_01;
CB_15_075_P1_WC_ALD-2B_01; CB_15_075_P1_WC_ALD_01/REV.B;
CB_15_075_P1_WC_FOX_01/REV.A; CB_15_075_P1_WC_FOX_02;
CB_15_075_P1_WC_HOP&MEW_01/REV.A;
CB_15_075_P1_WC_HOP&MEW_02/REV.A; CB_15_075_P1_WC_HOP_01;
CB_15_075_P1_WC_KEN_01/REV.A; CB_15_075_P1_WC_KEW_01/REV.B;
CB_15_075_P1_WC_LIN_01; CB_15_075_P1_WC_MAT_01/REV.B;
CB_15_075_P1_WC_MAT_03/REV.B; CB_15_075_P1_WC_MEW_01/REV.A;
CB_15_075_P1_WC_PRI_01/REV.A; CB_15_075_P1_WC_T58&59_01;
CB_15_075_P1_WC_T60&61_01; CB_15_075_P1_WC_WIN_01; 6115_8_22;
CB_15_075_P1_WC_WM_01/REV.B; 041.0033.001/REV.E; 041.0033.009;
041.0033.011/REV.C; and 041.0033.008/REV.D.

For further information on this application please contact Jane Thatcher on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RH8CR9ER0ZU00>