

Public Document Pack

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A meeting of **Planning Committee** will be held virtually on **Wednesday 3 March 2021** at **9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

AGENDA

1 **Chairman's Announcements**

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

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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.

2 **Approval of Minutes** (Pages 1 - 6)

The minutes relate to the meeting of the Planning Committee on 3 February 2021.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 12 (b).

4 **Declarations of Interests** (Pages 7 - 8)

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

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

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

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

5 **CH/20/01826/FUL - Land Adjoining A27, Scant Road West, Hambrook,**

- Chidham (9.35am approximate start time)** (Pages 9 - 55)
Mixed use development comprising 118 dwellings (including 36 affordable dwellings), public open space, landscaping and associated works and a retail convenience store with community space above all accessed via Broad Road.
- 6 **CC/20/02473/REM - Land West Of Centurion Way And West Of Old Broyle Road (10.35am approximate start time)** (Pages 57 - 82)
All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.
- 7 **WW/20/02932/FUL - 11A Marine Drive West, West Wittering (11.10am approximate start time)** (Pages 83 - 91)
Use of building as annex to 11 Marine Drive West and/or as a holiday let.
- 8 **CC/20/03226/FUL - 23 Lavant Road, Chichester, PO19 5RA (11.30am approximate start time)** (Pages 93 - 114)
Redevelopment of the site with creation of 5 no. flats and parking, landscaping and associated works.
- 9 **BO/20/02707/DOM & BO/20/02708/LBC - Church Cottage, High Street, Bosham, PO18 8LX (12.15am approximate start time)** (Pages 115 - 131)
Proposed single storey orangery extension and link to garage/annexe.
- 10 **Ministry of Housing, Communities and Local Government consultation on National Planning Policy Framework and National Model Design Code (12.35 approximate start time)**
To note the contents of the consultation, provide comments and endorse the proposed response (Report to follow).
- 11 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 13 January 2021 and 9 February 2021** (Pages 133 - 144)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 13 January 2021 and 9 February 2021** (Pages 145 - 152)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **Consideration of any late items as follows:**
The Planning Committee will consider any late items announced by the Chairman at the start of this meeting as follows:
- a) Items added to the agenda papers and made available for public inspection
 - b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting
- 14 **Exclusion of the Press and Public**
There are no restricted items for consideration.

NOTES

1. The press and public may be excluded from the meeting during any item of business whenever it is likely that there would be disclosure of exempt information as defined in

section 100I of and Schedule 12A to the Local Government Act 1972

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

Application Type

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

Committee report changes appear in bold text. Application Status

ALLOW Appeal Allowed
APP Appeal in Progress
APPRET Invalid Application Returned
APPWDN Appeal Withdrawn
BCO Building Work Complete
BST Building Work Started
CLOSED Case Closed
CRTACT Court Action Agreed
CRTDEC Hearing Decision Made
CSS Called in by Secretary of State
DEC Decided
DECDET Decline to determine
DEFCH Defer – Chairman
DISMIS Appeal Dismissed
HOLD Application Clock Stopped
INV Application Invalid on Receipt
LEG Defer – Legal Agreement
LIC Licence Issued
NFA No Further Action
NODEC No Decision
NONDET Never to be determined
NOOBJ No Objection
NOTICE Notice Issued
NOTPRO Not to Prepare a Tree Preservation Order
OBJ Objection
PCNENF PCN Served, Enforcement Pending
PCO Pending Consideration
PD Permitted Development
PDE Pending Decision
PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required

CONHDG Hedgerows
CONHH Householders
CONLB Listed Buildings
CONMHC Mobile homes / caravans
CONREC Recreation / sports
CONSH Stables / horses
CONT Trees
CONTEM Temporary uses – markets/shooting/motorbikes
CONTRV Travellers
CONWST Wasteland

REC Application Received
REF Application Refused
REVOKE Permission Revoked
S32 Section 32 Notice
SPLIT Split Decision
STPSRV Stop Notice Served
STPWTH Stop Notice Withdrawn
VAL Valid Application Received
WDN Application Withdrawn
YESTPO Prepare a Tree Preservation Order



Minutes of the meeting of the **Planning Committee** held virtually on Wednesday 3 February 2021 at 9.30 am

Members Present: Rev J H Bowden (Vice-Chairman), Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, Mr R Plowman, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mrs C Purnell

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Miss N Golding (Principal Solicitor), Miss S Hurr (Democratic Services Officer), Mrs F Stevens (Development Manager (Applications)) and Mr T Whitty (Divisional Manager for Development Management)

198 **Chairman's Announcements**

Vice-Chairman Rev. Bowden took the chair and welcomed everyone present to the virtual meeting.

Apologies for absence had been received from Mrs Purnell.

199 **Approval of Minutes**

The minutes of 6 January 2021 be approved as a correct record.

200 **Declarations of Interests**

Mr Briscoe declared a personal interest in respect of WE/20/00047/FUL as Member of Westbourne Parish Council.

Mr Oakley declared a personal interest in respect of WE/20/00047/FUL and O/20/02087/FUL as a Member of West Sussex County Council.

201 **WE/20/00047/FUL - Hopedene, Common Road, Hambrook, Westbourne, West Sussex, PO18 8UP**

Mrs Stevens presented the item to Members and drew Members' attention to the information provided in the Agenda Update Sheet and confirmed a correction to the first sentence of para 8.11 which should have read 'The site is immediately 'east' of

an area of land....' and a further condition was amended regarding the requirement for nitrate neutrality to avoid an increased nitrate level within the Chichester Harbours.

Mr McAra arrived at the meeting.

The Committee received the following speaker:

Richard Hitchcock – Parish Council

Officers responded to Members' comments and questions:

With regards to the reed bed, Mrs Stevens explained that the size had been calculated to mitigate the amount of nitrates estimated to be released from the package treatment plant as a result of the new pitch, in line with methodology established by Natural England. The reed bed would require future management in order to remain effective in its function to remove nitrates and therefore a condition had been included to secure the necessary maintenance. On the matter of unauthorised pitches, Mrs Stevens confirmed that her understanding was that these were not within the site being considered but on adjacent sites and enforcement action was in progress. In regards to inefficient use of the land, Mrs Stevens explained that there was not an established density requirement as associated with housing schemes and it may be possible to provide more pitches on the site in future if deemed acceptable, but only the application with its proposed layout within the red line, which was tight around the single pitch, was currently being considered. In relation to the landscaping and lawn, Mrs Stevens confirmed the ecologists were satisfied with the proposals to provide planting and native hedging, and it would not be reasonable to require further enhancements, however as a standard landscaping condition had not been included, a landscaping condition which required native mixes to be used could be added.

With regards to the weight which could be afforded to an emerging Neighbourhood Plan, Mr Whitty confirmed this was a matter for the Committee. The Neighbourhood Plan had been through a process in which a number of fact-checks had been made including an assessment relating to sustainability and environmental impact, and was likely to be presented to CDC Cabinet in either April or May this year and a referendum would take place. Therefore the Neighbourhood Plan could be afforded some weight and whether that was sufficient to outweigh presumption in terms of a sustainable development was to be considered. Mr Whitty advised that the relevant policy was OA42 which related to Gypsy and Traveller pitches which stated that the purpose of the Neighbourhood Plan was to consider if Gypsy and Traveller sites had been proportionately met. Officers had noted that this application was for an extension of a set of pitches for a family taken a balanced view between appropriate weight afforded to the Neighbourhood Plan, against significant harm not been identified.

Mr Whitty advised the main basis on which to take a decision was to consider whether or not the district's level of supply had been met and the existence of vacant pitches similarly to considering vacant market housing stock would not be relevant at an appeal. The focus should be on the lack of current supply and

balancing the harm that may be construed from the proposal in relation to that. With regards to over-whelming a settled community, an Inspector may take a view that this evidence was anecdotal and not a provision of tangible evidential harm.

With regards to relevant guidance, Mr Whitty responded that this could not be used as policy. On the matter of the suggested maximum number of 15 pitches within a site, the site which was the subject of the application and the neighbouring site, might be viewed as two separate sites as one could not be accessed from the other. Mr Whitty also advised that the referenced guidance was withdrawn on 1 September 2015, although it could be noted, but an Inspector was unlikely to give it any weight.

On the matter of considering the evidence which informed the Neighbourhood Plan and whether that was relevant, Mr Whitty confirmed it could be reviewed for the current and future applications. Evidence of over-development was usually provided by demonstrating a strain on services, but an argument could be presented of a perception within a community of one group defined by traits, as being dominant. However, officers had experience on appeal with much larger numbers of gypsy and travellers pitches, and the actual numbers of those in the settled community were significantly higher and the Inspector had not found the community to be over-whelmed. With regards to anti-social behaviour, police evidence may be required which would have to demonstrate that it was directly related to the number of pitches. Mr Whitty reiterated that a robust case would have to demonstrate a strain on services, and that the settled community were numerically overwhelmed, which could relate to the local neighbouring dwellings rather than the parish as a whole. The lack of a Local Plan would not give any further weight to a Neighbourhood Plan, but when made it would be afforded weight the Local Plan did not currently have.

Mrs Stevens confirmed a landscaping condition which required native mixes to be used could be added to the ecological enhancement condition or be included as a stand-alone condition.

In a vote Members **refused** the application against officer recommendation.

Mr Briscoe proposed refusal of the application on the grounds of its being premature in relation to the Neighbourhood Plan, over-intensification of the site, and having dominance within the settled community in terms of the immediate neighbouring houses. Mr Whitty advised that prematurity would not be a reasonable reason for refusal, rather that reasons for refusal were: the cumulative impact of this site and the adjacent site, the harm demonstrated by the domination and intensification, and the current status of the Neighbourhood Plan, which provided a reason supported by policy. This was accepted by Mr Briscoe. The proposal was seconded by Mr Potter.

In a vote Members **agreed** the proposed reasons for the refusal of the application.

202 **O/20/02087/FUL - Colworth Manor Farm, Colworth Lane, Colworth, Chichester, West Sussex, PO20 2DU**

Miss Bell presented the item to Members.

Miss Bell responded to Members' comments and questions:

With regards to the lighting condition, Miss Bell confirmed correspondence with the applicant on this matter and that it had been confirmed that the polytunnels did not have fixed lighting and operatives used torches when undertaking night-time checks, but suggested that Condition 11 was reworded to ensure that if fixed lighting was necessary in the future, that this would require details to be submitted and approved. With regards to the wildlife corridor, the relevant policy which is in the emerging Local Plan is focused on permanent housing but the ecology officer had been consulted and the only issue would be disturbance of bats from the lighting, which was controlled by Condition 11. On the matter of the planting scheme Miss Bell explained that the applicant had referred to a four metre gap between the hedges which should have been a 400mm gap and the relevant Condition 7 would be updated with the correct information. With regards to litter Miss Bell confirmed that there was a list of requirements in Condition 9 the applicant must follow related to the polythene but a requirement for the disposal of other litter could be added. Miss Bell also confirmed the main access was from Colworth Lane and officers and the highways authority were content with this, and associated movements which were largely already taking place. With regards to the coalescence and landscaping views and the gaps in the hedgerow Miss Bell responded that she could seek confirmation through the condition 7 which areas were enhanced planting and which were new, and confirmed this condition also related to the biodiversity enhancement works. The height of the polytunnels would be 3.6 metres. They were set back from the boundaries and with enhanced planting the views would be filtered and not harmful to the landscape and set back from the main road. Miss Bell explained that Condition 6 related to the Sustainable Urban Drainage System management and maintenance and would require approval in writing. Miss Bell added that the applicant had agreed to use non-plastic recycled plant tubes which would also be added to Condition 7.

With regards to the environmental enhancement area Miss Bell confirmed she would make further checks on the area to be planted and retained as grassland and that when the polythene was removed the land was kept in an appropriate condition for wildlife. Miss Bell added that there was further work to be undertaken for reptile relocation and badger protection fencing. On the matter of the maintenance of polythene Miss Bell considered this was adequately covered by Condition 9. With regards to whether the expansion of the polytunnels was necessary for the business, Miss Bell drew the Members attention to the report which explained that there was an established need for soft fruits and the polytunnels would extend the growing season, reduce the need for pesticide and improve the quality of the fruit, and officers were confident of economic necessity.

Miss Bell further explained that the ecological enhancements were considered appropriate and the environmental officer was content.

In a vote Members agreed the recommendation to permit the application.

Recommendation to **Permit** agreed.

Members took a ten minute break.

203 **Schedule of Contraventions**

Mrs Archer drew Member's attention to the Agenda Update Sheet which listed two prosecutions related to 20/00299/CONENF, Land south of The Stables, Newells Lane, Funtington and 19/00231/CONBC, 3 West Ashling Road, Hambrook, Funtington. Both had been adjourned by the Court until 30th July 2021 due to a backlog of cases in the current Covid-19 pandemic. Mrs Archer also confirmed that 4, The Paddocks, next door to Hopedene Nursery would be issued with an enforcement notice today (3 February 2021). Mrs Archer explained that the team were following Covid-19 restrictions and taking a balanced view with regards to processing those matters which were essential and those which could be delayed. Notices had been issued for all matters within the report, therefore the enforcement process was in progress.

With regards to LURG/SDNP/20/00539/OPDEV, Land North of Blind Lane, Lurgashall, Mrs Archer confirmed that a further notice had been issued and there had been engagement with the landowners, but to retain control it was necessary to issue the notice. A compliance date had been received (27 April 2021) by which time the buildings must be removed, although an appeal may be forthcoming.

On the matter of the current case numbers Mrs Archer reported that the workload had remained consistent, however there had been a slight increase in cases potentially due to the numbers of people currently remaining at home during the Covid-19 pandemic and therefore being more aware of local potential enforcement matters which included an increase in the reporting of matters anonymously.

The Chairman requested if a graph illustrating trends could be provided for future meetings and Mrs Archer responded that the database held considerable information and therefore it would be possible to produce such a graph on the next occasion the quarterly contraventions were presented to the Committee.

Mr McAra and the Committee Members congratulated and thanked Mrs Archer and her team for their work and achievements.

204 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters between 16 December 2020 and 12 January 2021**

Mrs Archer responded to Members questions and comments:

With regards to Flintwalls, The Street, Boxgrove Mrs Archer confirmed that part of the flint wall collapsed some time ago, which had been replaced with a fence and had not been challenged at the time. Following a further collapse, the whole wall had been replaced with a fence. Officers were in discussion with the agent in the relation to the most recent matter, initially for the wall to be rebuilt once the fence had been removed. Whether construction of a wall in the area of the fence which had replaced the historical collapse could also be required, was being reviewed.

With regards to Land North West of Premier Business Park Mrs Archer confirmed that the applicant had applied for an extension to the period of compliance which

had been approved until the end of March 2021, with works to be completed by the end of April 2021.

205 **South Downs National Park Schedule of Planning Appeals, Court and Policy Matters between 16 December 2020 and 12 January 2021**

Members agreed to note this item.

Mr McAra and Members of the Committee thanked Rev. Bowden for taking the chair for the meeting.

206 **Consideration of any late items as follows:**

There were no late items.

207 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 11.48 am

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 3 March 2021

Declarations of Interests

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

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

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

Personal Interests - Membership of Parish Councils

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

- Mr H C Potter – Boxgrove Parish Council (BG)
- Mr R E Plowman – Chichester City Council (CC)
- Mrs S M Sharp – Chichester City Council (CC)
- Mr P J H Wilding – Lurgashall Parish Council (LG)
- Mr G V McAra - Midhurst Town Council (MI)
- Mr S J Oakley – Tangmere Parish Council (TG)
- Mrs D F Johnson – Selsey Town Council (ST)
- Mrs L C Purnell – Selsey Town Council (ST)
- Mr R A Briscoe – Westbourne Parish Council (WB)

Personal Interests - Membership of West Sussex County Council

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

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

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

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

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

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

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

NONE

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

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

NONE

Personal Interests – Other Membership of Public Bodies

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

- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/20/01826/FUL

Proposal	Mixed use development comprising 118 dwellings (including 36 affordable dwellings), public open space, landscaping and associated works and a retail convenience store with community space above all accessed via Broad Road.		
Site	Land Adjoining A27 Scant Road West Hambrook Chidham West Sussex PO18 8UA		
Map Ref	(E) 478850 (N) 106707		
Applicant	Sunley Estates Ltd	Agent	Ms Amanda Sutton

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT



	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

Parish Objection - Officer recommends Permit

Red Card: Councillor Moss. I request that this application be determined by the Planning Committee, the proposal is a major development.

Officer's Recommendation contrary to Development Plan but in accordance with the Interim Position Statement for Housing

2.0 The Site and Surroundings

- 2.1 The application site lies at the northern edge of Hambrook outside of but adjacent to the existing settlement boundary which runs along the length of the southern boundary and part way along the western boundary. It comprises a 9.766 hectare site inclusive of an area of highways land on Broad Road and is triangular in shape. The site consists of two adjoining fields laid to rough pasture and bisected approximately at the midway point by a hedge, tree line and field drainage ditch. The site is generally flat but has a perceptible natural fall from north-east to south-west. It is bounded by the hedgerow lined Broad Road to the west, the tree'd embankment sloping up to the A27 to the north-east and the mature tree lined Scant Road West to the south. There is existing residential development at Aviary Close and Shepherds Close to the west of Broad Road which extends northwards towards the A27, and to the south where a mix of single and two storey dwellings front onto Scant Road West on its south side. The site lies in Flood Zone 1.

3.0 The Proposal

- 3.1 This is an application for full planning permission which is described in the submission as:

Mixed use development comprising 118 dwellings (including 36 affordable dwellings), public open space, landscaping and associated works and a retail convenience store with community space above all accessed via Broad Road.

- 3.2 The application states that it aims to deliver 118 new dwellings for Hambrook of mixed type and tenure, combined with a range of open spaces, play areas, a trim trail, combined SuDS and ecological assets. The stated approach is to deliver a scheme which is 'landscape led' with landscape and ecology at the heart of the design ethos. During consideration of the application a further component has been added in the form of a two storey building providing a retail convenience store at ground floor with a community business resource hub above.

3.3 In detail the proposals comprise:

- 118 residential dwellings, including 36 affordable homes, occupying 3.9 ha of the site at an average density of 30 dwellings per hectare.

13 x 1 bed
40 x 2 bed
42 x 3 bed
23 x 4 bed

The above comprises 30.5% affordable homes resulting in the following split in the market/affordable mix:

Market Housing

4 x 1 bed
26 x 2 bed
32 x 3 bed
20 x 4 bed
Total 82

Affordable Housing

9 x 1 bed
14 x 2 bed
10 x 3 bed
3 x 4 bed
Total 36

Building heights within the site are predominately 2 storey dwellings (there are no 2.5 or 3 storey) but include 6 single storey bungalows to the south, responding to the existing bungalows located along Scant Road West. The proposed materials palette comprises elevations principally of 3 types of different colour brick (multi-tonal reds, lighter reds and red/brown) with elevational variety provided through the use of alternative feature bricks, projecting brick detailing, some tile hanging, eternit boarding, some render and projecting window surrounds. The window frames are to be in anthracite grey. Pitched gable roofs are to be in either grey or mottled brown roof tiles.

- A combined convenience retail store (170sqm) and a community business resource space (192.5sqm) located at the site entrance close to Broad Road, with a service yard to the rear and dedicated parking spaces.
- 5.63ha of open space including a 10m wide ecological corridor across the northern site boundary, a 5m wide ecological corridor halfway along the northern part of the west site boundary and 0.26ha as a SuDS feature - detention pond with reed bed - in the south west part of the site.
- The surface water (SW) system will discharge into the existing watercourse at a restricted rate. SW to be conveyed off site via a system of pipes, swales, french drains and the detention basins.
- The foul water will discharge into the existing public sewer via a new on site foul water pumping station 15m x 10m.
- 1.179ha of retained vegetation along the south and west boundaries and the tree and hedgeline currently bi-secting the site at its mid-point.

- Public open space in the form of both equipped play space (371sqm), trim trails, and amenity open space including a central green, permanent water feature and area for community orchard.
- A surfaced circular walk around the perimeter of the site set within meadow grassland and copse planting.
- A single point of vehicular access to the site from Broad Road via a 6m wide road.
- Safe cycle access in the south west corner of the site.
- An emergency access 3.7m wide onto Scant Road West through an existing gap in the natural roadside screen.
- An off-site pedestrian link in the south east corner of the site linking into the existing PROW network.
- A range of sustainable energy efficient measures including a fabric first approach and utilising renewable technologies such as installing electric car charging points, air source heat pumps on all 118 dwellings, solar PV panels on 50 dwellings and Showersave Waste Water Heat Recovery.
- A total of 297 car parking spaces are provided (193 allocated spaces, 56 garages (WSCC counts each as 0.5 space so 28 spaces), 59 visitor spaces, 2 allocated car ports, 10 spaces for retail unit, 6 spaces for community resource hub, 1 allocated disabled space shared between Shop and Hub, 1 space for electricity substation)
- 111 cycle parking spaces (minimum)
- 2 electricity substations, 5m x 5m each.

4.0 History

14/02138/OUT	REF APPEAL DISMISS	Residential development of 120 single and two storey dwellings comprising 48 affordable homes and 72 market price homes, garaging and parking together with retail unit, sports pavilion, community facility, new vehicular and pedestrian access to Broad Road, emergency and pedestrian access to Scant Road West, sports facilities, 2 tennis courts, football pitch and 4 cricket nets, childrens play area, public open space and natural green space on a site of 9.31 ha.
20/01066/EIA	NOT EIA	Screening opinion for the erection of approximately 120 residential dwellings, with the associated pedestrian and vehicular access and parking, as well as biodiversity and green infrastructure areas.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Chidham and Hambrook Parish Council

Comments received 11.01.2021

Our previous comments on this development still stand and should be taken into consideration.

Whilst we welcome the addition of a convenience store, this is positioned opposite the only small store in the Parish, which also contains a Post Office. We would like to be confident there is an agreement with the Post Office and Hambrook Stores on a plan to relocate the Post Office to the new building. We would be concerned of the future of this unit if a retailer did not come forward to take on the lease. We would like assurances that it would not revert to housing. The car park for this unit has twelve spaces. We consider this too few with the community/ business facility on the first floor taken into account. In addition to more car parking spaces we would like to see some safe cycle storage areas included.

The new layout has perpendicular car parking spaces very close to the access from Broad Road. As Highways have pointed out this will result in reversing movements by vehicles turning in and out of the development which could be hazardous.

We are disappointed that the access has been modified to comply with a 40mph speed limit. We feel very strongly indeed that it is essential that the 30 mph speed limit should be moved northwards. The suggestion from Highways is that this would be possible with S106 contributions.

A pedestrian walkway/footway running along the east side of Broad Road from the junction with Scant Road West would deliver two significant improvements: the first being enhanced pedestrian safety and the second being improved connectivity at what is the North end of our three village community. Not installing a pavement could lead to future problems as is clearly the case with Hambrook Hill South. We believe that, with more sites coming forward in the future for development, an integrated transport solution should be implemented.

We would like to see the number of houses reduced to compensate for the inclusion of the store and associated service area and car park. This could be done by removing the ten houses in the south east corner which are particularly close to the boundary with the A27 and will bear the brunt of the noise from the traffic on what is an increasingly important and heavily used arterial transport route.

We welcome the inclusion of electric charging points and heat pumps in all the proposed dwellings.

Comments received 15.09.2020

The Parish Council objects strongly to this planning application and comments as follows:

Access

- The position of the vehicle access is situated towards the bottom of the incline coming down the hill and round a bend from the Common Road just into the 30mph zone. The application states the transition from 40 to 30 would be moved 100 m north. What is the view of Highways on this and has it been agreed?
- It is also close to the junction with Priors Leaze Lane which has frequent heavy lorry movements.
- Further consideration should be given to this access to allow the opportunity to slow traffic as it comes down the hill from the north.eg a mini roundabout.
- The plan around access uses measures such as red anti-skid surfacing on the road, hatching and vegetation cleared around the Scant Rd West junction. This would give an urban feel.
- This land is rural and acts as a boundary for the village for the A27 and to build right up to the boundary adds to the feeling of congestion and over development residents already feel with 3 new sites built in the last 4 years.

Inclusivity

The location of the site, outside and to the north of the settlement boundary, gives it an isolated feel not connected to the rest of the village. It bound on all sides with trees and hedging with only one main access point.

Amenities and infrastructure

The map on p12 of the Design and Access statement refers to existing amenities and infrastructure and gives a misleading picture of existing facilities with many inaccuracies. 'Well served by the village's retail, employment and leisure facilities.'

- There is one small Post Office which carries a small number of convenience items. This is not somewhere residents would be doing most of their shopping. The nearest stores would be Southbourne or Bosham, necessitating a car journey.
 - There are very few employment opportunities and the two sites illustrated on the plan are a small plant nursery and a caravan sales shop situated in Southbourne.
 - There are no leisure facilities apart from a Riding School, which would have limited and specific appeal. For the rest leisure could be seen as walking paths.
 - There are no sports facilities at all. Maybush Copse is open public space and woodland. The area shaded green behind Nutbourne Farm is not a recreation area.
 - There are two educational facilities shown on the map. The Catholic Bible School is not, in fact, a school. The village School is not marked on the plan.
 - The refurbishment of the Holiday Park is currently subject to planning permission and a significant part of it is residential.
 - There are two bus stops marked in West Ashling Rd. There is no bus service here.
- We therefore conclude that this does not demonstrate that there are existing facilities in the area and this gives a misleading impression that there is sufficient infrastructure to support a development of this size.

Transport and Travel plans

The transport assessment suggests that this development would promote walking and cycling.

- The site is a ten minute walk to the train station. However, the train service is limited to 1 per hour going east or west.
 - The bus service is a much longer walk of approx. 20 mins. The information given about the bus service is wholly inaccurate. The 700 runs every 20 mins but the 251 service does not exist.
 - The nearby services and facilities listed as being possible to walk to are highly misleading. To walk to Loveders Nursery or Southbourne Junior School would require a walk of at least 30 mins along Priors Leaze Lane which has no footway and cars travelling at the national speed limit. Not something many parents would be prepared to do with young children. Similarly, the walk to Southbourne surgery and the Pharmacy would take at least 30-40 mins.
 - These journeys would be longer if you lived in the eastern corner.
 - The nearest Primary school is 2.1 km and is, at least, a 25 min walk and would only be undertaken by parents and carers if they had 2 hours daily to walk the distance and back. All other schools would be too far away for walking.
 - 3 m wide shared cycle/ pedestrian paths are planned for the development. This would go against the new the Governments recent strategy Local Transport Network 20 which states that pedestrians and cyclists should not be sharing paths.
- It is therefore our belief that the location of this development would see most travel journeys taking place by car as the alternatives are impractical and time consuming.

Noise

- Not entirely true that the only source of noise is along the northern boundary. The far south eastern corner is noisy as the traffic approaches the site boundary from the south east before it passes the northern boundary.
- There should be an additional buffer on this edge if the ten houses that form this section can't be removed if the development were to go ahead.
- This is the only section of the A 27 from Chichester through to Havant that would have housing in such close proximity. We believe this to be unacceptable in terms of noise and pollution.
- The location is adjacent to the A27 - per the plans there will be homes within 100 meters of this dual carriage way. This is not something we have seen in planning recently. Along the stretch of A27 between Chichester and Havant these will be the closest houses since this new stretch of road was built. Recently built homes in Clay Lane, Fishbourne are close to A27 and experience considerable noise and emissions. Is this where we want to situate people long term when we have a choice of other sites? There can be considerable risks to health with emissions and noise pollution will be an issue for residents.

Housing mix

- There are only five bungalows. Given that Chidham & Hambrook has an elderly population, many of whom would like to stay in the area by downsizing this seems inadequate.
- The development plans for 35 affordable units. There is no information about the tenure of the affordable housing. This needs to be addressed.
- There is no detail on how many detached or semi-detached houses. This would make a significant difference to affordability.

Nitrate mitigation

- It is recommended that any land for mitigation be as close as possible to the development so the benefits can be seen by the Parish as well as the mitigation required. However, the location given for nitrate mitigation is some 6/7 miles north of the site in

Lavant. This is currently used for cereal crops and there would need to be assurances as to its use over the last 15 years.

- There are no details as to how the land will be used for mitigation i.e. re-wilding, woodland etc.
- We would need assurances that this land would be secure in perpetuity.

Light pollution

This is a Dark Skies area for protection of wild life and for the enjoyment of nearby residents. This development would inevitably produce light pollution from both the houses and the street lighting.

Other comments

- New houses recently built in Hambrook have not sold quickly. Many have lingered on the market for up to a year before purchase. We do not see the demand for housing as stated by the government.
- The development of housing in Hambrook has not reduced prices of homes in fact it has increased the value of the current homes. So further development does not seem to be meeting the goals of government in this area either.
- Residents and Councillors have registered numerous valid causes for concern. It is obvious that the cumulative impact of these concerns would be a significant decline in the quality of life across the Parish - a decline that would in most cases be irreversible. This application offers no benefits to the local community and it fails to recognise the need to protect the way people are allowed to live.

In conclusion this application drives a coach and horses through the revision of our Neighbourhood Plan. Our aim is to create a sustainable place to live with housing suites to local needs, whilst preserving the ecology and character of the coastal area, our local economy, our rural and agricultural surroundings while maintaining views of the Harbour and the South Downs. This large scale development of 118 houses on the edges of our rural community within designated countryside and within 800 m of the South Downs National Park does nothing to further that aim. As such we believe it to be inappropriate for our Parish and once built on; this piece of agricultural land, home to an abundance of wild life, a natural green buffer between the village and the A27, will be gone for ever to the detriment of our community.

6.2 Highways England

No objection on the basis that the Council will:

A) ensure HE are consulted on any application to discharge the landscaping condition to be attached to any permission, insofar as any hard or soft landscaping in the vicinity of or that could impact on the A27 or HE assets

B) be imposing a Construction Management Plan condition and will ensure HE are consulted on any application to discharge the CMP condition.

C) in accordance with the Council's SPD, seek a contribution from the developer towards A27 Chichester Bypass Junction Improvements. The sum will be £1,803 per dwelling x the proposed 118 dwellings making it £212,754 for this development and hence the proposals will not unacceptably impact on the safety, reliability and/or operational efficiency of the STN (the tests set out in DfT C2/13 paras 8 to 11 and MHCLG NPPF2019 paras 108 to 111).

6.3 Natural England

No objection subject to appropriate mitigation being secured. Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

In order to mitigate adverse effects on the Solent European Sites and make the proposal acceptable, the following measures should be secured:

- Financial contribution to the Bird Aware Solent recreational disturbance mitigation strategy;
- Offsetting of nutrients impacts by taking land identified in the applicant's Nitrogen Nutrient Assessment out of agricultural production.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

6.4 Southern Water

Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

A condition is requested requiring details of the proposed means of foul and surface water sewerage disposal to be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

6.5 Environment Agency

Requires conditions to be imposed on any consent for development. Without the conditions the EA would object to the application due to unacceptable risks to groundwater. The proposed development presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located in a source protection zone 2c and on a secondary A aquifer. The proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. If the following conditions are not imposed EA would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Conditions:- submission and approval of a remediation strategy to deal with the risks associated with contamination of the site from the development; submission and approval of a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation; management through remediation during development of contamination not previously identified; to prevent unacceptable levels of water pollution caused by mobilised contaminants, no drainage

systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority; no piling other than permitted by LPA.

6.6 Chichester Harbour Conservancy

No objection subject to a S.106 to deliver -

(a) the necessary financial contribution per dwelling towards the mitigating recreational disturbance at the Chichester Harbour SPA shoreline;

(b) taking the specified agricultural land at Lavant out of production in perpetuity to achieve a nitrogen neutral development; and,

(c) provision of public open space, as set out in the submitted land use plan, designed to attract use by residents, including circular walks and links to open countryside away from Chichester Harbour

and conditions imposed relating to:

full implementation of landscaping, ecological enhancements and protected species measures; protection of retained trees and hedgerows; works outside bird nesting season; implementation, management and retention of surface water drainage system; archaeological measures, secure sustainable measures

6.7 South Downs National Park Authority

Objection. Whilst the impact upon the landscape resource is occurring outside the National Park, some evidence and commentary would be expected in relation to determining what constitutes the setting of the National Park, and whether or not the site contributes to its landscape setting. The site is approximately 900 metres away from the boundary of the South Downs National Park to the north east of the site. The proposed development seems to benefit from robust and mature vegetated boundaries, keeping most of the site relatively well contained in visual terms. LVIA has failed to assess potential views from higher ground within the National Park to the north of the site, such areas near Aldsworth, Walderton Down, Funtington, Racton Monument and Stoke Down and the immediate network of public rights of way. The site currently provides visual relief between the main settlement and the A27 and retains the predominant rural character of the area, which is characteristic of the setting of the National Park. The proposed development has the potential to impact on the dark night environment of the National Park through contribution to upwards sky glow, and also through potential visual impacts of new light sources in the wider landscape. The LPA should have regard to this and how it can be mitigated in accordance with Institute of Lighting Professionals standards.

6.8 WSCC - Highways

Access

Under the original submission, the access onto Broad Road was designed to a proposed 30mph speed limit but such an arrangement was considered unacceptable as it cannot be guaranteed as part of the current planning application that the existing 40mph speed limit could be reduced or complied with. The applicant was therefore advised to re-design the access arrangement to the existing 40mph speed limit and drawing no.A20107-201 revision P4 is now compliant with the existing 40mph speed limit. The applicant can demonstrate a safe and suitable access based on existing traffic conditions. The applicant can separately still fund the statutory process to enable the extension of the existing 30mph limit northwards on Broad Road but this would be subject to further investigation to ensure this complies with current WSCC policy requirements. Recommended that a s106

contribution of £7,500 is secured to enable WSCC to investigate and progress an extension of the 30mph speed limit northwards if it is determined to be compliant with current policy. The applicant would also be required to fund any associated signing and lining required to physically extend the 30mph northwards.

Access by Sustainable Modes

The limited accessibility by walking, cycling, and passenger transport is noted within the initial WSCC consultation response. Matters were raised specifically in terms of the proposed provision for cyclists with particular reference to the shared surface route within the development and how this ties in with the existing highway network. The arrangements in these respects remain unchanged. Whilst there are no particular issue with the arrangements within the site (although this is narrow, it is considered appropriate given it will be used only by residents of the site), there is no assessment of onward connectivity where the shared route meets the highway at Scant Road West. In principle, it's recognised that the scale of the development is such that this is unlikely to generate (or even have the potential) to generate the number of cyclist movements to make any further off-site cyclist improvements as necessary or reasonable in terms of planning.

Travel Plan

The travel plan has been revised. A condition is recommended to ensure the travel plan is agreed prior to first occupation.

Vehicle Trip Rates

At the outset, it is acknowledged that this development will not result in capacity issues that are severe. This is accepted as all junctions modelled are operating well within theoretical capacity. Even so, WSCC Highways has requested the applicant revises the vehicle trip rate to reflect the development proposed. The trip rate has been further revised with this now based solely on private houses. This is accepted as a worst case with there being a mix of dwelling types and tenures. Based on a private house trip rate, the development is expected to generate 57 two way movements in the AM peak (20 arrivals, 37 departures) and 54 two way movements in the PM peak (38 arrivals, 16 departures).

Parking

Although previously confirmed by the applicant that garages were excluded from the parking assessment, the applicant has now confirmed that garages are included in the parking assessments. The parking provision otherwise satisfies the WSCC parking guidance.

Layout

The requested alterations have been included within the revised site layout. No further comments would be offered.

Conclusions

Based on the information submitted and paragraph 109 of the National Planning Policy Framework, the development is not anticipated to result in any unacceptable highway safety impacts or any other such impacts that may be considered severe. No highway objection would consequently be raised.

If minded to approve, conditions regarding access, emergency vehicular access, visibility splays, car and cycle parking spaces, access road, CMP, Travel Plan and s106

contribution are recommended. The s106 contribution is proposed towards funding a Traffic Regulation Order to enable the potential extension of the 30mph speed limit northwards on Broad Road. It is acknowledged that the site access is designed to the existing 40mph speed limit and that as such an extension to the 30mph speed limit is not strictly necessary to enable the development. This aside, as has been noted in previous WSCC Highway responses, it is questionable whether the extension of the 30mph limit would comply with the WSCC Speed Limit Policy. Nevertheless, in determining the application, the Local Planning Authority may wish to consider the suggested obligation and whether this meets the appropriate planning tests.

6.9 WSCC - Flood Risk Management

No Objection.

Current surface water flood risk based on 30 year and 100 year events - Low risk

Modelled groundwater flood hazard classification - High risk

Ordinary Watercourses nearby - No

Records of any flooding within the site - No

6.10 CDC - Drainage Engineer

Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

The proposal is a restricted discharge (greenfield rates) to the on-site watercourse.

Attenuation will be provided for the 1 in 100 yr event +40% climate change in a series of ponds/swales. This approach is acceptable in principle and should adequately drain the development.

There are going to be a number of changes to the watercourse which will require ordinary watercourse consent. The acceptability of the proposal to take the existing ditch through the swale is conditional on there being no input into the ditch system from off-site. This will need to be confirmed as part of the detailed design.

6.11 CDC - Housing Enabling Officer

No objections to this proposal.

6.12 CDC - Archaeology Officer

Site has potential to contain deposits of archaeological interest that would justify the implementation of a programme of trial trenching prior to it being developed, the aim being to identify significant deposits and to implement appropriate measures for their preservation. Standard condition recommended.

6.13 CDC - Conservation and Design Officer

Layout -The proposed layout is landscape led which results in the development having generous areas of open green space and outlook. The development site only has one vehicular connection but it is not considered the cul-de-sac like arrangement would impede connectivity given the provision of pedestrian connecting paths. These bridge the gaps between the roads making the whole development walkable and connected in a number of locations to existing pedestrian routes. The layout of proposed routes and green spaces within the development have avoided locations where passive surveillance

would not be possible such as to the rear of housing and are instead located in open space or in front of housing.

Appearance - the more contemporary approach for this site is considered appropriate in principle particularly given its location on the edge of Hambrook. Proposed development has identified a number of characteristic features which run through a large proportion of the existing properties in Hambrook and a number of these features - gabled roofs, chimneys, brick, areas of tile hanging, areas of render - have been identified and used to inform the proposed development. It was suggested during the course of the application that the proposed material palette and usage would be improved by a reduction in variety. There has been some improvement in this during the course of the application with a more limited material palette now proposed. It is considered that using the grey window surrounds throughout would appear more integrated with the other tones within the facades. The proposed materials will be important to the success of the appearance of the development and achieving a well detailed finish. Concerns regarding the appearance of the retail / community building throughout the application process. Initially it was considered that this lacked the expected presence and design quality for a community facility but a number of improvements have been secured during the course of the application i.e. detailed brick facades to replace horizontal cladding board, a meaningful canopy, a lift to provide access to all to the first floor. Increased size and greater visual emphasis provided to the entrances have assisted in the building having greater presence and providing an appropriate level of distinction from the surrounding residential properties whilst still being reflective of the context in terms of material palette.

Corner turners and visible side elevations - It is considered overall that corner turners and visible elevations have been appropriately detailed / fenestrated for their level of visibility in the street scene.

6.14 CDC - Environmental Strategy Officer

Bats - we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Hedgerows - buffer strip to protect. Infill gaps with native species to ensure connectivity.

Dormice - the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Reptiles - the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

Great Crested Newts - the precautionary approach is acceptable and can be conditioned.

Badgers - prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Birds - works only to be undertaken outside of the breeding season between 1st March and 1st October.

Enhancements - bat and bird boxes installed on the site, log piles, wildflower meadow planting, gaps under fences to allow movement of small mammals across the site, two hedgehog nesting boxes.

Policy 40 - Following submission of the Energy Strategy Statement (Jan 2021) we are satisfied that the criteria for renewable energy and a fabric first approach to reduce CO2 emissions within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions. This will be

achieved with a fabric first approach and through installing Solar PV and Air Source Heat Pumps onsite.

We are pleased to see that electric vehicle charging points will also be installed on 84% of the dwellings on site.

6.15 CDC - Environmental Health Officer

Land Contamination - The assessment has been carried out in accordance with appropriate guidance and has used accepted site investigation methodologies. The report concludes that based on the site investigations undertaken to date widespread land contamination is not expected at the site. Recommendations are made that additional soil and gas testing is undertaken and a remediation strategy is developed for the site. We agree with this approach. Standard condition should be applied.

Noise - The recommendations made in the submitted report should be enforced by way of a condition to ensure all properties meet the accepted guidelines.

Air Quality - Submitted report concludes that the operational impacts of the development on existing receptors will be negligible and the air quality at future residential properties at the development will be acceptable with concentrations of pollutants being well below air quality objectives. Appropriate to apply a package of mitigation measures to minimise dust emissions secured by condition. Potential need to control smells emitting from community use kitchen.

Construction - CEMP required secured by condition.

Lighting - lighting scheme to be submitted prior to commencement to show how obtrusive light has been eliminated.

6.16 CDC - Contract Services

No concerns in respect of waste collection. Developer thanked for including the bin collections points.

6.17 Sussex Police

I have no major concerns with the proposals. The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked.

6.18 85 Third Party Objections

- Far too many homes for the settlement, completely out of scale ruining semi-rural character of Hambrook
- Overdevelopment. Hambrook has had more than its fair share of new housing, well in excess of Local Plan and Neighbourhood Plan requirements
- Proposals amount to developer opportunism because Local Plan is not up to date
- Previous appeal for 120 homes was refused - what has changed
- Should be building on brownfield sites not green fields
- Harmful to AONB and National Park
- Proposals are part of a corridor of urban sprawl developing between Havant and Chichester

- Proposal is complete anathema to concept of neighbourhood planning
- Does not provide enough infrastructure
- Existing local schools, doctors, dentists cannot cope and sewage disposal already at capacity creating problems in the harbour
- Will lead to flooding and drainage problems
- Not sustainable location site is a long way from limited facilities in Hambrook
- Insufficient job opportunities locally to support 118 new dwellings
- Site has poor access to wider transport links and facilities
- Proposed access is dangerous, cars speed down Broad Road
- Number of car movements under-estimated, most journeys will be by car as no real facilities in Hambrook
- Convenience retail store is token infrastructure - what happens when it fails as at Marshall's
- Will convenience store result in loss of Post Office
- Community business hub is opportunistic attempt to respond to pandemic and long term won't benefit community
- Significant negative impact on the wildlife which uses the existing field
- Noise and pollution from the A27

6.19 3 Third Party Other

- Disappointing that there are no cycle paths and routes shown within the application site. Cycle provision should be LTN 1/20 compliant. Insufficient off-site cycle links
- A roundabout introduced on Broad Road would help to slow traffic.
- More detail is required about the convenience store retailer and whether this is realistic

6.20 Applicant/Agent's Supporting Information

In addition to the plans, illustrative material, Planning Statement and matters covered in the Design and Access Statement, the application is accompanied by a comprehensive suite of supporting technical documents on: Air Quality Assessment; Breeding Bird Survey; Dormouse Survey; Energy Statement; Landscape Visual Impact Assessment; Nitrate Assessment; Bat Survey; Ecological Appraisal; Reptile Mitigation Report; Environmental Site Investigation Report; Tree Survey; Utilities Planning Statement; Habitat Regulations Assessment; Drainage Strategy; Flood Risk Assessment; Transport Assessment; Travel Plan; Retail/Community Facility Note. These documents and relevant appendices can be read in full on the Council's website.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Chidham and Hambrook Neighbourhood Plan 2014-2029 was made on 20th September 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal policies of the Chichester Local Plan relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
 Policy 2: Development Strategy and Settlement Hierarchy
 Policy 4: Housing Provision
 Policy 5: Parish Housing Sites 2012- 2029
 Policy 6: Neighbourhood Development Plans
 Policy 8: Transport and Accessibility
 Policy 9: Development and Infrastructure Provision
 Policy 33: New Residential Development
 Policy 34: Affordable Housing
 Policy 39: Transport, Accessibility and Parking
 Policy 40: Sustainable Design and Construction
 Policy 42: Flood Risk and Water Management
 Policy 45: Development in the Countryside
 Policy 48: Natural Environment
 Policy 49: Biodiversity
 Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
 Special Protection Areas
 Policy 52: Green Infrastructure
 Policy 54: Open Space, Sport and Recreation

7.3 The Chidham and Hambrook Neighbourhood Plan

The principal policies of the neighbourhood plan relevant to the consideration of this application are as follows:

EM1: Flood risk issues
 EM2: Chichester Harbour SPA impact
 EM3: Conserve landscape and natural environment including biodiversity
 CDP1: Proposals contributing to delivering community development
 CDP2: Support small scale retail, business and community uses in Plan Area
 H2: New housing to respond to local requirements in size and type
 DS1: Design standards
 DS2: Car parking to WSCC standards
 DS3: Tree planting and existing tree protection in new housing

- 7.4 Preliminary work to review the neighbourhood plan is now underway by the Parish Council. However it is at a very early stage and can therefore attract no weight in terms of decision making on planning applications consistent with government policy in paragraph 48 of the NPPF.

Chichester Local Plan Review Preferred Approach 2016 - 2035 (December 2018)

- 7.5 Chichester District Council adopted the Chichester Local Plan: Key Policies 2014- 2029 on 14 July 2015. The Council is currently reviewing and updating its Local Plan as required by Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, to provide up to date planning policies which are consistent with the National Planning Policy Framework (NPPF) 2019. The Council consulted on the Local Plan Review 2016-2035 Preferred Approach (LPR) document between December 2018 and February 2019 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Following consideration of all responses to the consultation, significant further work has been identified and the Council is currently

reviewing its Local Development Scheme. This is due to be considered by meeting of Cabinet and Council on 2 March and an update on this position will be given at the meeting.

7.6 Relevant policies from the published Local Plan Review 2035 Preferred Approach are:

Part 1 - Strategic Policies

S1: Presumption in Favour of Sustainable Development

S2: Settlement Hierarchy

S3: Development Hierarchy

S4: Meeting Housing Needs

S5: Parish Housing Requirements

S6: Affordable Housing

S10: Local Centres, Local and Village Parades

S12: Infrastructure Provision

S20: Design

S23: Transport and Accessibility

S24: Countryside

S26: Natural Environment

S27: Flood Risk Management

S29: Green Infrastructure

S31: Wastewater Management and Water Quality

AL10: Chidham and Hambrook Parish

Part 2 - Development Management Policies

DM2: Housing Mix

DM3: Housing Density

DM7: Local and Community Facilities

DM8: Transport, Accessibility and Parking

DM16: Sustainable Design and Construction

DM18: Flood Risk and Water Management

DM22: Development in the Countryside

DM24: Air Quality

DM25: Noise

DM28: Natural Environment

DM29: Biodiversity

DM30: Development and Disturbance of Birds in Chichester, Langstone and Pagham Harbours Special Protection Areas

DM31: Trees, Hedgerows and Woodlands

DM32: Green Infrastructure

DM34: Open Space, Sport and Recreation including Indoor Sports Facilities and Playing Pitches

National Policy and Guidance

7.7 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019 and related policy guidance in the NPPG.

7.8 Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

7.9 The following sections of the revised NPPF are relevant to this application: 2, 4, 5, 8, 9, 11, 12, 14, 15 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

- Interim Position Statement for Housing Development
- Surface Water and Foul Drainage SPD
- Planning Obligations and Affordable Housing SPD
- CDC Waste Storage and Collection Guidance
- Chichester Landscape Capacity Study

Interim Position Statement for Housing Development

- 7.11 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its housing supply has identified that as of 15 July 2020 there is a potential housing supply of 2,831 net dwellings over the period 2020-2025. This compares with an identified housing requirement of 3,297 net dwellings (equivalent to a requirement for 659 homes per year). This results in a deficit of 466 net dwellings which is equivalent to 4.3 years of housing supply. The inability to demonstrate a 5 year supply of housing contrary to the requirements of government policy triggers the presumption in favour of permitting sustainable development, as set out in paragraph 11 of the National Planning Policy Framework.
- 7.12 To pro-actively manage this situation prior to the adoption of the Local Plan Review, the Council has brought forward an Interim Position Statement for Housing Development (IPS), which sets out measures to help increase the supply of housing by encouraging appropriate housing schemes. At its meeting on 3 June 2020, the Planning Committee resolved to approve the draft IPS for the assessment of relevant planning applications with immediate effect, and to publish the draft document for a period of consultation. The consultation closed on 10 July and the responses were processed. The IPS, with the proposed revisions, was reported back to the 4th November 2020 Planning Committee, where it was approved with immediate effect. 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 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. 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. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Maintain the low levels of crime in the district in the light of reducing resources
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Support and promote initiatives that encourage alternative forms of transport and encourage the use of online services
- 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:

- Principle of development and the policy position
- Highway Impact
- Design and Layout
- Landscape Impact
- Surface Water Drainage and Foul Disposal
- Sustainable Design and Construction
- Ecology and Biodiversity
- Habitat Regulations Assessment
- Retail Convenience Store and Community/Business Resource Hub
- Other Matters

Principle of development and the policy position

8.2 The primacy of the development plan and the plan-led approach to decision-taking is a central tenet of planning law and is enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) which states that applications:

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

8.3 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. When assessed against the policies of

the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside the settlement boundary for Chidham and Hambrook in the countryside or Rest of Plan Area and would not meet an "essential, small scale and local need" (policy 45). Additionally, the proposal would be considerably in excess of the indicative housing numbers for the Parish of Chidham and Hambrook, as set out in Policy 5 of the Local Plan (25 homes) which in any event have already been met and again considerably exceeded. Therefore, following a S38(6) development plan approach, this application is contrary to policy.

- 8.4 However, as from 15 July 2020 the Council's housing policies in the Local Plan are no longer up-to-date and so no longer have full weight. The Local Plan Inspector in 2015 agreed that for a period of 5 years from the date of the Plan being adopted, i.e. by 15 July 2020, the Council could rely on a suppressed housing delivery target of 435 dwellings per annum (dpa) because of acknowledged strategic constraints in relation to transport capacity issues on the A27 and foul drainage capacity issues. The agreed delivery target of 435 dpa was on condition that the Council committed to undertaking a Review of the Plan and the changed housing requirements of the Plan area within the 5 year period. That review is well underway but it is not complete. The Chichester Local Plan Review 2016-2035 Preferred Approach (LPR) has yet to reach the stage where it can be submitted to the Secretary of State for examination and the Council's timetable indicates that this is not now anticipated for some considerable time. At this stage of plan preparation, only very limited weight can be given to the draft policies of the LPR. The housing numbers stated in the LPR indicate the proposed direction of travel, the 'preferred approach' but they are not confirmed. The provisional allocation for Chidham and Hambrook is a minimum of 500 new homes (policy AL10). Consequently in terms of the decision-making process, the decision maker cannot rely or place any weight on these emerging policies. The Council is effectively therefore in a state of transition between an adopted Local Plan with out of date housing policies and allocations and a Review of that Plan which is not sufficiently advanced in the process towards adoption to be afforded any weight in decision making. Added to that the government requires councils to now calculate their housing need through the standard method which, on the basis of the Updated Position Statement on the Five Year Housing Land Supply at 15 July, shows a need of 628 dpa i.e. significantly in excess of the previous 435 dpa.
- 8.5 The Committee will note from the Planning History above that this application is on the same site where an outline application for 120 dwellings, with a retail unit, community facilities, sports pitches and pavilion was refused in December 2014. The subsequent appeal by the same applicant as for this current application was considered at an Inquiry where the Inspector's recommendation was that the appeal be dismissed. The Secretary of State (SoS) recovered the appeal prior to its formal determination and then endorsed the findings of the Inspector and the appeal was dismissed on 25 April 2016. The policy situation at the time of the previous application and subsequent appeal are very relevant to the consideration of this current application. The policy position as it existed then, does not mean that a planning decision now, on what appears to be a similar application, should automatically follow suit. At the time of the appeal decision, the Local Plan had only been adopted for 9 months (since July 2015), its policies particularly for the supply of housing were therefore up to date, relevant and could be relied on in decision making in the context of S38(6) of the PCPA 2004. The appeal Inspector placed weight on the fact that the Council could demonstrate a 5 year housing supply, although that supply was marginal, and on the fact that it had a very recent up to date Local Plan and the proposals directly conflicted with the objectives of the settlement hierarchy as set out in policies 2, 5

and 45 of the LP. The SoS also determined that as the Chidham and Hambrook Neighbourhood Plan (CHNP) had been submitted for examination and that community facilities were already being built, the facilities forming part of the development were not required. The appeal scheme would conflict with the emerging CHNP when read as a whole and the emerging plan should attract moderate weight. He agreed with the Inspector that granting permission would fundamentally undermine confidence in the neighbourhood planning process.

- 8.6 For the reasons stated in preceding paragraph 8.4, the housing supply policies both in the Local Plan and importantly those in the CHNP are no longer up-to-date and cannot be relied on. That is a fundamental change in circumstances and in a planning system which is founded on decisions being made in accordance with the development plan unless material considerations indicate otherwise, that is key. In the context of neighbourhood planning, the Parish Council is understood to be in the very early stages of reviewing the draft requirements for future housing allocations in the parish, but as the Parish housing figures for the Local Plan Review have yet to be confirmed by the Council that process is not sufficiently advanced for any weight to be attached to it.
- 8.7 It is also relevant to note that since the 2016 appeal decision, the Council's HELAA (2018) has identified the site as capable of achieving around 120 dwellings based on its size, and whilst the area of developable land has been deliberately reduced in order to respond to the landscape led approach to development, a total of 118 dwellings are still being proposed. Importantly the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR, it is not a policy document of the Council. Notwithstanding that, its significance is that it points to the fact that outside of the Chichester Harbour AONB there are a very few sites which sit next to the settlement boundary for Chidham and Hambrook which are available to meet the anticipated increased requirement for new housing in the Parish as part of the LPR or more immediately to provide new housing in response to the absence of a 5 year housing land supply.
- 8.8 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 and to effectively bridge the gap up to the point where the Local Plan Review is adopted sometime in 2022, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has committed to using the Interim Position Statement for Housing Development (IPS). When considered against the 13 criteria in the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider each of the IPS criteria in turn:

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

The site is immediately adjacent to the existing settlement boundary for Hambrook to the west and south. This criterion is therefore satisfied.

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

Hambrook is a sustainably located settlement defined as a Service Village in the Local Plan (Policy 2) and draft Policy S2 in the LPR. In the context of the previous appeal for 120 homes on the site, the Inspector found that the site is in a sustainable location and would provide economic benefits. It was also accessible by alternatives to the private car, notably as a result of its proximity to Nutbourne station. In this context the proposed development is considered appropriate and the criterion 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.

It is considered that the development meets this point. There is no actual or perceived coalescence likely to arise from permitting this development.

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 whole site area the proposals achieve a density of 12.16 dwellings per hectare. The resultant net density of the residential area would be 30.25 dph. There is no artificial sub-division of the site which is bi-sected into two fields by an existing hedgerow retained as an integral part of the proposed layout. In the context of the rural edge of settlement location and the pattern of proposed housing set within a landscape led proposal, this level of development compares favourably with the Council's 'benchmark' density value of 35dph for greenfield sites and is considered acceptable. The proposal meets this criterion.

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

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

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

The application site is outside of but adjacent to a proposed Strategic Wildlife Corridor at the tip of its eastern most boundary. The criterion is not therefore applicable in this instance.

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

It is considered the proposal would meet the above criterion. Wastewater disposal will be through the statutory undertaker, affordable housing, open space, and highways improvements will be secured through the Section 106 agreement and/or by planning conditions.

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

- Achieving the higher building regulations water consumption standard of a maximum of 110 litres per person per day including external water use;**
- Minimising energy consumption to achieve at least a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) calculated according to Part L of the Building Regulations 2013. This should be achieved through improvements to the fabric of the dwelling;**
- Maximising energy supplied from renewable resources to ensure that at least 10% of the predicted residual energy requirements of the development, after the improvements to the fabric explained above, is met through the incorporation of renewable energy; and**
- Incorporates electric vehicle charging infrastructure in accordance with West Sussex County Council's Car Parking Standards Guidance.**

The development will meet this criterion through a combination of fabric first, air source heat pumps and solar PV panels. The applicant is proposing a 20.77% carbon reduction through 'fabric first' construction, air source heat pumps to all dwellings resulting in a predicted residual energy reduction of 48.46% and PV panels for 50 dwellings (42% of dwellings) resulting in a further carbon reduction of 18.84%. A maximum 110 litres per person per day water use will be conditioned and electric vehicle charging points will be incorporated in 84% of the development (99 dwellings). These sustainability measures are well in excess of the requirements of this criterion and in terms of the overall CO₂ reductions would equate to a 56.23% reduction compared to a development built to comply with the CO₂ targets under the latest revision of the Building Regulations, Part L1A 2013.

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

The development is of a high standard of design and layout (see later assessment). This criterion is satisfied.

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.

Hambrook is defined in the extant Local Plan and in the draft LPR as a 'Service village'. LPR draft policy AL10 identifies Hambrook as a settlement suitable for strategic scale development and in so doing it makes a judgment about the sustainability of its location. In terms of its proximity to existing services and facilities, the site lies within 160 metres (2 minute walk) from the shop/post office and in terms of sustainable transport links it is 850 metres (10 minute walk) from the railway station and 1,450 metres from the no. 700 bus stop. The distances to alternative travel options are significant but are not considered prohibitive or likely to deter the use of these options. They are less than the 1.6km which the recent National Travel Survey (2019) indicates the majority of walking distances are within. The proposals incorporate a circular footpath with improved connections to the existing public right of way network in the eastern corner of the site at the end of Scant Road West, and a 3m shared footpath/cycle way (LTN 1/20 compliant) is proposed to link the site with the existing settlement in the south western corner of the site. The site is therefore sustainably located and the criterion is complied with.

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

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

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

The applicant has submitted a Nitrogen Nutrient Assessment which indicates that for the development to achieve nitrate neutrality an area of land within the same Chichester Harbour catchment area of the Solent Nitrate Vulnerable Zone is required. The applicant has secured an area of agricultural land which will be taken out of agricultural use in order to provide the necessary mitigation for the purposes of this application. The Council has carried out an Appropriate Assessment under the Habitat Regulations which has concluded that with the proposed mitigation secured the proposal can achieve nitrate neutrality. Natural England has confirmed that in the context of the Regulations the proposed approach is acceptable. Further assessment on this matter is provided later in the report. The criterion is considered to be met.

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.

Sunley Estates Ltd (the applicant's) anticipate a start on site circa 9-12 months from the Decision being issued allowing for discharge of conditions and site preparation, so early 2022. Sunley expect to complete between 40-50 dwellings per annum, and as such the development is capable of delivering within the next 5 years. Condition 1 on the recommendation requires implementation of the development within 2 years of permission rather than the standard 3 years in order to comply with the criterion.

- 8.9 The proposed development is considered to meet all the relevant criteria in the IPS. In the absence of an up-to-date Local Plan the Council cannot rely on a plan-led approach to decision making on major housing applications as it ordinarily would. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above and in the subsequent assessment the 'principle' of housing development on this site is considered acceptable.

Highway Impact

- 8.10 A new 6m wide vehicular access with 8m junction kerb radii is proposed off Broad Road with visibility splays of 2m x 120m to the north and south in accordance with the maintained 40mph speed limit. The position of the new access has been selected to ensure safe access to and from the development. The desire of the Parish Council for the site access to be within a new 30mph zone created on entering the village from the north is noted but it was not considered acceptable by WSCC Highways as part of this application because it would first require a separate agreement under highways legislation and it could not be guaranteed that the existing 40mph speed limit could be reduced or complied with. WSCC has recommended that as part of any S.106 agreement a contribution of £7,500 is secured to enable WSCC to investigate and progress an extension of the 30mph speed limit northwards if it is determined to be compliant with current policy. However, given that the re-designed access for the existing 40mph speed restriction is deemed to be safe for the development to go ahead as planned, it is not considered that seeking such a contribution is either a reasonable or necessary requirement of this application. Should the WSCC subsequently determine that an amendment to the speed restrictions on Broad Road is desirable or preferable in order to deliver wider benefits to Hambrook then this is a matter which could be targeted through CIL.
- 8.11 In terms of traffic movements the site is forecast to generate 57 two way movements in the AM peak (20 arrivals, 37 departures) and 54 two way movements in the PM peak (38 arrivals, 16 departures). Whilst there would clearly be a change in vehicle movements arising from the proposed development onto Broad Road, it is the view of WSCC as Local Highway Authority (LHA) that the development would not have a material, let alone severe, impact upon the operation of the local network. The LHA is satisfied that in terms of the relevant policy test in NPPF at paragraph 109, that the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.
- 8.12 Following consultation Highways England has confirmed that it has no objection to the application in terms of increased traffic movements subject to the developer making a contribution through the SPD methodology towards the A27 junction improvements and to

safeguarding the A27 from unauthorised pedestrian access through appropriate fencing erected on the north site boundary which will be secured through the proposed landscaping condition.

- 8.13 The LHA has confirmed that the proposed 297 parking spaces are acceptable, as are the street widths which vary depending on the anticipated level of traffic, the service and emergency vehicle tracking plots, the designer's response to Road Safety Audit issues raised on the layout and the site's overall accessibility criteria in terms of walking, cycling and access to bus and rail services and basic amenities within Hambrook. At the previous appeal for 120 dwellings on the site the Inspector commented in terms of locational sustainability that, *"It is common ground that the appeal site occupies a sustainable location: issues of accessibility and highway impact, although raised by local residents, do not form part of the Council's objections. The site is accessible by alternatives to the private car, notably as a result of its proximity to Nutbourne station."* [para.162]. The road layout on entering the site from Broad Road comprises a 6m wide access road with 2m footways, before transitioning to 5.5m and then a 4.8m wide shared spaced facility. Access to shared private drives and parking courts are at 4m wide. The overall site layout has been designed to provide permeability within the site, in relation to vehicles, pedestrians and bicycles. Secure bicycle parking is provided either in garages where provided or in garden sheds as shown on approved drawing no. CB_75_207_007 RevD.
- 8.14 Subject to conditions, the proposals are acceptable from a highway safety and capacity point of view and no objection is raised, subject to recommended conditions and S106 obligations.

Design and Layout

- 8.15 The design ethos behind the application is in part a response to the previous appeal where landscape impact was a significant issue in the Inspector's consideration. The resultant proposal is therefore clearly landscape led with a total of 5.63ha of open space including a 10m wide ecological corridor across the northern site boundary, a 5m wide ecological corridor halfway along the northern part of the west site boundary and 0.26ha as a SuDS feature. The result is a development with 3.5 times more open space than would ordinarily be required for a development of this size and mix of housing (1.609ha on the basis of the Council's Open Space Calculator) creating generous areas of open green space and outlook. Being landscape led the development layout does not conform to the usually preferable perimeter block approach to vehicular routes within the development. Despite this and given the development site has only one vehicular connection, it is not considered the cul de sac like arrangement would impede connectivity given the provision of pedestrian connecting paths. These bridge the gaps between the roads making the whole development walkable and connected in a number of locations to existing pedestrian routes.
- 8.16 The development comprises a mix of 2 storey houses, a few flats and 6 bungalows. Buildings are arranged as a variety of detached, semi-detached and terraced forms. The predominant appearance of the dwellings will be of traditional materials, presented in a modern vernacular. The materials palette includes elevations of brick - 3 types of red brick - under slate grey or mottled brown tiled roofs. The majority of the dwellings are designed with gable ends and some of the dwellings will be treated with contemporary tile hanging, or areas of horizontal boarding and detailed projecting brick work. The fenestration takes a more modern approach, with the size of the glazing and the use of

gables and contemporary projecting window and porch surrounds predominantly in a dark grey cladding but with contrasting episodes of lighter grey framing carried across the development.

- 8.17 The 36 affordable dwellings are located in four separate groups of 15, 8, 6 and 7. The distribution accords with the Council's pepper-potting requirements and the homes are tenure blind in terms of design. The affordable housing mix will be secured through the S.106 agreement. The proposed housing mix for both the affordable mix and the private market mix meets with the requirements of the Council's Housing Enabling Officer in terms of the HEDNA 2018 and no objection is raised.
- 8.18 In terms of density of development, the site achieves around 30 dwellings per hectare for the net residential site area. When considered in the context of the perimeter landscaping and ecological buffers, the SuDS pond and the edge of settlement location and delivering a development which is deliberately landscape led in order to address identified shortcomings on the previous appeal scheme, the amount of development proposed is considered to be acceptable.
- 8.19 The Council's Design Officer has been significantly involved throughout in seeking amendments to the design of the dwellings and latterly with the design of the retail/community building at the entrance to the site from Broad Road. That building has been significantly amended from that originally submitted in terms of its elevation, size and plan form and with the additional detailing including projecting bands of brickwork, decorative brick verges and a projecting canopy, it is considered that it will comprise an appropriate gateway building at the site entrance. Overall the design, materials, detailing and appearance of the development suggest that this will be an attractive, high quality rural housing scheme that it will be appropriate to its rural context and surroundings.

Landscape Impact

- 8.20 The proposed development has been designed to retain the existing mature trees and hedgerows on the site boundaries as well as the hedgeline which bisects the site. The mature hedgerows and hedgerow trees currently provide physical and visual containment to the site. The landscape strategy for the proposed development is to retain and reinforce the existing landscaping on the field boundaries. A diversity of grassland is additionally proposed to include mown amenity areas, areas of meadow sown/roughgrass and areas suitable for fluctuating damp/wet conditions. The SuDS detention basin in the south-west part of the site with reed bed will help diversify the habitats within the site and the new tree planting in the ecological corridors to the north and west will provide further landscape and ecological enhancements. The details of the landscaping and planting are to be secured by condition.
- 8.21 As referred to earlier in the report, a negative landscape impact was one of the considerations which the Inspector gave weight to in dismissing the previous appeal. It is noted from the significant third party responses to the application that the site is held in some regard locally as an attractive greenspace at the northern entrance to Hambrook and is notable for its wildlife. However, the application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape warranting protection (NPPF paragraph 170) in either the Local Plan or the Neighbourhood Plan. The Council has carried out an assessment of the sites potential to accommodate development on 2 previous occasions. The 2011 study by Hankinson Duckett Associates

concluded that the landscape to the north of the settlement, including the application site had 'medium' capacity to accommodate development. It identified a 'Narrow character area to the north of Hambrook and along the southern edge of the A27. Not visible from Chichester Harbour AONB to the south and no significant relationship to the National Park to the north. Mostly small parcels of land with good boundary vegetation which provides enclosure, resulting in a largely rural character, in contrast to the north-south continuum of settlement between Hambrook and Nutbourne to the south.' In March 2019 i.e. after the previous appeal decision for housing on the site, the Terra Firma Consultancy produced its 'Landscape Capacity Study' for the Council as part of the evidence base for the LPR. This also found the application site to have 'medium' capacity to accommodate development. Paragraph 4.20 of that study in respect of the site found that 'There are landscape constraints and therefore the key landscape and visual characteristics must be retained and enhanced.' That report concluded that 'It is possible that some built development may be accommodated on the edges of Hambrook where it would have a strong relationship with the existing settlement edge, provided it is informed by further landscape and visual impact assessment and sensitively integrated into the landscape...!.

- 8.22 The applicant has submitted a Landscape and Visual Impact Appraisal (LVIA) which identifies that there are no locations from which the existing site is visible in its entirety. From Broad Road views into the Site are obscured during the summer months by the substantial boundary hedgerows and during the winter months the network of hedgerow branches prevent open, uninterrupted views of the site. The densely tree'd embankment with the A27 to the North prevents views from this aspect which in any event would only ever be passing glimpses from fast moving traffic. The LVIA informs the applicants Landscape Strategy which is to retain and enhance with further planting the mature landscaping which already encloses the site on all boundaries. It is considered this approach should ensure the development will be discrete in the wider landscape and the site will not be visible from wider views.
- 8.23 In terms of the potential wider site landscape impact, the Committee will note the objection raised by the National Park. That objection however is not one which is subscribed to by officers. This is because at the 2016 appeal the Inspector accepted the Council's position that the visual impact of the development did not extend beyond 50 metres of the site boundary (the boundary with the Park is 950m away). He commented that 'The appeal development would not have a significant visual presence in more distant views, for example from the northern side of the A27.' That said, the Inspector was persuaded that the close quarter views of the proposed development would affect an adverse character and appearance change on the area and that this was contrary to adopted policy.
- 8.24 Considering the landscape impact afresh as part of this application and noting the significant level of additional landscaping proposed to 'bed' the development into its rural edge of settlement context, and the fact that the built development is set back generously away from all site boundaries, it is considered that the visual effects of the development would be limited, with only minor localised harm resulting from the loss of this undeveloped land. It is of course inevitable that building a housing development on a rural field would effect a fundamental and irreversible change in its previously open appearance and character, that is a common denominator for all development on greenfield sites. However, it is considered that the very fact that change would occur is not in itself a reason for refusing the application. This is particularly so when weighed in the context of a site which has no special landscape designation, protection or value attached to it, which is acknowledged to be in a sustainable settlement identified for further housing

development and in the context of the Council not being able to demonstrate that it has a current supply of housing land.

Surface Water Drainage and Foul Disposal

Surface Water

- 8.25 With regard to flood risk, the site is in Flood Zone 1 and at the lowest risk of surface water flooding. The Council's Drainage Engineer has confirmed the team has no additional knowledge, or records of the site being at significant flood risk, therefore subject to satisfactory drainage no objection is raised to the proposed use, scale or location based on flood risk. Similarly no objection is raised by the County Council's Flood Risk Management Team. There are no proposals or any requirement to raise site levels other than the houses coming out of the ground at circa 300mm as is the normal practice.
- 8.26 The application details for this development adhere to the principle of SuDS. Given the high groundwater levels the proposed means of surface water drainage in addition to the potential for any natural infiltration is to be via a series of pipes and swales. The site has a natural fall to the south and west and further attenuation will be provided for the 1 in 100 yr event +40% climate change with a shallow detention basin (maximum 900mm deep) planted up with a reed bed located in the south-west part of the site. To develop a natural appearance there are no proposals to ring-fence the detention basin, with the preference being to use planting to act as a natural physical barrier/deterrent with the detailed design secured by the landscaping condition. Surface water will discharge from the basin to the on-site watercourse at a restricted rate so that it does not exceed existing greenfield rates. The Council's drainage officer has confirmed that a surface water drainage strategy based upon these principles would be acceptable and has recommended conditions to secure the details.

Foul Water

- 8.27 Southern Water as the statutory undertaker has confirmed that initial investigations indicate that it can provide foul sewage disposal to service the proposed development. On this basis Southern Water raises no objection subject to recommended conditions and informatives.
- 8.28 A gravity connection to the public sewerage system to the south or west of the site is not achievable and therefore the application proposes that the foul water from the site will be fed to a new adopted on-site sewage pumping station located adjacent to the south boundary of the site. It will then be pumped from here via a new rising main to join the existing public foul sewer system in Scant Road West before going west to Broad Road where the connections then drain to Thornham WwTW. The technical details of the on-site sewage pumping station will be agreed with Southern Water and will be constructed under permitted development rights.
- 8.29 The applicant has a 'right to connect' their development to the public sewerage network under s.106 of the Water Act. Whilst the concern of some third parties regarding foul drainage is noted, Southern Water is committed under its statutory duty to provide a fit for purpose foul drainage system to service the proposed development and is regulated in this regard by the industry regulator OFWAT. Any failings on behalf of Southern Water to deliver required improvements to the offsite network to satisfactorily service the proposed development are failings under Part 4 of the Water Industry Act 1991 not under the Town

and Country Planning Act and the recourse for such failure therefore falls to be addressed under that Act through OFWAT.

Sustainable Design and Construction

- 8.30 The applicant's revised Energy Strategy Statement (January 2021) complies with the requirements of Policy 40 of the Local Plan and criterion 8 of the IPS. It confirms that the approach relies on a combination of measures including 'fabric first' construction, air source heat pumps on all 118 dwellings and solar PV panels on 50 dwellings. The proposal will result in a 20.77% carbon reduction through the fabric of all 118 dwellings, including low U-Values, careful detailing to avoid thermal bridging, good airtightness, effective heating controls and Waste Water Heat Recovery. This exceeds the 19% required by the IPS. Energy efficiencies secured through a fabric first approach are to be supplemented in terms of renewable energy through the use of air source heat pumps as the main heating in all 118 dwellings and through the installation of solar photovoltaic panels on 50 dwellings. A carbon reduction of 48.46% will be achieved through the use of air source heat pumps and a further carbon reduction of 18.84% will be achieved through the installation of the PV panels. These reductions resulting from the use of renewable technologies significantly exceed the 10% requirement in the IPS.
- 8.31 Water consumption targets for the dwellings will meet and better the higher building regulations standard of 110 litres/person/day and active electric vehicle charging points will be incorporated for 84% of dwellings on site, equating to 99 dwellings. This is well in excess of the 2022 year requirement of 37% (equating to 43 dwellings) as set out in WSCC Parking Standards.
- 8.32 Conditions are recommended to secure the stated energy savings as set out in the Energy Strategy Statement, as well as further details of the photovoltaic panels to ensure they are inset into the roof, a water consumption standard of a maximum of 110 litres per person per day including external water use and in relation to electric vehicle charging infrastructure. It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS and therein the objectives of Local Plan policy 40 and the proposed measures are endorsed by the Council's Environmental Strategy Officer.

Ecology and Biodiversity

- 8.33 The site supports a range of habitat types including grazed grassland, poor semi improved grassland, native species hedgerows and mature tree lines, which were assessed as being suitable to support a variety of different protected species. A number of the third party representations on the application refer to the diverse wildlife value of the site.
- 8.34 The mature boundary hedgerows and tree lines are a feature of the site and provide potentially important wildlife corridors. All the site boundaries were found to be used as bat corridors for commuting and foraging and a number of roosts were identified in trees. Around 8 species of bats were found to use the site. The updated Bat Survey (8 October 2020) proposes recommendations including restricting the lighting on the site to maintain the integrity of the boundary features used by bats, landscape proposals (including the ponds) to provide a foraging habitat, and the provision of 12 no. bat boxes on nearby trees. 59 dwellings are to have bat bricks integrated into the gable ends of the dwellings.

The Council's Environment Officer has confirmed that this strategy is acceptable and requires that a condition is imposed to ensure this takes place. A condition is also recommended to secure the proposed reptile mitigation strategy (slow worms), which focuses on the use of buffers and hibernacula to the existing boundary vegetation features to provide long term reptile habitat as well as being multifunctional for other species.

- 8.35 Enhancements will be achieved through the provision of swift bird bricks (in at least 50% of the dwellings) incorporated in the eaves or high walls and 8 bird boxes to be installed in suitable trees around the site's boundaries. All garden fences in the new dwellings will also ensure at least 2 gaps are present within the gravel boards / bases of each fence line to allow the movement of hedgehogs and small mammals between gardens and into the wider area. The landscape led design of the scheme has allowed for the creation of areas of wildflower meadow, woodland copse and wetlands throughout the site as part of an ecology led design which will provide a significant net gain in the site's biodiversity value. A key biodiversity enhancement is also the provision of a 10m wide ecological corridor running along the north site boundary extending part way around the west site boundary at 5m wide. This corridor will be separated from the remainder of the site by post and rail fencing to deter entry and limit disturbance. The planting of this corridor will be subject to condition and its future management and maintenance will be the responsibility of the appointed estate management company.
- 8.36 Whilst the proposals will clearly affect a significant change in the natural state and condition of the site, the range and diversity of biodiversity measures and enhancements that will be introduced onto the site will it is considered result overall in a net biodiversity gain.

Habitat Regulations Assessment

- 8.37 Recreational Pressure - The site is located within the 5.6km buffer zone of the Chichester and Langstone Harbours Special Protection Area. The proposal would result in an increase in population living on the site, which could result in recreational pressure on the SPA and disturbance to protected bird populations. A financial contribution towards the Bird Aware Solent Scheme is required in order to mitigate recreational disturbance as a result of the proposal. The contribution is based on the number of dwellings proposed and the different size of dwellings in terms of bedrooms. For the development proposed a contribution of £71,517 would be sought and a completed S106 agreement is required to secure this contribution.
- 8.38 Nitrates - The nitrogen product calculation from the development has shown a positive imbalance and the applicant has therefore had to provide appropriate mitigation in order to offset this and ensure that the development is nitrate neutral in respect of the impact of its foul water discharges at the Thornham WwTW and on into the protected waters of the Solent Maritime SAC and the Chichester and Langstone Harbours SPA/Ramsar site. The applicant to this effect has secured an option on a land parcel of 2.023 ha (slightly larger than the 1.900 ha required for the offset) at a site east of the A286 (Lavant Road) between The Drive at the northern extent of the urban area of Chichester to the south and Roughmere Farm at Lavant to the north which is currently in use for the production of cereal crops. The mitigation land going forward will have no agricultural input and the proposed development as a consequence will exceed the balance point necessary to achieve neutrality meaning no further mitigation is required. Natural England's recommendation is that for continued ease of future identification the mitigation land is

planted with trees but this recommendation is not a requirement provided the land fulfils its nitrate mitigation function which it will. The applicant is instead proposing that the land is set aside and seeded with a wildflower meadow mix. This is the nitrate mitigation proposal that the Council has considered as part of its Appropriate Assessment and to which Natural England has subsequently confirmed no objection. To aid identification of the mitigation land it is proposed to require that it be physically separated from the surrounding arable land through a fence or hedging. The identified land will be positively managed and maintained thereafter as such. It will be secured in this condition through the s.106 agreement for a defined period of between 80 and 125 years.

8.39 Natural England has assessed both the recreational pressure and nitrate issues as part of the Appropriate Assessment carried out and submitted to it by the Council. It has confirmed that provided the mitigation in both regards i.e. a contribution to the Bird Aware Solent scheme and the in perpetuity provision of offset land for the nitrates impact is secured, then the application proposals will not have an Adverse Effect on the Integrity of the European protected site(s) and the Council is able to permit the proposals under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8.40 The applicant has agreed to the heads of terms below and therefore subject to the completion of the S106 Agreement, this proposal complies with Local Plan Policy 50 and the requirements of the Habitats Directive.

Retail Convenience Store and Community/Business Resource Hub

8.41 In addition to the majority residential component, the application proposals also include a combined convenience retail store (170sqm) and a community business resource space (192.5sqm) located at the site entrance close to Broad Road. The applicant sets out the reasons why this has been included in the development explaining that this is an objective of the current made Neighbourhood Plan and that community development objective 2 of the emerging Neighbourhood Plan Review (2020), seeks to "have a well located, sustainable, convenience store, and a small business centre with associated facilities that would support home working, close to new housing." It is also noted that criterion 7 of LPR draft policy AL10 has as a requirement "Provision of a site for local convenience shopping with opportunities explored to provide flexible space for employment/small scale leisure use."

8.42 The retail convenience store will be constructed to shell core to allow a future operator to fit it out. It is considered that a local grocery store in this location would be of undoubted benefit to both the new and existing community at Hambrook. Officers are however mindful of previous unsuccessful attempts to introduce a convenience store in Hambrook as part of the Marshalls development and in Chidham on the old garage site. Whilst the applicant advises that preliminary discussions have been held with a potential retail convenience operator and will be on-going, there can of course be no guarantee that an operator will come forward. The delivery of the retail unit which will be served by 12 allocated parking spaces in accordance with WSCC parking standards will be secured by the S.106 legal agreement and it is likely that the agreement will require a long period of marketing in order to secure a tenant. The condition on the recommendation permitting the use of the ground floor as a convenience food store will include the additional flexibility to include a post office counter should that eventuality arise.

- 8.43 The community/business resource hub is intended to provide the community with a flexible space with meeting rooms, printing facilities, hot desks, etc. plus welfare facilities for those working from home either full or part time, or those thinking of starting up a business who cannot afford their own facilities whilst they grow. The first floor space will be fully accessible through the inclusion of a purpose built lift. There are 6 car parking spaces allocated to the use. It will be run on a not-for-profit by specialist Managing Agents appointed to manage the site by the Management Company and will be available to the development's future residents and the wider local community with access to the centre facilitated via a combination of key fob and access codes. The Management Company will be responsible for the ongoing management/maintenance with all future residents paying an annual fee. As such, the new residents will get to use the hub at no charge. Residents within the Parish will pay as you go but at a discounted rate to those residents outside of the Parish. The delivery of the community/business resource centre will be secured by the S.106 legal agreement.
- 8.44 The proposal responds in part to the changed patterns of working which have become ingrained in society over the past year as part of the Covid-19 pandemic. Flexible working, more working from home is now accepted as commonplace and is considered likely to be a continuing trend long term. The community/business resource hub will help to support this trend and is considered to be a sustainable option for the community.

Other Matters

Noise, Air Quality and Light Pollution

- 8.45 Noise - The sites proximity to the A27 to the north could potentially result in in harm to residential amenity from noise. The 7 nearest properties in the north-east corner of the site are set between approximately 44m and 53m from the edge of the carriageway with a steep well wooded embankment approximately 13-17m in between. The applicant has submitted a Noise report which concludes that the Council's noise criteria for the site, which were established as part of the Council's Environmental Impact Assessment Screening Opinion, can be met within all habitable rooms, with the provision of suitable glazing and ventilation. Similarly, the required external daytime noise levels are expected to be met when the acoustic screening effects of the proposed dwellings and garden walls and fences is taken into consideration. The site can, therefore, be considered suitable for residential development.
- 8.46 Potential noise nuisance arising from the use of the service yard serving the proposed retail convenience store as well as the potential for noise associate from the positioning of air conditioning and other mechanical plant has been considered and can be controlled by condition. The Committee is advised that subject to the imposition of conditions attached to this recommendation no objection is raised from the Council's Environmental Health Officer.
- 8.47 Air Quality - The submitted air quality report concludes that the operational impacts of the development on existing receptors will be negligible and the air quality at future residential properties at the development will be acceptable with concentrations of pollutants being well below air quality objectives. The Council's Environmental Health Officer recommends conditions to include dust management during the construction phase and deliver measures to mitigate the impacts of the development on local air quality.

8.48 Light pollution - The application site is on the outer edge of Hambrook and so has a direct relationship both with the existing settlement and the rural countryside beyond. The site is also 950m of the boundary with the South Downs National Park to the north-east which is a designated International Dark Sky Reserve. It is therefore important that the introduction of any new lighting into the development is done in such a way that it is appropriately shielded so as not to add to the upwards sky glow in accordance with government policy in the NPPF paragraph 180(c). A condition is therefore attached to the recommendation to address lighting issues.

Residential Amenity

8.49 The nearest existing residential properties to the site are on the south side of Scant Road West and at Shepherds Close and Aviary Close beyond Broad Road to the west. The latter properties are separated from the application site by a belt of tree planting on the west side of Broad Road, Broad Road itself and then the hedgerow lining the west boundary of the application site. It is considered that given the separation distance, the intervening B class road, the existing planting and the layout of the proposed housing which is significantly inset from the west boundary, there would be a negligible impact on the established private residential amenity of these dwellings. In terms of the dwellings on the south side of Scant Road West, the current outlook of these dwellings offers filtered views through the mature tree and hedgerow lined south boundary of the site onto the open fields and undoubtedly this outlook would be changed. Again, however, the significant inset of the proposed built form from the south site boundary means that whilst the change in character and appearance of the site will be readily perceived, this change will not result in the development appearing overbearing or result in overlooking and is not therefore a reason to not approve the application.

8.50 In terms of the new dwellings on the site itself, it is considered that the layout is successful in that it respects the standard required separation distances between dwellings (minimum 20m back to back) to avoid direct overlooking and to ensure a satisfactory level of residential amenity.

Significant Conditions

8.51 The key conditions that are recommended to make this development acceptable have been discussed in the relevant sections of this report. These conditions would include details of vehicular, pedestrian and cycle access, construction management plan, surface water drainage and its long-term management and maintenance, sustainability components, soft landscaping and tree protection measures and ecological mitigation and enhancements.

Section 106 Agreement

8.52 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. At the time of preparing this report work was progressing on preparing a Section 106 agreement including the relevant triggers for providing the infrastructure. The applicants have confirmed they will enter into an agreement. The anticipated final heads of terms are:

- 30% Affordable Housing (36 units) with a 72:28 (rent:shared ownership) tenure mix as follows:

Affordable rent

- 7 x 1 bed
- 10 x 2 bed
- 6 x 3 bed
- 3 x 4 bed

Shared ownership

- 2 x 1 bed
- 4 x 2 bed
- 4 x 3 bed
- 0 x 4 bed

Appropriate management by an approved body and a nominations agreement.

- Financial contribution of £212,754 (£1,803 per dwelling) towards the A27 Local Plan mitigation works in line with the Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.
- Financial contribution of £71,517 for recreational disturbance mitigation at Chichester and Langstone Harbours SPA in accordance with Local Plan Policy 50 and Planning Obligations and Affordable Housing SPD.
- Securing 1.9 ha of existing agricultural land off-site for non-agricultural/horticultural purposes in perpetuity as nitrate mitigation. The Mitigation Land will be planted up as wildflower meadow, fenced off or hedged from the surrounding farmland and positively managed and maintained as such thereafter for a period of between 80 and 125 years.
- Public Amenity Open Space including a Local Area of Play (LAP) (minimum of 371 sqm), provision, management and on-going maintenance.
- 10m wide and 5m wide ecological corridors on northern and western site boundaries respectively - provision, management and on-going maintenance.
- Provision of Convenience retail store/Business Resource Hub building
- Arrangements for management and on-going maintenance of Community/Business Resource Hub
- Marketing requirements for Convenience retail store
- S106 monitoring fee of £5,106

Conclusion

8.53 The Council is unable to demonstrate that it had a 5 year supply of housing land and therefore the housing policies in the Local Plan are now out of date. This fact is considered to mark a significant step change in circumstances affecting consideration of the proposals when weighed in the context of the appeal decision for a similar number of dwellings on the site 4 years ago. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major applications as it

ordinarily would. When there is less than a 5 year supply the NPPF engages what is known as the 'tilted balance', that is a presumption in favour of permitting new sustainable housing development. The IPS provides an appropriate development management tool for assessing such applications and is a material consideration. The proposed development is considered to meet all the relevant criteria in the IPS. The focus of the application in delivering a landscape led approach to development by retaining and strengthening boundary treatments in this visually 'contained' site is considered to be an appropriate response to the previous concerns on landscape matters. In this context and for the reasons outlined above the 'principle' of housing development is considered acceptable.

8.54 Furthermore the application will deliver much needed housing including 36 units of affordable housing and will help to address the Council's housing supply shortfall. The application is therefore recommended for approval, subject to the applicant entering into a S106 agreement to secure the required affordable housing and other infrastructure.

Human Rights

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

RECOMMENDATION

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

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

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

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

CB_75_207_000; CB_75_207_001 RevM; CB_75_207_002 RevD; CB_75_207_003 RevD; CB_75_207_004 RevD; CB_75_207_005 RevD; CB_75_207_006 RevD; CB_75_207_007 RevD; CB_75_207_008 RevD; CB_75_207_009 RevD; CB_75_207_0010 RevD; CB_75_207_0012 RevD; CB_75_207_901 RevD; CB_75_207_902 RevD; CB_75_207_BRF_SS_01 RevA; CB_75_207_NE_SS_01 RevA; CB_75_207_SRW_SS_01 RevA; CB_75_207_BRF_4A_E01 RevA; CB_75_207_BRF_4A_P01 RevA; CB_75_207_BRF_4C_E01 RevA; CB_75_207_BRF_4C_P01 RevA; CB_75_207_BRF_4D_E01 RevA; CB_75_207_BRF_4D_P01 RevA; CB_75_207_BRF_3A_E01 RevA; CB_75_207_BRF_3A_P01 RevA; CB_75_207_BRF_3C_E01 RevA; CB_75_207_BRF_3C_P01 RevA; CB_75_207_BRF_3E_E01 RevA; CB_75_207_BRF_3E_P01 RevA; CB_75_207_BRF_2D_E01 RevA; CB_75_207_BRF_2D_P01 RevA; CB_75_207_BRF_1BFA2BFA_E01 RevA; CB_75_207_BRF_1BFA2BFA_P01 RevA; CB_75_207_NE_3A_E01 RevA; CB_75_207_NE_3A_P01 RevA; CB_75_207_NE_3A_E02 RevA; CB_75_207_NE_3A_P02 RevA;

CB_75_207_NF_3A_E01 RevA; CB_75_207_NF_3A_P01 RevA;
CB_75_207_NF_3A_E02 RevA; CB_75_207_NF_3A_P02 RevA;
CB_75_207_NF_3C_E01 RevA; CB_75_207_NF_3C_E02 RevA;
CB_75_207_NE_3C_P01 RevA; CB_75_207_NF_3C_E03 RevA;
CB_75_207_NE_3C_P02 RevA; CB_75_207_NF_3C_E04 RevA;
CB_75_207_NE_3C_P03 RevA; CB_75_207_NE_2B_E01 RevA;
CB_75_207_NE_2B_P01 RevA; CB_75_207_NE_2B_E02 RevA;
CB_75_207_NE_2B_P02 RevA; CB_75_207_NE_2B_E03 RevA;
CB_75_207_NE_4E_E01 RevA; CB_75_207_NE_4E_P01 RevA;
CB_75_207_NE_3D_E01 RevA; CB_75_207_NE_3D_P01 RevA;
CB_75_207_NE_3D_E02 RevA; CB_75_207_NE_3D_P02 RevA;
CB_75_207_NE_2D_E01 RevA; CB_75_207_NE_2D_P01 RevA;
CB_75_207_NE_2D_E02 RevA; CB_75_207_NE_2D_P02 RevA;
CB_75_207_NE_2D_E03 RevA; CB_75_207_NE_2D_P03 RevA;
CB_75_207_NE_1BFA_E01 RevA; CB_75_207_NE_1BFA_P01 RevA;
CB_75_207_SRW_4A_E01 RevA; CB_75_207_SRW_4A_P01 RevA;
CB_75_207_SRW_4B_E01 RevA; CB_75_207_SRW_4B_P01 RevA;
CB_75_207_SRW_4C_E01 RevA; CB_75_207_SRW_4C_P01 RevA;
CB_75_207_SRW_4D_E01 RevA; CB_75_207_SRW_4D_P01 RevA;
CB_75_207_SRW_3A_E01 RevA; CB_75_207_SRW_3A_P01 RevA;
CB_75_207_SRW_3A_E02 RevA; CB_75_207_SRW_3A_P02 RevA;
CB_75_207_SRW_3BB_E01 RevA; CB_75_207_SRW_3BB_P01 RevA;
CB_75_207_SRW_3C_E01 RevA; CB_75_207_SRW_3C_P01 RevA;
CB_75_207_SRW_3C_E02 RevA; CB_75_207_SRW_3C_P02 RevA;
CB_75_207_SRW_2D_E01 RevA; CB_75_207_SRW_2D_P01 RevA;
CB_75_207_SRW_2BB_E01 RevA; CB_75_207_SRW_2BB_P01 RevA;
CB_75_207_SRW_2BB_E02 RevA; CB_75_207_SRW_2BB_P02 RevA;
CB_75_207_SRW_1BF2BF_E01 RevA; CB_75_207_SRW_1BF2BF_P01 RevA;
CB_75_207_SRW_1BF2BF_E02 RevA; CB_75_207_SRW_1BF2BF_P02 RevA;
CB_75_207_SRW_1BF2BF_P03 RevA; CB_75_207_SRW_4E_E01 RevA;
CB_75_207_SRW_4E_P01 RevA; CB_75_207_SRW_3E_E01 RevA;
CB_75_207_SRW_3E_P01 RevA; CB_75_207_SRW_3E_E02 RevA;
CB_75_207_SRW_3E_P02 RevA; CB_75_207_SRW_1BMA_E01 RevA;
CB_75_207_SRW_1BMA_P01 RevA; CB_75_207_GAR_01 RevA;
CB_75_207_GAR_02 RevA; CB_75_207_GAR_03 RevA; CB_75_207_GAR_04
RevA; CB_75_207_BIN_01 RevA; CB_75_207_CYC_01 RevA;
CB_75_207_SUB_01 RevA; CB_75_207_RBRH_E01A RevA;
CB_75_207_RBRH_E02A RevA; CB_75_207_RBRH_P01A RevA;
CB_75_207_RBRH_P02A RevA; A20107/0300 RevP6; 7151/ASP3/LSP RevA.

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

- (a) the phased programme of construction works;
- (b) the anticipated number, frequency and types of vehicles used during construction,
- (c) the location and specification for vehicular access during construction,

- (d) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (e) the loading and unloading of plant, materials and waste,
- (f) the storage of plant and materials used in construction of the development,
- (g) the erection and maintenance of security hoarding,
- (h) the location of any site huts/cabins/offices,
- (i) the provision of road sweepers, wheel washing facilities and the type, details of operation and location of other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- (j) details of public engagement both prior to and during construction works, including a named person to be appointed by the applicant to deal with complaints who shall be available on site and contact details made known to all relevant parties,
- (k) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles and restriction of vehicle speeds on haul roads. A dust management plan should form part of the CEMP which includes routine dust monitoring at the site boundary with actions to be taken when conducting dust generating activities if weather conditions are adverse,
- (l) measures to control the emission of noise during construction,
- (m) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (n) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas,
- (o) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing, and
- (p) waste management including prohibiting burning and the disposal of litter,
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction.
- (r) hours of construction.

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

4) No development shall commence on site until the method of foundation design which shall not include piling (other than with the written consent of the Local Planning Authority) has been submitted to and been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

5) No development shall commence on site until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the Arboricultural Implications Report and Tree Protection Plan

(East) (drawing no. SJA TPP 20179-041 East) and Tree Protection Plan (West) (drawing no. SJA TPP 20179-041 West) prepared by SJA Trees dated July 2020. Thereafter the protective fencing shall be retained for the duration of the works and in accordance with the Revised Arboricultural Implications Report prepared by SJA Trees dated July 2020 and the recommendations of BS5837:2012, unless otherwise agreed in writing by the Local Planning Authority. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

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

6) Notwithstanding the phase 1 desk study and phase 2 site investigation report submitted by LEAP Environmental dated June 2020 **no development shall commence** until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and been approved in writing by the Local Planning Authority. This strategy shall include the following components:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

7) **No development/works shall commence** on the site until a written scheme of archaeological investigation of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial

investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological significance. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

8) **No development shall commence** unless and until details of the proposed means of foul water sewerage disposal have been submitted to and been approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved works have been completed for that dwelling.

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

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

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

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

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

11) The development hereby permitted shall not be carried out other than in full accordance with the mitigation measures and ecological enhancements set out in the Preliminary Ecological Appraisal (16 July 2020), the Updated Bat Survey (8 October 2020), the Dormouse Survey (16 July 2020), Breeding Bird Survey (16 July 2020) and the Reptile Survey and Mitigation Strategy (16 July 2020), all prepared by EcoSupport and shall be carried out in accordance with details and a timetable for implementation to be submitted to and agreed in writing by the Local Planning Authority **before work commences on site**. For the avoidance of doubt details of the mitigation measures and ecological enhancements shall include:

- wildflower meadow, wooded copse and wetland planting
- filling gaps in tree lines or hedgerows with native species
- the provision of 59 no. bat brick/boxes to be installed into the dwellings and a further 12 no. bat boxes to be installed within the retained trees on site
- the provision of 59 no. swift bird bricks installed into the dwellings and a further 8 no. bird boxes to be installed within the retained trees on site
- the provision of 2 no. log piles (as detailed within the submitted reptile mitigation)
- gaps to be provided at the bottom of the fences to allow movement of small mammals across the site.
- a 10 m wide ecological corridor along the north site boundary and a 5 m wide ecological corridor on the west site boundary

Reason: In the interest of conserving and enhancing biodiversity.

12) **No development shall commence on the Sustainable Urban Drainage System (SuDS)** until full details of the maintenance and management of the SuDS system, set out in a site-specific maintenance manual, has been submitted to and approved in writing by the Local Planning Authority. The manual shall include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. The manual shall also include the arrangements for the future access and maintenance details of any watercourse or culvert (piped watercourse) crossing or abutting the site. Upon completed construction of the SUDS system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual, including the approved access and maintenance details for any watercourse or culvert.

Reason: To ensure the efficient maintenance and ongoing operation for the SUDS system and to ensure best practice in line with guidance set out in the SUDS Manual CIRIA publication ref: C687 Chapter 22.

13) **No development above slab level shall commence** until verge details for all roofs (main roofs, garages and pitched roof porches) have been submitted to and

been approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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

14) Notwithstanding any details submitted to the contrary **no dwelling shall be constructed above slab level** until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls, window/door surrounds and roofs of the building(s) have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interest of amenity and to ensure a development of visual quality

15) Notwithstanding the landscaping details submitted with the application **no construction of any dwelling above slab level** shall take place unless and until a detailed scheme of soft landscaping for the whole site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities, and shall include a program/timetable for the provision of the landscaping. In addition all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection during the course of development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development.

16) **Before construction of any dwelling above slab level** the technical specification of the Electric Vehicle charging point facility shall be submitted to and be approved in writing by the Local Planning Authority. No dwelling shall be first occupied unless and until the dwelling has been constructed in accordance with the terms of the submitted Energy Strategy Statement prepared by Briary Energy dated January 2021 and the approved technical EV charging points details. Furthermore the solar PV panels must be constructed and inserted so that they are flush fitting with the plane of the roof, unless otherwise agreed in writing with the Local Planning Authority. No dwelling which is to be provided with an active charging facility shall be first occupied until the EV charging facility for that dwelling has been provided and is ready for use.

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

17) **The development hereby permitted shall not be first occupied** until a verification report for the approved contaminated land remediation has been submitted in writing to the Local Planning Authority. The report should be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

18) A scheme of noise mitigation in accordance with the recommendations in section 7, 8 and 9 of the Patrick Parsons noise assessment dated December 2020 shall be submitted for the approval in writing by the Local Planning Authority and the approved details shall thereafter be implemented **before first occupation** of each dwelling.

Reason: In order to maintain reasonable living conditions for the future occupants of the proposed dwellings and to accord with the terms of the application.

19) **No dwelling shall be first occupied** until such time as the vehicular and pedestrian/cyclist accesses serving the development have been constructed in accordance with the details shown on the drawing titled 'Proposed Access Arrangements and Off-Site Highway Works' and numbered A20107-201 Revision P4.

Reason: In the interests of road safety.

20) **No dwelling shall be first occupied** until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Broad Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

21) **No dwelling shall be first occupied** until the emergency vehicular access onto Scant Road West has been constructed in accordance with the drawing titled 'Emergency Access General Arrangement' and numbered A20107-101 Revision P4. The access once constructed shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To ensure that the emergency access is suitable for its intended purpose.

22) **No dwelling shall be first occupied** unless and until the car parking and/or garaging provision for that dwelling and the road access to it - including where shown visitor/unallocated spaces, associated footways and turning heads - have been constructed, surfaced and drained in accordance with the approved drawings. Once provided these spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that the correct level of parking is provided in a timely manner for the development to accord with the terms of the application, adopted guidance and in the interests of road safety.

23) **No dwelling shall be first occupied** unless and until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking spaces shall be provided in accordance with the approved details and retained for that purpose thereafter.

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

24) **No dwelling shall be first occupied** until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and shall include the provision of a residents' Travel Information Pack to the first occupants of each dwelling. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport.

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

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

26) **Before first occupation of any dwelling** full details of how the site will be connected to all relevant utilities and services infrastructure networks (including fresh water, electricity, gas, telecommunications and broadband ducting) shall be submitted to and be approved in writing by the Local Planning Authority. These details shall demonstrate the provision of suitable infrastructure to facilitate these connections and the protection of existing infrastructure on the site during works. The development will thereafter only proceed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development benefits from appropriate infrastructure

27) **Before first occupation of any dwelling** details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation. The lighting scheme shall take into consideration the presence of bats in the local area and shall minimise potential impacts to any bats using trees and hedgerows by avoiding unnecessary artificial light spill through the use of directional lighting sources and shielding.

Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution.

Reason: To protect the appearance of the area, the environment and foraging bats, and local residents from light pollution.

28) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). **No dwelling hereby permitted shall be first occupied** until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

29) The ground floor of the retail and community use building hereby permitted at the entrance to the development shall not be used other than as a convenience food store which may additionally include a post office counter within Use Class E of the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

Reason: To accord with the terms of the application and in the interests of the proper planning of the development.

30) The first floor of the retail and community use building hereby permitted at the entrance to the development shall not be used other than as a community resource for local community purposes including use for administrative and business purposes within Use Class F2 of the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

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

31) **Before the retail and community use building is first brought into use** the car parking provision allocated for that purpose and the access to that provision as shown on drawing no. CB_75_207_001 Rev M shall be provided and shall thereafter be retained for car parking purposes.

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

INFORMATIVES

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

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

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

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

4) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email landdrainage@chichester.gov.uk.

5) The developer is advised that all road surfaces should be constructed in a material suitably strong enough to take the weight of a 26 tonne waste freighter vehicle. The use of concrete block paving unless it is of a highway standard is discouraged, as these tend to move under the weight of the Council's waste vehicles.

6) A formal application for connection to the public sewerage system is required in order to service this development, Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

7) It is considered that The Control of Odour and Noise from Commercial Kitchen Exhaust Systems (EMAQ, September 2018) acts as an appropriate reference document. Where practicable, the highest level of cooking extraction, ideally 1m above roof ridge, would be encouraged. Any lower level extraction shall require a commensurate level of filtration.

8) For further information and technical guidance regarding land contamination the applicant should contact the District Council's Environmental Protection Team (01243 785166).

9) When submitting lighting details for approval, it is requested that a report from a competent Lighting Professional is provided, confirming that the external lighting installation meets the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone (to be specified for the circumstances) as set out in the "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" issued by the Institute of Lighting Professionals.

For further information on this application please contact Jeremy Bushell on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QDV94QER0SR00>

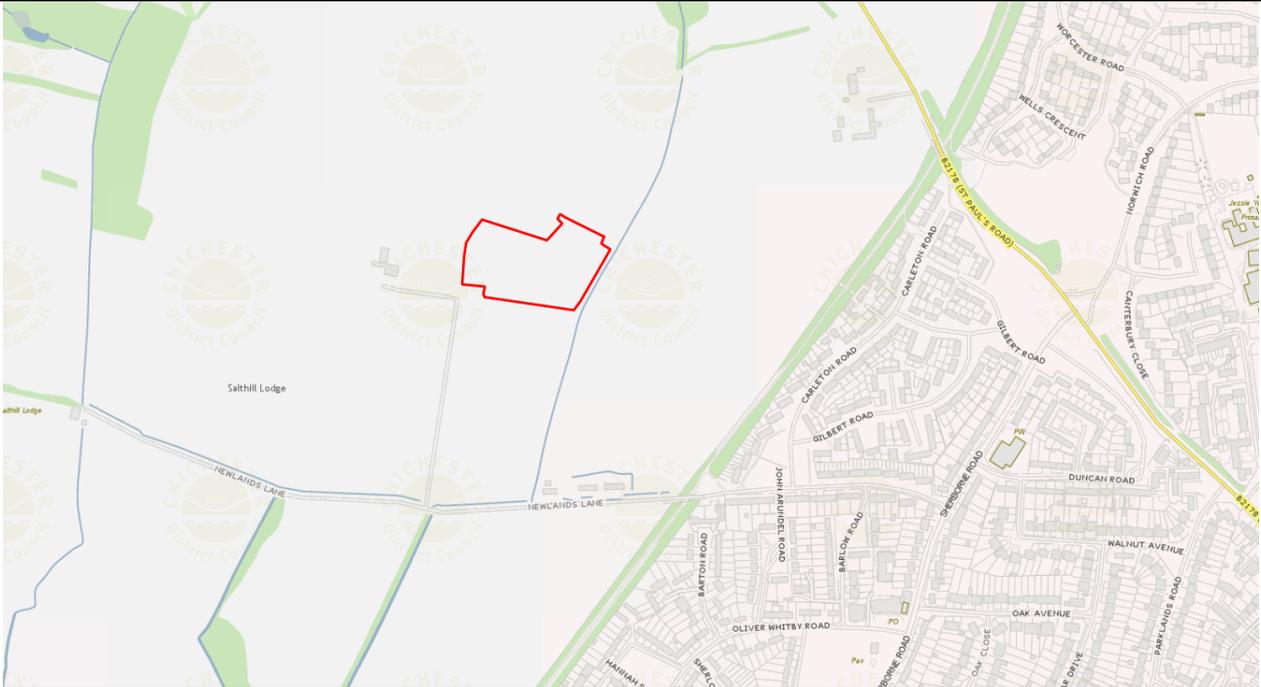
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Parish: Chichester	Ward: Chichester West
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CC/20/02473/REM

Proposal	All outstanding Reserved Matters for the erection of 55 dwellings with associated parking, landscaping, informal open space and associated work on Phase 5, Parcel G, pursuant to permission 14/04301/OUT.		
Site	Land West Of Centurion Way and West Of Old Broyle Road, Chichester, West Sussex		
Map Ref	(E) 485000 (N) 106000		
Applicant	Vistry Southern	Agent	Mr Nicholas Billington

RECOMMENDATION TO PERMIT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

Red Card: Cllr John-Henry Bowden - The proposal is for a major development
 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site forms part of Phase 1 of the West of Chichester Strategic Development Location (SDL) which is allocated by Local Plan Policy 15 for a comprehensive, residential-led mixed-use development including up to 750 dwellings. The site extends to 1.6 hectares and is identified as Parcel P5.G in the Overall Phasing Plan approved pursuant to the Phase 1 outline planning permission granted in April 2018 (14/04301/OUT refers). This parcel is allocated for residential development in the approved Masterplan, and also in the Parameter Plans which were approved as part of the outline planning permission.
- 2.2 Parcel P5.G is located on the western side of the developed area of the Phase 1 site. It would be directly accessed on its western side from the principal 'spine' road serving Phase 1, details of which have been approved under the 'Infrastructure' Reserved Matters application (CC/18/01587/REM refers). The Infrastructure Reserved Matters application also provided the majority of the green infrastructure serving Phase 1 comprising extensive SANGS in the form of a Southern Country Park, a Western Green Link and a Central Green Corridor (CGC).
- 2.3 P.5G forms part of what was originally a large, arable field which reduces in height by approximately 6m between its western and eastern boundaries as the land drops to meet the CGC.
- 2.4 The parcel's western boundary is formed by the spine road itself which is already in situ, with residential Parcel P5.F facing the site from the spine road's western side. To its north, the parcel adjoins both residential parcel P3.D and the part of the mixed use 'Local Centre' which is identified for employment uses. The site's southern boundary flanks a belt of mature trees which forms part of a landscaped buffer between parcels P5.G and P6.H, and which also comprises part of one of the SDL's circulatory walking routes. The parcel's south-eastern boundary adjoins the western side of a section of the Central Green Corridor.
- 2.5 The Committee will be aware that Reserved Matters (RM) approval has already been granted in respect of six residential parcels (P2.A, P2.B, P3.C, P3.D, P3.E and P5.F) and the sports facilities which are to be located in the south-western corner of the SDL. Three further RM applications in respect of Phase 1's final two residential parcels (P6.H and P6.I) and the Phase 1 allotments are currently under consideration.

3.0 The Proposal

- 3.1 The application seeks approval for the reserved matters of Appearance, Layout, Landscaping and Scale in respect of 55 dwellings.
- 3.2 In terms of housing mix, the affordable housing component consists of 16 dwellings, equating to 29% of housing provision within the parcel (contributing to 30% across the entire outline application). Ten units would be provided in a shared ownership tenure comprising 2 x 1 bed flats, 1 x 1 bed coach house, 5 x 2 bed houses and 2 x 3 bed houses. The remaining 6 affordable dwellings would be in a rented tenure comprising 6 x 2 bed flats. The affordable units would be provided in a mix of three storey flats and two storey houses and coach houses.

- 3.3 The 39 market dwellings would comprise 10 x 2 bed, 23 x 3 bed and 6 x 4 bed dwellings provided in a mix of two and two-and-a-half storey detached and semi-detached houses.
- 3.4 In general terms the layout consists of three perimeter blocks defined by streets and pedestrian/cycle routes running through the parcel and around its perimeter.
- 3.5 The spine road flanks the westernmost perimeter block, with a parking court parking serving 10 of its 25 dwellings accessed directly from it. A 4.8m wide tarmac tertiary street flanked by 2m pavements loops through the centre of the parcel, linking to the spine road at both of its ends. This section of road also links to further tertiary order streets that connect to the residential parcels to the north and south (P3.D and P6.H respectively). The remaining, lowest order streets within the parcel comprise 4.8m wide shared surfaces formed in buff-coloured pavers. These take access from the parcel's central street and define the perimeter of the two eastern residential blocks, which face onto the CGC on their eastern sides.
- 3.6 The layout includes provision for a route for cyclists through and between the shared surface areas that wraps around the parcel's south-eastern corner. In the north-eastern corner of the parcel this route connects to the approved cycleway crossing of the CGC which provides a direct link between the eastern part of the SDL and the Local Centre.
- 3.7 Two distinct approaches to the design of the buildings within the parcel are proposed. The 2.5 storey town houses and 3 storey flat block that face onto the spine road follow the contemporary design approach that has been approved for similarly located buildings on adjacent parcels. This involves the use of various features such as stepped elevations in subtly different facing bricks, box dormers, grey-framed windows with vertical emphasis, together with the use of coloured feature panels beneath and to the side of some windows.
- 3.8 A more traditional approach is adopted for the remainder of the parcel, with two storey dwellings formed in a variety of different facing materials consisting primarily of bricks in red tones along with some tile hanging and flintwork, all beneath plain-tiled roofs.
- 3.9 In terms of parking provision, a total of 142 spaces are proposed consisting of 94 on-plot spaces, 29 garage/car ports and 19 visitor spaces, with the latter distributed throughout the parcel.
- 3.10 As referred to in the response of consultees and discussed in the assessment section of the report below, the application has been subject to considerable amendment since its submission. These amendments are discussed in the assessment section of the report below, however, the most significant changes can be summarised as follows:
- an increase in the number of dwellings from 53 to 55
 - an increase in the number of affordable dwellings by 4
 - in the south-west corner of the parcel, a change in the road layout so as to prioritise the route to/from the spine road and Parcel 6H
 - the redesign of the flat block located in the south-west corner of the parcel and the increase in the size of the amenity area serving it
 - the relocation of the coach house within the area adjacent to the flat block so as to provide active surveillance of the adjacent parking court

- the formation of a continuous route for cyclists parallel to the parcel's southern/south-eastern boundary

4.0 History

14/04301/OUT	PER106	Outline planning application with all matters reserved (except for access) for the first phase of development for up to 750 homes with access from Old Broyle Road, temporary access from Clay Lane, a local centre (with associated employment, retail and community uses), primary school, informal and formal open space (including a Country Park), playing pitches, associated landscaping, utilities and drainage infrastructure with on site foul sewage package treatment plant or pumping station with connection to Tangmere Waste Water Treatment Works.
18/01587/REM	PER	Approval of reserved matters in respect of Appearance, Landscaping, Layout and Scale following outline planning permission CC/14/04301/OUT - Consent sought for Primary Road, Primary Surface Drainage and Primary Utilities Routing. SANGs land incorporating Western Green Link, Central Green Link and Country Park.
19/01134/REM	PER	All outstanding Reserved Matters for the erection of 73 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel 2A, pursuant to permission 14/04301/OUT.
19/01531/REM	PER	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 2B, pursuant to permission 14/04301/OUT.
19/02424/REM	WDN	All outstanding Reserved Matters for the erection of 91 dwellings with associated parking, landscaping, informal open space and associated work on Phase 2, Parcel B, pursuant to permission 14/04301/OUT. (scheme 2)
19/02584/REM	PER	Application for all outstanding reserved matters (layout, appearance, scale and landscaping) following outline planning permission CC/14/04301/OUT, for sports facility consisting of 1x adult rugby pitch, 1x adult football pitch, 1x adult cricket pitch and sports pavilion building

		with associated drainage, landscaping, parking and other works (Phase 1).
19/02626/REM	PER	All outstanding Reserved Matters for the erection of 29 residential dwellings with associated parking, landscaping, informal open space and associated works on Parcel P.3D, pursuant to permission 14/04301/OUT.
19/02819/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Parcel 3C, pursuant to permission 14/04301/OUT.
19/03122/REM	PER	All outstanding Reserved Matters for the erection of 141 dwellings with associated parking, landscaping, informal open space and associated work on Phase 3, Parcel C, pursuant to permission 14/04301/OUT (scheme 2).
20/00462/FUL	WDN	Construction of an electrical substation and associated parking to serve the west of Chichester strategic development site.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
19/03146/REM	PER	All outstanding Reserved Matters for the erection of 154 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 3, Parcel E, pursuant to permission 14/04301/OUT.
20/00600/NMA	PER	Non-material amendment to planning permission CC/14/04301/OUT - Proposed additional planning condition to enable the submission and agreement of details of any temporary sales and marketing facilities required on site in relation to the sales and marketing of new homes.
20/01046/REM	PER	All outstanding Reserved Matters for the erection of 50 dwellings with associated parking, landscaping, informal open space and

associated works on Phase 5, Parcel F pursuant to permission 14/04301/OUT.

20/03108/REM	PCO	All outstanding Reserved Matters for the erection of 65 residential dwellings with associated parking, landscaping, informal open space and associated works on Phase 6.H, pursuant to permission 14/04301/OUT.
20/03166/REM	PCO	All outstanding Reserved Matters for the erection of 86 dwellings with associated parking, landscaping, informal open space and associated work on Phase 6I, pursuant to permission 14/04301/OUT.
20/03167/REM	PCO	All outstanding Reserved Matters for creation of allotment gardens with associated parking, landscaping, informal open space and works pursuant to permission 14/04301/OUT.

5.0 **Constraints**

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

6.0 **Representations and Consultations**

Comments are summarised unless stated otherwise.

6.1 **Chichester City Council (original plans) - in full**

Chichester City Council Strongly object on the following basis: No outdoor amenity space is given to the occupants of the flats, many of whom will be children. The parking area behind the townhouses has poor natural surveillance and may attract anti-social behaviour, as such it does not meet "secure by design" aims. Triple parking into garages will reduce spaces actually used for parking and possibly lead to local parking problems. It is not clear whether the development meets the developer's target of 19% improvement over basic building regulations sustainability requirements across the site but the number of solar panels provided is low and there doesn't appear to be confirmation that every property will have provision to charge an electric vehicle.

6.2 **Sussex Police**

There are no major concerns with the proposals, however, various issues should be taken into account at the detailed design stage.

6.3 WSCC Local Highway Authority

Comments of 09 February 2021

Thank you for consulting WSCC as Highway Authority on revised plans for parcel 5G on the West of Chichester development (planning application CC/20/02473/REM). These amended plans seek to address the comments made by the Highway Authority dated 1st Feb 2021.

The applicant has made the following changes to the plans:

- Amended the bollards on the cycle link to provide a single bollard as per the Highway Authority comments and shall provide enhanced access for both pedestrians and cyclists.
- Amended the site boundary to exclude the area in the north east corner of the parcel. Given the details of the cycleway across the SANGS into parcel 3E are secured under another permission the Highway Authority have no issues with this arrangement.
- The applicant has now shown the re-prioritisation of the road through to parcel 6H, which is welcomed by the Highway Authority.

In light of the above changes WSCC as Highway Authority have no objections to the approval of planning application CC/20/02473/REM subject to the inclusion of the conditions referred to in their comments of 1st February 2021.

Comments of 01 February 2021

Following the LHA's response of 5 November 2020 the applicant has amended the scheme to take account of these and other consultee comments on the application.

Parking

The applicant has amended the scheme slightly to reduce the overall car parking provision by 5 spaces. The overall number of spaces previously proposed was 147 spaces and now the applicant is proposing 142 spaces. It is also noted that since the original plans the overall number of units has increased by 2 to a total of 55. This small change to the overall parking level is not considered to change the Highway Authority comments made in their previous comments and no objections are raised to the proposed level of car parking.

Residential Street Layout

The below bullet points provide the latest Highway Authority comments in relation to the proposed residential street layout, in light of the amended plans on the outstanding issues highlighted in the Highway Authority's initial response:

Visibility splays

No splays were previously shown from the vehicle crossovers on the spine road. The applicant has now shown these. The splay from the southernmost access (between plots 277 and 278) does cross land that is not likely to form highway land but is within the applicant's control. Therefore, the Highway Authority would look for a suitably worded condition that ensures no vegetation or structures/walls are placed higher than 0.6m within these visibility splays.

Crossing points

Previously no details of pedestrian crossing points had been provided. The applicant has now submitted details of these. The proposed location of the crossing points are deemed acceptable. The Highway Authority did request that the applicant provide clarification as to how the junction with the parcel's main road just outside plot 258 (now plot 260) was to be designed. The applicant has confirmed that this is going to be a vehicle crossover which is welcomed by the Highway Authority and shall ensure that pedestrian priority is maintained across this access.

Cycle permeability outside plots 246 and between 260 and 247

It is noted that the applicant has now amended the plans to ensure that a fully permeable cycle route is provided between plots 246 and 258 - this is welcomed by the Highway Authority. The applicant has provided bollard, signing and lining details of the proposed cycle links.

WSSC as Highway Authority has the following comments to make:

1. The link between 262 and 247 is proposed as 3m wide and the applicant is proposing 2 bollards at either end of the route. The bollards are spaced 1.20m apart so either side there is a retained width of 0.9m. It would be better and enable greater passing space for pedestrians and cyclists if a single bollard was used. If there are concerns that a single bollard would not prevent unauthorised vehicle access two bollards could be used but it would be better to locate one on the edge of the verge and another in the centre of the shared use area. This would retain a wider width of 1.5m for pedestrians and cyclists.
2. It appears from the Emergency Access Bollard Detail plan that for the cycle link over the ped/cycle bridge the applicant is proposing a section of segregated cycle way. After this stretch it is not apparent what is proposed. Given the likely use and width of the proposed pedestrian/cycle bridge link the Highway Authority were of the view that the route would be a shared use ped/cycle route for its entirety. This approach would also reduce down the need for lining, signing and tactile paving. If a shared use cycle route was proposed there would have to be corduroy paving at transition points and bollards at the start and end of the route. Again, and as per the comments to the first point above the bollards could be redesigned to maximise the width for pedestrians and cyclists whilst still preventing authorised vehicle access.

The applicant can either provide revised details prior to determination or further details could be secured via an appropriately worded condition.

Relationship with Parcel 6H - the applicant has recently submitted planning application for Phase 6 Parcel H (planning application CC/20/03108/REM). This parcel obviously impacts and relates to this adjacent parcel. WSSC are aware of discussions between the applicant and Chichester District Council in relation to the road hierarchy for the main road passing through Phase 6 Parcel H and its accordence with the approved parameter plan for the site. WSSC shall provide more detailed comments on Parcel 6H in separate comments on planning application CC/20/03108/REM. However, the Highway Authority would recommend that the priority is changed at the junction to Parcel 6H, as part of this parcel, so that priority at the first junction after coming into the spine road leads people into Parcel 6H rather than 5G. This is to strengthen the higher status of this route on the parameter plan and to direct people towards the secondary route rather than Parcel 5G. Any changes

that are made as part of Parcel 6H should be reflected in the plans for Parcel 5G and vice versa.

Consideration has also been given to a change in material at this junction as it enters Parcel 6H to reflect the importance of the small pocket park proposed as part of Parcel 6H. WSCC have no objections to a proposed change in surface material here but would request that any changes as a result of Parcel 6H are reflected in the drawings for Parcel 5G.

Summary

In light of the amendments made by the applicant WSCC have no objections to the application subject to the inclusion of the below conditions.

The Highway Authority would look for the below aforementioned conditions in their comments dated 5th Nov on any permission granted and an additional condition in relation to the need for clear visibility splays from the access points from the spine road and details of the cycle connections. The applicant should also make any amendments to this parcel that are associated with changes to Parcel 6H.

- that no dwelling shall be occupied until the vehicular access, roads, footways, car/garaging including visitor spaces and cycle parking and turning spaces serving that development have been constructed and are available to use.
- to ensure that the visibility splays from the access points onto the spine road have no obstructions (walls, landscaping, fencing) above 0.6m in height for the full envelope of the splay.
- to provide details of the proposed signing, lining and tactile paving of the proposed pedestrian and cycle links within the parcel

Comments of 5 November 2020

Car Parking

The applicant is proposing a total of 147 car parking spaces for this parcel of 53 dwellings. This comprises of:

- 99 allocated spaces (1 of which is a car port space)
- 29 garage spaces
- 19 unallocated visitor bays

The level of car parking is proportionally similar to that proposed at earlier reserved matters applications for different development parcels on this site which have already been granted consent. The vehicle spaces per dwelling are set out below for this and other development parcels.

- Parcel 2A 73 units (CC/19/01134/REM) - 2.57 vehicle spaces per dwelling
- Parcel 2B 91 units (CC/19/01531/REM) - 2.62 vehicle spaces per dwelling
- Parcel 3C 141 (CC/19/03122/REM) - 2.95 vehicle spaces per dwelling
- Parcel 5G 53 units (this application) - 2.77 vehicle parking spaces per dwelling

The proposed level of car parking is similar to previously approved parcels and therefore the proposed level of car parking is deemed acceptable and not considered to result in significant levels of overspill car parking taking place.

The applicant has tried to reduce the dominance of parking by accommodating vehicles in various different ways and across the site and has generally achieved it so vehicles are not overly dominant. Car parking has been provided in rear parking courts, driveway parking set back from the building line and where parking is provided in front of properties it is broken up by the provision of paths and planting.

Cycle Parking

The applicant is proposing that each house will be provided with either cycle storage space within a garage or through dedicated cycle storage facilities in the back gardens.

All the proposed garage spaces are greater than the minimum requirements (6m by 3m) to accommodate the storage of cars and bikes. The single garages are proposed as being 3.264m by 6.290m and the double garages are 6.312m by 6.290m. The applicant has stated that all houses without a garage shall have a 1.8m x 1.2m shed for cycle storage. All back gardens have a separate access point which prevents the need for users to carry their bike through the property.

For the flats (Block B) a dedicated and communal cycle store is proposed to the north of the building. A total of 5 Sheffield Stands (10 spaces) are proposed in this store. The layout and spacing of the Sheffield Stands in this store is deemed acceptable.

Residential Street Layout

The residential roads have been designed to a 20mph design speed to encourage a low vehicle speed environment and encourage pedestrian and cycle trips within the site.

The applicant has submitted a highway geometry plan to demonstrate the carriageway widths, visibility splays and kerb radii proposed. The carriageway widths are 4.8m in both tertiary streets and mews lanes. Where footways are provided in non-shared surface streets they are 2m and provided on both sides of the road which is welcomed. Generally the inter-connected road network provides good levels of permeability through the parcel and to adjacent areas. There is a single raised table on the tertiary street outside plots 253 and 238. The design and alignment of road is considered appropriate for its context and sufficient to keep vehicle speeds low.

The applicant has also undertaken vehicle swept path tracking for a car (4.223m in length), a fire tender (8.680m in length) and a refuse vehicle (11m in length). The tracking shows that a refuse vehicle can access the parcel and turnaround within the turning heads provided. The vehicle does however at bends and the turning heads take up the majority of the carriageway. Given that the solution to this would be to widen the carriageway significantly. This would however have detrimental impacts for the majority of users given this widening is not required the majority of the time and would have a potential speed increasing effect in general traffic which would be detrimental to pedestrian and cycle trips.

The main access to the parcel is off the sites spine road. There are two secondary accesses off the spine road via standard residential vehicle crossovers which serve the parking for plots 276 to 285. These vehicle access points are considered to be appropriately designed given the nature and number of vehicle movements and shall help to prioritise pedestrian movements along the spine road.

The Highway Authority wishes to make the following comments in relation to street layout:

1 Visibility splays - On the drawing entitled Highway Geometry Plan (Drawing Number 197420-004) the applicant has shown visibility splays based upon a 20mph design speed. However, they have not shown the achievable visibility from the newly proposed vehicle crossovers on the spine road. The applicant should therefore provide the achievable visibility splay from these access points.

2 Access width to car parking for plots 276- 285 - the applicant is proposing that the access width to this rear parking courtyard is 4.1m. This route is not intended to be adopted and shall remain private therefore this comment is only advisory but the applicant should be confident that there is sufficient room for vehicles to pass and for pedestrians. 4.1m is the minimum width for two cars to pass each other as highlighted in the Manual for Streets.

3 Car Parking - some of the car parking proposed is not independently accessible in that it requires a user to move one car to access another eg plots 268 and 267 and several of the houses. However, these spaces are all within the same household ownership and therefore is not considered to be an issue that requires addressing through the design at planning stage.

4 Crossing points - no details of proposed crossing points have been provided as has been done with some other parcels. Details of the location of dropped kerb/tactile paving could be provided prior to determination or secured via condition.

5 Proposed Bridge Cycle Link - As with planning application CC/19/03146/REM for Phase 3 Parcel E the applicant has included parts of the proposed cycle bridge link within the red line boundary of this application. As with planning application CC/19/03146/REM the Highway Authority would look for specific technical detail of the design and layout of this connection including any necessary signing and lining of this link to be secured via condition.

6 Link outside plot 246 - it is not apparent from the plans whether it is intended that the link outside plot 246 is suitable for cyclists. Given the importance in relation to cycle permeability of the proposed bridged cycle link over the river, the Highway Authority would look for this link to be cyclable and further details to be provided either prior to determination or secured via condition. Details should be provided as to its design to ensure it safely allows a continuous route for cyclists and pedestrians.

7 Cycle route outside plots 260 and 247 - Expanding on the above point the route from plot 246 to 258 is seen as a potentially important cycle route through the parcel however as currently designed it is not apparent as to whether the entirety of the route is accessible to cyclists. The link between plots 260 and 247 appears to be broken and the route to the south (shown in grey on the Planning Layout plan) appears to only be 2m and therefore not sufficient to safely accommodate pedestrians and cyclists. Ideally cyclists should be able to remain on the carriageway but vehicle access be restricted as is currently proposed. The Highway Authority would suggest that the currently proposed 2m footpath shown in grey on the planning layout plan is removed and a short ped/cycle only link is provided between the current terminus of the shared surface areas outside plots 260 and 247. As per currently proposed vehicular access should be restricted along this link. Further details should be provided prior to determination.

Summary

The Highway Authority have no in principle objections to planning application CC/20/02473/REM. However, prior to determination the applicant should provide clarification on the points raised within these comments.

Should CDC wish to approve this application WSCC as Highway Authority would recommend that appropriately worded conditions are included on any permission granted that require the following:

- that no dwelling shall be occupied until the vehicular access, roads, footways, car/garaging and cycle parking and turning spaces serving that development have been constructed and are available to use.
- the provision of visitor car parking spaces.
- to submit technical details of the design the following aspects:
- the cycle way link in the north east corner of the parcel; including need signing and lining
- pedestrian crossing points specification and location

6.4 CDC Design and Conservation

Layout

- Overall the layout appears well considered and to provide good access for both pedestrians and vehicles throughout the parcel. Providing clear way finding and good levels of passive surveillance to all routes.
- The rear parking court yard for plots 278-287 design approach goes against the guidance of BLF 12 for avoiding parking courts which are large / less private. However it is understood that given the restrictions for parking access along the spine road without adding additional crossovers or impacting the layout of the parcel more widely there is unlikely to be a more suitable way to resolve the parking for plots 276-285. During the course of the application improvements have been secured to provide greater passive surveillance and best protect the appearance of the rear parking area going forward. This has included revising the position of the proposed coach house which now provides some overlooking of the parking area and the introduction of brick boundary walls to the perimeter of the parking. For security outside of daylight hours the provision of suitable lighting will be important. This should be included within any lighting condition for the parcel.
- More generally within the parcel parking is considered well resolved and positioned in a manner that will not dominate the street scenes.
- Initially it was considered that the flat block was lacking meaningful amenity space. Alterations to the layout have resulted in a larger space which is no longer impinged by the cycle store layout and is now considered to provide a useable amenity area.
- Overall it is considered the soft landscaping proposed is appropriate and alterations have been made in places during the course of the application. It is noted that the trees shown along the main route in the parcel are outside of the application site area. Without these being provided there would be very few trees along this route. It is acknowledged that given the close proximity of the proposed houses to the road along this route the provision of trees would be difficult however it is considered the boundary with the local centre parking will be an important consideration going forward to achieve sufficient soft landscaping to soften the built and hard surfaces and views over the future parking.

Appearance

- The flat block has undergone a significant amount of change during the course of the application. It is unfortunate that this has not resulted in the design reflecting those of other approved flat blocks within the development in terms of physical stepping within the facades which has instead been replaced by projecting brick piers. However overall the alterations have resulted in improvements to the fenestration which is now considered appropriately detailed for its prominent position with the street scene. The transition between contemporary and traditional design and the three storey height of the flat block and the lower level housing is also now more successfully resolved through stepping and spacing in the street scene.

- It was initially considered that the design of the traditional housing was lacking depth which has been provided in previous approved parcels through projecting gables, bay windows and projecting chimney breasts. Whilst no bay windows have been added there have been a number of improvements throughout the parcel to add greater depth including the use of the T18 house type with projecting gable and the introduction of projecting chimney breasts in prominent locations. This has also help to add greater variety to the appearance of the corner turning plots.

- Concern was raised about the contrast within the proposed materials initially with variation being provided but resulting in strong contrast particularly on focal corner plots. Tile hanging was not initially proposed however has been introduced in line with previously approved parcels resulting in variation being provided but with less visual contrast. It is considered the resulting appearance throughout the parcel is improved by these alterations.

- Improvements have been made to external enclosures resulting in a greater amount of brick walls being proposed in key visible locations within the street scenes.

Overall it is considered that corner turning plots and visible side elevations are detailed and fenestrated appropriately for their level of visibility

6.5 CDC Housing Enabling Officer - comments in respect of amended plans only

Throughout the planning applications and consultations for this development it has always been appreciated that, being a large strategic site, different phases will vary a little from the Strategic Housing Market Assessment (SHMA) mix as they come in as reserved matters applications. The SHMA will be met overall, and such variations avoid enclaves and mono-tenures giving different character areas and densities within the development.

This phase, closer to the village core and away from the rural fringe, has a greater number of smaller units, including flats.

The mixes for both the market and the affordable units are acceptable. Units are being monitored as phases come forward to ensure they meet the planning permission, s106 and give a good balance of units. The affordable/market split (29:71%) and the affordable rent/shared ownership (38:62) split are acceptable, bearing in mind my comments above and the comparatively small number of units on this phase. The market units mix, mostly of smaller family sized units is also acceptable.

Sizes

Affordable units meet or exceed the DCLG Technical Standards and are acceptable.

Tenure split

The affordable flat block is split into rented and shared ownership units. This is generally to be avoided and different tenures are best provided in separate blocks as preferred by Registered Providers (RPs). I note that the applicants have stated there are no shared spaces or entrances and there is separation within the block. While this is not ideal, as a RP is in place and willing to take on the block, I would not actively object in this particular case.

Registered Provider

Affordable units are to be handed over to a RP, whom the Council approves, on completion. Affordable housing units are to be externally indistinguishable from market housing.

Disabled Units

Ground floor rented flats may be suitable for wheelchair adaptations, subject need and suitability as assessed by occupational therapists. This will be considered nearer the time of building out.

Pepper potting

The pepper potting is acceptable.

6.6 CDC Drainage Engineer

The proposed surface water drainage for this phase is a combination of infiltration through permeable paving, and an uncontrolled discharge to the adjacent swale. We are satisfied that they have demonstrated that the phase can be adequately drained, and that the approach is in accordance with the principles/scheme approved for the site.

We have a surface water condition applied to application 14/04301/OUT, which requires the detailed design, supported by sufficient groundwater monitoring and percolation tests to be submitted and discharged pre-commencement. As a result we recommend no further conditions are applied to this application.

6.7 CDC Environmental Strategy Officer

Ecology

We are satisfied with the Ecological Report (Sept 2020) and that this is in line with the proposals agreed as part of the outline application.

Policy 40

Following submission of the Sustainability Statement (Dec 2020) we are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 19%. This will be achieved with a fabric first approach and through installing PV.

6.8 CDC Waste Lead - comments in respect of revised plans only

The plans are acceptable in terms of layout, vehicle tracking and the location of bin collection points.

6.9 Third Party Objection

3Third Party objections have been received concerning:

- a) Chichester is being destroyed by new development
- b) Will result increased congestion and worsening air quality in the locality
- c) Proposals fail to achieve place making and sustainability objectives
- d) Flat block has insufficient amenity space
- e) Cyclists using cycle-link route should have priority over motorised vehicles

6.10 Applicant/Agent's Supporting Information

In addition to the submitted plans the application is accompanied by a suite of supporting technical and other documents including a Design and Access Statement, a Landscape Strategy, an Ecological Survey and sustainability and drainage statements.

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 7: Masterplanning Strategic Development
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 15: West of Chichester Strategic Development Location
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours
- Special Protection Areas
- Policy 52: Green Infrastructure
- Policy 54: Open Space, Sport and Recreation

National Policy and Guidance

7.3 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

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

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- 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
- 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. Principle of the development
- ii. Layout, character and design

- iii. Housing mix
- iv. Landscaping
- v. Sustainability
- vi. Other matters
- vii. Significant conditions

i) Principle of the development

- 8.2 As set out above, the principle of developing the SDL for a residential-led, mixed use development has been established by the 2018 outline planning permission. That permission included a set of approved parameter plans detailing land uses, street hierarchy, storey heights, footpath and cycle-ways, public open space and the quantum and density of development throughout the SDL.
- 8.3 As part of the first Reserved Matters application for residential development (Parcel P2.A - 19/01134/REM refers) a Residential Architectural Design Strategy was also approved. This document sets out the broad design principles for each of the identified residential character areas within Phase 1 of the SDL, with the intention of making these areas architecturally distinctive.
- 8.4 Given that parcel P5.G is allocated for residential use by the outline permission's parameter plans, the following sections of this report are primarily concerned with the assessment of the proposal against the remaining reserved matters of layout, scale, appearance and landscaping, alongside other relevant material planning considerations. Clearly, broad conformity with the approved parameter plans, Architectural Design Strategy (ADS) and Masterplan are key considerations in this case.

ii) Layout, Character and Design

- 8.5 In terms of the approved Master Plan (incorporating both Phases 1 and 2), Parcel P5.G is located broadly centrally to the SDL. The approved parameter plans reflect this location, and identify it as being suitable for development in the Upper Density range (35-45 dpHa) and with building heights of up to 3 storeys along the spine road frontage, with 2 storeys elsewhere. With regard to the approved Architectural Design Strategy, P5.G is located within the Local Centre Residential Character Area. Within this Area, development in this parcel should respond to the transition from the Local Centre vernacular and spine road 'edge' on its northern and western sides to the softer, green edges along its southern and eastern sides.
- 8.6 As noted in Section 3 above the approach to the layout of the parcel and the treatment of the buildings within it has been subject to significant amendment during the course of the application.
- 8.7 A key layout change involves the re-arrangement of the road layout in the south-west corner of the parcel. The change to the junction design results in the route to/from the spine road and Parcel 6H (to the south of parcel P.5G) being prioritised in accordance with the approved parameter plans.
- 8.8 Provision for cyclists has been enhanced by the formation of a continuous route around the southern and south-eastern boundaries of the parcel, utilising shared surface areas

with intervening, 3m wide linking sections. A link to the SANGS cycleway crossing from this route is provided in the parcel's south-east corner.

- 8.9 Whilst no objections were received from Sussex Police on crime prevention grounds, the layout as originally proposed gave rise to some concern regarding the lack of natural surveillance of the proposed parking court to the rear of the proposed townhouses that face onto the spine road; these concerns are shared by the City Council.
- 8.10 Consequently, as part of the redesign of the flat block in the south-western corner of the parcel, one residential coach-house dwelling has been relocated to a position where first floor windows will directly overlook the southern part of the parking court. Furthermore, the appearance of this area has been enhanced - and protected in the long term - by changing its boundary treatment from timber fencing to brick walls. Finally, the applicant has confirmed that low level bollard safety lighting will be provided within the parking court, with final details secured as part of the parcel's lighting scheme which must be submitted for approval under the terms of the outline planning permission's planning conditions. In view of the above amendments, it is considered that the parking arrangements for this part of the site are now acceptable.
- 8.11 Overall, the revised layout follows sound urban design principles, being based on perimeter blocks that provide good levels of vehicular and pedestrian permeability in a coherent and legible layout of streets which prioritises use by pedestrians and cyclists. The submitted plans also indicate satisfactory access and turning for both waste and emergency vehicles. Further, the transition from a relatively high density and urban form of development along the spine road, to a more loose knit approach based primarily on detached dwellings along the softer 'green' boundaries of the parcel responds appropriately to the site's context, as required by the approved Design Strategy.
- 8.12 The Highway Authority has welcomed the layout changes made throughout the progress of the application and, subject to the conditions set out in the recommendation below, raises no objections in terms of either highway safety or the distribution or quantum of car parking, which will meet the anticipated demand. The City Council has raised concerns with regard to the fact that some on-plot parking spaces are not independently accessible, however, the LHA has raised no objections given that such spaces will remain within a single ownership.
- 8.13 The density of development accords with the approved parameter plans, as does the proposed maximum building height of 3 storeys to the spine road frontage. The gardens serving the various houses within the parcel are of an appropriate size, with back-to-back distances that will provide an acceptable level of privacy. As noted above, the amenity space serving the flatted building has almost doubled in size during the course of the application and is now considered acceptable.
- 8.14 All parking areas and areas of public open space are subject to appropriate levels of surveillance. Dwellings would be served by appropriate bin storage and collection arrangements, and adequate arrangements for cycle storage have also been incorporated
- 8.15 Turning to detailed design considerations, the use of a combination of contemporary and traditional design styles within the parcel, as described at paragraphs 3.7-3.8 above, complies with the approved Design Strategy. The contemporary buildings proposed (primarily) along the Parcel's western side are consistent in terms of scale, materials and

detailing with contemporary-style buildings that have already gained Reserved Matters approval in locations that front onto the spine road and/or adjoin the Local Centre (where a contemporary design approach is envisaged). The remaining dwellings, which are of a more traditional design, are likewise consistent with the approach that has been established on other residential parcels in terms of scale, height, materials and elevational treatment.

- 8.16 As with the wider layout of the parcel, a range of improvements to the design and treatment of a number of proposed buildings have been secured during the course of the application.
- 8.17 The design of the 3 storey affordable dwelling flat block has been the subject of significant amendment, with various changes to its articulation and detailing so as to ensure that it is more consistent with similar buildings that have already been approved on nearby parcels. Further, the separation of a coach house dwelling from the block's eastern side has also resulted in a more satisfactory transition from the contemporary to the traditional buildings in the street running parallel to the parcel's southern boundary.
- 8.18 As noted by the Design Officer above, various other design changes have been secured throughout the parcel. These include the wholesale replacement of some house-types, a more coherent and rationalised use of materials together with the introduction of tile hanging to some plots, improvements to the elevational treatment of corner-turning dwellings alongside a general increase in the number of chimneys and windows in order to create a greater degree of articulation and visual interest.
- 8.19 In conclusion on this issue, it is considered that the approach to the layout and detailed design set out in the amended proposals successfully responds to the context of the site. The proposals will provide a satisfactory living environment for prospective residents and will comply with the approved Residential Architectural Design Strategy and parameter plans. There are no objections with regard to highway safety or on the grounds of the level or distribution of parking provision.

iii) Housing Mix

- 8.20 As noted above, in order to both better distribute affordable housing throughout the remaining development parcels in Phase 1 and achieve a proportion of 30% when the SDL is taken as a whole, the number of affordable dwellings has increased by 4 units during the course of the application. The resulting proportion (29%), tenure and distribution of affordable housing throughout the parcel is considered acceptable, as is the market housing mix.

iv) Landscaping

- 8.21 The application is accompanied by detailed planting proposals which have been amended during the course of the application, resulting in an increase in the number of new trees to be planted from 30 to 60. The majority of these trees would consist of native species such as field maple, silver birch and hornbeam planted within the landscaping belt which wraps around the south-eastern corner of the parcel. Species such as cherry, rowan and crab apple are distributed throughout the parcel's interior, along with sections of beech and laurel hedging and pockets of domestic shrub planting, all of which serve to soften the development and break up areas of parking.

- 8.22 In terms of hard landscaping, a variety of surface materials are proposed. As with the approach already established in respect of other residential parcels, shared surface areas are to be formed in buff-coloured pavers, with the main road through the parcel formed in a mix of tarmac and charcoal pavers. Modest ramps and textured rumble strips denote changes in road surface materials, acting as traffic calming features.
- 8.23 With regard to boundary treatments, the submitted plans indicate the use of larch lap fencing to internal garden boundaries, with more robust close boarded fencing to the rear and side of most private parking areas - see para 8.10 regarding the boundary of the parking court serving the contemporary houses. In areas where boundaries are likely to be prominent in the street scene, 1.8m high brick walls are proposed, with a string course detail to add visual interest.
- 8.24 The proposed soft landscaping, planting and tree protection proposals are considered acceptable. In line with the approach on other parcels, the recommendation below includes a requirement to implement these details no later than the first planting season following the practical completion of the last dwelling in the phase. The indicative submitted hard landscaping details are likewise considered acceptable, however, it should be noted that the final approval of these details is required under the terms of the planning conditions attached to the outline planning permission.

v) Sustainability

- 8.25 The applicant has submitted a Sustainability Statement which sets out the range of measures which have either already been secured on a site-wide basis through the outline planning permission or through approval of the Infrastructure Reserved Matters application, or are proposed as part of this application. The Statement aims to reflect the commitment provided in the approved Residential Architectural Design Strategy to address the various criteria contained in Local Policy 40 (Sustainable Design and Construction), with a key aim being to achieve an at least 10% reduction in energy demand above current Building Regulation standards.
- 8.26 Whilst it is not necessary to repeat the content of Statement in this report, its key measures and conclusions in respect of Policy 40's criteria can be summarised as follows:
- Alongside the habitat enhancements arising from the landscaping proposals outlined above, detailed ecological enhancement and protection measures are proposed (including bird and bat boxes, House Martin nests and hedgehog holes in fencing and walls), with these secured through planning conditions attached to the outline planning permission.
 - Dwellings will be designed to achieve 110 litres of water consumption per person per day with water consumption controlled via proposed planning condition 13 set out below.
 - The proposals have been assessed against Building For Life Standards and, based on the preceding analysis of the application, the Statement's conclusion that the development performs generally well against the methodology's criteria is accepted.
 - The proposals incorporate a variety of sustainable design and construction measures including various fabric-first measures, the use of high efficiency heating and hot water systems and low energy fittings and solar powered street lights.
 - In terms of renewable energy, it is proposed to provide solar panels to the roofs of at least 20% of the proposed dwellings with the combined effect of the fabric first and renewable energy measures would be to deliver a 19.5% reduction in CO2 emissions when measured against the requirements of the Building Regulations.

- The solar panels will be installed in-roof, rather than on top of a pre-tiled roof, to minimise disturbance to the visual appearance of the dwellings.

8.27 In conclusion on this issue it is considered that the submitted Sustainability Statement, which has been reviewed by the Council's Environment Officers, demonstrates a good standard of sustainable design and construction that protects and enhances the environment, in compliance with Policy 40 of the Chichester Local Plan. The significant improvement against the requirements of the current Building Regulations in terms of CO2 production and energy demand is to be welcomed, with the latter also exceeding the target set out in the approved Residential Design Strategy. Final details of the package of sustainability measures and its implementation will be secured under the requirements of condition 28 of the outline permission.

vi) Other matters

8.28 The Drainage Engineer has confirmed that the submitted indicative surface water drainage proposals demonstrate that the use of soakaways is unlikely to prove effective on this parcel due to groundwater conditions. The majority of surface water on this parcel is, therefore, likely to drain directly to the site-wide surface water disposal network, although the use of permeable paving in most parts of the parcel should prove effective. Final details of the means of disposal must be submitted under the terms of Condition 13 of the outline planning permission.

vii) Significant Conditions

8.29 This is an application for the approval of Reserved Matters and it should be noted that the bulk of the planning conditions controlling and managing the development are attached to the overarching outline planning permission. These conditions required the submission of further details on a phase-by-phase basis in respect of various matters such as materials and finishes, contaminated land, levels, construction and environmental management plans, landscape and ecological management plans, surface and foul drainage, noise mitigation, sustainable design and construction and street lighting. Whilst some of these details have been submitted indicatively in order to inform this RM application (e.g. sustainable design and construction, materials, levels and surface water drainage), final approval will be required under separate discharge of condition applications.

8.30 In view of the above, the recommendation below is subject to a limited number of conditions relating to the Reserved Matters including, the carrying out of the development in accordance with the submitted landscaping details, securing tree protection measures and ensuring various parking, pedestrian and cycling infrastructure is provided at an appropriate time and in an appropriate manner.

Conclusion

8.31 West of Chichester is one of the Council's key strategic sites for delivering new housing during the Local Plan period. This Reserved Matters application accords with the principles established by the outline planning permission and, based on the preceding assessment, it is considered the proposal complies with relevant development plan policies, the parameters of the outline consent and the approved Residential Architectural

Design Strategy. The proposed housing mix, layout, detailed design and landscaping are all appropriate to the context of the site. In addition, the applicant has provided details in relation to sustainable design and construction in order to demonstrate compliance with the requirements of Local Plan policy 40.

8.32 On this basis it is recommended that, subject to the planning conditions set out below, approval of the remaining reserved matters in respect of Parcel P5.G is granted.

Human Rights

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

RECOMMENDATION

PERMIT subject to the following conditions and informatives:-

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

- **CB_70_068_P5_G**: 000 A; 001 F; 002 C; 003 B; 004 B; 005 B; 006 B; 007 B; 008 C; 009 B

- **CB_70_068_P5_G_SS**: 01 C, 02 B, 03 B, 04 B

- **CB_70_068_P5_G**: **B**_ E01 D, E02 D, E03 D, E04 D, P01 D, PO2 D, PO3 D; **EE**_ E01 B, E02 B, E03 B, P01 B, PO2 B; **EV**_ E01 B, E02 A, P01 A, P02 A; **GAR**_ 01 A, 02 A; **SA**_ E01 B, E02 A, E03 A, E04, E05 A, E06 A, P01 B, P02 A, P03 A, P04 A; **1BCH**_ E03 A, P03 A; **A24L**_ E01 A, E02, P01 A, P02; **A30L**_ E01 A, E02 A, P01, P02; **CH**_ E01 A, P01 A; **T12**_ E01 B, E02 B, P01 B;

- **CSA/4746/**: 100 C, 101 E, 102 E, 103 D, 104 D

- **197420** - 004 D, 006 E, 007 D, 008 D

- BHA_718_03 A

- Plan 1: Ecological Enhancements Plan

- Verge detail - SD(12)10 REVA

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

2) **No development shall commence**, until protective fencing has been erected around all trees, shrubs and other natural features not scheduled for removal in accordance with the submitted Tree Protection Plan (ref. BHA_718_03 Rev A). Thereafter the protective fencing shall be retained for the duration of the works and the development shall be carried out in strict accordance with the recommendations and methodology of the submitted Arboricultural Impact Assessment: Parcel 5G September 2020 and in accordance with BS5837:2012. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside

the fenced area; soil levels within the root protection area of the trees/hedgerows to be retained shall not be raised or lowered, and there shall be no burning of materials where it could cause damage to any tree or tree group to be retained on the site or on land adjoining at any time.

Reason: To ensure that trees on and around the site are adequately protected from damage to their health and stability and/or amenity value. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

3) All soft landscape works shall be carried out in accordance with the approved details and plans and specifications as listed below and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. **These works shall be carried out in the first planting season after practical completion of the development or occupation of the final dwelling in Parcel P5.G** whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority:

- Soft Landscape Proposals plans CSA44746: 103 Rev D and 104 Rev D including the planting specification detailed therein

Reason: To ensure the provision and establishment of a reasonable standard of landscape in accordance with the approved designs.

4) **Prior to the occupation of Plots 247 and 262** the pedestrian/cycle link proposed between the shared surfaces serving them shall be completed in accordance with the submitted details including surface materials, the provision of level transitions and the installation bollards as specified and detailed on the application drawings. For the avoidance of doubt, the link shall be formed in a buff colour surface. Once provided, the pedestrian/cycle link shall be maintained in a condition that is fit for purpose in perpetuity.

Reason: To ensure adequate and safe access for cyclists and pedestrians.

5) **Prior to the occupation of Plot 246** the pedestrian/cycle link between the shared surface serving that plot and the site boundary shall be completed in accordance with the submitted details including surface materials, the provision of level transitions and the installation of a bollard as specified and detailed on the application drawings. For the avoidance of doubt, the link shall be formed in a buff colour surface. Once provided, the pedestrian/cycle link shall be maintained in a condition that is fit for purpose in perpetuity.

Reason: To ensure adequate and safe access for cyclists and pedestrians.

6) **No dwelling hereby permitted shall be first occupied** until the vehicular accesses, roads, footways and vehicle turning areas serving that dwelling have been

constructed, surfaced and drained in accordance with the approved plans. These spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access for the proposed development and in the interests of road safety.

7) **No dwelling hereby permitted shall be first occupied** until the provision for vehicle parking (including garaging) and cycle and bin storage associated with that dwelling has been constructed in accordance with the approved plans and is ready for use. This provision shall thereafter be retained at all times for its designated use.

Reason: To provide adequate on-site car and cycle parking and waste storage for the development

8) **No dwelling hereby permitted shall be first occupied** until the solar panels associated with that dwelling have been constructed in accordance with details to be approved pursuant to condition 28 of application reference 14/04301/OUT and are ready for use.

Reason: To secure an energy supply from renewable resources, to comply with the requirements of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

9) **No part of the development shall be first occupied** until visibility splays have been provided in accordance with drawing number 197420-004 Rev D. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety

10) The visitor parking spaces serving the development shall have been constructed, surfaced and drained in accordance with the approved plans **prior to first occupation of the closest dwelling to each visitor space hereby permitted**. The visitor spaces shall thereafter be retained at all times for their designated use.

Reason: To secure satisfactory standards of access and parking for the proposed development and in the interests of road safety.

11) The construction of all pitched roofs forming part of the development (including those to dwellings, garages and porches) shall not be carried out other than in accordance with the approved drawing reference SD(12)10 REV.A.

Reason: For the avoidance of doubt and to ensure a development of visual quality.

12) Notwithstanding the block paving details shown on the submitted hard surfacing drawings the final details of the block paving (in terms of whether it is permeable or non-permeable) shall be approved pursuant to condition 13 on application reference 14/04301/OUT.

Reason: To retain flexibility and to allow full consideration of the surface water drainage pursuant to condition 13 on application reference 14/04301/OUT.

13) The dwellings hereby permitted shall be designed to ensure the consumption of wholesome water by persons occupying a new dwelling must not exceed 110 litres per person per day, as set out in in G2 paragraphs 36(2) and 36(3) of the Building Regulations 2010 - Approved Document G - Sanitation, hot water safety and water efficiency (2015 edition with 2016 amendments). No dwelling hereby permitted shall be first occupied until the requirements of this condition for that dwelling have been fully implemented, including fixtures, fittings and appliances.

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

INFORMATIVES

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

2) This permission shall be read in conjunction with the planning conditions imposed on the outline consent 14/04301/OUT, and the associated Legal Agreement, dated 11th April 2018, made under Section 106 of the Town and Country Planning Act 1990.

3) You are reminded that, notwithstanding the information contained in the submitted plans in connection with various detailed matters such as external materials, ecological mitigation and enhancements and sustainability measures, where the approval of the same or similar details is also a requirement of the conditions of the outline planning permission, those conditions and the details approved pursuant to them shall take precedence.

4) The applicant is requested to ensure that purchasers of new dwellings are provided with an opportunity to purchase additional solar photovoltaics panels for their dwelling and/or garage, where the purchase takes place before the completion of the dwelling and/or garage (i.e. off plan or before completion of the roof). An undertaking to this effect should be included in the details submitted in to discharge condition 28 of application reference 14/04301/OUT in respect of this phase of the development.

5) You are advised that when seeking to discharge outline planning permission condition 31 in connection with this phase, **the proposed lighting scheme should include details of the illumination of the parking court to the rear of plots 280-287.**

6) **With regard to condition 9** you are advised that care should be taken to ensure that the planting to be carried out in the open space area between plots 279 and 280 in positioned clear of the visibility splay shown on drawing 197420-004 Rev D.

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

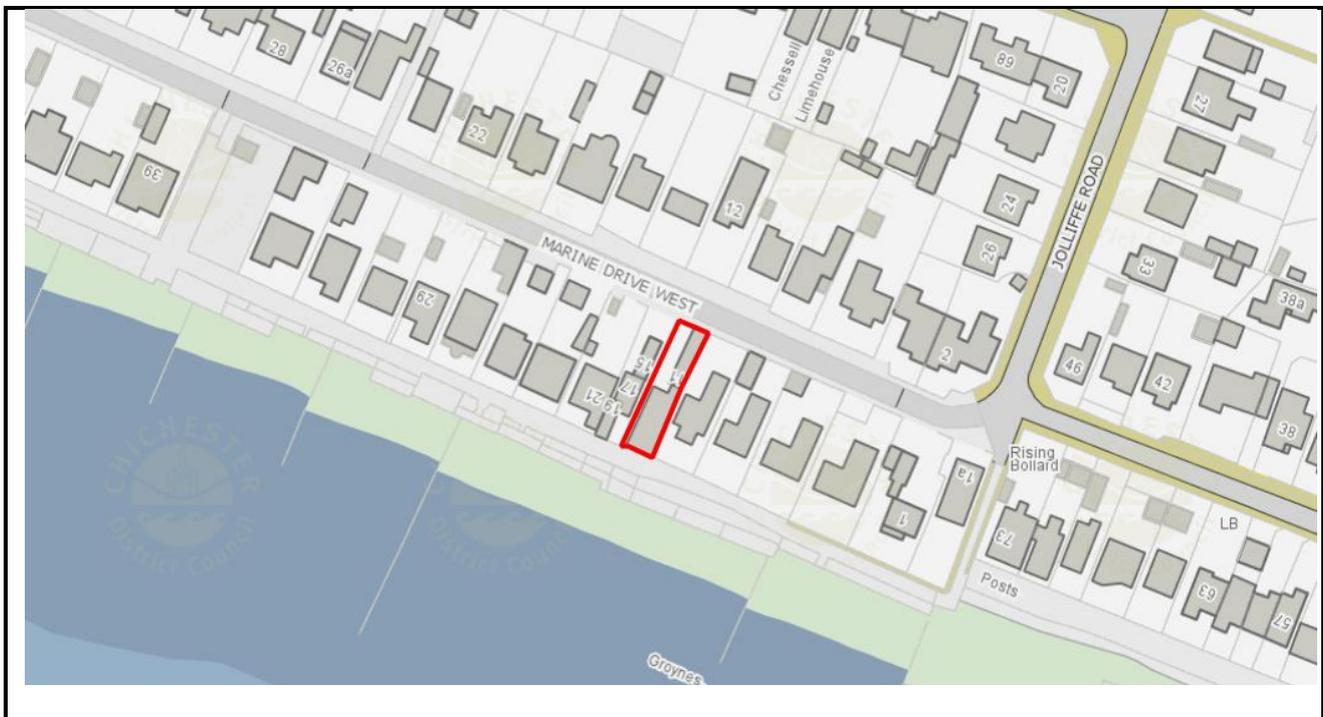
To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QHJ2J5ERGVC00>

Parish: West Wittering	Ward: The Witterings
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WW/20/02932/FUL

Proposal	Use of building as annex to 11 Marine Drive West and/or as a holiday let.		
Site	11A Marine Drive West West Wittering PO20 8HH		
Map Ref	(E) 478840 (N) 97105		
Applicant	M Titley	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT WITH S106



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection - Officer recommends Permit

2.0 The Site and Surroundings

- 2.1 The application site is located to the South side of Marine Drive West, a residential street within the settlement boundary of West Wittering adjacent to the coastline. The site is occupied by a single residential dwellinghouse, known as No.11, which forms the main residence for this narrow but deep plot. The residential dwellinghouse is located in the southern part of the site, with a detached garage building located forward (north) of the dwellinghouse.
- 2.2 There is a further unit of accommodation within the site, currently known as 11a, which is a long but narrow building linked to the main dwellinghouse and occupying almost the entire length of the eastern boundary. The building is single storey, with a pitched tiled roof and benefits from an existing kitchen, bathroom, one main bedroom and a smaller secondary bedroom. 11a was recently subject to an application seeking a lawful development certificate for its use as a separate dwellinghouse (20/01923/ELD). This certificate was refused, as officers considered 11a, on the balance of probability to have last served as a residential annex to the main dwellinghouse (11).

3.0 The Proposal

- 3.1 The planning application seeks permission to utilise the existing annex (11a) as a unit of self-contained tourist accommodation for year round use, and also seeks to retain permission to use 11a as an annex for the applicants' visiting family. The application does not propose any external alterations to the building.

4.0 History

20/01923/ELD REF Use of building as a separate dwelling house.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Objection on the grounds of insufficient parking and over-development of the plot.
Comment: the application states that this is for one bedroom but the plans show two bedrooms.

6.2 WSCC Local Highway Authority

Summary

This proposal is of the use of an existing building as annexe and/or holiday let. The site is located on Marine Drive West, a privately maintained road; consequently, these comments are for your advice only. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

The applicant proposes no alterations to the existing vehicular access arrangements on Marine Drive West. Access to the maintained highway network is at the junction with Jolliffe Road, an unclassified road subject to a speed restriction of 30 mph. The LHA does not anticipate that the use of the building as an annexe or holiday let would give rise to a significant intensification of movements to or from the site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site or the junction with Jolliffe Road. Therefore, there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

Whilst the applicant has not demonstrated vehicular parking provision, the application form states that four car parking spaces are available for use on-site. This is confirmed by use of local mapping, which suggests the site is served by an existing garage and driveway. The LHA advises that two parking spaces would be required for the building when used as a holiday let. Therefore, the LHA considers the existing parking provision to be sufficient for this proposal.

The applicant has not demonstrated cycle parking provision. Cycling is a viable option in the local area and the LHA advises the applicant to include secure and covered cycle parking provision for the holiday let, to promote the use of sustainable transport methods.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

6.22 Third party comments

None received.

7.0 **Planning Policy**

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 30: Built Tourist and Leisure Development
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 44: Development around the Coast
- Policy 48: Natural Environment
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

- 7.5 Consideration should also be given to the Sections 12. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

Other Local Policy and Guidance

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

Surface Water and Foul Drainage SPD

CDC Waste Storage and Collection Guidance
West Wittering Village Design Statement

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

- Support 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. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon highway safety and parking
- iv. Impact upon amenity of neighbouring properties
- v. Recreational Disturbance

Assessment

i. Principle of development

8.2 The application site is within the defined settlement boundary, as outlined in Policy 2 of the Local Plan. Policy 30 of the Local Plan relates to the provision of tourist development and requires development to be sensitively designed to maintain the tranquillity of the area, to be located where it would not cause undue recreational pressure on the harbour and other designated sites and to provide high quality accommodation throughout the year (or extended season). Tourism contributes significantly to the local economy and increasing the number of overnight stays within the district is important to maintaining the economy of the district.

8.3 The proposal seeks to utilise an existing building for year around tourist accommodation within the parish of West Wittering, albeit the site lies in closer proximity (0.7km) to the centre of East Wittering. The location of the accommodation within close proximity to a settlement hub is a sustainable location for tourism uses, with the shops, restaurants and facilities of the existing settlement centre capable of supporting tourism within this part of the district. Furthermore, the site has access to bus services and walking and cycling routes that are viewed by current sustainability objectives as sustainable modes of transport, as opposed to the private motor car which is encroached by CLP policy 8.

8.4 Overall, when considering the above the proposal is considered to result in tourist accommodation provision that will help to contribute to the much needed year round tourist accommodation within the district in a highly sustainable location. As such, the principle is considered acceptable, however this is balanced against the material considerations as outlined below.

ii. Design and impact upon character of the surrounding area

- 8.5 Policy 33 of the LP refers to new residential development. Tourism accommodation is a form of residential accommodation and therefore this policy which sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape is a consideration. The policy also states that development should be appropriate in terms of its scale, form, massing and siting, height and its design should respect and enhance the character of the surrounding area.
- 8.6 The proposal would utilise an existing annex building and does not seek external alteration or to increase the amount of built form within the application site. The level of development within the site would therefore remain, as existing which is comparable to the prevailing character of development within this locality, which often sees much of the plot occupied by a detached larger dwellinghouse with associated outbuilding/annexe.
- 8.7 The floorplans provided indicate that the annex will be two bedrooms, although the second bedroom fairly modest (3.5m by 2m) which is sufficient to accommodate a single bed. When considering the scale of the accommodation to be provided (1 double bedroom and a small single) it is likely this type of holiday accommodation would be most appealing to couples or young families where the modest level of accommodation, commanding a lesser nightly charge is preferable over large more expensive alternatives.
- 8.8 The necessary vehicle and cycle parking provisions can be achieved within the existing site itself, with the current driveway capable of accommodating the anticipated vehicle parking needs for the holiday accommodation. Additionally, cycle storage will likely be contained within a modest cycle shed adjacent to the annex, which will be a minimal size and scale and not of detriment to the application site.
- 8.9 The proposed use of the building as tourist accommodation is not considered to result in an unacceptable intensification or overdevelopment of the site, with the modest increase in activity unlikely to be of detriment to this existing residential street or the wider character of the area. As such, the proposal is considered to be respectful to the character and appearance of the area, and comply with Policy 30 and 33 of the Local Plan.

iii. Impact upon highway safety and parking

- 8.10 The proposal would accord with policy 39 of the CLP which seeks to ensure that new development has acceptable parking levels and access and egress to the highway.
- 8.11 The application proposes to use an existing hard standing area for parking, the layout of which can be secured via condition, and there is no requirement to increase the amount of parking spaces available. In addition, a condition is recommended to ensure that cycle parking and also an electric vehicle charging point is provided, which is considered necessary to promote alternative forms of travel for future visitors. The proposal has been reviewed in consultation with WSCC Highways, who have advised that the level of parking proposed is adequate to meet the needs of the proposal and the existing dwelling on the site.

8.10 It is considered that the proposal would not result in unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The proposal is not considered to give rise to an unacceptable intensification of traffic and with sufficient parking proposed the development would accord with policy 39 of the CLP.

iv. Impact upon the amenity of neighbouring properties

8.11 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties. The application does not propose any external alterations that would result in a material change with regards to neighbour amenity. The existing ground floor windows to the east elevation of the annex have a limited outlook onto the site boundary treatment, limiting potential for overlooking the neighbouring properties private amenity space.

8.12 The property is neighbored to the west by a similarly proportioned plot which is currently occupied by three bungalows of a comparable size and scale to the application building. These bungalows serve as holiday accommodation for private owners and or full time residences and are closely interrelated to one another. The proposed use of the annex as holiday accommodation would result in a broadly similar relationship seen on the neighbouring sites; however a greater level of amenity would be retained within the application site. The annex building is suitably distanced from the bungalows to the west so as not to impact their amenity.

8.13 The use of the building for tourist accommodation is not considered to give rise to an unacceptable intensification of the site, with the modest increase in vehicle movements unlikely to be of detriment to the amenities of the neighbouring properties, given the location of the site within a residential street. The proposal therefore accords with policy in this respect.

v. Recreational Disturbance

8.14 The site is located within of the Chichester and Langstone Harbour SPA. A Habitat Regulation Assessment has been undertaken and the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the (Bird Aware Solent / Bird Aware Pagham) scheme, Chichester District Council conclude that with mitigation the plan or project will not have an Adverse Effect on the Integrity of the European protected sites. The applicant has entered into a signed agreement and the appropriate fee has been obtained, therefore the requirements of Policy 50 have been fulfilled.

Conclusion

8.15 Overall and on balance the proposal is considered to be an acceptable use for an otherwise underutilised building, which would provide a low key but high quality form of tourist accommodation or continued occupation of the accommodation by friends and family as an annex to the main dwelling. Given the sustainable location of the application site, within a settlement boundary and within walking distance of a range of amenities, services and attractions it is considered to accord with the overarching trust of the local plan to increase tourism accommodation and to direct it to the most sustainable locations. Due to the built up nature of the surrounding area it is considered that the small scale level

of accommodation proposed would not constitute an overdevelopment of the site or adversely affect the character of the locality. Therefore the recommendation is to permit the application in accordance with the development plan, and there are no material considerations that would outweigh this.

Human Rights

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

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

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

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

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

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

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

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

4) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

5) No part of the development hereby permitted shall be first occupied} until one Electric Vehicle (EV) charging points have been provided in accordance with plans and details that shall first be submitted to and agreed in writing by the Local Planning Authority. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) the proposed accommodation shall be used for holiday accommodation and or ancillary accommodation to the dwelling known as 11 Marine Drive West only, and shall not be used for any individual's main or sole residential dwelling and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2015, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order). A register of all occupiers, detailing dates, names and usual addresses, shall be maintained by the owner and shall be kept up to date and available for inspection at all reasonable hours by the Local Planning Authority. Any occupation of the units by a single party for a consecutive period exceeding 1 month shall be required to provide evidence of their place of primary accommodation.

Reason: To ensure that the accommodation is only used as holiday / tourist accommodation to prevent the creation, by conversion, of inappropriate units of accommodation, likely leading to over intensive use of the site.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location plan	01		13.11.2020	Approved
PLAN - Block plan	02		13.11.2020	Approved
PLAN - Floor plan	03		13.11.2020	Approved

INFORMATIVE

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

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

For further information on this application please contact Calum Thomas on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QJQGQCERIMG00>

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Agenda Item 8

Parish: Chichester	Ward: Chichester North
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CC/20/03226/FUL

Proposal	Redevelopment of the site with creation of 5 no. flats and parking, landscaping associated works.		
Site	23 Lavant Road Chichester PO19 5RA		
Map Ref	(E) 485764 (N) 106960		
Applicant	Mr Peter Carver & Mrs Rachel Ritchie	Agent	Mrs Kerry Simmons

RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT, SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND REGARDING AN APPROPRIATE ASSESSMENT



	<p>NOT TO SCALE</p>	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 City Council Objection – Officer recommending approval

2.0 The Site and Surroundings

- 2.1 The application site is located on the western side of Lavant Road to the north of Chichester City, within the settlement boundary. The area is characterised by large residential dwellings set in good sized plots, with mature trees, set back from the main road. There are a number of trees that cover the front of the site.
- 2.2 The existing property is served by a single access onto Lavant Road, leading to a gravel parking area to the front of the property. The 2 storey property is double fronted, with an integral garage. To the rear there is a good sized garden, laid to lawn with mature trees and vegetation forming the boundaries to the site. Directly to the north and east are single residential properties and to the south there is a new flatted 2.5 storey development located on the corner of Lavant Road with Plainwood Close. There are also other examples of flatted development close to the application site on Lavant Road.

3.0 The Proposal

- 3.1 This application seeks planning permission for the demolition of an existing dwelling and the construction of a two storey building comprising 5 no. flats, (1 two bed and 4 three bed). The application has been amended during the determination of the application, reducing the ridge and eaves height of the building and reducing the rear element to single storey in part.
- 3.2 The proposed building would have a ridge height of 9.3 metres, with eaves at 5.1 metres, a width of 15.3 metres and a depth of 22.8 metres. The main part of the building would be two storeys, with hips roofs and a gable to the front. To the rear is a proposed part two storey and part single storey element with a balcony. This element is set in from the main part of the building, with hipped roof lines.
- 3.3 The rear garden would provide an amenity area for the proposed flats, while to the side of the building there would be storage for bins and cycles. To the front of the building would be parking spaces for 9 cars and further bin storage. The access to the site would be retained as existing to ensure the retention of the existing trees along the front boundary.

4.0 History

00/03151/TPO	REF	To fell one Pine. Topping of Fir to 35 feet (From current height of approx 55 feet).
02/00396/TPO	PER	To fell 1 no. Douglas Fir tree.
88/00906/CC	REF	To fell 1 Scots Fir and 1 Pine.
78/00389/CC	PER	Two storey extension.
75/00525/CC	PER	First floor extension.

98/00372/DOM	PER	Close boarded, 2 metre fence inside boundary hedge and enlarge existing enclosed part of rear veranda.
09/05029/DOM	PER	Demolition of sunroom, erection of garden room and entrance canopy.
18/03320/FUL	REF	Redevelopment of the site with a terrace of 2 no. 4-bed and 2 no. 3-bed dwellings, parking, landscaping and associated works.
19/02574/OUT	WDN	Demolition of existing dwelling replaced with a terrace of 3 no. dwellings, parking, landscaping and associated works.
19/03008/FUL	REF	Erection of 5 no. flats and parking, landscaping and associated works.
01/00071/REF	DISMIS	To fell one Pine. Topping of Fir to 35 feet (From current height of approx 55 feet).
19/00041/REF	DISMIS	Redevelopment of the site with a terrace of 2 no. 4-bed and 2 no. 3-bed dwellings, parking, landscaping and associated works.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Objection due to harm to the character of the area and to biodiversity, and because re-purposing agricultural land, particularly in a piecemeal fashion, is not a sustainable method of nitrate mitigation and could lead to insufficient supply of agricultural land.

6.2 WSCC Local Highway Authority

Summary

This proposal is for the redevelopment of the site to create five residential flats, with associated works. The site is located on Lavant Road, an A-classified road subject to a

speed restriction of 30mph in this location. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided comments pertaining to highway matters for this site for application CC/19/03008/FUL, raising no objections. The Planning Authority refused the application on grounds unrelated to highways and a subsequent appeal was dismissed.

Access and Visibility

The applicant proposes to utilise the existing vehicular access on Lavant Road for this development. The access is to be widened to 4.8m in width, which is wide enough for two vehicles to pass one another when using this access. The applicant has demonstrated suitable visibility for this access, with visibility splays of 2.4m x 43m achievable in both directions. Pedestrian visibility splays of 2m x 2m have also been demonstrated either side of the access.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely, or that the proposal would exacerbate an existing safety concern.

Parking and Turning

The applicant proposes nine car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require at least nine car parking spaces. Therefore, the LHA consider the proposed parking provision to be sufficient.

From inspection of the plans, the parking bays have been drawn to a suitable size and specification. There is space within the parking area for cars to turn on-site and exit onto the maintained highway in a forward gear.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. Active EV charging points should be provided for the development in accordance with current EV sales rates within West Sussex (Appendix B of WSCC Guidance on Parking at New Developments) and Chichester Local Plan policy. Ducting should be provided to all remaining parking spaces to provide 'passive' provision for these to be upgraded in future. Details of this can be secured via condition and a suitably worded condition is advised below.

The applicant has demonstrated five cycle stores for this development, which meets the WSCC requirements for cycle parking. The inclusion of secure and covered cycle parking provision will help promote the use of sustainable transport methods.

Sustainability

The site is situated in a sustainable location within walking distance of shops and cycle distance from schools. Nearby bus stops on Lavant Road offer half hourly connections between Chichester and Midhurst. Chichester Train Station is approximately nine minutes from the site by cycle.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

- Cycle parking
- Electric Vehicle Charging Spaces
- Vehicle parking and turning

6.3 Environmental Strategy Officer

Bats

Following submission of the Bat Emergence and Re-entry Survey (Aug 2020) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

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.

Hedgehogs

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

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).

We would like a bird box to be installed on the building / and or tree within the garden of the property.

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.

Policy 40

Following submission of the Sustainability Statement we are satisfied that the criteria detailed within policy 40 will be met. We are pleased to see the commitment by the applicant to implement measures to achieve a reduction in CO2 emissions of 20%. This will be achieved with a fabric first approach and through installing PV onsite.

We are pleased to see that 5 electric vehicle charging points will be installed onsite and if demand for these is high, more units will be installed.

Nutrient Neutrality

Following submission of the Nutrient Neutrality Management Plan (Dec 2020) the proposal will cause an increase in nitrogen of 2.8 kg/N/yr. Due to this increase we require that mitigation has been proposed with 0.11ha of land in Apuldram being planted with broadleaf trees. This should be secured within the S106 agreement in perpetuity for 85 years.

6.4 CDC Archaeology Officer

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

6.5 Third party objection comments

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

- a) Drafting inaccuracies with the plans and arb report
- b) Rear terraces causing overlooking
- c) Loss of privacy
- d) Noise nuisance
- e) Identical to refused and dismissed scheme
- f) The size and scale of the scheme
- g) No local support
- h) Out of keeping
- i) Impact on local services
- j) Lack of construction management
- k) Overdevelopment of the site
- l) Lack of solar panels
- m) Traffic
- n) Lack of neighbour notification
- o) Biodiversity

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. There is no made neighbourhood plan for Chichester at this time.

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

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 9: Development and Infrastructure Provision
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 47: Heritage
Policy 49: Biodiversity
Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 early in 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. It is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2019), which took effect from 19 February 2019. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

- i) approving development proposals that accord with an up-to-date development plan without delay; or
- ii) 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:
 - a) the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - b) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 Consideration should also be given to the following paragraph and sections: Sections 1, 2, 4, 5, 9, 12 and 14. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

Other Local Policy and Guidance

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

- Planning Obligations and Affordable Housing SPD
- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance

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

- 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. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Ecology
- vi. Sustainability
- vii. Drainage
- viii. Trees
- ix. Impact on the Chichester and Langstone Harbours SPA
- x. Nitrates

Assessment

i. Principle of development

- 8.2 The application is located within the settlement boundary of Chichester, which Policy 2 of the Chichester Local Plan identifies as a sub-regional centre where sustainable development, infrastructure and facilities will be accommodated which in terms of scale, function and character support the role of the settlements.
- 8.3 The application site has been subject to two previous refusals and dismissals at appeal. Application reference 18/03320/FUL sought planning permission for the redevelopment of the site with a terrace of 2 no. 4- beds and 2 no. 3-bed dwellings, parking, landscaping and associated works. The application was refused on two grounds, with the main issue relating to the impact of the proposal on the character and appearance of the area. Subsequently planning application 19/03008/FUL sought planning permission for a revised scheme comprising a single building containing 5 flats. The application was recommended for approval, however this recommendation was overturned with the application was refused and latterly dismissed at appeal. The reasons for refusal included over-development of the site and the resultant impact upon the character and appearance of the area, impacts upon biodiversity and also harm to a designated site as a result of development not being nutrient neutral.
- 8.4 Whilst the Inspector dismissed the recent appeal, it is clear from the decision that the reason for dismissing the appeal is solely concerned with the issue of protecting the integrity of the Special Protection Area in relation to achieving nutrient neutral development. A paragraph 19 – 26 of the decision concludes *‘the scale, form, and design of the proposed development would be sympathetic to the prevailing residential built form and verdant character of the surrounding area. Thus, it would not cause harm to the character and appearance of the area’*.
- 8.5 The recent appeal decision established the acceptability of the proposal in terms of the amount of development, the design of the scheme and its impact upon the character of the locality. Additionally, schemes modest contribution in regards to housing supply was noted in its favour, particularly at this time when council is unable to demonstrate a 5 year supply of housing, where in accordance with Paragraph 11 of the NPPF there is a presumption in favour of sustainable development. The appeal was therefore dismissed on the absence of a S.106 agreement to secure the required nitrogen mitigation only. The proposal remains unchanged from the dismissed appeal, however a bat survey has been submitted and the applicants are in the process of entering into a Section 106 agreement to secure appropriate mitigation to offset the increase in nitrogen to ensure the development is ‘nitrate neutral’. Therefore the Inspector’s reason for dismissing the appeal has been overcome and the principle of the scheme remains acceptable, subject to the considerations as laid out below.

ii. Design and impact upon character of the surrounding area

- 8.6 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character to the surrounding area and its setting in the landscape; in addition that its

scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.7 Policy 33 of the Chichester Local Plan sets out that any proposed development must meet the highest standards of design and provide a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. This includes considering its proportion, form, massing, siting, layout, density, height, scale and neighbouring and public amenity. Policy 47 relates to design and requires development to respect distinctive character and sensitively contribute to creating places of high architectural and built quality.
- 8.8 The application site is located on the western side of Lavant Road and is currently occupied by a single detached two storey property. Lavant Road is largely residential with a mixture of styles and designs of dwellings, which are generally set back from the road, broadly in line, and detached. To the south of the application site, permission was granted to demolish the existing dwelling and construct a new building containing 8 flats under application 18/00769/FUL, this development has been completed. There are also other apartment buildings in close proximity to the site.
- 8.9 The proposed building would be located in approximately the same position of the existing dwelling, albeit on a larger footprint. Its siting would be in keeping with the pattern of development along this side of Lavant Road, with the building set back from the road frontage. The building would also be set away from the north boundary by 3 metres and from the southern boundary by 2 metres, which is in keeping with the surrounding properties. To the front of the building 9 no. parking spaces are proposed, retaining the current access point. As the access point is off-centre, the majority of the parking spaces would not be readily visible from the public road. In addition the majority of the landscaping to the front would be retained, further softening the building and amount of parking.
- 8.10 The design of the building incorporates art and crafts elements which reflect the existing two properties to the north. The proposal would include clay tile hanging at part of the first floor with painted render and black timber. To the ground floor would be brick, with a tile roof. The depth of the building is not entirely at two-storey, as it steps to partly storey to the rear, with a drop in the ridge line of the rear two-storey element. Roofs to the rear are also hipped, reducing the massing of the building. The scale, form and design of the building is such that it would appear similar in its form and scale to that of a detached large dwelling. There would be a single door to the front of the building which would allow access to the 5 flats. It is considered that although the number of units on the site would increase, the proposal represents a sensitive re-development of the plot resulting in a more efficient use of the land without harm to the verdant and characterful nature of the site and its surroundings.
- 8.11 In his assessment, the inspector found the following to be true of the proposed development:

'In terms of appearance the materials palette would be reflective of the local vernacular and so the building would suitably integrate within the context of neighbouring development'.

'Whilst the proposal would result in a building with increased bulk and massing compared to the existing dwelling on the site, taking into account the aforementioned factors, it would not result in a development that would appear dissimilar in its form and scale to that of a substantial detached dwelling. The proposed development would not, therefore, appear out of place within the context of the prevailing form of existing development in the area, nor would it appear cramped considering the spaciousness of the plot and the space that would remain between the proposed apartment building and the neighbouring properties.'

8.12 It is therefore considered the proposal would be in keeping with the character of the area, in terms of its design, scale and form and as such is considered acceptable. The proposal therefore accords with policy 33 of the Chichester Local Plan.

iii. Impact upon amenity of neighbouring properties

8.13 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.14 The properties most impacted by the proposal would be to the north, west and south of the application site. The property to the north of the application site would be 12 metres from the proposed building with an access between. Given this distance and window positions it is not considered the proposal would have a harmful impact to neighbouring amenity of its properties. The property to the west would be 27 metres from the proposed building, given this distance it is not considered the proposal would impact the amenity of the occupiers. The building to the south is a block of flats, which would be 5.5 metres from the proposed building and broadly inline. Given the window position on both the proposed building and the neighbouring building, the proposal would not result in an unacceptable degree of overlooking. Furthermore, given the siting of the proposed building in relation to the building to the south, the proposal would not have in an overbearing impact.

8.15 The Inspector did not raise any concerns about the proposed relationship with the neighbouring dwellings, and it is considered that the proposal would accord with national and local planning policies in this respect.

iv. Impact upon highway safety and parking

8.16 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport.

8.17 The WSCC Highway Authority has been consulted and no objection has been raised. Conditions have been suggested and these are included in this recommendation. The applicant proposes to widen the existing access to 4.8m in width. The Highways authority has advised that the applicant has demonstrated vehicular visibility splays of 2.4m x 43m in both directions for the proposed access. This meets the minimum requirements for visibility for 30 mph roads. In addition the Highways authority has advised that the applicant has also demonstrated pedestrian visibility splays of 2m x 2m for the access. The applicant has demonstrated nine car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require nine car parking spaces. Therefore, the proposal provides sufficient amount of parking.

8.18 The submitted plans show 4 no. electric charging points to the parking area to the front of the proposed dwelling, a condition is recommended to ensure these are provided prior to occupation. Five purposely designed cycle storage units are proposed to the sides of the dwelling, these again can be secured prior to occupation by condition.

8.19 Therefore, the proposal would accord with policies, 8 and 39 of the CLP which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

v. Ecology

8.20 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded, and for ecological enhancements to be secured by new development.

8.21 The council's ecology officer has reviewed the submitted Bat Emergence and Re-entry Survey (Aug 2020), considering the mitigation proposed to be acceptable. The mitigation shall be secured via condition. In addition, a number of recommendations and enhancements have been suggested, including; bat, bird and hedgehog nesting boxes, many of which are shown on drawing DP319, and the restriction of external lighting, all of which can be adequately secured via condition. Subject to compliance with the recommended conditions, the proposal is considered acceptable in respect of its ecological impacts.

vi. Sustainability

8.22 Policy 40 of the CLP concerns Sustainable Design and Construction for all new dwellings and determines that evidence will be required by the developer to demonstrate that all 10 criteria have been considered, although this should be proportionate to the scale of development.

8.23 The application has been accompanied by a comprehensive sustainability statement, which shows the numerous methods this development shall employ to achieve a reduction of CO2 emissions by 20%. This will be achieved with a fabric first approach, through the installation of photovoltaic (PV) panels on the southern facing roof slopes and the use of air source heat pumps to provide heating and hot water. In addition, water saving measures shall be deployed throughout the properties, ensuring a water usage level of a maximum of 110 litres per person per day.

8.24 A condition is recommended to ensure the development is undertaken in accordance with the sustainable design and construction measures proposed, alongside conditions for landscaping, ecology enhancements and the provision of electric car charging points. Subject to these conditions it is considered that the proposal would protect and enhance the environment and the proposal would therefore comply with policy 40 of the CLP.

vii. Drainage

8.25 Policy 42 of the Chichester Local Plan seeks to ensure that new development is not at risk of flooding and it would not result in a net increase of surface water runoff. The application site is located within flood zone 1 and proposes to connect to the mains foul sewage and a soakaway for surface water. This is considered acceptable in this regard and accords with policy 42 of the Chichester Local Plan.

viii. Trees

8.26 The north east corner of the site has 7 trees that are subject to a tree preservation order (TPO) comprising of a spruce, pine, lime, cherry, laburnum and scots fir. A tree survey has been submitted to assess the quality and contribution of these trees and the appropriate mitigation. In addition a number of trees within the rear garden and around the edges of the site have been assessed with regards to their quality and suitability for retention.

8.27 The north eastern corner of the site would comprise of parking areas for the new development and all of the TPO trees would be retained. A number of mitigation measures to retain the trees are proposed including protective fencing and sensitive surfacing material. These mitigation measures are considered to be acceptable and appropriate and would safeguard their future health and amenity. With regards to the remaining trees, in particular the rear gardens, a number of trees are to be removal however it has been demonstrated that these trees are of a low amenity value. Coupled with a proposed landscaping scheme it is considered that the proposals would adequately protect those trees worthy of retention for their contribution to the verdant character of the area. On this basis the proposals are considered acceptable and would comply with Policy 48 of the Local Plan.

ix. Impact on the Chichester and Langstone Harbours SPA

8.28 The site lies within 5.6km of the Chichester and Langstone Harbours Special Protection Area (SPA), where new residential development is likely to have significant environmental impacts on this internationally important designation. Local Plan Policy 50 relates to development and disturbance of birds within this internationally designated Special Protection Area. Effective mitigation, against potential recreational impact arising from new residential properties, needs to be provided. In accordance with Policy 50, the Recreational Disturbance of Birds in SPAs Guidance 2019, and as recommended by Natural England, a financial contribution to the established Bird Aware Solent mitigation scheme is appropriate in this instance. An appropriate assessment has been carried out and the mitigation proposed is acceptable. The mitigation is to be secured via a S106 agreement.

8.29 The proposal is therefore considered to provide appropriate mitigation against impacts on the SPA, and therefore would not be detrimental to the SPA in accordance with Local Plan Policy 50 and local and national guidance.

x. Nitrates

8.30 The proposal comprises new development with overnight accommodation, where the development will connect to the Apuldram Wastewater Treatment Works (WwTW) and therefore the treated effluent from the development will eventually discharge into a

European or internationally designated protected site, with the potential for harm to be caused to those sites by the overall increase in nitrate levels. It is Natural England's view that the cumulative increase in nitrate levels from development is likely to have a significant effect on such designated sites. This is therefore directly connected to the increase in wastewater from the development.

- 8.31 In such instances, the implications from the proposed development (that is the nutrient content of the discharge), together with the application of measures to avoid or reduce the likely harmful effects from the discharge, are required to be tested by the LPA via an 'appropriate assessment' to assess the impact on the designated sites in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England must then be consulted on any such Appropriate Assessment.
- 8.32 The applicant has followed the methodology provided by Natural England 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' and established the nitrate calculations for this proposed development. This calculation has informed an Appropriate Assessment. Natural England's methodology sets out how to achieve nutrient neutrality and thereby addresses the existing uncertainty surrounding the impact of new development on designated sites. Specifically Natural England's advice sets out the methodology on how to calculate the nutrient budget generated from the development. Where the size of the site and the use of then is not changing, which is the case in this instance it is not necessary to calculate the existing nitrogen from the current land use.
- 8.33 The nutrient budget generated from the development would be 2.8kg/TN/yr which represents a nitrogen surplus from the WwTW and so requires mitigation to achieve nitrogen neutrality. In order to achieve nitrogen neutrality, appropriate mitigation measures that would remove a minimum of 2.8kg/TN/yr must be secured to ensure that at the time of the LPA undertaking the Appropriate Assessment it is certain that the neutralising nitrogen benefits will be delivered in the long term.
- 8.34 The mitigation measures indicate that in order to mitigate the increase in nitrogen, 0.11 ha of former agricultural land shall be removed from cereal production and replanted with broadleaf trees at a density equivalent to 100 per hectare (a minimum of 10 trees). Appendix 1 of the nitrogen budget (drawing no. 100) shows the location of land to be removed from agriculture. At the time of writing, the applicants are in the process of entering into a S106 agreement to secure the nitrates mitigation land and planting for the lifetime of the development. Once completed, the development would achieve nitrogen neutrality and would accord with Policy 12 of the CLP.
- 8.35 The city council has raised an objection regarding the proposed loss of agricultural land, necessary to provide the nitrogen mitigation. The repurposing of agricultural land, via tree planting or rewilding is however a common practice of nitrogen mitigation, accepted by Natural England and therefore the proposed mitigation is considered to be acceptable. Natural England have been consulted upon in respect of the Council's appropriate assessment and subject to no objection being received the proposal would be acceptable in respect of nitrogen neutrality.

Conclusion

8.36 Based on the above it is considered the principle of additional residential units on the site are acceptable, furthermore the scale and form of the proposal is acceptable in terms of the character of the area and impact to neighbouring amenity. Furthermore, the proposal would retain trees on the site, provide ecological enhancements, incorporate sustainable design construction measures and suitable mitigation would be secured to ensure nitrate neutrality. In the absence of an up to date development plan and 5 year housing land supply applications or sustainable development shall be granted planning permission unless there is conflict with policies within the NPPF. There is no conflict with the NPPF, the proposal complies with development plan policies, and there are no material considerations that would justify refusing the application. Therefore the application is recommended for approval.

Human Rights

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

RECOMMENDATION

DEFER FOR SECTION 106 THEN PERMIT SUBJECT TO NO OBJECTION FROM NATURAL ENGLAND REGARDING AN APPROPRIATE ASSESSMENT and subject to the following conditions and informatives:

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

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

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

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

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

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

for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) Notwithstanding any details submitted no development/works shall take place above slab level until a full schedule of all materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule of materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

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

5) The solar panels and air source heat pumps hereby permitted shall not be first installed until full details, to include manufactures details and the proposed location(s) of the solar panels and air source heat pumps within the property and site has been submitted to and approved in writing by the Local Planning Authority. Once approved, these sustainability measures shall be fully implemented within the proposed development and thereafter retained in perpetuity for their designated use.

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

6) The development hereby permitted shall not be first occupied unless and until the following ecological enhancements have been implemented;

1. Installation of a bat brick/box to the property or within a tree sited within the grounds of the property, facing a south/south westerly and positioned 3-5m above ground.
2. Installation of a bird box to the property or within a tree sited within the grounds of the property.
3. Installation of a hedgehog nesting box within the site to provide future nesting areas for hedgehogs.

Once installed, the ecological enhancements shall be retained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

7) **No part of the development hereby permitted shall be first occupied** until a minimum of four (4) Electric Vehicle (EV) charging points have been provided in accordance with drawing DP319. Thereafter the Electric Vehicle Charging point shall be retained for that purpose, indefinitely and unless otherwise agreed in writing by the Local Planning Authority

Reason: To provide alternative sustainable travel options in accordance with local and national initiative to reduce carbon emission and current sustainable transport policies.

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

- i. Due to the potential for hedgehogs and or reptiles hibernating or sheltering within the brush pile, compost and debris piles on site, they shall not be removed between mid-October to mid-March inclusive, and shall undergo a soft demolition.
- ii. If any works need to take place 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).

Reason: In the interests of protecting biodiversity and wildlife.

9) Prior to first occupation of the development hereby permitted details of the existing (those to be retained) and proposed boundary treatments and walled garden shall be provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include;

- (a) a scaled site plan showing the location and lengths of the boundary treatments and scaled elevations,
- (b) details of the materials and finishes, and
- (c) provision of gaps within boundary treatments to allow small mammals to move freely

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

Reason: In the interests of protecting visual amenities and to conserve and enhance the character and appearance

10) The development hereby permitted shall not be first brought into use until full details of the hard and soft landscaping have been submitted to and agreed in writing by the Local Planning Authority. The details shall include a scaled site plan indicating the planting scheme for the site showing the; schedule of plants and positions, species, plant sizes (at time of planting) and proposed numbers/densities. In addition, the scheme shall include details of all existing trees and hedgerows on the land including details of any to be retained, together with measures for their protection during the course of the development. The scheme shall make particular provision for the conservation and enhancement of biodiversity on the application site. The landscaping scheme shall also include full details of any proposed hard landscaping showing any external hard surfaces and their positions, materials and finishes. The works shall be carried out in full accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved scheme shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees and to conserve and enhance biodiversity.

11) **No part of the development hereby permitted shall be first occupied** until the car parking has been constructed and laid out in accordance with the approved site plan and the details specified within the application form. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of ensuring sufficient car parking on-site to meet the needs of the development.

12) **No part of the development hereby permitted shall be first occupied** until covered and secure cycle parking spaces and refuse and recycling storage have been provided in accordance with drawing no DP319, unless otherwise agreed in writing by the local planning authority. Thereafter the cycle parking shall be retained for that purpose in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to ensure the adequate provision of onsite facilities in the interests of general amenity and encouraging sustainable management of waste.

13) The development hereby permitted shall be carried out with strict accordance with the Bat Emergence and Re-entry Surveys, produced by ARBTECH (August 2020) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of biodiversity and protecting identified species on site.

14) The development hereby permitted shall be carried out with strict accordance with the Arboricultural Impact Assessment & Method Statement, produced by Trevor Heaps (December 2018) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the health and protection of the trees within the site.

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

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

16) The proposed hard surface/s hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site and thereafter shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Location plan.	300		11.12.2020	Approved
PLAN - Proposed block plan.	301		11.12.2020	Approved
PLAN - Proposed context plan.	302		11.12.2020	Approved
PLAN - Proposed site plan.	303		11.12.2020	Approved
PLAN - Proposed ground floor plan.	304		11.12.2020	Approved
PLAN - Proposed first floor plan.	305		11.12.2020	Approved
PLAN - Proposed second floor plan.	306		11.12.2020	Approved
PLAN - Proposed front/east elevation.	307		11.12.2020	Approved
PLAN - Proposed side/south elevation.	308		11.12.2020	Approved
PLAN - Proposed rear/west elevation.	309		11.12.2020	Approved
PLAN - Proposed side/north elevation.	310		11.12.2020	Approved
PLAN - Proposed street scene and gate elevation.	311		11.12.2020	Approved
PLAN - Visibility splays.	313		11.12.2020	Approved
PLAN - Site plan.	DP319		11.12.2020	Approved

INFORMATIVES

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

2) Your attention is drawn to the provisions of the **Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017.**

These make it an offence to:

- Kill or injure any protected species or wild bird,
- Damage or destroy the breeding sites and resting places (roosts) of certain animals including bats and dormice even if the species is not present.
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)

The onus is therefore on you to ascertain whether such bats, birds, other animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not contravene the legislation. This may, for example, require undertaking a bat survey or delaying works until after the nesting season for birds.

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523. Trees which have any holes, cracks, ivy or deadwood are more likely to have roosting bats.

The nesting season for birds is between the 1st March and the 30th September. If you need to undertake works during this period you are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must

contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

4) The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

For further information on this application please contact Martin Mew on 01243 534734

To view the application use the following link -

<https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QL6E7GERJNL00>

Parish: Bosham	Ward: Harbour Villages
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BO/20/02707/DOM and BO/20/02708/LBC

Proposal	Proposed single storey orangery extension and link to garage/annexe.		
Site	Church Cottage High Street Bosham PO18 8LX		
Map Ref	(E) 480444 (N) 103853		
Applicant	Mr Howard Thomson	Agent	Robert Dalton

RECOMMENDATION TO PERMIT



	NOT TO SCALE	<p>Note: Do not scale from map. For information only. Reproduced from the Ordnance Survey Mapping with the permission of the controller of Her Majesty's Stationery Office, Crown Copyright. License No. 100018803</p>
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1.0 Reason for Committee Referral

1.1 Parish Objection – Officer recommends Permit

2.0 The Site and Surroundings

2.1 The application property is a Grade II Listed two storey residential dwelling located on the south side of High Street, Bosham and situated within the settlement boundary of

Bosham, the Bosham Conservation Area and the Chichester Harbour Area of Outstanding Natural Beauty. The site is surrounded by heritage assets, including the Grade I Listed Holy Trinity Church to the north and a number of Grade II listed dwellings to the east, west and south of the site.

- 2.2 The dwelling was originally two cottages and is constructed of brickwork and stone with a hipped thatched roof. The property is built up to the road north of the site, and its entrance is via the side of the building on its east elevation. The site is bounded by a combination of brick and stone walls with a fence to the eastern boundary, and part of the southern boundary comprises the neighbouring dwelling. Within the rear garden of the application property there is a detached garage constructed with brickwork, cladding and a clay tiled roof, beside which there is a brick store. The ground floor of the garage has a single car parking space and a shower room and there is ancillary accommodation in the roofspace. Additional parking is provided within a gravelled area to the rear of the house, and there is also a paved garden area adjacent to the west boundary of the site.

3.0 The Proposal

- 3.1 The application seeks planning permission for the erection of a single storey orangery extension and link to the garage/annexe comprising a bootroom, sunroom and snug area. The walls of the extension would be timber framed and rendered in Farrow and Ball colour Blue Green, most of the east elevation would comprise sliding glazed doors and opening casement glazed doors whilst the roof would be a lean-to zinc metal roof with standing seam detailing, glazing and four rooflights. The doors would be powder coated aluminium. The west boundary wall to which the extension would be attached is proposed to be retained as a feature wall to the extension and would not be painted or plastered.

4.0 History

13/04198/DOM	PER	Addition of new window to south elevation, alterations to drainage and Internal alterations.
13/04199/LBC	PER	Addition of new window to south elevation, alterations to drainage and internal alterations.
15/02278/DOM	PER	Garage external doors / windows additions and alterations.
15/02279/LBC	WDN	Garage external doors / windows additions and alterations.
15/03919/DOC	DOCDEC	Discharge of condition 3 and 4 for permission BO/15/02278/DOM.
20/01953/PREHH	PRE	Proposed orangery extension to a listed building.

5.0 Constraints

Listed Building	YES
Conservation Area	YES
AONB	YES
Tree Preservation Order	YES
Flood Zone 2	YES
Flood Zone 3	NO
Historic Parks and Gardens	NO

6.0 Representations and Consultations

6.1 Bosham Parish Council

Further comments (11.02.21)

The Bosham Parish Council Planning Committee met last night and in regards to planning applications 20/2707/DOM & 20/02708/LBC AGREED that they would like to maintain their objection.

Original comments (09.12.20)

Bosham Parish Council objects to this application as it threatens the integrity of the listed building by virtue of the proposed building materials and design concept. We are concerned with the impact on the historic wall and the increase in footprint exceeds the CHC recommended guidelines. Should the council be minded to approve we would ask that a full archaeological assessment be done; and a condition be imposed for appropriate blinds be fitted to protect the CHC dark skies policy.

6.2 Conservation and Design

Thank you for consulting Conservation and Design on the application at the above property. The site is Grade II listed and lies within the Bosham Conservation Area, in close proximity to the Grade II* listed Parish Church of Holy Trinity.

The proposed layout immediately abuts the curtilage wall to the western side of the site, sitting back within the plot and encompassing a small section of the visible courtyard space. The overall plan form of the extension is narrower near the listed cottage and expands to make use of existing dead space on the far side of the modern garage, minimising the potential for the footprint to compete with that of the cottage in terms of scale and dimension. The use of a contemporary palette in this location has several advantages over that of a traditional design;

1. A vernacular extension would be very limited in scope without appearing contrived
2. Contemporary materials allow slimmer and shallower profiles to the main structural elements and insulation etc, reducing the overall mass of the structure

3. A contemporary extension clearly demarcates the extent of the main listed building and emphasises its historic quality by virtue of the contrasting styles
4. The high quantity of glazing to the front allows the continued appreciation of the historic rear wall of the courtyard – were this to be covered up by a development it would be harmful in conservation terms

At pre application stage the applicant was very willing to work closely with officers and I note that they have made several alterations to the proposals to accommodate suggestions I made as part of that process. The immediately adjoining section to the listed building is now in frameless glass. This provides a visual gap between the extension and listed building. The applicant has also reduced the thickness and weight of the glazing bars throughout the proposals which further recommend its light and transparent qualities – a key characteristic of the scheme.

The wall that the extension will abut is of historic interest in itself. It provides a clear historic boundary to this part of the site and is typical of historic walls found throughout the conservation area. It should not be plastered or painted as part of the scheme and left visible in its entirety. I accept of course that some repairs and loose matter stabilisation may have to take place. A controlling condition could specify this. A detailed section and methodology statement should be conditioned that precisely describe how the structure will tie into the historic wall.

Due to the contemporary palette and slim profile of the frame and roof I think the design is respectful of the special architectural and historic interest of the listed building. By virtue of its modern appearance it more clearly showcases the special interest of the main listed cottage and does not seek to compete with it. It will be visible from the public realm and in private views but due to its withdrawn position and use of high quality muted materials it will occupy a modest and coherent position in the overall streetscene and in views into and around the local area.

Recommendation: The scheme is acceptable in Conservation and Design terms

Suggested conditions:

1. The rear courtyard wall to which the extension is to be attached should remain free of paint, plaster or any other wall covering and should remain exposed and well maintained.

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building

2. Notwithstanding any details submitted no works shall commence on the main courtyard wall until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a. Methodology and detailed 1:5 section showing the joint / flashing of the new structure to the main boundary / courtyard wall

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building

6.3 Archaeology

It is unlikely that a development on this scale and in this location would affect the important archaeological deposits associated with the medieval college. The possibility that it might would justify the safeguard of a suitable access condition such as the following:

The District Planning Authority shall be informed in writing immediately of any items known or suspected to be of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artefact and the site where it was found. Should the District Planning Authority so decide, the developer shall make appropriate and satisfactory provision for the excavation and recording of remains, and subsequent publication of the results.

6.4 Environmental Protection

Bats: Following submission of the PEA (Nov 2020), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

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.

We require that a bat box is installed on the buildings onsite facing south/south westerly positioned 3-5m above ground.

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

Nesting Birds: Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October Feb) to ensure they are not disturbed by any increase in noise and dust.

Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

A check will also be required for birds nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

We require that a bird box to be installed on the building / and or tree within the garden of the site.

6.5 Chichester Harbour Conservancy

Summarised:

Chichester Harbour Conservancy Recommendation – No objection

Suggested considerations –

- schedule/samples of materials to be agreed prior to construction / as indicated on application forms, plans and drawings / to match existing
- the glazed fenestration should employ tinted glass panels where appropriate, and these should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination emitted both to the surrounding skyline and to the visual horizontal aspect of the new window openings
- any and all roof lights / skylights / ridge-lights / roof lantern / clerestory lights / glazed gable windows, should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times (dark skies policies) in order to minimise and reduce the amount of light illumination emitted both to the surrounding skyline and to the vertical, skyward, aspect of the new window openings

The proposal would have a localised impact on the character and appearance of the building and the immediate surrounds. The proposal would have a visual impact on the AONB protected landscape, but this is acceptable to the area and the wider AONB protected landscape environment setting.

Given its setting, the proposal is considered not to be unduly prominent to be detrimental to the character or the appearance of the AONB.

The proposal is unlikely to have any significant impact or effect on the AONB in terms of landscape character or in relation to wildlife conservation and protection.

6.6 Third party objections comments

1 no. letter has been received concerning;

- a) The proposal is for a significant addition to a listed building in the oldest part of the Conservation Area but it does have very little impact upon the visual amenity and pleasure of the ensemble of building that constitute the medieval core of such a historic location.
- b) Whilst it adds significantly to the original footprint of the buildings, it is unobtrusive and shielded by existing built structures.
- c) Concerned that the extensive glazing and rooflights may contribute adversely to the dark skies enjoyed in the vicinity and if permitted an automated screening should be conditioned.

7.0 Planning Policy

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. The Bosham Parish Neighbourhood Plan was made in June 2015 and forms part of the Development Plan against which applications must be considered.

Chichester Local Plan: Key Policies 2014-2029

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

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 33: New Residential Development
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk
Policy 43 Chichester Harbour AONB
Policy 47: Heritage
Policy 49: Biodiversity

Bosham Parish Neighbourhood Plan

- 7.3 The policies of the Bosham Parish Neighbourhood Plan relevant to this application are:

Policy 1: The Settlement Boundary
Policy 5: Conservation of the Historic Environment
Policy 6: Landscape and the Environment
Policy 7: Ecology, Wildlife and Biodiversity
Policy 8: Flooding and Drainage
Policy 9: Transport and Highway

Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.4 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2036 is now well underway. Consultation on a Preferred Approach Local Plan has taken place and following detailed consideration of all responses to the consultation, it is intended that the Council will publish a Submission Local Plan under Regulation 19 in March 2021. Following consultation, the Submission Local Plan will be submitted to the Secretary of State for independent examination. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2022. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.

National Policy and Guidance

- 7.5 Government planning policy now comprises the February 2019 National Planning Policy Framework (NPPF), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development,
For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.6 Consideration should also be given to Sections 4 (Decision-Making), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment).

7.7 Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Other Local Policy and Guidance

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

➤ Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

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

- CDC PGN3: Design Guidelines for Alterations to Dwellings and Extensions
- CDC Advice Note on External Alterations to Listed Buildings in Chichester District
- Bosham Village Design Statement
- Bosham Conservation Area Character Appraisal
- Adopted Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document 2017
- CHC Chichester Harbour AONB Management Plan (2014-2029)

8.0 Planning Comments

8.1 The main issues arising from this application are considered to be:

- i. Principle of development
- ii. Design and impact upon visual amenity/character of area/heritage assets/landscape
- iii. Impact upon amenity of neighbouring properties
- iv. Impact upon highway safety and parking
- v. Archaeology
- vii. Trees
- viii. Biodiversity
- ix. Flooding

i. Principle of development

8.2 The application site is located within the settlement boundary, where development is generally supported, providing that the proposal respects the setting, form and character of the settlement. The general principle of the development is therefore acceptable.

- ii. Design and impact upon visual amenity/character of area/heritage assets/landscape
- 8.3 Policy 33 of the Local Plan refers to new residential development and sets out that the scale, form, massing and siting, height and design of development must respect and enhance the character of the surrounding area and site. Policy 43 requires that the natural beauty and locally distinctive features of the AONB are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the AONB. Policy 47 of the Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets.
- 8.4 The proposed extension would be approximately 14m in length, which is deeper than the existing house when measured north to south, however it is not considered that the extension would dominate the property or the site. The extension would be single storey with a shallow pitched roof, the front elevation would be set back from the front elevation of the dwelling, and it would in part be set behind the existing garage building. The width of the extension is not significant, leaving space for an outside patio area within the garden. In combination with its length, the design and overall scale of the extension, would not appear incongruous and it would respond well to the features of the site.
- 8.5 An existing external door in the south elevation of the dwelling would connect to the extension, ensuring no loss of fabric would be required to facilitate the extension. The part of the extension attached to the dwelling would be frameless glass in order to provide a visual gap between the extension and the dwelling. The extension is proposed to be of a lightweight contemporary design to show that it is a later addition to the historic dwelling, and it is considered that this would not detract from the visual amenity and character of this heritage asset due to its design and materials.
- 8.6 The west boundary wall of the site, which the extension would abut, is of historic interest as it provides a clear historic boundary to this part of the site and is typical of historic walls found throughout the Conservation Area. Apart from repairs and loose matter stabilisation, the wall should not be painted, plastered or covered and should remain exposed and well maintained. It has been confirmed in the application that the wall is proposed to be retained as it currently exists as a feature of the property and it would not be plastered or painted. In addition, the glazing to the front elevation of the extension would allow the continued appreciation of the historic west boundary wall from the courtyard, and therefore it is an important element of the design approach. A condition is recommended to ensure that the west wall would remain free from being covered in perpetuity, and it is also recommended that a condition also be added requiring that no works shall commence on the wall until a methodology and detailed 1:5 section plan showing the joint/flashing of the extension to the wall is submitted in order to ensure that the historic and special architectural interest of the site is preserved. Subject to conditions it is considered that the extension would be an appropriate addition to the dwelling and the site.
- 8.7 Whilst the increase in footprint to the dwelling from the proposed extension would exceed the Harbour Conservancy's recommended guidelines, it is important to note that the Harbour Conservancy has not objected to the application. They stated in their consultation that as the visual character and appearance of the architectural style of the dwelling would be retained and not compromised by the subservient glazed light-weight extension and the extension being set back from the front elevation of the extension, it would represent a minimal visual change from the streetscene. In addition they stated that the silhouette increase from the extension would fall within their guidance, therefore although the

extension would exceed the Harbour Conservancy's recommended guidelines on the increase in footprint, due to the siting, size and design of the extension, subject to conditions it would not have a harmful impact on the AONB. Glazing and rooflights are proposed to part of the roof of the extension. In order to protect the AONB from light pollution, a condition is recommended to ensure that internal dusk-dawn screen blinds shall be installed on the proposed rooflights and roof glazing.

8.8 The extension would be lower in height than the west boundary wall and set back from the front elevation of the dwelling. Due to this and that the extension would be mostly obscured from the streetscene by the application dwelling and the garage of the neighbouring dwelling to the east, the extension would have limited impact on the streetscene. In addition to its limited visual impact, due to its sympathetic design, it is considered that the extension would not have a harmful impact on the character of the conservation area, the setting of the surrounding listed buildings in the area, or the special qualities of the AONB.

8.9 In conclusion, due to the proposed siting, scale, sensitive treatment of the historic fabric of the listed building and the lightweight contemporary design which responds well to the context of the existing dwelling the proposal would be an acceptable form of development that would not have a negative impact on the surrounding landscape and character of the area or heritage assets. The proposal would therefore be in accordance with policy 47 of the Local Plan, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the NPPF.

iii. Impact upon amenity of neighbouring properties

8.10 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users (of places), and policy 33 of the Chichester Local Plan include requirements to protect the amenities of neighbouring properties.

8.11 Due to the existing boundary treatments and that the extension would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, the extension would not cause harm to their amenities in particular to their outlook, privacy or available light. The proposal would therefore be acceptable in this respect.

iv. Impact upon highway safety and parking

8.12 The proposal would not impact upon the existing parking arrangement for the site and therefore it is not considered that the proposed extension would have a harmful impact on highway safety and parking in the area.

v. Archaeology

8.13 The site is within an area of archaeological interest as a medieval college was sited in the area. The Council's Archaeologist has stated that it is unlikely that a development of the proposed scale and in the proposed location would affect the important archaeological deposits associated with the medieval college. However a condition is recommended that requires that the LPA is informed in writing immediately if any items known or suspected to be of archaeological interest are unearthed during the building operation and the LPA are given a reasonable opportunity for an examination of the artefact and the site where it

was found. If the LPA then so decide, the developer shall make appropriate and satisfactory provision for the excavation and recording of remains, and subsequent publication of the results. It is considered that this is a proportionate approach to ensure that the proposal would not result in any harm to archaeology.

vii. Trees

8.14 There is a Yew tree near to the east boundary of the site which is subject to a Tree Preservation Order as well as being sited within the Conservation Area. An Arboricultural Impact Assessment was submitted as part of the application and the Yew tree is proposed to be retained and protected during construction through the installation of protective fencing and there shall be no storing of materials within 10m of the trunk of the tree. The protective measures proposed would also protect the tree at the neighbouring property to the east which also has a Preservation Order. Subject to the proposed conditions it is considered the proposal would not result in harm to the protected trees within or close to the application site.

viii. Biodiversity

8.15 The site is close to a bat network, a Preliminary Ecological Appraisal was submitted as part of the application. The appraisal found that due to the extension being proposed to abut the dwelling and garage and its size, it would not impact on potential roosting features for bats. If the applications are permitted it is advised that it be conditioned that the works are undertaken in accordance with the appraisal and that additional biodiversity enhancements for the site are also conditioned.

ix. Flooding

8.16 A small part of the south-east corner of the site is within Flood Zone 2. As the extension would not be within the Flood Zone, a Flood Risk Assessment was not considered to be required to be submitted.

Conclusion

8.17 Due to the siting, size and design of the proposed extension subject to conditions it would be acceptable in terms of its design and impact upon the heritage assets, the surrounding area, amenity of neighbouring properties and biodiversity. Based on the above assessment it is considered the proposal complies with the National Planning Policy Framework, the Chichester Local Plan Key Policies; with particular reference to Policies 33 and 47, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the CHC Chichester Harbour AONB Management Plan (2014-2029) and there are no material considerations that indicate otherwise.

Human rights

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

RECOMMENDATION for BO/20/02707/DOM

PERMIT subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3) Notwithstanding any details submitted no works shall commence on the west courtyard wall until the following details have been submitted to and approved in writing by the Local Planning Authority:

A methodology and detailed 1:5 section plan showing the joint / flashing of the new structure to the main boundary / courtyard wall.

The construction works shall be undertaken in accordance with the methodology and section plan.

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building.

4) Prior to substantial completion or occupation of the works hereby permitted, which ever if the earlier, the following ecological enhancements shall be provided:

- a) A bat box integrated into the building facing south/south-westerly positioned 3-5m above ground.
- b) A bird box on a building onsite or a tree within the garden.
- c) A hedgehog nesting box installed within the site to provide future nesting areas for hedgehogs.

Thereafter the ecological enhancements shall be maintained in perpetuity.

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

5) Prior to the occupation of the works hereby permitted, internal dusk-dawn screen blinds (to block all internal light emissions) shall be installed on the proposed rooflights and glazed roof. Once installed, the blinds shall be closed every day, between dusk and dawn the following day. Thereafter, the blinds shall be retained and maintained as such, unless otherwise agreed by the Local Planning Authority.

Reason: In order to restrict internal light spillage from harming the surrounding landscape.

6) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

7) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building.

8) During the construction of the extension hereby permitted the LPA shall be informed in writing immediately of any items known or suspected to be of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artefact and the site where it was found. Should the LPA so decide, the developer shall make appropriate and satisfactory provision for the excavation and recording of remains, and subsequent publication of the results.

Reason: The site is potentially of archaeological interest.

9) The implementation of this planning permission shall be carried out strictly in accordance with the recommendations and mitigation measures detailed in the submitted Arboricultural Impact Assessment and Statement produced by Phillip Alderwood Consulting Ltd. In addition to these mitigation measures during the construction of the extension hereby permitted foundations and any other ground works within the root protection area of the tree shall be hand dug only. Any roots over 40 mm in diameter shall not be severed without the prior agreement of the Local Planning Authority. No materials nor construction equipment shall be stored within the root protection areas of the trees.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area.

10) The development hereby permitted shall be carried out in strict accordance with the mitigation measures detailed in the Preliminary Ecological Appraisal produced by Ecosupport.

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

11) During construction should any brush pile, compost and debris piles be removed, they must first be checked for hedgehogs. These piles must only be removed outside

of the hibernation period mid-October to mid-March inclusive and undergo soft demolition only.

Reason: In the interests of protecting biodiversity.

12) Due to the risk of disturbance to overwintering birds, construction works must avoid the winter months (October Feb) to ensure they are not disturbed by any increase in noise and dust. Due to requirement to avoid the winter months because of the over wintering birds, there may be a need to undertake vegetation clearance during the bird nesting season (1st March - 1st October). If works are required during this time an ecologist will need to check to ensure there are no nesting birds present on the site before any works take place (max 24 hours prior to any works commencing).

A check will also be required for birds nests within the building prior to work commencing. If nesting birds are found, works in the area will need to be avoided and the nest protected until after the young have fledged.

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

13) The west courtyard wall to which the extension is to be attached should remain free of paint, plaster or any other wall covering and should remain exposed and well maintained.

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building.

14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended there shall be no external lighting attached to the building other than in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The lighting scheme shall include details of the proposed location, luminance and design of the lighting including measures to 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.

Reason: In the interests of protecting bats.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Courtyard Elevations (A3)	DDCC-05C		22.10.2020	Approved
PLAN - Proposed Materials (A3)	DDCC-07A		22.10.2020	Approved
PLAN - Site Block Plan and Location Plan (A3)	DDCC-01D		02.11.2020	Approved
PLAN - Proposed Plan (A3)	DDCC-03D		02.11.2020	Approved
PLAN - Proposed Roof Plan (A3)	DDCC-06D		02.11.2020	Approved
PLAN - Existing and Proposed South and West Elevations (A3)	DDCC-08A		02.11.2020	Approved

INFORMATIVES

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

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

The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595,

sussex.surrey@english-nature.org.uk) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

RECOMMENDATION for BO/20/02708/LBC

PERMIT subject to the following conditions and informatives:-

1) The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2) The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3) Notwithstanding any details submitted no works shall commence on the west courtyard wall until the following details have been submitted to and approved in writing by the Local Planning Authority:

A methodology and detailed 1:5 section plan showing the joint / flashing of the new structure to the main boundary / courtyard wall.

The construction works shall be undertaken in accordance with the methodology and section plan.

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building.

4) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

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

5) All new works and making good of the retained fabric whether internal or external, shall be finished to match the adjacent work with regard to the methods used and to material, colour, texture, profile and style.

Reason: To safeguard the architectural and historic character of the Listed Building or to ensure the detailing and materials maintain the architectural interest of the building.

6) The west courtyard wall to which the extension is to be attached should remain free of paint, plaster or any other wall covering and should remain exposed and well maintained.

Reason: In the interests of preserving the historic and special architectural interest of the Listed Building.

Decided Plans

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

Details	Reference	Version	Date Received	Status
PLAN - Proposed Courtyard Elevations (A3)	DDCC-05C		22.10.2020	Approved
PLAN - Proposed Materials (A3)	DDCC-07A		22.10.2020	Approved
PLAN - Site Block Plan and Location Plan (A3)	DDCC-01D		02.11.2020	Approved
PLAN - Proposed Plan (A3)	DDCC-03D		02.11.2020	Approved
PLAN - Proposed Roof Plan (A3)	DDCC-06D		02.11.2020	Approved
PLAN - Existing and Proposed South and West Elevations (A3)	DDCC-08A		02.11.2020	Approved

INFORMATIVES

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

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QILZUOERHQ200>

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Chichester District Council

Planning Committee

Wednesday 03 March 2021

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Between 13-Jan-2021 and 09-Feb-2021

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

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

* - Committee level decision.

1. NEW APPEALS (Lodged)

Reference/Procedure	Proposal
<u>20/00956/FUL</u> Funtington Parish Case Officer: William Price Informal Hearing	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Change use of land to residential for the stationing of caravans for Gypsy Travellers including stable, associated infrastructure and development.
<u>20/01448/FUL</u> Plaistow And Ifold Parish Case Officer: Kayleigh Taylor Written Representation	Land North Of Sparrowood Farm Dunsfold Road Plaistow West Sussex RH14 0QF - Proposed agricultural barn.
<u>20/00785/FUL</u> Westbourne Parish Case Officer: Calum Thomas Informal Hearing	Meadow View Stables Monks Hill Westbourne PO10 8SX - Change of use of land for use as extension to Gypsy caravan site for the stationing of 6 additional caravans, including 3 pitches, each pitch consisting of 1 no. mobile home, 1 no. touring caravan and a utility building together with laying of hardstanding

2. DECISIONS MADE

Reference/Procedure	Proposal
<p data-bbox="197 293 408 360"><u>20/01575/FUL</u> Earnley Parish</p> <p data-bbox="197 427 478 495">Case Officer: Maria Tomlinson</p> <p data-bbox="197 517 555 555">Written Representation</p>	<p data-bbox="638 293 1436 472">113 Second Avenue Almodington Earnley PO20 7LF - Erection of 2 no. semi-detached 3 bedroom bungalows - alternative to planning permission - E/18/00578/FUL for change of use to 2no. dwellings and external works, (resubmission 20/00998/FUL).</p>
<p data-bbox="549 573 1136 611">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="180 611 1489 1563">"... Both schemes would result in new dwellings in a location where, notwithstanding the extant permissions, new residential development would not normally be expected or allowed. The existing dwelling set back from Second Avenue to the south-west of the site is at odds with the prevailing linear pattern of development along Second Avenue. Both appeal schemes would consolidate the residential development at the end of Second Avenue, not conform with the historic pattern of ancillary buildings deeper in the plots and thus exacerbate this uncharacteristic 'in depth' development. The use of materials sympathetic to the rural location would not be sufficient to overcome the harm arising from the incongruous siting and design of either appeal scheme. I therefore conclude that both appeal schemes would be harmful to the character and appearance of the area, particularly if the hedge was removed. Accordingly, in this respect, they would conflict with Policies 33, 47 and 48 of the Chichester Local Plan: Key Policies 2014-2029 (the Local Plan) [and] Policy 1 of the Local Plan which promotes sustainable development as advocated by the National Planning Policy Framework (the Framework). I concur that the previous approvals represent a valid fallback position. Both schemes would represent a significant reduction in footprint compared to the existing glasshouse and would be of a lesser volume than the approved scheme. ... However, both appeal schemes would be of a fundamentally different appearance and character to the approved scheme. The appellant draws my attention to a number of other permissions for the development of dwellings following a Class Q approval where an increase in height of up to 2.5 m was allowed. However, I am not confident that these are comparable to the appeal proposals in terms of their contexts. I therefore give little weight to these other approvals. In any event, I have determined each of these appeals on their own merits. I have found that both appeal schemes would conflict with the development plan, taken as a whole. There are no considerations, including the fallback position, that outweigh that conflict. Accordingly, I conclude that both Appeal A and Appeal B should be dismissed."</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 459 297"><u>17/00011/CONBC</u> Funtington Parish</p> <p data-bbox="196 365 544 398">Case Officer: Tara Lang</p> <p data-bbox="196 454 456 488">Informal Hearing</p>	<p data-bbox="639 230 1449 297">Land South Of The Stables Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/71</p>
<p data-bbox="549 595 1134 629">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="180 633 1469 1619">"... There is no dispute the chalets fall within the size limits for a caravan. But it was accepted that in the end it was their mobility that was the key. I also consider that for a unit to be moveable it must be capable of being moved without the fear of the internal walls and ceilings collapsing. But of greatest concern is that there is no evidence it could be moved at all. The whole point of mobile homes is that they are made to be mobile, as that is how they are transported to the site in the first place. In this appeal there is no evidence at all, and commonsense would suggest the units would not be mobile. Following the failure of the ground (c) appeal, it follows the appellants have in effect constructed two permanent dwellings on the site. Consequently, the two units are contrary to policy 45. Policy 33 deals with new residential development As the development replaces what would have been lawful mobile home on an established site then the only issues are of design and character and appearance. Although in terms of shape the chalets are not that different from a mobile home, the simple fact is they do look quite different. The chalet units do not look like they are part of a caravan site and this adds to the sense of urbanisation of the wider site. I am particularly mindful that if I accept the two units are in conformity with the Council's policies then it will be difficult to resist the conversion of other mobile homes into permanent dwellings. In which case the overall site will gradually cease to be a caravan site at all. In my view the impact of the two chalets while not overwhelming, does add to the sense of urbanisation of the site and would set a precedent that would be difficult to resist in the future. In those senses they are contrary to policy 33. I am also concerned about the impact of the units on the Council's ability to provide for gypsy families in the future. If the mobile homes on the site become permanent dwellings they will no longer be caravans counting towards the Council's provision of gypsy accommodation.....I have found the chalets to be harmful and so contrary to policies 33 and 45 and they could also have ramifications for the Council's provision of gypsy sites. There are no real reasons why the appellant prefers the chalets to a mobile home other than convenience and cost and these do not outweigh the harm I have identified "</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 485 297"><u>20/00215/CONTRV</u> Southbourne Parish</p> <p data-bbox="196 338 544 371">Case Officer: Tara Lang</p> <p data-bbox="196 412 552 445">Written Representation</p>	<p data-bbox="639 230 1437 445">Plot 8 Priors Leaze Lane Hambrook Chidham West Sussex - Without planning permission, the laying and compaction of hard core and tarmac chippings over an existing (unmade) track and to create new access tracks and the formation of an earth bank in the approximate positions shown on the plan</p>
<p data-bbox="403 465 1283 495">Appeal Decision: APPEAL DISMISSED - NOTICE UPHeld</p>	
<p data-bbox="180 510 1487 1014">... The works undertaken, namely the laying and compaction of hard core and tarmac chippings over an existing unmade track, amounts to an engineering operation that would materially affect the external appearance of what was previously said to be an unmade track. The works therefore amount to development for the purposes of section 55 of the Act. The appellant contends that the tracks are permitted developmentHowever, for the provision, the rearrangement or replacement of a private way or the provision of a hard surface to be permitted development, that development must be reasonably necessary for the purposes of agriculture within the unit. The appellant has provided a very limited further evidence concerning any agricultural activity or purpose within a unit that would demonstrate on the balance of probabilities that the tracks were reasonably required for the purposes of agriculture. I appreciate my site visit only represents a snapshot in time, there was very limited evidence of discernible agricultural activities taking place. The evidential onus rests with the appellant and he has therefore not discharged the necessary burden of proof to demonstrate his case on the balance of probabilities.</p> <p data-bbox="180 1021 1487 1787">For the ground (d) appeal to succeed the latest date for the substantial completion of the tracks would need to be 20 August 2016. The evidence provided by the appellant is an aerial photograph dated 22 April 2015. This demonstrates on the balance of probabilities a length of track, which is said to have been created in 2013, but neither this aerial photograph nor assertions demonstrate on the balance of probabilities the engineering operation enforced against. It merely lends weight to the Council's position of there being a length of unmade track at the site. The tracks are finished in black tarmac chippings and therefore have a particularly urban appearance at this otherwise rural site, which is at odds with the character and appearance of the area, even though there are other tracks accessed from along the Lane. It therefore does not represent good design or reflect its local context owing to its length and use of materials. Furthermore, the earth bank appears as an alien feature given the length and height, on a tract of land that is otherwise relatively flat and open. The developments are therefore not well related to an existing farmstead or group of buildings and do not have minimal impact on the landscape and rural character of the area. The appellant states that the tracks are essential to provide access to the land for future viable uses that require a rural location, although I then have only limited evidence concerning any future uses. the tracks and earth bank are nevertheless not developments that meet an essential, small scale and local need, based upon the evidence before me conclude that the developments are harmful to the character and appearance of the area in contravention of Policies 1, 2 and 45 of the adopted Chichester Local Plan: Key Policies 2014-2029..."</p>	

Reference/Procedure	Proposal
<p data-bbox="196 230 451 297"><u>20/00046/PA3Q</u> Sidlesham Parish</p> <p data-bbox="196 365 584 398">Case Officer: William Price</p> <p data-bbox="196 454 555 499">Written Representation</p>	<p data-bbox="639 230 1449 342">Land North Of 66 Street End Lane Sidlesham Chichester West Sussex PO20 7RG - Change of use of 2 no. agricultural buildings to 2 no. dwellings (Class C3).</p>
<p data-bbox="555 521 1129 562">Appeal Decision: APPEAL ALLOWED</p>	
<p data-bbox="180 566 1487 2020">"The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the conversion of two agricultural buildings into two dwellinghouses. Located on the western side of Street End Lane, towards its northern end at 66 Street End Lane, Sidlesham, PO20 7RG in accordance with the terms of the Application Ref SI/20/00046/PA3Q, dated 8 January 2020, and the details submitted with it. ... The main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), with particular regard to whether the extent of the proposed works to the building go beyond those permitted under Class Q, and the effect of the proposal on the Pagham Harbour Special Protection Area. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from an agricultural use to a use falling within Class C3 (dwellinghouses) and building operations reasonably necessary to convert the building. However, Class Q does not allow for the extensive rebuilding of an insubstantial structure to create what would in effect be a new building. Planning Practice Guidance provides further clarification in this regard. It states that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. It is therefore only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. The units comprise single storey structures largely of timber framed constructions and under corrugated asbestos pitched roofing. Unit A is part timber framed and part load bearing block, the external wall cladding of both units is tempered board. The ground floor of each unit is of concrete construction forming part of a raft foundation. The roof of each unit features two principle timber trusses which are well triangulated and support roof cladding via timber purlins, all appear to have performed adequately to date, and upon my inspection both buildings appear suitable for conversion. I note that the structural engineer report refers to the possibility of reviewing the comparative weights of new and existing roof claddings, however this would be for the purposes of confirming purlin provisions, there is no suggestion that the roof structure would be inadequate or that replacement purlins would in fact be necessary. Wall and roof cladding replacement would be carried out however the National Planning Practice Guidance sets out that a Class Q conversion can include the installation or replacement of windows, doors, roofs, and exterior walls. In this case, the extent of the proposed works would not be so substantial so as to constitute a rebuild rather than a conversion. In coming to that view, I have been mindful of the High Court Judgement in the case of Hibbitt v SSCLG (2016) EWHC (Admin). ... For the above reasons, I conclude that the extent of the proposed works to the buildings do not go beyond those permitted under Class Q. ... For the reasons given above I conclude that the appeal should be allowed and prior approval is deemed to be granted."</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<p><u>17/00356/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing 08/06/2021 Chichester District Council East Pallant House PO19 1TY</p>	<p>Plot 12 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a highway maintenance vehicle used for white line painting.</p> <p>Linked to <u>17/00361/CONMHC</u> and <u>17/00362/CONMHC</u></p>
<p><u>17/00361/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing 08/06/2021 10:00:00 Chichester District Council East Pallant House PO19 1TY</p>	<p>Plot 13 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission, change of use of the Land to the storage of a caravan and a diesel fuel oil tank.</p> <p>Linked to <u>17/00356/CONMHC</u> and <u>17/00362/CONMHC</u></p>
<p><u>17/00362/CONMHC</u> Birdham Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearing 08/06/2021 10:00:00 Chichester District Council East Pallant House PO19 1TY</p>	<p>Plot 14 Land North West Of Premier Business Park Birdham Road Appledram West Sussex - Without planning permission change of use of the land to use as a residential caravan site.</p> <p>Linked <u>17/00356/CONMHC</u> and <u>17/00361/CONMHC</u></p>

Reference/Procedure	Proposal
<p><u>19/02493/OUT</u> Earnley Parish</p> <p>Case Officer: Jeremy Bushell</p> <p>Informal Hearing</p>	<p>Earnley Concourse Clappers Lane Earnley Chichester West Sussex PO20 7JN - Outline planning application with all matters except Access reserved. Demolition of Earnley Concourse buildings, Elm Lodge, Gate Cottage and the Ranch House and replacement with residential development of up to 32 no. dwellings with associated access and footway works, landscaping, open space and drainage infrastructure</p>
<p>* <u>19/00431/AGR</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Martin Mew</p> <p>Written Representation</p>	<p>Hundredsteddle Farm Hundredsteddle Lane Hundredsteddle Lane Chichester West Sussex PO20 7BL - Grain store and machinery store.</p>
<p><u>20/01639/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land Adjacent To Neska Longlands Road East Wittering Chichester West Sussex PO20 8DD - Demolition of existing outbuilding and erection of 2-bedroom chalet bungalow.</p>
<p><u>20/02001/FUL</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Vicki Baker</p> <p>Written Representation</p>	<p>Land South Of Tranjoeen Bracklesham Lane Bracklesham Bay West Sussex PO20 7JE - New access to the highway.</p>
<p><u>20/02002/DOM</u> East Wittering And Bracklesham Parish</p> <p>Case Officer: Vicki Baker</p> <p>Householder Appeal</p>	<p>Hazard Cottage East Bracklesham Drive Bracklesham PO20 8JH - Raise roof of garage for an additional bedroom (amendments to previous permission 15/03025/FUL).</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 448 297"><u>18/00323/CONHI</u> Funtington Parish</p> <p data-bbox="197 365 552 398">Case Officer: Sue Payne</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="639 230 1442 338">West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22</p>
<p data-bbox="180 544 448 611">* <u>19/00445/FUL</u> Funtington Parish</p> <p data-bbox="197 678 560 712">Case Officer: Martin Mew</p> <p data-bbox="197 775 552 808">Written Representation</p>	<p data-bbox="639 544 1474 763">Land South East Of Tower View Nursery West Ashling Road Hambrook Funtington West Sussex - Relocation of 2 no. existing travelling show people plots plus provision of hard standing for the storage and maintenance of equipment and machinery, 6 no. new pitches for gypsies and travellers including retention of hard standing.</p>
<p data-bbox="197 857 448 925"><u>20/01726/FUL</u> Funtington Parish</p> <p data-bbox="197 992 475 1059">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1088 552 1122">Written Representation</p>	<p data-bbox="639 857 1453 1010">Stockers Farm Salthill Road Fishbourne PO19 3PY - Replacement dwelling, detached car barn and associated works (alternative proposal to extant permission FU/19/02841/FUL).</p>
<p data-bbox="197 1171 427 1238"><u>19/01400/FUL</u> Loxwood Parish</p> <p data-bbox="197 1305 579 1339">Case Officer: William Price</p> <p data-bbox="197 1402 552 1435">Written Representation</p>	<p data-bbox="639 1171 1417 1323">Moore's Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free-standing garage.</p>
<p data-bbox="197 1485 400 1552"><u>19/01951/FUL</u> Oving Parish</p> <p data-bbox="197 1619 616 1653">Case Officer: Jeremy Bushell</p> <p data-bbox="197 1715 456 1749">Informal Hearing</p>	<p data-bbox="639 1485 1485 1682">Land At The Corner Of Oving Road And A27 Chichester PO20 2AG - Erection of 143 dwellings, with associated access, parking, public open space, landscaping, extension to residential curtilages of existing properties along Oving Road and other associated works.</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 555 297"><u>19/02903/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="197 365 580 398">Case Officer: William Price</p> <p data-bbox="197 461 552 495">Written Representation</p>	<p data-bbox="639 230 1481 376">Plot 1B Land At Sparrowood Farm Shillinglee Road Plaistow West Sussex - Erection of stable barn and (25m x 50m) manege including fencing, solar photovoltaic panels and muck heap.</p>
<p data-bbox="197 600 555 667"><u>20/01045/FUL</u> Plaistow And Ifold Parish</p> <p data-bbox="197 734 616 768">Case Officer: Rebecca Perris</p> <p data-bbox="197 831 552 864">Written Representation</p>	<p data-bbox="639 600 1481 667">Moyana The Drive Ifold Loxwood RH14 0TD - Erection of 1 no. dwelling house.</p>
<p data-bbox="197 969 408 1037"><u>20/01071/OUT</u> Selsey Parish</p> <p data-bbox="197 1104 616 1137">Case Officer: Calum Thomas</p> <p data-bbox="197 1200 552 1234">Written Representation</p>	<p data-bbox="639 969 1481 1070">Land At Ursula Avenue Selsey West Sussex PO20 0HT - Outline planning permission all matters reserved - erection of 2 no. bungalows.</p>
<p data-bbox="197 1283 408 1350"><u>20/02466/PLD</u> Selsey Parish</p> <p data-bbox="197 1417 475 1485">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1514 552 1547">Written Representation</p>	<p data-bbox="639 1283 1481 1384">Ashbourne Residential Home Byways Selsey Chichester West Sussex PO20 0HY - Use as a single dwelling within Use Class C3.</p>
<p data-bbox="197 1597 459 1664"><u>19/00259/CONBC</u> Sidlesham Parish</p> <p data-bbox="197 1731 606 1765">Case Officer: Emma Kierans</p> <p data-bbox="197 1827 453 1861">Informal Hearing</p> <p data-bbox="197 1872 357 1906">07/09/2021</p> <p data-bbox="197 1917 574 2018">Chichester District Council East Pallant House PO19 1TY</p>	<p data-bbox="639 1597 1481 1709">Field South Of Green Lane Piggeries Ham Road Sidlesham West Sussex - Appeal against non-compliance with the conditions of the appeal decision - temporary occupancy</p>

Reference/Procedure	Proposal
<p data-bbox="197 230 448 297"><u>20/01021/FUL</u> Sidlesham Parish</p> <p data-bbox="197 365 555 394">Case Officer: Vicki Baker</p> <p data-bbox="197 461 549 490">Written Representation</p>	<p data-bbox="639 230 1481 338">4 Cow Lane Sidlesham PO20 7LN - Demolition of an existing agricultural storage building and the construction of 1 no. 3 bed 1.5 storey dwelling, ancillary to main dwelling.</p>
<p data-bbox="197 555 448 622"><u>20/01418/FUL</u> Sidlesham Parish</p> <p data-bbox="197 689 612 719">Case Officer: Calum Thomas</p> <p data-bbox="197 786 549 815">Written Representation</p>	<p data-bbox="639 555 1369 622">Longreach 14A Chalk Lane Sidlesham PO20 7LW - Replacement B1/B8 unit.</p>
<p data-bbox="197 873 485 940"><u>20/01053/FUL</u> Southbourne Parish</p> <p data-bbox="197 1008 612 1037">Case Officer: Calum Thomas</p> <p data-bbox="197 1104 549 1133">Written Representation</p>	<p data-bbox="639 873 1433 940">Mountain Ash 106 Main Road Southbourne PO10 8AY - Erection of 1 no chalet bungalow.</p>
<p data-bbox="197 1198 485 1265"><u>20/02077/FUL</u> Southbourne Parish</p> <p data-bbox="197 1332 475 1400">Case Officer: Maria Tomlinson</p> <p data-bbox="197 1422 549 1451">Written Representation</p>	<p data-bbox="639 1198 1394 1332">Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ - Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.</p>
<p data-bbox="197 1516 512 1583"><u>16/00251/CONBC</u> West Wittering Parish</p> <p data-bbox="197 1650 580 1680">Case Officer: Steven Pattie</p> <p data-bbox="197 1747 549 1776">Written Representation</p>	<p data-bbox="639 1516 1481 1650">Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Appeal against breach of condition 2 to 13/02676/DOM - use of outbuilding subject to Enforcement Notice WW/49.</p>

Reference/Procedure	Proposal
<p><u>19/02136/FUL</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Land East Of Brook House Pound Road West Wittering Chichester West Sussex PO20 8AJ - Construction of 1 no. boat house with ground floor storage ancillary to first floor self-contained residential unit.</p>
<p><u>20/01200/FUL</u> West Wittering Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Seahaven West Strand West Wittering PO20 8AU - Demolition of existing dwelling and construction of replacement dwelling.</p>
<p><u>13/00163/CONWST</u> Westbourne Parish</p> <p>Case Officer: Shona Archer</p> <p>Public Inquiry 27/04/2021</p> <p>Chichester City Council North Street Chichester PO19 1LQ</p>	<p>The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42</p>
<p><u>19/03206/FUL</u> Westbourne Parish</p> <p>Case Officer: Jane Thatcher</p> <p>Written Representation</p>	<p>Unit 2, Ten Acres Cemetery Lane Woodmancote Westbourne PO10 8RZ - Change of use of site for B8 storage of privately owned and commercial vehicles, with ancillary offices and stores. (retrospective).</p>
<p><u>20/00366/FUL</u> Westbourne Parish</p> <p>Case Officer: Maria Tomlinson</p> <p>Written Representation</p>	<p>Woodmancote Meadow Woodmancote Lane Westbourne West Sussex PO10 8RF - Erection of a 1 no. 3 bedroom dwelling.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Land West of Birdham Farm, Birdham Road	Of 4 Enforcement Notices	Injunction granted by the High Court on 10/8/20 to: A) stop occupation of the land for residential use; B) remove all caravans; C) do not carry out any development without prior permission of the Council; D) clear & restore the land to its agricultural use. Deadlines in the above Injunction extended by Order of 7/1/21 because of Covid lockdown to 31/3/21 for A) & B) above and to 30/4/21 for D) above.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of The Stables, Hambrook	Of Enforcement Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
West Ashling Road, West Ashling	Of Condition Notice	Original First hearing adjourned by the court due to Covid restrictions to 30/7/21 at Brighton Magistrates' Court. All papers served on the Defendant.
Land West of Newells Lane, West Ashling	Of Temporary Stop Notice	Original First hearing adjourned by the court due to Covid restrictions to 17/6/21 at Crawley Magistrates' Court. All papers served on the Defendant.

7. POLICY MATTERS

South Downs National Park

Planning Committee

Report of the Director Of Planning and Environment Services

Schedule of Planning Appeals, Court and Policy Matters

Date between 13/01/2021 and 09/02/2021

This report updates Planning Committee members on current appeals and other matters. It would be of assistance if specific questions on individual cases could be directed to officers in advance of the meeting.

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

* - Committee level decision.

1. NEW APPEALS (Lodged)

None

2. DECIDED

Reference/Procedure	Proposal
<p><u>SDNP/20/00500/FUL</u> Bury Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>The Barn Hale Hill West Burton West Sussex - Change of use of agricultural building and associated works to form 1 no. residential dwelling house.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“...There is very little information before me to demonstrate whether the permanent loss of this agricultural building will lead to a subsequent requirement to erect a replacement agricultural building, either on the holding or outside the holding, to support any continued activities. On the basis of the information before me I am therefore not persuaded that it has been demonstrated the development will not result in the need for another building for agricultural purposes on the holding, and so criterion d) is not satisfied. ... the substantial collapse of the main part of the building that I saw at my site visit leads me to conclude otherwise. I also saw that the smaller lean-to workshop area of the building is of poor construction to its walls and roof. In my judgement the condition of the building clearly points to substantial reconstruction being needed to facilitate a residential use. The proposal therefore does not satisfy criterion c). ... The drawings show French Doors from the living</p>	

**Appeal Decision: APPEAL DISMISSED
- continued**

room in the east elevation opening onto the field to the east. That field, though, is shown as lying outside the appeal site; indeed, there is not any outside area shown for the proposed dwelling save for the parking area to the north of the building and the retained shared vehicular access to the side. The proposed opening of the dwelling to the field gives rise to concern about the domestication of this field, either in the short term or longer term as pressure would exist for the use of that land due to French Doors opening onto the field. The impression would change from that of a modest agricultural building in a rural setting to a domestic dwelling in a residential setting. This would be in addition to the area of parking to the north of the building, where the necessary clearing and works to land would similarly create a domestic setting to the building. ... any dwelling permitted under Policy SD41 must be for a local worker, and that the worker needs to be accommodated in that building. The information before me indicates the intention is for an open market house with no robust evidence to demonstrate why the occupier of that house needs to be located at the appeal site. Criterion g) has therefore not been satisfied. ... “

SDNP/19/04624/FUL
Petworth Town Council
Parish

Case Officer: Beverley
Stubington

Written Representation

Riverbank High Street Petworth West Sussex GU28 0AU -
Change of use of rear room currently used as retail store
and first floor offices to residential to form a self-contained
two bedroom flat. Soundproofing and fireproofing internal
walls. Formation of WC at ground floor level.

Appeal Decision: APPEAL DISMISSED

“ Appeal A - SDNP/19/04624/FUL is dismissed - The development proposed is change of use of rear room currently used as retail store and first floor offices to residential to form a self-contained two bedroom flat. Soundproofing and fireproofing internal walls. Formation of WC at ground floor level. ... Appeal B - SDNP/19/04625/LIS is dismissed. - The works proposed are internal alterations including installation of dividing walls and sound/fire proofing party floors to facilitate change of use. ...

The proposed development and works affect a listed building located in a conservation area ... I shall therefore consider them in a single document ... Appeal A, the effect of the proposal on the vitality and viability of Petworth town centre ... Appeal B, whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building. ... The premises, which are presently vacant, include a ground floor retail unit and offices at first floor level. The site lies within the centre of Petworth, an attractive market town which is defined as an affluent catchment area with a high quality independent shopping offer and low retail vacancy rates. ... the site forms part of the area designated as a Primary Shopping Frontage. The appeal scheme seeks to convert part of the ground floor space and the whole of the first floor level into a two-bedroom dwelling. ... first marketed for sale from January 2017 at a price guide of £700,000, ... reduced to £650,000 in January 2018. ... December 2018, when the guide price was further reduced to £500,000. This suggests that the original guide prices may have proved unrealistic. ... I have been presented with limited evidence to explain how the guide price was set out ... I am unable to ascertain, on the basis of the available information, whether the present guide price constitutes a realistic value of the appeal premises in the current market, ... It is also unclear whether the premises were also marketed for letting for example. The proposed development and works would significantly reduce the size of the area available for trading, ... the proposal would reduce the size of the shop to such an extent that it would unacceptably undermine the viability of the

**Appeal Decision: APPEAL DISMISSED
- continued**

premises. This would in turn adversely affect the viability and vitality of Petworth Town Centre. ... I am unable to conclude that the marketing exercise was sufficiently robust or provide enough justification for reducing the size of the retail premises to this extent. ... there is no substantive evidence demonstrating that the proposed arrangement would prove more viable. The appeal scheme would not result in the loss of a retail unit in its entirety, but it would nevertheless erode the viability of the ground floor premises by reducing their size to a harmful degree. This would have a detrimental effect on the vitality and viability of Petworth town centre. ... These policies seek to protect the vitality and viability of the retail function of the market towns and village centres sited within the National Park. ... The significance of this designated heritage asset derives primarily from its early origins and retention of its timber frame and traditional construction. ... an important contribution to the considerable sense of historic character which defines the Petworth Conservation Area, as notably derived from its tight urban grain and strong sense of enclosure. ... Whilst the appeal scheme may not lead to the loss of historic fabric, the proposed subdivision would cause harm to the building's internal layout. The proposed works would also hide the building's timbers, which are presently largely exposed and contribute to the special interest of this designated heritage asset. ... detrimental effect on the significance of this listed building, and have a harmful effect on its understanding and appreciation. ... nothing before me to suggest that alternative solutions have been explored to preserve the significance of the listed building. ... harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. ... limited evidence to demonstrate that the proposed arrangement would represent the optimum viable use for these premises. Overall, the harm identified would not be outweighed by the limited public benefits which would be derived from the proposal. ... The appeal scheme would however fail to preserve the special architectural and historic interest of the Grade II listed building. ... The proposal would also conflict with the first purpose of designation of the South Downs National Park, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. ... both appeals should be dismissed."

SDNP/19/04625/LIS
Petworth Town Council
Parish

Case Officer: Beverley
Stubbington

Written Representation

Riverbank High Street Petworth West Sussex GU28 0AU -
Internal alterations including installation of dividing walls and
sound/fire proofing party floors to facilitate change of use.

Appeal Decision: APPEAL DISMISSED

As above

Reference/Procedure	Proposal
<p data-bbox="165 230 517 338"><u>SDNP/20/02351/HOUS</u> Graffham Parish Council Parish</p> <p data-bbox="165 365 544 398">Case Officer: Jenna Shore</p> <p data-bbox="165 461 480 495">Householder Appeal</p>	<p data-bbox="608 230 1430 300">The Laurels The Street Graffham GU28 0QA - Erection of replacement outbuilding</p>
<p data-bbox="528 524 1114 557">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="148 566 1495 1292">“...The proposed outbuilding would be sited in the same position as the existing outbuilding, and would be of similar length, but it would be of a scale far greater in its presence. The existing workshop and stores in the building are staggered back from the garage element, which significantly reduces the visual presence of the building. The low ridge height and unassuming timber appearance further diminishes any visual presence. The proposed building would not have such a staggered and varied building line which, together with the considerable increase in ridge height over the existing, would substantially increase the visual impact in the area. The domestic appearance of the design would compound this increased presence. The southern elevation is highly glazed, with large windows over the majority of the building, bi-fold doors and front door, and a porch. These all would give an impression of a large building that competes in scale, design and perceived function to the main house, which would diminish the spacious character of the plot and be unduly intrusive to the village and wider landscape. ... I acknowledge that the positioning and orientation of the proposed outbuilding looks towards the existing dwelling. However, the use of the building is entirely given over to bedrooms and living area, with any other incidental use omitted; the existing outbuilding contains a variety of incidental uses typical for a large detached house with a garden of this size. This indicates that the sole purpose of the building would be for living accommodation, with the design of the building emphasizing this, and so there is both no clear functional and physical dependency on the host dwelling, nor any clear incidental use to the large, extended house. ... “</p>	

Reference/Procedure	Proposal
<p>* <u>SDNP/18/05093/LDE</u> Elsted and Treyford Parish Council Parish</p> <p>Case Officer: John Saunders</p> <p>Informal Hearing</p>	<p>Buryfield Cottage Sheepwash Elsted Midhurst West Sussex GU29 0LA - Existing lawful development certificate for occupation of a dwellinghouse without complying with an agricultural occupancy condition.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“... At the Hearing, the NPA said that the appellant ceased employment in agriculture in 1999. He clarified the position, stating that he retired from agriculture in 1995 with the demise of Slate House Farms. However, from then until 1999 he considered his activities as a councillor on Elsted and Treyford Parish Council (‘ETPC’) to be a ‘part time interest’. As such, he was of the opinion that he still complied with the condition as he was last employed in the locality in agriculture. The Council accepted that this was the case. ... The appellant’s view was that this changed, and he no longer complied with the condition, from May 1999 when he was elected to Chichester District Council (‘CDC’). From that time on, in addition to the ‘normal’ duties of a councillor on ETPC and CDC, he represented CDC on the Sussex Downs Conservation Board and South Downs Joint Committee from 2003 to 2011 and, from 2010 to 2015 was CDC’s representative on the NPA. In addition, he was elected as a councillor to Harting Parish Council (‘HPC’) in May 2015. He was a councillor on CDC, ETPC and HPC on the date of the application. ... Essentially, the appellant’s argument was that there is no need for a person to be paid to be employed. In this regard, my attention was drawn to appeal decisions made by the Secretary of State for the Environment, Transport and the Regions in a letter dated 8 March 1998. The first of the appeals the letter refers to² related to an application for a lawful development certificate regarding the failure to comply with agricultural occupancy conditions. I refer to this as the ‘Tandridge decision’. The second appeal³ related to an enforcement notice aimed at the use of land as a caravan site and has no relevance to my decision. I was not provided with the full text of the Tandridge decision. However, what I have been given is clearly relevant to the appeal and has been referred to in both parties’ submissions. Paragraph 12.2 of the Annex to the Tandridge decision letter states that <i>“employed’ can take the meaning of spending time doing something for pleasure or out of interest, such as a hobby, regardless of the financial outcome, or of doing something with the intention of a financially beneficial outcome, such as paid work”</i>. This accords with the arguments put forward in the Hearing and I see no reason to disagree. The question is whether the activities carried out by the appellant for the various councils represents employment in terms of the condition. The Secretary of State’s position in that appeal, which concerned a matter similar to that before me, is of considerable importance. He agreed with the Inspector’s view that <i>“employed’ in the condition is to be given a reasoning more akin to the latter rather than the former”</i>, that is to say he favoured the “financially beneficial outcome” argument. I give great weight to this part of the Secretary of State’s decision. The context in which the permission was granted was discussed at the Hearing. It was agreed that application ES/12/84 would have been assessed using tests of functional need and financial viability. The purpose of these tests was directed at avoiding an abuse of the planning system. In terms of the latter test, it would have been necessary to have demonstrated that the farm business would provide the occupant of the house with an appropriate level of income. That is to say, that it would be occupied by a person who was genuinely employed in agriculture as a paid occupation. This lends further weight to the finding in the Tandridge decision regarding a <i>“financially beneficial outcome,</i></p>	

such as paid work”. I take the point made by the appellant that circumstances on a farm change over time. Be that as it may, my finding is that the meaning of employed and employment, in terms of the condition, is found in those parts of their definitions relating to paid work. The evidence shows that the appellant has not been employed in agriculture since 1995. His extensive engagement in activities relating to his various councillor and NPA roles, whilst these equate to work in terms of the LGA, my finding is that they do not accord with the words ‘employed’ and ‘employment’ in condition 3. As such, from the information before me, I find that the appellant was last employed in agriculture in the ten years up to the date of the application. Therefore, he has been unable to demonstrate, on the balance of probability, that there has been occupation of Buryfield Cottage without complying with the agricultural occupancy condition for a period of ten years. For the reasons given above I conclude that the Council’s refusal to grant a certificate of lawful use or development in respect of occupation of a dwellinghouse without complying with an agricultural occupancy condition was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended....”

COSTS DECISION

“In my opinion, the evidence shows that the NPA was aware of the various definitions of the words ‘employed’ and ‘employment’. Its considered view was that, in the context of the condition, this related to financial reward. In this regard, it cited the decision of the SoS in *Tandridge*. I also found this to be compelling evidence. The Officer’s report, whilst not giving it’s name, clearly referenced the *Parker* case, setting out reasoning why it was not thought to be relevant to the application. Officers from different departments of authorities seeking and receiving advice verbally is, in my experience, commonplace and not unreasonable. That it involved legal advice, here, does not change this. In any event, that advice was reflected in paragraphs 8.13 to 8.16 of the Officer’s report. The NPA recognised the appellant’s commitment to his various councillor rolls. However, it disagreed with the assertion that this equated to employment, in the context of the condition. Its position was well-reasoned and that it reached an opposing position to the appellant cannot be held to be unreasonable. The appellant was able to counter the Officer’s position and recommendation through verbal and written representations to the Planning Committee. On the basis of the evidence, I do not find that members of the Committee were misled. The evidence shows that, being made up of elected councillors with first-hand experience of the arguments, the Planning Committee had a good grasp of the issues. Whilst there was some dissension amongst its members, this is not at all rare in the determination of applications. Overall, I find that its decision was based on a sound Officer report that allowed a robust and informed debate.”

3. IN PROGRESS

Reference/Procedure	Proposal
<p><u>SDNP/19/06009/LDP</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Rebecca Perris</p> <p>Written Representation</p>	<p>Meadow Cottage Hawksfold Lane East Fernhurst GU27 3JW - Proposed lawful development for single storey rear extension. The application is made under the auspices of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 (Class A.) to build one single-storey rear extension to the detached dwelling known as Meadow Cottage.</p>
<p><u>SDNP/19/05392/FUL</u> Fernhurst Parish Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Copyhold Copyhold Lane Fernhurst GU27 3DZ - Demolition of existing dwelling and detached self-contained ancillary accommodation replaced with 1 no. dwelling and linked self-contained ancillary accommodation.</p>
<p><u>SDNP/20/01982/HOUS</u> Singleton Parish Council Parish</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Wayside A286 Cobblers Row To Middlefield Singleton PO18 0HD - Single storey detached garage.</p>
<p><u>SDNP/20/02062/HOUS</u> Petworth Town Council Parish</p> <p>Case Officer: Jenna Shore</p> <p>Householder Appeal</p>	<p>Leith House Angel Street Petworth West Sussex GU28 0BG - Demolition of existing double garage to replace with Annex extension to include glazed link. Internal/external alterations to the existing property.</p>
<p><u>SDNP/19/03032/FUL</u> Bignor Parish Council Parish</p> <p>Case Officer: Louise Kent</p> <p>Written Representation</p>	<p>Manor Farm Bignor Road Bignor RH20 1PQ - Change of use of agricultural land to a tourist use for the siting of 6 no. shepherds huts, camping and with a part conversion of an agricultural barn to provide ancillary facilities.</p>

Reference/Procedure	Proposal
<p><u>SDNP/20/01635/LDP</u> West Lavington Parish Council Parish Case Officer: Derek Price</p> <p>Written Representation</p>	<p>Kennels Farm Selham Road West Lavington Midhurst West Sussex GU29 0AU - Proposed use of buildings at Kennels Farm as Estate Maintenance yard including a joinery workshop, painters workshop, stores and offices.</p>
<p><u>SDNP/19/05938/HOUS</u> Lurgashall Parish Council Parish Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.</p>
<p><u>SDNP/19/05939/LIS</u> Lurgashall Parish Council Parish Case Officer: Jenna Shore</p> <p>Written Representation</p>	<p>Aldworth Farm Jobsons Lane Lurgashall GU27 3BY - Two storey rear extension to northern wing. Minor internal alterations and replacement fenestration to south west extended section and north east extended section. Amendments to planning permission SDNP/16/03556/FUL and listed building consent SDNP/16/03567/LIS.</p>

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage

7. POLICY MATTERS