

Public Document Pack

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 7 December 2022 at 9.30 am**

MEMBERS: Mrs C Purnell (Chairman), Mr B Brisbane (Vice-Chairman), Rev J H Bowden, Mr G Barrett, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr G McAra, Mr S Oakley, 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - 16)

The minutes relate to the meeting of the Planning Committee on 9 November 2022.

3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 11 (b).

4 **Declarations of Interests** (Pages 17 - 18)

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 8 INCLUSIVE
Section 5 of the Notes at the end of the agenda front sheets has a table showing how planning applications are referenced.

- 5 **SB/21/01910/OUT - Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham PO18 8UJ** (Pages 19 - 105)
Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, land scaping and associated works
- 6 **CH/21/02303/OUT - Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP** (Pages 107 - 142)
Outline Application (with all matters reserved accept Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.
- 7 **SDNP/22/04375/FUL - Greenacres Farm Trotton Road Elsted West Sussex GU29 0JT** (Pages 143 - 157)
Replacement dwelling and garage.
- 8 **SDNP/22/03304/HOUS - Hurstfield House B2146 Ditcham Lane To Hurst Mill Lane Hurst South Harting West Sussex GU31 5RF** (Pages 159 - 171)
Replacement ancillary residential building and removal of 3 no. other ancillary buildings.
- 9 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 173 - 187)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 10 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 189 - 194)
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 11 **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
- 12 **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. Subject to Covid-19 Risk Assessments members of the public are advised of the following;
 - a. Where public meetings are being held at East Pallant House in order to best manage the space available members of the public are in the first instance asked to listen to the meeting online via the council's committee pages
 - b. Where a member of the public has registered a question they will be invited to attend the meeting and allocated a seat in the public gallery
 - c. You are advised not to attend any face-to-face meeting if you have symptoms of Covid-19.
6. 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

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

CONCMA County matters
CONCOM Commercial/Industrial/Business
CONDWE Unauthorised dwellings
CONENG Engineering operations
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

PER Application Permitted
PLNREC DC Application Submitted
PPNR Planning Permission Required S64
PPNREQ Planning Permission Not Required
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 in Committee Rooms, East Pallant House on Wednesday 9 November 2022 at 9.30 am

Members Present: Mrs C Purnell (Chairman), Mr B Brisbane (Vice-Chairman), Rev J H Bowden, Mr R Briscoe, Mrs J Fowler, Mrs D Johnson, Mr S Oakley, Mr H Potter, Mr D Rodgers, Mrs S Sharp and Mr P Wilding

Members not present: Mr G Barrett and Mr G McAra

In attendance by invitation:

Officers present: Mrs S Archer (Enforcement Manager), Miss J Bell (Development Manager (Majors and Business)), Mr J Bushell (Principal Planning Officer), Miss N Golding (Principal Solicitor), Mr M Mew (Principal Planning Officer), Mrs C Potts (Planning Policy Team Leader), Mr D Price (Principal Planning Officer), Mr J Saunders (Development Manager (National Park)), Mrs F Stevens (Divisional Manger for Planning), Smith (Development Manager (Applications)) and Miss K Taylor (Senior Planning Officer)

14 **Chairman's Announcements**

The Chairman welcomed everyone present to the meeting and read out the emergency evacuation procedure.

Apologies were received from Cllr Barrett and Cllr McAra. Apologies were also received from Cllr Bowden who would be arriving late.

15 **Approval of Minutes**

Following a vote, the minutes of the meeting held on 5 October were agreed as a true and accurate record.

16 **Urgent Items**

There were no urgent items.

17 **Declarations of Interests**

Mrs Donna Johnson declared a personal interest;

- Agenda Item 5 – BO/21/00571/FUL – Member of West Sussex County Council & WSCC External Appointment Chichester Harbour Conservancy
- Agenda Item 6 – BO/22/01550/FUL & BO/22/00876/LBC – WSCC External Appointment Chichester Harbour Conservancy
- Agenda Item 7 – BI/22/01742/FUL – Member of West Sussex County Council & WSCC External Appointment to Chichester Harbour Conservancy
- Agenda Item 8 – SY/21/02895/FUL – Member of Selsey Town Council
- Agenda Item 10 – WW/22/02183/FUL – Member of West Sussex County Council
- Agenda Item 11 – SDNP/21/02183/FUL – Member of West Sussex County Council

Mr Simon Oakley declared a personal interest;

- Agenda Item 5 – BO/21/00571/FUL – Member of West Sussex County Council
- Agenda Item 7 – BI/22/01742/FUL – Member of West Sussex County Council
- Agenda Item 10 – WW/22/02183/FUL – Member of West Sussex County Council
- Agenda Item 11 – SDNP/21/02183/FUL – Member of West Sussex County Council

Mr Henry Potter declared a personal interest;

- Agenda Item 5 – BO/21/00571/FUL – Member of West Sussex County Council
- Agenda Item 10 – WW/22/02183/FUL – Member of West Sussex County Council

Mr Carol Purnell declared a personal interest;

- Agenda Item 8 – SY/21/02895/FUL – Member of Selsey Town Council

Mrs Sarah Sharp declared a personal interest;

- Agenda Item 5 – BO/21/00571/FUL – Member of West Sussex County Council
- Agenda Item 7 – BI/22/01742/FUL – Member of West Sussex County Council
- Agenda Item 10 – WW/22/02183/FUL – Member of West Sussex County Council
- Agenda Item 11 – SDNP/21/02183/FUL – Member of West Sussex County Council

18 **BO/21/00571/FUL - Land North Of Highgrove Farm Main Road Bosham West Sussex**

Mr Bushell presented the report to Committee. He drew attention to the Agenda Update Sheet which included; an additional comment from Bosham Parish Council; a correction to the report at paragraph 8.56; a revised plan; an additional condition (condition 33); additional third-party comments and an additional planning comment.

Mr Bushell outlined the application and explained that it was a full application which sought permission for the construction of 300 dwellings, including 90 affordable dwellings, a community hall, public open spaces, and two accesses from the A259 (one of which was a temporary construction access).

Mrs Potts outlined the significance of the site in terms of Planning Policy and the development of the Local Plan. She explained the site had been identified as part of the Preferred Approach for 250 dwellings in 2018, the figure was in addition to the 50 dwellings allocated at the site as part of the adopted site allocations DPD 2018.

Miss Potts explained the Local Plan evidence work continued to support the development of the additional 250 dwellings at the site.

Following an appeal, the Councils current five-year housing land supply figure was set at under five years, however, Mrs Potts told the Committee work was currently being finalised on the updated figures for 2022 – 2027, it was expected this information would be published towards the end of November.

Mr Bushell highlighted the site location. He explained the site was within the Parish of Bosham and adjoined the settlement boundary of Broadbridge, with the Chichester Harbour AONB located to the south of the site.

He showed the Committee a superimposed image to demonstrate how the development would border with the Broadbridge settlement area.

Mr Bushell outlined the proposed access arrangements from the A259 and explained a cycle priority junction was included within the design, which would link with the existing cycleway which crossed the entrance to the site. In addition, the 30mph speed limit would be extended along the A259 past the new site entrance.

Mr Bushell presented the proposed layout of the development and explained how it was designed in a 'perimeter block' approach. He highlighted the following and where they would be located within the development;

- Community Hall – the S106 would secure the management and maintenance of the building
- Allotments
- Green Space and LAP
- Mini Football pitch – an addition to the scheme, that responds to a need to provide facilities for the younger ages.
- Foul water pumping station
- Affordable housing – these would be 'peppercotted' throughout the development and would include a mix of affordable/social rent housing, shared ownership and first homes.

He informed the Committee there would be no streetlighting or floodlights within the development in order to minimise any adverse impact on the dark night sky area. The Committee were informed of the proposed landscaping, which would be secured through Condition 18 and the proposed SUD arrangements.

Mr Bushell outlined the proposed parking arrangements and explained there would be 717 spaces provided in total, with 60 allocated for visitors. He drew the Committee's attention to the natural green route which passed through the development and linked up with the pedestrian/cycle access.

Mr Bushell explained the proposed housing mix, he informed the Committee that the development would comprise of mainly 2 storey dwellings, with some 2.5 storey buildings. He outlined the proposed materials and drew attention to the use of chimneys.

The Committee were informed of the sustainability measures which would be incorporated as part of the design including; a fabric first approach; the installation of solar panels on some houses; restricting water usage to 110/l per day and the provision of EV charging points.

The following representations were received;
Cllr Charlotte Pexton – Bosham Parish Council
Mr Dick Pratt (Bosham Association) – Objector
Dr Richard Austin (Chichester Harbour Conservancy) – Objector
Mr John Nelson (Chichester Harbour Trust) – Objector
Mr James Cross - Applicant
Cllr Penny Plant – CDC Ward Member
Cllr Adrian Moss – CDC Ward Member

The Chairman invited Mr Bushell to respond to concerns regarding the application of the Tilted Balance; Mr Bushell explained what the tilted balance was and when and why it should be applied. He confirmed it was government policy included within the NPPF (paragraph 11).

Officers responded to Members comments and questions as follows;

Mr Bushell confirmed the net housing density rate proposed at the site was 30 dwellings/ha. This was below the recommended benchmark in the Local Plan which was 35 dwellings/ha.

On the matter of groundwater overwhelming the SUDS basins; Mr Bushell agreed some areas to the northwest and south west of the site did experience groundwater flooding. However, the drainage strategy had been designed to prevent the ingress of groundwater into the SUDs basins. The basins would be lined, allowing their full volume to be taken by the water channelled to it from the appropriate swales and pipes within the site. The drainage engineers have reviewed the calculations and are satisfied that the drainage provision proposed would have enough capacity been for a 100-year event, plus 40% when considering climate change impacts. The release of water into the system would be no higher than green field rates.

With regards to Condition 10 and foul water capacity; Mr Bushell acknowledged there was an issue with the current infrastructure leading to the Hearts Farm wastewater treatment works. However, there was capacity at the treatment works to manage the foul flows from the proposed development. The applicant would need to

review proposed timescales in order to address the issue of foul flooding and infrastructure to the wastewater works.

Ms Bell assured the Committee that Southern Water were aware of the upgrades required in the offsite network. Any upgrade would be done to the current standard and would be completed as part of the gradual upgrade programme.

On the agricultural land classification; Mr Bushell confirmed the agricultural land classification was grade 1 and 2. He acknowledged that Government advice was to see lower grade land brought forward for development first, however, much of the land in the district along the southeast corridor was of high quality, this severely limited options for where new housing developments could be accommodated.

On the matter of Nitrate Mitigation; Mr Bushell informed the Committee the proposed mitigation was at Chilgrove Farm, the land which would be taken out of production was classified as grade 3. Monitoring of the site would be undertaken by the South Downs National Park and paid for by the developer.

On the matter of the size of the Community Hall; Mr Bushell explained how Community Hall had come about, it was designed to complement existing facilities within the area and meet the needs of the new community at the site. As detailed in the draft S106 agreement the hall would need to be delivered by the time occupation of the 250th dwelling took place.

With regards to street trees; Mr Bushell showed the Committee the proposed landscaping plan, he explained officers had worked with the developer to improve the greening of the development. From no trees being located on streets there were now several trees located throughout. Officers were satisfied with the proposal.

On the matter of cycling; Mr Bushell assured the Committee the development would not impact the delivery of the Chemroute, with a cycle priority junction included as part of the access to the site.

With regards to secondary access to the site; Mr Bushell explained the access was temporary and formed part of the construction management plan. However, he acknowledged the concerns made regarding unauthorised vehicle use and agreed an amendment could be made to Condition 31 to ensure that once the show home and construction use of the access had ceased measures could be made to prevent unauthorised non-emergency vehicular access.

On the issue of the management of the open space provision; Mr Bushell informed the Committee that it would be dealt with through the S106 agreement, including the provision of litter bins and play equipment.

With regards to restricting the amount of Affordable Housing provided; Mr Bushell confirmed there was a clause within the draft S106 to limit the affordable housing provision to 30% maximum, this would be policy compliant.

In response to concerns regarding access to the ditch on the western boundary; Mr Bushell informed the Committee, that a separate swale would be located 3m from

the ditch, to prevent the existing ditch from becoming overloaded. The swale had been located to ensure adequate access to the existing ditch for maintenance purposes. Condition 9 of the report secured appropriate riparian responsibilities. Mr Bushell advised the word 'existing' be added to Condition 9 as follows; '...of any *existing* watercourse...' to provide further clarity.

Mr Bushell agreed an informative could be included to prevent the ingress of surface and ground water, and to supplement Condition 10.

On the matter of the A27 and developer contributions; Ms Bell informed the Committee it had been confirmed the developer contribution would be the most up to date at the time of signing the S106 agreement.

With regards to education provision; Ms Bell explained WSCC education assessed all development being brought forward, alongside allocations in the Local Plan to plot school allocations and future placement. She informed the Committee that she had met with officers to understand where capacity was needed, with an expansion planned at Southbourne Primary school to meet demand from new development. Ms Bell informed the proposed development did not require a new school to be delivered.

In response to concerns regarding the developments impact on the dark skies area; Mr Bushell drew attention to Condition 30 which prevented streetlights, apart from at the main access onto the A259 for safety.

On the matter of solar panels; Ms Bell explained it would be unlikely the orientation of certain dwellings in the development would not be suitable for solar panel installation. She suggested an informative be added which gave future purchasers the opportunity to request solar panels as part of the build.

In addition, Ms Stevens confirmed the proposal went above the required building regulations in respect of sustainability measures proposed and was policy compliant. Therefore, the council could not insist Solar Panels were installed on all dwellings, however, the informative could be included on the decision.

On the matter of a future service charge being levied; Mr Bushell confirmed there would be a service charge to cover future maintenance costs.

On the matter of how much 'weight' could be given to the Bosham Neighbourhood Plan; Mrs Potts explained that in line with paragraph 14 of the NPPF the Bosham Neighbourhood Plan was over two years old and did not carry the same weight as other policy.

Having listened to the debate Cllr Briscoe proposed the application be deferred for a site visit. In addition, he requested WSCC highways attend Committee when the application is brought back to further explain the impact on the local road network and, for an updated comment from Southern Water.

Cllr Brisbane seconded the proposal

The Chairman requested that if the application were deferred officers relook at the proposed football pitch and liaise with Bosham Football Club and update the proposed conditions.

Cllr Oakley asked that the size and orientation of the community building was also reconsidered.

Following a vote, the Committee voted in favour of Cllr Briscoe's proposal to **Defer for a site visit**.

Resolved; **defer for a site visit**.

**Members took a ten-minute break*

**Cllr Oakley left the meeting at 11.50*

19 **BO/22/01550/FUL & BO/22/00876/LBC - Bosham Sailing Club The Quay Quay Meadow Bosham Chichester West Sussex PO18 8LU**

Miss Smith presented the report to Committee. She drew the Committees attention to the Agenda Update Sheet which included; an addendum to the report reflecting that the Chichester Harbour Conservancy had no objection to the LBC application; additional representations which had been received; an amendment to Condition 4 and the inclusion of a new condition to ensure blinds are installed to protect the dark skies this would be included in application **BO/22/01550/FUL**.

Miss Smith highlighted the site location. She informed the Committee that it was located within the Bosham Conservation area and the Chichester Harbour AONB and the impact on both had been considered as part of the recommendation.

Miss Smith confirmed the development fell within Flood Zone 3 and that Annexe 3 of the NPPF wets out flood risk vulnerability classification. The development falls within the water-compatible classification, specifically water-based recreation and was considered acceptable. In addition, the applicant had agreed to include a water exclusion strategy.

The Committee were shown drawings of the site, Miss Smith explained the marquee which was currently in situ was an unlawful development. The new development would replace the marquee.

Miss Smith showed the Committee the proposed elevation, she highlighted the new dormer window and the spiral staircase.

The following representations were received;
Mr Ashley Hatton (Manor of Bosham & the Hundred Ltd) – Objector
Mr Paddy Mirams & Mr Alistair Langhorn – Supporters

Officers responded to Members comments and questions as follows;

In response to concerns regarding the impact on the dark new skies; Cllr Purnell drew the Committee's attention to the additional condition proposed on the update sheet which required blinds to be drawn between the hours from dusk till dawn.

On the matter of the blinds and light spillage at first floor level; Miss Smith confirmed there would be no blinds over the doors onto the balcony. However, condition 5 (page 87) prevented any external illumination from being installed without planning permission in order to avoid light spillage.

Regarding the proposed use and hours of operation; Miss Smith confirmed a condition could be added to restrict the hours of use. On the issue of a condition being imposed to restrict who could use the venue Miss Smith advised this would not be reasonable, given the existing use of the building.

In response to concerns regarding overlooking; Miss Smith confirmed the issue of overlooking of neighbouring properties had been fully considered by officers as part of the report.

On the matter of the public consultation the Chairman used their discretion and invited Mr Mirams from the public gallery to confirm who had been invited; Mr Mirams confirmed the consultation was held in the Sailing Club and was open to members of the public.

Following a vote on **BO/22/01550/FUL**, the Committee voted in favour of the report recommendation to **Permit**.

Resolved; **permit** subject to the following conditions and informatives set out in the report, plus the amendment to Condition 4 to secure blinds, the inclusion of Condition 6 as set out in the Agenda Update Sheet, and the additional condition, as discussed, to restrict the hours of use.

Following a vote on **BO/22/00876/LBC**, the Committee voted in favour of the report recommendation to **Permit**.

Resolved; **permit** subject to the following conditions and informatives set out in the report.

20 **BI/22/01742/FUL - Chichester Marina Birdham Chichester West Sussex PO20 7EJ**

Miss Taylor presented the report to Committee. She drew attention to the Agenda Update Sheet which set out amendments to paragraphs 3.1 and 8.2.

Miss Taylor informed the Committee the application was being submitted under Section 73A of the Town and Country Planning Act 1990, to amend condition 3 of

previous planning permission 12/00475/FUL. She explained what had been approved originally and how the current application sought permission to increase the floor area of building D by 121sqm.

Miss Taylor showed the Committee the site layout and drew their attention to building D. She highlighted the difference between what had been permitted and the extension being sought.

Miss Taylor explained the building had been vacant since April 2022. The proposal would allow building D to have a mixed-use café/restaurant and was supported by the Economic Development team.

Miss Taylor confirmed the impact on the Chichester Harbour AONB had been considered and there had been no objections.

The following representations were received;
Mr Matt Boyle – Applicant

Officers responded to Members comments and questions as follows;

On the matter of cycle parking provision; the chairman used their discretion to allow Cllr Hamilton (as a Birdham Parish Councillor) to answer. Cllr Hamilton confirmed there were places to securely store a bicycle.

No further comments were made.

Following a vote, the Committee voted in favour of the report recommendation for to **Permit**.

Resolved; **Permit** subject to the following conditions and informatives set out in the report.

21 **SY/21/02895/FUL - The Boulevard 3 New Parade High Street Selsey
Chichester West Sussex PO20 0QA**

Mr Mew presented the report to Committee. He explained the application had been deferred at the Planning Committee on 10 August 2022, for further negotiations with the applicant, regarding the proposed material, lighting, and depth of guttering.

Mr Mew highlighted the site location and showed the Committee photos of the site and the structure. He confirmed negotiations had taken place and detailed the proposed amendments to the application.

The following representations were received;
Mr Andrew Brown – Selsey Town Council
Mr Matthew Pickup – Agent

Officers responded to Members comments and questions as follows;

In response to concerns regarding the impact of noise; Mr Mew informed the Committee that it was important to note the structure had been in place since June 2021. During that period no noise complaints had been made. There had been some antisocial behaviour complaints in the local area, but these were not associated with the business.

With regards to access being restricted by the structure; Mr Mew explained the Committee must make their determination on what was there at present and confirmed access requirements had been met.

In response to concerns regarding the materials used and their impact on the surrounding area; Mr Mew drew the Committee's attention to paragraph 8.6 which detailed the proposed amendments to the structure, which would reduce the impact of the metal roof.

Following a vote, the Committee rejected the report recommendation to permit the application.

Cllr Johnson proposed the application be refused on the grounds that it was not in keeping with the surrounding area and would have a negative impact on the street scene, which can be seen from the conservation area

Cllr Fowler seconded the proposal.

Following a vote, the Committee voted in favour of the Cllr Johnson's proposal to **refuse** the application for the reasons set out above.

Resolved; **refuse, against officer recommendation**, for the reasons set out above.

22 **WR/21/02064/FUL - Land South Of Dunhurst Barn Skiff Lane Wisborough Green West Sussex**

Mr Mew presented the report to Committee. He drew the Committee's attention to the Agenda Update sheet which included an amendment to Condition 6 and 10.

Mr Mew outlined the site location; he highlighted the sites proximity to the nearest residential dwelling and; drew attention to the bridleway which passed near to the site and the ancient woodland which bordered the site

Mr Mew explained the application was for the construction of six stables and a manege. He showed a proposed layout of the stable design along with a cross section of the proposed manege. The development was for the applicant's own horses.

Mr Mew informed the Committee it was the applicant's intention to graze part of the land and use the remaining land to produce hay which would feed the horses. Mr Mew highlighted the different areas of land to the Committee.

The following representations were received;
Mr Mark Tanner – Objector
Ms Hannah McLaughlin – Agent

Officers responded to Members comments and questions as follows;

Regarding how visible the site was from the bridleway; Mr Mew explained the site would be well screened from existing vegetation and was not expected to have any visual impact.

On the matter of agricultural land classification; Mr Mew informed the Committee the land was classified as Grade 3 agricultural land. In addition; Ms Golding clarified that the grazing of horses was classified as agricultural.

In response to concerns regarding surface water run-off; Mr Mew informed the Committee that the drainage matters had been part of detailed discussion with both CDC and Natural England. Condition 4 secured the drainage details and was included to protect local watercourses and ensure adequate surface water drainage was provided. Mr Mew provided further details of the proposed drainage and explained how surface water would be stored below ground in tanks which would be emptied by a specialist contractor.

On the matter of the muck heap; Mr Mew highlighted the location of where the muck heap was proposed and explained how run off would be collected in the proposed underground storage tanks.

With regards to Policy 55 of the Local Plan; Ms Stevens acknowledged concerns raised regarding the 'loss of agricultural land', however, she confirmed Policy 55 was accepting of equestrian development and reminded the Committee the land could be brought out of active agricultural use at any point.

In response to the future use of the development; Mr Mew drew the Committee's attention to Condition 10 (page 145) which prevented the commercial use of the development, he agreed the Condition could be amended to state in addition its use would be associated with the occupation of the house.

With regards to permitted development rights; Mr Mew explained there were no permitted development rights associated with the development. Any proposed future development would require a further planning application.

In response to concern regarding outside storage; Mr Mew agreed a Condition could be included (if permitted) to restrict the outside storage.

On the matter of the proposed inclusion of a bat brick; Mr Mew agreed Condition 7 would be amended to ensure it could be accommodated within the proposed elevations.

On the matter of storing hay and hay-making; Mr Mew highlighted the two storage barns which were included as part of the development. With regards to hay-making, this was an agricultural operation and outside the scope of the planning application.

Following a vote, the Committee voted in favour of the report recommendation for to **Permit**.

Resolved; **permit**, subject to the report conditions and informatives. Plus; the amendments to Condition 6 and 10 as set out in the Agenda Update Sheet and; an additional condition to prevent external storage; an amendment to Condition 10 to link the development with the house and an amendment to Condition 7 regarding the siting of the bat box.

**Members took a five-minute break*

**Cllr Johnson left the meeting at 3.45pm*

23 **WW/22/01646/FUL - Land North-East Of The Truffles Piggery Hall Lane West Wittering West Sussex PO20 8PZ**

Mr Thomas presented the report to Committee. He drew the Committee's attention to the Agenda Update Sheet which included; an additional comment from the CDC Tree Officer and additional conditions 12, 13 and 14.

Mr Thomas outlined the site location and explained the site was located within the Parish of West Wittering, approximately 1.6km from the village.

The Committee was shown a proposed site plan, Mr Thomas drew the Committee's attention to the proposed access arrangements and highlighted where the shepherds huts would be located. He explained the field was well screened and would have minimal visual impact.

Mr Thomas explained the proposed huts were constructed on site to a high development standard. The Committee were shown photos of the shepherds huts.

The following representations were received;
Cllr Bill Buckland – West Wittering Parish Council
Dr Peter Collinson – Objector
Ms Joanne Gilhooly – Objector
Mr Chris Aston – Supporters
Mrs Kerry Simmons – Applicant

Before opening the discussion, the Chairman used their discretion to read out a statement from Cllr Barrett in his absence.

Officers responded to Members comments and questions as follows;

In response to concerns regarding the boundary between the site and field; Mr Thomas explained there was a small post and rail fence, but an additional condition could be included to ensure the whole site was enclosed. Committee members asked that in addition to fencing, hedgerow planting could also be incorporated, Mr Thomas agreed this was not unreasonable and could be included as part of the condition.

In response to concerns that further shepherds huts would be brought on to the site; Mr Thomas informed the Committee that Condition 9 would limit the number of huts allowed on the site to two, it would also prevent tented and any other form of accommodation from being brought on to the site.

On the matter of policy; Mr Thomas confirmed the NPPF carried more weight than the Village Design Statement, although it was a material consideration.

On the matter of future subdivision of the field; Mr Thomas explained that any change of use or subdivision would require a separate planning application.

With regards to visitors using the wider field; Ms Stevens explained the wider field was not part of the application. As discussed, an additional condition to include more fencing and hedge on the boundary of the application site would assist in preventing visitors from accessing the wider field, an informative could be included to remind the applicant visitors should not access the wider field.

In response to concerns regarding the use of fire pits and BBQ's; Ms Stevens advised an additional condition could be included, requiring the applicant to submit a detailed management plan which would address the use of equipment such as bbqs and firepits and ensure they would be safely managed. The management plan would also be expected to include 'quiet hours' to limit impact from noise and late nights.

On the matter of nitrate mitigation; Mr Thomas explained there was no requirement for nitrate mitigation. Foul water would be collected in waste tanks which would be pumped to a central tank (used by the main house) where it would be tankered away.

Following a vote, the Committee voted in favour of the report recommendation for to **Permit**.

Resolved; **permit**, subject to the conditions and informatives set out in the report; along with the additional conditions 12, 13 and 14 detailed in the Agenda Update Sheet and the condition to fence and hedge the site, the condition to produce a management plan and an informative regarding the wider use of the field.

**Members took a five-minute break*

**Cllr Fowler left the meeting at 3.25pm*

24 **SDNP SO/21/02183/FUL - Green Lanes Farm Back Lane Forestside Stoughton PO9 6EB**

Mr Saunders presented the report to Committee. He drew the Committee's attention to the Agenda Update Sheet which included a further comment from the Landscape Team.

Mr Saunders explained the application was for the demolition of an existing 'chalet style' office and construction of a replacement farm office. He outlined the site location, which was within the Parish of Stoughton and confirmed all land within the blue line was within the control of the applicant. The proposed development would be located in the area identified by the red line. The site was already well screened by existing vegetation.

Mr Saunders provided a brief summary of the farming enterprise which operated from the site and why a larger office facility was being sought.

The following representations were received;

Mrs Lysaght – Objector

Sue Montila – Objector

Mr Michael Conoley (on behalf of Caroline Tipper) – Objector

Mr Jack Stilwell – Applicant.

The Chairman asked Mr Saunders to respond to some of the comments made by some of the speakers.

Mr Saunders confirmed that in 2018 retrospective planning permission had been given for the siting of two containers (located in the NE of the site) and two agricultural barns. He confirmed the landscaping condition had been discharged.

Mr Saunders confirmed the building would at no time have a first floor or mezzanine and drew the Committee's attention to Condition 5 on page 173. If an additional floor were required at a future date a full planning application would be required.

Officers responded to Members comments and questions as follows;

In response to concerns regarding the removal of the containers; Mr Saunders drew members attention to Condition 7 (on page 173), he suggested the condition could be amended to include the word 'permanent' as follows '*...the complete and permanent removal*'. The Committee agreed this amendment if permitted.

Mr Saunders confirmed enforcement officers had previously visited the site. However, officers had worked with the applicant and retrospective applications had been made, as was entirely within their right. He reminded the Committee the application they were considering was not a retrospective application.

In response to concerns regarding the future use of the development; Mr Saunders agreed a Condition (if permitted) could be included that would require the removal of the building should it no longer be required.

To answer a question of regarding the extent of the concrete base at the site Chairman used their discretion and invited the applicant to confirm. The applicant confirmed neither of the containers were stored on a concrete base, the current office was on a concrete base and this would be incorporated within the new development.

With regards to the use of a comma in Condition 7; Mr Saunders agreed if permitted the comma could be removed to read as follows; '*...removed from the site together with...*'

Following a vote, the Committee voted in favour of the report recommendation to **Permit**.

Resolved; **permit**, subject to the report conditions and informatives, as well as the agreed amendments to Condition 7 (inclusion of the word permanent and the removal of the comma) and the inclusion of a new condition requiring the removal of the building should it no longer be required as a farm office.

** Members took a five-minute break.*

**Cllr Bowden left the meeting at 4pm*

25 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters**

Ms Stevens drew attention to the Agenda Update Sheet which included an update on High Court Hearings for the site; Land at Flat Farm, Broad Road, Hambrook, West Sussex, PO18 8FT.

Cllr Potter asked if a new appeal had been lodged for the Bethwines Farm proposal. Ms Stevens confirmed there had.

The Committee agreed to note the item.

26 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters**

Cllr Wilding asked for an update on the appeal for SDNP/21/01971/FUL – Abesters Quell. Mr Saunders informed the Committee the matter was with PINS for consideration.

The Committee agreed to note the item.

27 **Schedule of Contraventions**

Mrs Archer introduced the report. She drew the Committee's attention to the table set out on page 203 and highlighted the reduction in case numbers since the last report.

Cllr Briscoe noted the positive impact from a recent Article 4 direction and enquired if this was a tool which could be used more commonly to support enforcement. Mrs Archer acknowledged the comments but explained that an Article 4 Direction is not an enforcement tool, it is used to supplement and support policy.

In response to a question from Cllr Oakley regarding trends, Mrs Archer informed the Committee case numbers remained consistent averaging around 500 per year. However, the level of customer interest and expectation had increased.

Cllr Purnell thanked the Enforcement Team.

Following a vote, the Committee agreed to note the item.

28 Consideration of any late items as follows:

There were no late items.

29 Exclusion of the Press and Public

There were no part two items.

30 Agenda Update Sheet - 09.11.2022

The meeting ended at 4.20 pm

CHAIRMAN

Date:

Chichester District Council

Planning Committee

Wednesday 7 December 2022

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)
- Mrs S M Sharp – Chichester City Council (CC)
- 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:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mr S J Oakley - West Sussex County Council Member for the Chichester East Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South 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 G A F Barrett – Manhood Peninsula Partnership
- Rev. J-H Bowden – Goodwood Aerodrome Consultative Committee
- Mr H Potter – South Downs National Park Authority

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:

- Mrs D Johnson – Chichester Harbour Conservancy

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:

- Mr B Brisbane – Chichester Conservation Area Advisory Committee (Member)
- Mrs L C Purnell – Manhood Peninsula Partnership (Chairman)

Parish: Southbourne	Ward: Harbour Villages
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SB/21/01910/OUT

Proposal	Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, landscaping and associated works.		
Site	Willowbrook Riding Centre Hambrook Hill South Hambrook Chidham PO18 8UJ		
Map Ref	(E) 478659 (N) 106629		
Applicant	Reside Holdings Ltd	Agent	Dr Chris Lyons

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

- 1.1 Parish Objections - Office recommend permit.
- 1.2 Red Card Councillor Moss - exceptional level of public interest.

2.0 The Site and Surrounds

- 2.1 The 4.30 hectare (ha), broadly rectangular, largely greenfield site, lies predominately within the Rural Area (i.e. outside any defined Settlement Boundary), within the Parish of Southbourne. However, a small section of the site to the east (which would provide the access and a replacement dwelling), would be situated within the Parish of Chidham and Hambrook. Although, the majority of the site falls within Southbourne Parish, the site lies adjacent to (and partly within) the Settlement Boundary for Hambrook.
- 2.2 Hambrook is designated as a 'service village' in the Chichester Local Plan (CLP), with a reasonable range of everyday facilities and reasonable road and public transport links and is located approximately 7km away from Chichester City, linked by the A259. The village shop is approximately 50m east of the site entrance on Broad Road, whilst the train station is approximately 850m to the south. This provides access to further facilities in Chichester, Southbourne and Havant, including schools, shops and entertainment. Functionally, the site is part of Hambrook, a semi-rural village, comprising of predominately two-storey residential houses and bungalows.
- 2.3 The site is currently occupied by Willowbrook Riding Centre (providing lessons and livery) with associated paddocks and a sand school towards the rear (west) of the site. The site boundaries are formed by existing fields, hedgerows and mature landscaping, which provide a verdant edge to the site, especially to the north and south. Interspersed screening to the west is provided by native hedging. Approximately 75m to the north of the site lies an area of ancient woodland. There are no Public Rights of Way (PRoW) running through or adjacent to the application site.
- 2.4 The site has strong defensible boundaries consisting of woodland to the north, hedging to the west, Priors Leaze Lane to the south-east and existing residential development towards the east, adjacent to Hambrook Hill South. The surrounding area predominately comprises a mix of agricultural land and detached residential dwellings. Directly adjacent to the site's south-west boundary is Priors Leaze Farm.
- 2.5 Whilst the application site is subject to no particular ecological designations, the site does lie within the zone of influence of multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours SPA and Ramsar, Solent Maritime SAC, and the Singleton and Cocking Tunnels SAC (12km zone), the site also lies partly within a proposed Strategic Wildlife Corridor. The Ham Brook partially follows the south-eastern boundary, which although is not itself part of a designated site, has been classified as a Chalk Stream by the Environment Agency and meets the criteria for a priority habitat chalk river tributary.

3.0 The Proposal

- 3.1 The application description is 'Outline planning permission with all matters reserved (except for access) for the demolition of all existing buildings and structures on site and the erection of 63 no. dwellings including 3 no. custom/self-build plots, parking, landscaping and associated works.'
- 3.2 This outline application seeks approval for the principle of development for 63 (62 net increase) dwellings (including 3 custom/self-build plots), 19 (figure rounded up, as 30% = 18.9) of which would be affordable, with access to the site considered at this outline stage.

The remaining matters pertaining to appearance, scale, landscaping and layout are reserved for future consideration. Notwithstanding those matters reserved, this outline application has been considered in a high level of detail following consultee responses and comments from third parties, with a Land Use Parameter Plan and illustrative layout showing details of the proposed building types, parking, landscaping, ecological corridor, SuDS features and area of public open space (including Local Equipped Area of Play (LEAP)).

- 3.3 The application seeks approval for the principle of a housing development on the 4.30ha site with an overall suggested mix comprising:

Market Mix – 44 dwellings (including 3 custom/self-build plots)

2 x 1 bed
13 x 2 bed
21 x 3 bed
8 x 4 bed

Affordable Housing – 19 dwellings

6 x 1 bed (1 x first homes, 3 social rent, 2 x affordable rent)
9 x 2 bed (3 x first homes, 3 social rent, 1 x affordable rent, 2 x shared ownership)
4 x 3 bed (1 x first homes, 1 x social rent, 1 x affordable rent, 1 x shared ownership)

- 3.4 The proposal indicates the provision of 44 (69%) open market dwellings and 19 (31%) affordable dwellings, in accordance with the Council's adopted Planning Obligations and Affordable Housing SPD. The proposal would have a density of 15dph for the overall site area, with a density of 35dph based on the developable area (1.81ha) alone. The submitted parameter plan details that 2.31ha would remain undeveloped as 'open area', comprising Open Space and LEAP, tree belt and ecological buffer.
- 3.5 Layout, scale, appearance and landscaping are all reserved matters, but the applicant has provided a Land Use Parameter Plan, showing how the development of 63 homes would be delivered. Key features to note in plan, which will be carried forward into any reserved matters submission are:
- The inclusion of an approx. 25m wide (0.55ha) ecological corridor to the east boundary.
 - The inclusion of an approx. 10m (0.40ha) wide tree belt to the north and west boundaries.
 - The provision of Public Open Space (POS) (1.20ha) including LEAP (0.05ha) to the south and east of the site.
 - The provision of site attenuation ponds to the east of the site within the open space and ecological corridor, as part of the surface water drainage strategy.
- 3.6 As existing the site has direct access from Hambrook Hill South (an unclassified no-through road subject to 30mph speed restriction). This then connects to Priors Leaze Lane ('C' classified and subject to 30mph speed restriction) to the south, which in turn links to Southbourne to the west and Hambrook via Broad Road to the east.
- 3.7 This application proposes a reconfiguration of the Hambrook Hill South and Priors Leaze Lane junction which will allow the site to be accessed directly off Priors Leaze Lane. The

proposed access would take the form of a bellmouth with a simple priority working arrangement directly adjoining Priors Leaze Lane. Hambrook Hill South would become a secondary route served from the site's access road. A new footway will extend from the application site and across the new Hambrook Hill South junction to Priors Leaze Lane. Off-site, a new footway will be provided along the northern side of Priors Leaze Lane to link into the existing footpath on Broad Road. Tactile paving dropped kerb points will be provided / improved where required.

- 3.8 Swept path tracking diagrams demonstrate that all anticipated vehicles can manoeuvre the new and altered junctions and the residential driveways that will require alteration as part of the works.
- 3.9 As noted above the Ham Brook partially follows the south-eastern boundary. The Ham Brook is proposed to be retained within the scheme. The current bridge across the Ham Brook incorporates a culvert structure which will require replacement when the new bridge is constructed. The bridge will be formed with a precast concrete box culvert solution and will include a mammal ledge, so that any mammal using the river would be able to easily move across the river (such as water voles). All criteria will be agreed with the Environment Agency at detailed design stage under an Activity Permit application as well as the Council's Environment Officer and WSCC highways. The section of the Ham Brook which will be subject to bridge replacement works will not impact water vole burrows currently, but it will be required that updated surveys are submitted with the relevant reserved matters application.
- 3.10 During the course of the application, amended plans have been received which:
- Reduced the quantum of development from 73 to 63 dwellings.
 - Removed all built development from the proposed Strategic Wildlife Corridor.
 - Secured further landscape and ecology enhancements / mitigation, including provision of a tree belt and ecological corridor.
- 3.11 Subsequently, a full 21-day re-consultation on the amended plans was conducted.

4.0 History

75/00013/SB	PER	Renewal - stationing of caravan.
75/00111/SB	PER	Chalet bungalow.
76/00006/SB	PER	Renewal - Caravan.
76/00044/SB	PER	Demolition of bungalow and erection of house and garage.
77/00007/SB	PER	Permission to contrive use without complying with condition 2.
80/00180/SB	PER	Riding school: accommodation for 14 horses, tack room and food store.
81/00068/SB	PER	Accommodation.

86/00066/SB	REF	Outline - Detached house and garage.
86/00174/SB	REF	Construction of house and garage.
86/00180/SB	REF	Change of use of part agricultural land from use by horses to dog breeding kennels.
87/00090/SB	REF	Outline - proposed staff house and garage for use by groom/manager of Riding Centre.
89/00208/SB	PER	Conversion of stables into tack shop (ancillary to existing business as riding establishment).
03/01950/FUL	REF	New 4 no. bedroom detached house.
03/03014/FUL	PER	New four bedroom detached house and detached double garage.
13/01026/ELD	PER	Lawful Development Certificate in respect of mixed use of dwelling including use of three bedrooms within property continuously for Bed and Breakfast purposes since 2000 together with stationing of a mobile home and a container to the immediate south of the property continuously for in excess of 10 years.

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**

Further comment received 30.09.2022

The Parish Council wrote in objection to this planning application on 10 January, 5 October 2021 and 20 August 2021. These objections and comments are maintained. In light of changes made by the developer we comment as follows.

An outline application

This is an outline application, so the key issues are whether or not the development is acceptable in principle. In this case the protection of the Ham Brook as a protected and

rare chalk stream and the wider environment is essential. The other key question is 'is this a sustainable location for development?' Is this development acceptable in principle? The Ham Brook is a protected chalk stream, so the first question is 'will the development harm the Ham Brook?'

The Ham Brook is a rare and protected chalk stream, Natural England have changed their stance to 'no objection, subject to suitable mitigation.' We think Natural England have made this change on the basis of inadequate information: The development would potentially damage the ecology of the Ham Brook, and have an unacceptably adverse effect on the integrity of Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Solent Maritime Special Area of Conservation (SAC) and Singleton and Cocking Tunnels SAC.

The two major causes of this misjudgement are:

1) The information on bats, especially rare bats, provided by the appellant was inadequate and understated the true level of activity. This is not a small difference but an order of magnitude.

2) Natural England has not taken into account the discharges of untreated waste water into Chichester Harbour which are the result of a shortage of waste water treatment capacity, and inadequate and wrongly aligned sewer sizes in the area along with occasional heavy rain storms.

While Natural England has been able to calculate the measures necessary to mitigate the excess Nitrogen and Phosphate arising from the new development it is not able to calculate the effect of, and may be unaware of the untreated waste water that is discharged directly into ditches and streams that feed into the harbour. This additional pollution arises for a combination of storm overflow and the relative sizes of the sewers downstream from the development site where until there is new investment, these discharges will continue to happen, exacerbated by the additional flows of wastewater from any new development that is permitted.

We don't think this development should be determined until Natural England have responded to these points.

Bearing in mind firstly that the situation is bad enough at present even before the newly permitted Cala development of 118 houses to the east of Broad Road is completed and secondly, the sensitive nature and protected status of the Ham Brook with the Water Voles and Eels that have been shown to be present, no additional pollution or disturbance should be permitted.

The new bridge

This development will require the replacement of the existing bridge over the Ham Brook. We think the new bridge will be at least 7.5m and thus is significantly bigger than the existing bridge. We presume it will also carry additional services.

This is an essential part of the access to the new development and so should be covered by this outline application, but it isn't.

The pumping station

We have concerns that a pumping station is an essential part of the sewer system for this development. It is located very close to the Ham Brook. We are concerned that this could be a cause of pollution to the Brook. A mechanical or electrical failure, or power cut, could cause this unit to fail. In that event wastewater will back up. Unless the unit can be restarted, to prevent wastewater flooding, the waste water would have to be released into the stream. This cannot be permitted, and yet it remains a possibility.

The developer hasn't adequately presented details of the plans for the pumping station for consideration at the outline stage. Since this is an essential feature of the plans, and the development could not proceed without it, we feel this should be dealt with at the outline planning stage. Potentially a failure of the pumping station would be devastating for the ecology of the Ham Brook, and areas downstream to Chichester Harbour.

Parish geography

It should be noted that this development is almost wholly on land that is part of Southbourne parish and yet the only access from the site is into the parish of Chidham & Hambrook. What amenities there are in the parish will be under pressure. It is little comfort that there in any case very few amenities.

The parish of Chidham & Hambrook will bear the brunt of the extra traffic congestion but gain no direct benefit from the CIL funds.

As a development in Southbourne Parish it is far away from the nearest Southbourne settlement boundary. It is adjacent to the Chidham Settlement boundary but on the other side of the stream and therefore separated by a significant geographical and environmental feature. Has it been determined how affordable housing will be allocated since the arrangements in Southbourne are different from Chidham & Hambrook?

It is not necessary for this development to be located alongside a protected chalk stream in a rural area. The housing could perfectly well be accommodated within the district in a more sustainable location closer to the amenities that new residents will need.

Protection of the Ham Brook from the new residents and their pets

To demonstrate that this is a sustainable location that will not cause further damage to the Ham Brook the issue of protecting the stream from physical damage caused by recreational activity of the new residents should be addressed. We understand that this will be dealt with in any future reserved matters application but the principle must be established at this outline stage.

The Five-Year Housing Land Supply calculation

It has very recently been disclosed that Chichester can no longer demonstrate five years of housing land supply (it is currently 4.82yr). The appellant may claim that this should result in a tilted balance in favour of the developer. However, this aspect of the law is intended to make sure wayward Councils do not fall way behind with their house building programme. Chichester's record is very good in this respect, this is a short-term factor, and it is not necessary at this stage to dispense with 'plan led' development and substitute

'developer led' development in order to maintain the intended level of the house building programme in the district.

The local economy and loss of rural amenity

We argue this development should not be in this rural location and does not need to be here.

It will result in the loss of a local rural business that has served local people for over 30 years, and this clearly is a suitable rural location for this business.

It should be noted that the presence of this popular local business was claimed as a relevant amenity by Sunley Homes when they made their development application (ref 20/01826/FUL - 118 homes Land East of Broad Rd.) The comments of the CDC Economic Development Team are noted.

Conclusion

We conclude that this significant development does not need to be in a rural area remote from amenities needed by new residents. Most journeys will be by car, and this makes it an unsustainable location.

The development will inevitably cause damage to a protected and rare chalk stream. Rare Bats, Water Voles and Eels are some of the threatened species. This outline application is supported by inadequate ecological studies and does not demonstrate that every step has been taken to avoid this damage.

This outline application should cover the principle of development and the access arrangements, but some issues that are important have not been dealt with.

To be viable the development will need to be connected to the wastewater/sewer system. This will require a pumping station which will be located very close to the Ham brook. Further details are required to demonstrate that this does not represent a threat to the stream during the lifetime of the development.

Access to the site depends on the construction of a new bridge that will be significantly larger than the existing one. There should be more details about this since access depends on it.

The revised proposal includes two new houses on the east side of the stream remote from the rest of the development. Construction of these houses will inevitably cause unnecessary damage to the stream, which should not be permitted.

This development is in, but not connected to the Parish of Southbourne. It is not needed to meet a local housing need in Chidham & Hambrook and is not supported by either Parish Council.

Objection

The number of houses has been reduced to 63, and a buffer planned for the west side of the Ham Brook. Whilst we welcome this, we feel these actions are inadequate

and that this planning application should be refused and that our comments above are taken into account.

We also request the District Council to consider Natural England's formal consultation response before taking a decision on this application.

Further comment received 10.01.2022

The CDC Policy report posted on 25/11/21 is dated 31/08/21 and was out of date before it was posted on the portal. It needs to be revised to reflect new updates in the following areas:

1. The 5 yr housing supply figure has been updated and as from September 2021 CDC can demonstrate a 5.3 housing supply figure, not 4.3 years as stated in the report. Therefore, the presumption in favour of sustainable development no longer applies.
2. The Hambrook / Nutbourne wildlife corridor is nearing completion in being adopted as a strategic Corridor within the revised Local Plan. The southern and eastern parts of this site and the access are all located within this corridor. Criterion 6.6 of the Interim Position Statement requires development proposals to demonstrate they will not affect the potential or value of a wildlife corridor. This proposed development clearly will impact the wildlife in this area.
3. On 25/11/21 a Statement of Common Ground was signed by Southern Water, CDC and the Environment Agency regarding wastewater capacity at Thornham Wastewater Treatment Plant (WWTP). Taking into account permissions and completions up to November 2021 there is remaining headroom capacity for 173 dwellings. New development proposals within the area served by Thornham WWTP will have to demonstrate that, taking account of both the latest DWF based headroom information and the needs of extant planning permissions yet to be built/completed, sufficient headroom exists to serve the development, or alternatively that no net increase in flows to Thornham WWTP will result from this development.

As these updates were published at around the same time as this report was uploaded onto the planning portal we are perplexed as to why it was not revised before doing so.

Further comment received 05.01.2022

The applicant's ecological adviser has posted a Technical Ecological Response - Dec 2021 which attempts to claim that the Ham Brook is not a particularly significant corridor for bats and negate the arguments made so far. The ecologist's argument claims their observations, a combination of transects and static recording, were not of sufficient number and variety to justify allowing significant protection for the wildlife corridor.

This argument that there are only low numbers of bats locally is based on flawed evidence. An alternative explanation is that the ecologist's survey under-recorded the bats present. There are reasons to think that this alternative explanation is the correct one, as follows:

1. The type of static recorder used in the study under records the actual number of bat passes, for technical reasons acknowledged by the ecologist.

2. The numbers of recordings made in the study are far fewer than those made by other bat detectors using different recording technology.

3. The applicant's survey tells us that in April, over five consecutive days, no bats were recorded at the Southern Anabat. This is not credible. There must be an alternative explanation. Could there have been, for example, a technical error?

These underlying concerns about the bat activity survey are included in the CDC Environmental Strategy Unit report posted on October 26th, but have not been addressed in the applicant sponsored Technical Ecological report posted in December.

What is disputed by the applicant is that this is a significant foraging and commuting corridor for rare bats - the argument is that there are very few rare bats, and the developer proposal will not harm the corridor.

The developer has understated the numbers of rare bats that use the corridor and understated the significance of the impact of associated lighting, light spillage, and residential disturbance on this significant chalk stream and wildlife corridor. Different insects and species of bat respond differently to different levels and wavelengths of light. Artificial lighting will disturb the ecological balance between different species of both predator and prey.

The reference to nearby Rose Briar Copse (20/01826/FUL) which has been allowed by the Planning Inspector, has little value as a comparison site. The two paragraphs at the top of page 11 of this document are unsupported assertions. Rose Briar has no chalk stream. Low levels of barbastes is not a surprise - it is a rare bat.

The Parish Council will respond further on other issues by the deadline of 14 January 2022.

Original comment received 20.08.2021 and 05.10.2021

The development site is within the parish of Southbourne but the impact will be felt wholly on the settlement of Hambrook:

- The site is not within or adjacent to the Southbourne settlement boundary. The applicant claims that the site is contiguous with the Hambrook settlement boundary, but the new area of housing to be developed is entirely to the west of the Ham Brook. To claim that an area which is the other side of a river/stream, in the parish of Southbourne, is contiguous with a settlement in the parish of Chidham & Hambrook is taking liberties with the meaning of contiguous. We would therefore contend this is contrary to IPS 6.2.1

- This site is not identified for housing development in either the SPNP 2015 or the SPNP Review (SPNPR) 2019-2037. The Reviewed Neighbourhood Plan is at an advanced stage having completed its Reg 16 consultation and is now accorded weight in the planning system (NPPF para 49/50). This proposal conflicts with it.

- The development is in designated countryside and encroaches on the strategic gap between Southbourne and Hambrook. The Landscape Gap Assessment (May 2019) carried out for CDC states the importance of retaining the gap between Southbourne and

Hambrook as open countryside to prevent the coalescence of the settlements and maintaining their separate identities. A cross border site by its very nature begins coalescence between the two parishes.

- Both Hambrook Hill South and Priors Leaze Lane are rural. Hambrook Hill South leads to a network of footpaths and bridle ways, regularly used by dog walkers, walkers and horse riders. A reconfigured junction leading to a large development will urbanise the area.

- The access to the development would be in Hambrook, exiting on to Priors Leaze Lane. This is a narrow country lane with no pedestrian footway, restricted visibility due to high hedgerows on each side and few passing places for motorists. Traffic is therefore more likely to use Broad Road with an estimated additional 150 cars negotiating the staggered junction with Scant Road West. The potential impacts of developments on transport need to be seen by Highways in conjunction with other potential developments and not in isolation. There is currently an Enquiry in progress to be heard on Sept 1st for 118 homes to be built north of Scant Road West. If this were approved there would be a further 200+ cars accessing Broad Road and the impact would be even more significant, increasing congestion and affecting air quality. This increases the risk factor for all road users. Exiting onto Main Road is already a significant problem with traffic having to negotiate parked cars at the south of Broad Road.

- No cycling, walking or public transport opportunities have been identified (NPPF para 104).

- The transport surveys carried out by Bright Plan took place in January 2021 when there was a national lockdown. Clearly that is not a representative picture. Since the end of lockdowns there has been a noticeable increase in traffic and these studies need to be repeated to give a true picture.

- The applicant makes a number of misleading claims about the proximity of the site to a 'range of services and facilities'. The only two amenities cited within a 1 km range are the Post Office, selling a very limited range of goods and a grain store. (Quite how useful a grain store would be to potential residents is puzzling) The nearest Primary school is 2km from the proposed entrance to the site, which would be much further for residents living in the NW sector of the development.

- The services which provide basic necessities i.e. grocery shopping, surgery, pharmacy, dentist, garage repairs, farm shop, hairdressers, primary and secondary schools are in Southbourne. The assertion this could be reached on foot in 20mins is false. The most direct route would involve walking along Priors Leaze Lane which is dangerous for pedestrians as it is unpaved and unlit with a national speed limit. The location of the Chichester Grain store is an added hazard with very large grain containers being towed by even larger tractors. It would certainly take longer than 20 mins to reach any of these services. Alternatively, a walk of at least 40-45 mins would be required down to Main Road and west to Southbourne It is reasonable to suppose that all such journeys will be made by car. There is no cycling or bus route through Hambrook. The train station has a limited service and the only bus route is a mile from the site. The site is therefore not in a sustainable location, contrary to IPS 6.2.2/.7 and NPPF para 105.

- The Ham Brook, which is environmentally important and one of only 200 chalk streams in the world, runs north to south along the eastern edge of the site. A strategic wildlife

corridor is proposed for inclusion in its Local Plan by CDC and a consultation is currently running. The Nutbourne / Hambrook corridor runs north from Nutbourne marshes and across the site. The Sussex Bio-Diversity Records Centre has recorded a high concentration of protected species with populations water vole, bats and barn owls. The Ham Brook is a vital commuting route for a number of bat species. The bat monitoring survey concludes: "Many of the UK's resident species of bat are reluctant to cross open ground or even small breaks in linear features and will also often go some distance to remain within the darkest areas, in an attempt to avoid artificial light. This study has indicated that the Ham Brook is significantly important to bats and appears to function as an important wildlife corridor for these animals. It serves to connect bats to the protected sites of Chichester and Langstone Harbour on the coastal plain, with the wooded downland of the South Downs National Park to the north. The Ham Brook corridor represents a narrow and very vulnerable wildlife artery, which if compromised, even a small way is likely to have a devastating effect upon bats and the wider ecology within the locality. This would be especially damaging for the protected environments of Chichester and Langstone Harbour."

It is clear, therefore, that a development of 73 homes, with adjacent public open space, would put severe pressure on the fragile ecology of this corridor and the Ham Brook. Human activity, lighting, pets, noise will all threaten its survival. The application does not propose any adequate mitigation against this damage and we do not agree there would be any net biodiversity gain. If the corridor is adopted by CDC the application would be contrary to IPS 6.2.6.

- The difficulties with connection to Thornham Waste Water Treatment Plant and its lack of capacity is well documented. At the present time Chichester District Council are working with the EA and Southern Water on a Statement of Common Ground in respect of the remaining capacity at Thornham and measures to be taken in the future. This application is premature until this Statement has been finalised and the position at ThWWTP is clear. This is particularly pertinent in the light of the recent £90 million fine imposed on Southern Water for allowing untreated sewage along the South coast, which is still happening now.

- The Housing Enabling Officer has flagged the implications of the allocation of affordable housing. As the site is in Southbourne there is no requirement for potential residents to have a connection to the local area, only the district. Conversely, in Chidham & Hambrook, which is rurally designated, a connection to the Parish is required. This anomaly needs some clarification. It would be grossly unfair for those with a connection to Hambrook to lose out on affordable housing. There are other matters to be addressed with regards to affordable housing mix and tenure.

- The proposal is not nutrient neutral and will add 40.3kgTN/year to Chichester Harbour, as the receiving body of water. In order to achieve nutrient neutrality and avoid an adverse effect land needs to be identified for mitigation. There is no clarity on how or where this will be achieved.

- Community involvement on behalf of the developers has been poor. The virtual meeting set up for residents precluded those participating to see each other. Questions raised were filtered and often changed with no opportunity for discussion or feedback. A representative did attend our Planning meeting on 20th May 2021, albeit 40 mins late after the public session had finished.

- Chichester District Council declared 'Climate Emergency Status' in July 2019. In making its declaration the Council made a clear commitment to taking urgent action. This planning application is clearly at odds with the CDC's commitment to climate change. This development will categorically place further pressure on the environment and our carbon footprint.

- In conclusion Chidham and Hambrook Parish Council are strongly opposed to this development. It will place extreme pressures on our community in terms of significant harm to the environment and a burden on the residents of Hambrook with no additional benefits. We believe it is contrary to NPPF 49, 50, 103, 104, 109, 122, 123, 134, 170, 171, 172, 175, 176 and 177 and IPS 6.2.1/.2/.3/.6/.7/.10/.12

It is an unsustainable location and should be refused.

6.2 Southbourne Parish Council

Further comment received 07.10.2022

Southbourne Parish Council objections to re-consultation of 21/01910/OUT Willowbrook Riding Centre.

The site was listed as Southbourne HEELA 2020 as HSB0001a, yet the application has been assigned to Chidham & Hambrook Parish.

This site is not identified for housing in the made SPC Neighbourhood Plan 2015 or in the NP review 2022. It is so far removed from any of our settlement policy boundaries as to be completely unviable and unsustainable for a plan led growth of Southbourne Parish. We also fully endorse the concerns and comments made by Chichester Harbour Conservancy.

The following are specific NPPF (July 2021) guidance that we feel are contravened by this application, either in its entirety or that there has not been sufficient documentation to propose mitigation of the application's shortcomings. Specific parish comments are in **bold**.

16. Plans should:

a. Be prepared with the objective of contributing to the achievement of sustainable development.

This site was rejected for development by SPC neighbourhood plan assessment as it does not provide any benefit to Southbourne, it is not bordered by any settlement area in the parish and starts to form a coalescence between the parishes of Southbourne and Chidham & Hambrook parish.

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management.

There is no public transport link (buses etc) within a kilometre of the site. Southern Water does not have sewage capacity, and a private pumping station on the banks

of a chalk stream is not viable. There is no statement on coastal disturbance.

c) community facilities (such as health, education and cultural infrastructure).

New residents would have to utilise the currently at capacity facilities in Southbourne. Our schools, doctor surgery etc are already overwhelmed.

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

The Ham Brook chalk stream is one of only 200 left on the planet. The disturbance of its banks during construction, and access by residents (and their domestic animals) will severely damage the habitats of the protected species living in/around the brook.

79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

Supporting a prosperous rural economy

84. Planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- b) The development and diversification of agricultural and other land-based rural businesses.

Removing the well-used Willowbrook Riding centre from use is directly opposed to this guidance.

Promoting sustainable transport

104. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:

- a. The potential impacts of development on transport networks can be addressed.
- b. Opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated
- c. Opportunities to promote walking, cycling and public transport use are identified and pursued.
- d. The environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e. Patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.

There is no sustainable transport in the site area. All most residents will have to drive to meet even the basic shopping/care/education needs.

105. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

The site is not in any way sustainable.

106. Planning policies should:

- a. Support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.
- b. Be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.
- c. Identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development.
- d. Provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)

As above this rural parish (Chidham & Hambrook) does not have access to any of these options. Nor are there any plans for such infrastructure changes to be made.

Considering development proposals.

110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- A. Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- b. Safe and suitable access to the site can be achieved for all users.
- c. The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code
- d. Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

As above this rural parish (Chidham & Hambrook) does not have access to any of these options. Nor are there any plans for such infrastructure changes to be made.

113. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

The applicants travel plans states:

“The Chartered Institute of Highways and Transportation’s (CIHT) publication ‘Providing for Journeys on Foot’ (2000) states that the average length of a journey on foot is 1km. It further recommends a preferred maximum walking distance of 2km for commuting journeys. As shown on Plan 01, a wide range of local services and amenities, including train services, are situated within 1km of the application site and are therefore accessible on foot.”

There are no existing footways. Certainly not to Southbourne facilities which the residents would have to use, and this does not take into account those residents who might well be unable to walk those distances in the first place.

171. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- a. Be clear as to what development will be appropriate in such areas and in what circumstances; and
- b. Make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

There has been no comment on recreational disturbance to Chichester harbour AONB.

Conserving and enhancing the natural environment

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a. Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b. Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- d. Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- e. Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

We do not think the buffer to the Ham Brook is sufficient we would require a minimum of 50 meters.

Habitats and biodiversity

179. To protect and enhance biodiversity and geodiversity, plans should:

- a. Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally

designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

b. Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

We do not believe the buffer area, construction plan, proximity of the pumping station, lighting schemes etc are sufficient to protect or enhance the Ham Brook and Chidham & Hambrook Wildlife corridors.

180. When determining planning applications, local planning authorities should apply the following principles:

a. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for.

Then planning permission should be refused.

b. Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Potential damage to the chalk stream, which flows into Nutbourne Marshes, Chichester Harbour SSSI, is a direct threat to the SSSI.

c. Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused.

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

We feel that presumption in favour of sustainable development does not apply to this development for all the reasons above. It is in an unsustainable area, it cannot safeguard the chalk stream, it has no serviceable amenities for the residents nearby, except a corner shop and a post office, there are currently no plans to enhance the transportation network etc.

Original comment received 03.08.2021

1. Planning Policy

This site is not identified for housing development in either the SPNP 2015 or the SPNP Review (SPNPR) 2019-2037. The Reviewed Neighbourhood Plan is at an advanced stage having completed its Reg 16 consultation and is now accorded weight in the planning system (NPPF para 50), this proposal conflicts with it. Allowing additional housing over and above the 1250 dwellings already provided for would be likely to weaken the viability

of the current proposals and risk flooding the local housing market. At the very least, this proposal is premature in view of the stage reached by the SPNP Review (NPPF para 49 & 50).

The applicant says (Planning Statement para 4.42) that the reviewed Neighbourhood Plan is flawed because it would prevent permissions being granted outside the identified built up areas (Settlement Boundaries) which would otherwise be granted under the CDC Interim Policy Statement on Housing. It is the applicant's argument that is flawed. The CDC Policy Statement is an "interim" or temporary measure intended to be replaced by reviewed Development Plans in due course. One of the obvious purposes of the Development / Neighbourhood Plan is to provide certainty about where development will be permitted by identifying specific sites and drawing Settlement Boundaries to control sprawl. Also the applicants planning statement 6.5 regarding the settlement boundary - this site is not within or adjacent to a Southbourne settlement boundary, as a cross border site by its very nature begins coalescence between SPC and CHPC.

We do not believe the application complies with the Interim Statement anyway (Item 6 - adversely affects a Wildlife corridor) (7 wastewater proposals inadequate) (12 Nitrate Neutrality).

2. The Ham Brook Wildlife Corridor

The biodiversity evidence submitted by the applicant appears to underestimate the value of this site when compared with the results obtained by the Parish Council surveys. The site forms part of the SPNPR Wildlife Corridor which proposes 50 metre buffers on either side of the Ham Brook Chalk Stream (SPNPR Para 5.87) without any accompanying development. The developer acknowledges that Section 41 habitat and species are present (NERC Act 2006) and that the chalk stream is a "Priority Habitat" but proposes a 20 metre buffer of public open space which would bring pressure from public intrusion onto a rare and delicate habitat. The proximity of development would bring other pressures such as domestic pets, cats in particular, which are not mitigated by a few log piles and nesting boxes. The proposals do not appear to represent a 10% uplift in biodiversity. The aim of the SPNPR is to upgrade the Ham Brook, not see it struggling under further pressure. Also the Ham Brook will need a considerable lengthening of the culvert for the entrance and this is both unacceptable and no details have been provided.

3. Wastewater

(See objection from Hambrook resident Neil Burns) It is not demonstrated that Southern Water can provide satisfactory foul drainage treatment for effluent without additional stormwater discharges downstream.

4. Nitrate Neutrality

The adjoining field to the west is proposed to off-set nitrate pollution, but there is no explanation as to how this is to be achieved in perpetuity.

5. Applicants planning statement

Their statement 7.4 states that; "No policies in NPPF that would provide a reason for refusal" We believe this application is contrary to or does not comply with; NPPF 49, 50, 103, 104, 109, 122, 123, 134, 170, 171, 172, 175, 176 and 177.

6.3 Natural England

Further comment received 12.05.2022

Summary of Natural England's advice:

No objection - subject to appropriate mitigation being secured.

The following mitigation measures are required:

- Mitigation to combat the increase in nutrients as a result of the development.
- Mitigation to combat the increased recreational disturbance that will occur as a result of the development.
- Implementation of a site lighting scheme to minimise impacts on bat species once the development is operational.
- Implementation of a Construction Management Plan to minimise impacts upon bat species during the construction phase.

Natural England advise a planning condition or obligation is attached to any planning permission to secure these measures.

Further comment received 15.03.2022

Summary of Natural England's advice:

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar, Chichester Harbour Site of Special Scientific Interest (SSSI), Solent Maritime Special Area of Conservation (SAC) and Singleton and Cocking Tunnels SAC. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required:

- Avoidance and mitigation measures for qualifying bat features of Singleton and Cocking Tunnels SAC need to be considered by your authorities Appropriate Assessment (AA).

Without this information, Natural England may need to object to the proposal.

Further comment received 12.01.2022

Summary of Natural England's advice:

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on Chichester and Langstone Harbours Special Protected Area (SPA) and Ramsar site, potential impacts on Chichester Harbour Site of Special Scientific Interest (SSSI) and potential significant effects on Singleton and Cocking Tunnels Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

- Further details of proposed lighting levels across the development site and consideration of additional mitigation.
- Avoidance and mitigation measures for qualifying bat features of Singleton and Cocking Tunnels SAC also need to be considered in your authority's Appropriate Assessment.

Any proposed mitigation measures and measures to avoid impacts to European designates sites may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal.

Further comment received 22.10.2021

Summary of Natural England's advice

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on Chichester and Langstone Harbours Special Protected Area (SPA) and Ramsar site, potential impacts on Chichester Harbour Site of Special Scientific Interest (SSSI) and potential significant effects on Singleton and Cocking Tunnels Special Area of Conservation (SAC). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

- Information needs to be provided to evidence the land use type for the last 10 years, and professional judgement be used as to what the land would revert to in the absence of a planning application.
- Details of proposed lighting levels across the development site.
- Avoidance and mitigation measures for qualifying bat features of Singleton and Cocking Tunnels SAC also need to be considered in your authority's Appropriate Assessment.

Any proposed nutrient mitigation measures and measures to avoid recreational disturbance impacts may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal.

Original comment received 22.07.2021

Summary of Natural England's advice

Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on Chichester and Langstone Harbours Special Protected Area (SPA) and Ramsar site, and potential impacts on Chichester Harbour Site of Special Scientific Interest (SSSI). Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Consideration of any potential likely significant effects upon Chichester and Langstone Harbours SPA and Ramsar site through a Habitats Regulations Assessment, and proceeding to the Appropriate Assessment stage where necessary.
- Mitigation measures to avoid an impact from the 40.3kgTN/year (Nitrogen Budget Calculation, June 2021), in combination with other nutrient inputs, on the receiving waters predicted as a result of the proposal.

Any proposed nutrient mitigation measures and measures to avoid recreational disturbance impacts may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended).

Without this information, Natural England may need to object to the proposal.

[Officer Note: In addition to the formal responses to the planning application consultations, the Council has also received the comments below in response to queries from the Parish Council and a Ward Member. These are provided below:

Natural England's response to Southbourne Parish Council dated 09.10.2022

As you may be aware, Natural England must be consulted on planning applications that impact on Sites of Special Scientific Interest (SSSIs) or internationally designated sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites). The Natural England response you refer to below relates to amended plans. Natural England were consulted on planning application 21/01910/OUT Updated HRA & Appropriate Assessment - Outline, all matters reserved (except access) for demolition of buildings/structures on site, erection of 73 dwellings incl. 3 custom/self-build plots, parking etc. Willowbrook Riding Centre, Hambrook Hill, South Hambrook, Chidham PO18 8UJ to consider any environmental impacts upon Chichester and Langstone Harbour SSSI, SPA and RAMSAR, the Solent Maritime SAC and Singleton and Cocking Tunnels SAC and our main comments can be found below.

When a planning application is submitted where significant environmental effects cannot be ruled out, a competent authority (usually the local planning authority or Environment Agency) must make an appropriate assessment of the implications of the plan or project for that site, taking account of the site's conservation objectives. If the appropriate

assessment cannot rule out damage due to nutrient pollution, planning permission would be denied under this legislation unless mitigation to reduce or eliminate the impact can be put in place.

Natural England has reviewed the available evidence on Habitats Sites that are in unfavourable condition due to high nutrient levels and has advised local planning authorities in relevant catchments that they should undertake Habitats Regulations Assessments (HRA) of all development proposals which may give rise to additional nutrients entering their catchments, in line with the requirements of the Conservation of Habitats and Species Regulations 2017. Where developments may fail the tests of an appropriate assessment based on nutrient pollution, local planning authorities may choose to use nutrient neutrality to counterbalance nutrient impacts and this is what we have recommended in our response to Chichester District Council.

The chalk stream itself is not part of a designated site therefore Natural England would not comment on it. It is the role of the local planning authority as the decision maker on planning applications to take account of all environmental impacts and opportunities and make a decision on the proposed development e.g. protected species and priority habitats. I note from the comments in the Ecological Appraisal (see attached) that '*The Ham Brook partially falls on site along the south-eastern boundary, which has been classified as a Chalk Stream by the Environment Agency and meets the criteria for a priority habitat chalk river tributary*' so the local planning authority is aware of its presence. This should ensure that it is a consideration of the planning decision. Any impacts to the Bechstein's and Barbastelle bats have been assessed in relation to Singleton and Cocking Tunnels SAC and it was deemed that sufficient mitigation was in place to minimise impact.

Natural England's response to Chidham and Hambrook Parish Council dated 08.11.2022

As you may be aware, Natural England must be consulted on planning applications that impact on Sites of Special Scientific Interest (SSSIs) or internationally designated sites (Special Areas of Conservation, Special Protection Areas and Ramsar sites).

Natural England were consulted on planning application 21/01910/OUT Updated HRA & Appropriate Assessment - Outline, all matters reserved (except access) for demolition of buildings/structures on site, erection of 73 dwellings incl. 3 custom/self-build plots, parking etc. Willowbrook Riding Centre, Hambrook Hill, South Hambrook, Chidham PO18 8UJ to consider any environmental impacts upon Chichester and Langstone Harbour SSSI, SPA and RAMSAR, the Solent Maritime SAC and Singleton and Cocking Tunnels SAC and our main comments can be found below.

When a planning application is submitted where significant environmental effects cannot be ruled out, a competent authority (usually the local planning authority or Environment Agency) must make an appropriate assessment of the implications of the plan or project for that site, taking account of the site's conservation objectives. If the appropriate assessment cannot rule out damage due to nutrient pollution, planning permission would be denied under this legislation unless mitigation to reduce or eliminate the impact can be put in place.

Natural England has reviewed the available evidence on Habitats Sites that are in unfavourable condition due to high nutrient levels and has advised local planning authorities in relevant catchments that they should undertake Habitats Regulations

Assessments (HRA) of all development proposals which may give rise to additional nutrients entering their catchments, in line with the requirements of the Conservation of Habitats and Species Regulations 2017. Where developments may fail the tests of an appropriate assessment based on nutrient pollution, local planning authorities may choose to use nutrient neutrality to counterbalance nutrient impacts and this is what we have recommended in our response to Chichester District Council.

It is the role of the local planning authority as the decision maker on planning applications to take account of all environmental impacts and opportunities and make a decision on the proposed development e.g. protected species and priority habitats, and therefore I would encourage you to share your findings with Chichester District Council. Any impacts to the Bechstein's and Barbastelle bats have been assessed in relation to Singleton and Cocking Tunnels SAC and it was deemed that sufficient mitigation was in place to minimise impact.

Natural England's response to Councillor Moss dated 07.10.2022

Natural England's Role in the Planning System

Natural England is a statutory consultee in the planning system and is consulted on development plans, marine plans, nationally significant infrastructure projects and certain planning applications and marine licensing proposals (relating to designated nature conservation sites and significant areas of best and most versatile agricultural land). Natural England is also a consultee on environmental assessments (Habitats Regulations Assessment, Strategic Environmental Assessment and Environmental Impact Assessment). Natural England focusses its advice on strategic plan level engagement and high risk and high opportunity planning cases. We are unable to provide detailed advice on all cases on which we are consulted.

Natural England responds to consultations on development proposals in line with its published standards. Our advice aims to ensure the impacts of development and infrastructure on the natural environment are fully addressed, high environmental quality development is delivered and opportunities for biodiversity and other environmental gains are maximised. Natural England's advice is provided in line with the NPPF, National Policy Statements and relevant development plan policies.

We hope that the above link to our standards in particular helps you to understand why we have not provided bespoke advice to Chichester District Council on the matters of both water voles and the Ham Brook Chalk Stream.

Natural England's Advice

You are correct that Natural England's advice on this application has focused on the following protected sites:

- Chichester and Langstone Harbour Special Protection Area (SPA) and Ramsar site
- Chichester Harbour Site of Special Scientific Interest (SSSI)
- Solent Maritime Special Area of Conservation (SAC)
- Singleton and Cocking Tunnels SAC.

As I'm sure you are aware Natural England's involvement with this planning application goes back beyond our letter dated 15th March 2022 which is the earliest date referenced in

your current correspondence. When we responded on 15th March, we were already satisfied that the proposed development could suitably mitigate for its potential impacts on the Chichester Harbour designated sites (SPA, SAC, Ramsar and SSSI). The issue raised in this letter with respect to the bat species which are features of the Singleton and Cocking Tunnel's SAC was over a technicality only. Again, we were satisfied that the application provided sufficient mitigation to avoid an adverse impact but this information had not been captured in the Habitats Regulations Assessment (HRA) which Chichester District Council are required to undertake as the competent authority under the relevant legislation.

Chichester District Council then provided an updated HRA which we commented on in our letter dated 12th May. However, this time the HRA also included a number of potential new impacts on bats and concluded that adverse impacts on the Singleton and Cocking Tunnels SAC could not be ruled out. We advised that in our professional judgement this conclusion was overly precautionary and the level of mitigation proposed was sufficient to rule out an adverse impact. Natural England is an advisory body only and we made clear that ultimately this is the council's decision as the competent authority.

We appreciate that some changes were subsequently made to the application but a review of these indicated that there was nothing sufficient to warrant a change in the advice that we had already given. Hence the letter issued on 8th September.

I hope that this email helps to explain Natural England's recent involvement in the Willowbrook Riding Centre Application.]

6.4 National Highways

No objection, provided that Chichester District Council collects an appropriate proportional contribution of £111,786 (62 x £1,803) from this particular site towards further mitigation of the A27 junctions in Chichester District as set out in Chichester District Council's SPD 'Approach for securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass'.

6.5 Network Rail

No comments to make on the proposal.

6.6 Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage run off 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.

Condition requested to secure details of the proposed means of foul sewerage and surface water disposal.

6.7 Sussex NHS Commissioners (CCG)

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

6.8 Scottish and Southern Energy Power Distribution

No objection to the application. Advisory note in relation to live cables within the area of works.

6.9 Sussex Police

No major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

6.10 WSCC Education

Further comment received 27.01.2022

A Holding Objection was made to the application on 23 December 2021 in order for the County Council as Local Education Authority (LEA) to complete an assessment of educational provision in the Bourne School Planning Area, which the above application comes under.

The County Council can enter a legal agreement and collect financial contributions for education provision including for the expansion of an existing school, or the provision of a new school. However, if there is not a school in the School Planning Area which can be expanded, or there is no land available for a new school, then education provision cannot be provided to mitigate children from proposed new development. Which means, there may be no local school that the pupils arising from the development can attend. For the LEA the availability of land or expansion potential is as necessary as a monetary contribution from a developer in order to ensure the impacts of the site can be mitigated. We cannot simply take a financial contribution to mitigate the impact of the development if no such possibility exists within the education planning area.

Following the publication of the Interim Position Statement on Housing by the District Council, which aimed to maintain a 5-year housing land supply, a number of windfall applications have been submitted, including in the Bourne School Planning Area. These unallocated sites coming forward for development will increase the need for school places in the area; these have not been planned for through the Local Plan or school place planning process. Therefore, the windfall sites coming forward, in combination with the delay of the Southbourne Neighbourhood Plan, (which identifies a new education facility and provided a solution to the lack of school places available when considering proposed allocations and could potentially have been expanded), has led to the need to complete another education assessment of the area to ensure mitigation could be achieved and if so whether that was through expansion of existing or a further new school, as a result of these windfall applications.

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

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

As for other school expansions in Chichester District, the delivery of an expansion will be sought through the CIL process. The County Council will work with CDC through their Infrastructure Business Plan process in order for the mitigation proposal project to be identified, prioritised and funded.

In view of the work County Council as LEA has undertaken in the assessment of education capacity, which has led to a potential solution through the expansion of a primary school in the Bourne School Planning Area, and delivery of the project via CIL, the holding objection is removed.

There is now no education objection to the application.

Further comment received 23.12.2021

Developers are required to mitigate the impact of their proposed developments and where appropriate provide or make contributions towards site specific education provision where a specific need is identified. School places are required in perpetuity to mitigate planned development.

As Local Education Authority (LEA) the County Council has the statutory duty to make education provision available for each pupil, and to provide a school place for each child, within the local catchment area where possible. Schools should be provided close to where the need arises, to encourage sustainable travel behaviour. An inability to provide school places nearby could result in pupils being allocated spaces at a greater distance from their home, which would not be in accordance with sustainable place making or education provision policy.

Community Infrastructure Levy (CIL) will be sought by the County Council as LEA from the charging authority Chichester District Council (CDC) in order to provide the necessary education mitigation for the proposed development. However, if it is established that there is a site-specific education mitigation requirement then the site will be liable for Section 106 Agreement contributions.

To provide further information for the proposed development:

Secondary school provision: Contributions will be sought through CIL.

Primary school provision in the Bourne School Planning Area: Bosham, Chidham & Hambrook, Southbourne and Westbourne are all areas within the same school planning area, and the cumulative total of the strategic allocations brings forward a requirement for circa 3 forms of entry (FE) of additional school places.

Additional sites which are coming forward outside the local or neighbourhood plan process (windfall) are currently over 1,000 homes. This equates to a requirement for a further 1 FE primary school, which is required in the Bourne school planning area. As school places are limited in the area, the expansion of existing facilities or a new facility will be required to accommodate the development.

A new education facility is proposed for allocation in the Regulation 16 Southbourne Neighbourhood Plan, which has yet to be examined and can only be afforded little to moderate weight in decision making. As this education facility cannot be relied on in the short term, the County Council as LEA is currently carrying out an assessment of education capacity in the Bourne school planning area.

Willowbrook Riding Centre, proposed development: As part of this application, the developer would be expected to demonstrate how they intend to mitigate against the impact of their proposed developments on education. In the absence of a new education facility at Southbourne due to the neighbourhood plan process, it is not clear how the applicant will mitigate the education provision from the proposed development.

Taking into consideration the above points the County Council as LEA are providing this consultation response as a **holding objection** until the developer is able to provide full details of their proposed primary education mitigation proposals, and the County Council completes their assessment of education capacity.

Original comment received 06.10.2021

This site will be CIL liable. CIL will be sought by the County Council as local education authority from the charging authority to provide the necessary education mitigation for the proposed development. (For the avoidance of doubt, Education covers all children from 0-18 and up to 25 for SEND pupils) School places are limited in the locality so expansion of existing facilities or a new facility are expected to be required to accommodate the development. A new facility is proposed for allocation in the Reg16 Southbourne Neighbourhood Plan, which has yet to be examined however can be afforded moderate weight in decision making. In the meantime if children cannot be accommodated at existing schools or expansions this or another new facility will be required to accommodate the needs of the development. The developer would be expected to demonstrate how they intend to mitigate against the impact on education.

6.11 WSSC Fire and Rescue Service

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

6.12 WSSC Highways

Further comment received 05.09.2022

No objection. No changes will be made to the new access layout and as the reduction in dwellings will reduce the number of trips created, WSSC Highways do not consider the reduction will cause any highway safety or capacity impacts and raise no objection to the changes. All conditions and comments relating to the access made previously should apply.

Original comment received 20.10.2021

No objection.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been re-consulted on outline proposals for 73 x dwellings with matters of access to be approved. In comments dated 28 July 2021 the LHA requested further information on several matters of access. A Technical Note (TN) has been provided to address these points, as commented on below.

Visibility splays of 2.4m by 43m from Hambrook Hill South to access road

Drawing 2019-6075-002 has been updated to show visibility splays at Hambrook Hill South amended junction of 2.4m by 43m to northwest and 2.4m to the access road/Priors Leaze Lane junction to south, in line with 30mph design speed.

WSSC Engineer comments considered (On the side of the access road without a footway, 1m margin behind the kerb).

This is indicated on drawing 2019-6075-001 Rev E.

2.1 and 2.3 of RSA addressed at this stage and response run past auditor

2.1 - An assessment of the oak tree has now been provided and findings suggested no special precautions required for road construction. Auditor is satisfied with the response.

2.3 - 1m level verge will be provided rear of footway to provide pedestrian protection from ditch. Auditor is satisfied with the response.

A signed copy of Designers Response has been sent under separate cover.

Review of cycle parking available at Train Station

It is understood that land ownership constraints mean new cycle parking cannot be provided at the station. Nevertheless, the LHA is mindful that the station is within walking distance of the site and therefore both walking and public transport could contribute to sustainable transport choices for residents.

Conclusion

The Local Highway Authority does not consider that the 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 111), and that there are no transport grounds to resist the proposal.

If the Local Planning Authority is minded to grant planning consent they should look to secure a fee of £1500 for monitoring and auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.

The LHA would also expect details of internal layout, car and bicycle parking at reserved matters stage.

Recommended conditions

- CEMP
- Access
- Visibility Splays
- Works within the highway - implementation team (informative)
- Temporary developer signage (informative)

Original comment received 28.07.2021

More information required.

West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on outline application (matters of access sought for approval) for 73 x dwellings (to include 1 x replacement dwelling). The indicative housing mix is 7 x 1-bed, 26 x 2-bed, 27 x 3-bed, 10 x 4-bed and 3 x unknown (self-build plots).

A new access would be created through the realignment of Hambrook Hill South at its access onto Priors Leaze Lane. The access arrangements and associated matters are demonstrated in the submitted plans and documents, including drawings, Transport Assessment (TA) and Travel Plan (TP). The LHA previously provided pre-application advice on the access arrangements, where junction capacity modelling and principle of the proposals were discussed.

Site Location & Context

Most of the site is in Southbourne Parish, but the proposed access arrangements are within Chidham and Hambrook Parish. The sites existing use as a riding centre includes paddocks and sand school (583sqm livery yard) and existing dwelling with 156 sqm Bed & Breakfast use. All existing buildings and structures will be demolished.

The site has direct access from Hambrook Hill (unclassified no-through road subject to 30mph speed restriction). This connects to Priors Leaze Lane ('C' classified and subject to 30mph speed restriction) to the south, which in turn links to Southbourne to the west and Hambrook via Broad Road to the east. Broad Road joins with the A259 further south, providing onwards route to villages such as Nutbourne, Southbourne, Bosham and link to

A27. Hambrook Hill South and Priors Leaze Lane operate with a shared surface arrangement. Footway starts at Priors Leaze Lane junction with Broad Road and crosses the junction, providing a link to the Post Office to the south. There is also an informal pedestrian link via shared surface driveway from Priors Leaze Lane (staggered opposite Hambrook Hill South) and Broad Road which links to bus stop.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been no recorded injury accidents at the site access or nearby junctions of Hambrook Hill South and Priors Leaze Lane and Priors Leaze Lane with Broad Road. There is no evidence to suggest that the nearby road layout is operating unsafely, or that the proposed development would exacerbate an existing safety concern.

Access Arrangements

The reconfiguration of Priors Leaze Lane and Hambrook Hill South junction will allow the site to be accessed off Priors Leaze Lane. The proposed access would take the form of a bellmouth with a simple priority working arrangement directly adjoining Priors Leaze Lane. Hambrook Hill south would become a secondary route served from the site's access road. New footway will extend from the site across Hambrook Hill South junction and link Priors Leaze Lane to Broad Road. Tactile paving dropped kerb points will be provided/ improved where required.

Swept path tracking diagrams demonstrate that all anticipated vehicles can manoeuvre the new and altered junctions and the residential driveways that will require alteration as part of the works.

Visibility

ATC surveys revealed 85th percentile speeds of 26.79mph eastbound and 24.21mph westbound on Priors Leaze Lane in vicinity of the proposed junction alterations. This would require 37m west splay and 32m east splay. Drawing No. 2019-6075-002 Rev D shows splays of 2.4m by 37m west and 31.9m east (though it is evident that a greater splay can be achieved toward Broad Road junction).

Para. 3.2.14 of the TS states that the reconfigured Hambrook Hill South junction affords 43m splay (in line with 30mph design speed) on to the access road yet drawing No. 2019-6075-002 Rev D shows 25m, as suitable for 20mph design speed. This should be amended.

Forward visibility of 25m through Hambrook Hill South realigned carriageway to new junction with site access road has also been demonstrated and considered appropriate for the anticipated speeds.

The arrangements have been assessed against standards within Design Manual for Roads & Bridges CD123 and Manual for Streets (MfS) for the geometric design (including splays, radii of each junction). The site access road will be 6m wide with 1.5m footway and junction with Priors Leaze Lane will feature 10m kerb radii. Hambrook Hill South junction radii is proposed at 6m with a 5.5m carriageway width. WSCC Engineer has reviewed the design elements:

1. Although the trip generation from the development is marginally above the 'approximate' threshold of 300 AADT (2-way) from the development for a simple priority junction, the junction can still operate satisfactorily taking into account the nature of major road (which is residential in nature) and the reasons the designers put forward for not providing a ghost island.
2. The major road and access road are residential in nature with low speeds and so, I consider that tapers are not required. An occasional bin lorry can utilise both lanes when turning without too much risk to other motorists.
3. On the side of the access road without a footway, I would suggest we ask for a 1m margin behind the kerb.

Stage 1 Road Safety Audit (RSA)

All items and proposed mitigation measures were accepted by designer, as summarised below:

2.1 - Risk of injury from falling tree (mature oak tree within 4m of new access road).

Auditor recommended arboriculturist is consulted to avoid prejudicing roots of tree. Designer responds that this will be undertaken. This should be undertaken now as the response may impact the design. The arboriculturist response should be run past auditor.

2.2 - Risk of damage from/to watercourse

Auditor recommends suitable drainage provided. Designer agrees. LHA agrees this can be demonstrated at Detailed Design stage.

2.3 - Risk of pedestrians falling into ditch on north side of Priors Leaze Lane from verge dip.

Auditor recommends footway with suitable level verge abutting back edge. Designer agrees. LHA considers that this should be demonstrated now as it forms part of principle of works. Amended plans should be run past auditor.

Trip Generation & Road Network Capacity

The previously agreed trip rate of 0.452 per dwelling in the AM peak and 0.509 in the PM peak have been applied using TRICS, resulting in a total 33 movements in the AM and 37 in the PM peak hours with 331 2-way movements over the 12-hour day. Trips have been distributed according to census journey to work data and assigned accordingly.

Junction Modelling

The scope of junction modelling required was agreed with the LHA at pre-app stage whereby 2019 baseline, 2029 growth, 2029 growth + permitted developments and 2029 growth + permitted developments + proposed development have been assessed. Neighbouring developments to include have been previously agreed and updated to include 18/03145/OUT (Land North of Cooks Lane).

Baseline traffic flows have been established through turning counts at Broad Road/Scant Road West/ Priors Leaze Lane junctions in November 2019. For 2029 flows these have been growthed using TEMPro growth factors.

The modelling shows the junctions previously identified by LHA operating within capacity in the future year scenario.

Accessibility & Sustainable Transport

Pedestrian -

Whilst there is no segregated footway on Hambrook Hill South or Priors Leaze Lane, there is a shared surface driveway that links from Priors Leaze Lane to Broad Road, where segregated footway links to Hambrook village, Nutbourne Train Station, and bus stops on A259. 'Providing for Journeys on Foot' (CIHT) states that the average length of a journey on foot is 1km (2km preferred maximum walking distance for commuting journeys). Within 1km is Post Office and Train Station and within 2km are further amenities such as pubs, schools, and local food retail.

Cycle -

It is considered that several amenities and services are within cycling distance with nearby towns within 8km, accessible by bicycle for commuter journeys as per 'Cycle Friendly Infrastructure' (CIHT). National Cycle Route 2 runs along the A259 to the south providing links to Chichester to the east and Havant to the west. The route provides a combination of on and off-road cycle infrastructure and WSP study for Highways England (ChEm route improvements) has identified potential enhancements to the route in the locale.

Whilst there are no segregated facilities between the site and A259, the LHA consider that the traffic levels could encourage some cyclists for on-carriageway journeys (LTN1/20 para. 7.1.1 - Where motor traffic flows are light and speeds are low, cyclists are likely to be able to cycle on-carriageway in mixed traffic...most people, especially with younger children, will not feel comfortable on-carriageways with more than 2,500 vehicles per day). Furthermore, WSCC are developing proposals for cycle infrastructure improvements along Broad Road which start opposite Priors Leaze Lane and extend to A259.

Public Transport -

Barleycorn bus stop is on A259, approximately 0.9 mile walk distant with hourly services to destinations such as Bognor and surrounding areas, Chichester, Havant, and Portsmouth.

Nutbourne train station is 0.6 miles from the site, offering regular services to Southbourne, Littlehampton, Chichester, and Portsmouth. Connections can also be made to Brighton and London. At pre-app stage the applicant was advised to provide details/review of bicycle parking available at the station. This should be provided.

Travel Plan (TP)

The TP sets out several objectives to reduce single occupancy car trips and increase sustainable transport modes uptake.

- Target of reducing daily trips by 10% - i.e., by year 5 the 331 daily trips should be reduced by 33 and redistributed to sustainable transport modes.
- Welcome pack - to include travel voucher £150 for each new property and details on public transport, walking benefits etc.
- New footways and crossings - information on walking routes etc.
- Cycle storage, secure and sheltered (this would also be reviewed as part of reserved matters application).
- Car sharing website will be promoted and car club (Co-wheels info).
- If by year 3 target not reduced by 17 trips then additional discounts, resident's car club, grocery deliveries voucher and bicycle user group could be created.
- Travel plan Co-ordinator (details tbc) will use TRICs SAM methodology to gather survey data to track progress of the TP and inform future targets. Travel audit for new residents will determine travel modes.

The LPA should look to secure a fee of £1500 for monitoring and auditing of the Travel Plan Statement via s106 Agreement/ Unilateral Undertaking.

Reserved Matters

The following matters would be subject to assessment through a reserved matters application, nevertheless the LHA have made the following initial comments.

Internal Layout

Pedestrian visibility splays of 1.5m by 25m have been demonstrated from all internal crossing points and 2.4m by 25m vehicle visibility splays from each internal vehicle junction. This is in line with MfS guidance design parameters for 20mph design speed. The layout of the internal roads is considered suitable geometries to encourage low speeds. A traffic calming feature is also indicated (road narrowing at northern arm access road entrance)

The extent of shared surface and footways should be made clear at reserved matters stage. Pedestrian and cycle connectivity through linked estate roads should be encouraged. It is noted that off road footpaths are provided linking residential areas through open space. Turning heads have now been provided for service vehicle manoeuvring on site.

Car & Bicycle Parking

Car and bicycle parking should be demonstrated at reserved matters stage in accordance with WSCC guidance (zone 2). Electric vehicle parking should also be in accordance with the guidance.

Conclusion

In summary, the following is required:

- Visibility splays of 2.4m by 43m from Hambrook Hill South to access road.
- WSCC Engineer comments considered (on the side of the access road without a footway, 1m margin behind the kerb).
- 2.1 and 2.3 of RSA addressed at this stage and response run past auditor.

- Review of cycle parking available at Train Station.

6.13 WSCC Lead Local Flood Authority

No objection.

The area of the proposed development is shown to be at low risk of surface water flooding and moderate risk from groundwater flooding.

The FRA states that sustainable drainage techniques (permeable paving, pond with discharge to the watercourse) would be used to control the surface water from this development.

All works to be undertaken in accordance with the LPA agreed detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles.

The maintenance and management of the SuDS system should be set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

6.14 WSCC Minerals and Waste

No objection to the proposed development as the application site is not within a minerals safeguarding area and there are no identified waste operations within the vicinity of the site that would prevent or prejudice their operations.

6.15 Chichester Harbour Conservancy

Further comment received 08.09.2022

An in-principle objection is still made, but should the Council be minded to support the application, issues of nitrate neutrality, recreational disturbance at Chichester Harbour's shoreline and delivery of an appropriate amount of public open space via S106 planning obligations ought to be secured.

Original comment received 22.09.2021

The access would be formed in Chidham and Hambrook Parish, but the greater part of the site lies within Southbourne Parish in open countryside, mostly outside but contiguous with the settlement boundary for Hambrook. The openness of the site makes a positive contribution to the landscape and is important to helping prevent settlement coalescence. The Council's own 2008 landscape capacity study by HDA, puts the site in area 81 and notes the area's sensitivity to change as 'substantial'.

No doubt the applicant is relying upon the Council's 5-year housing land position and its IPS for housing, adopted in November 2020, to promote this site for housing.

I note the site has the reference HSB0001a in the Council's HELAA, with a guide note of being 'developable'.

Policy AL10 of the emerging local plan apportions 500 new dwellings up to the year 2035 in Chidham and Hambrook Parish, with 1250 proposed in Southbourne Parish (Policy AL13, where the proposed revision to the Southbourne Neighbourhood Plan does not allocate any of the application site for housing development), albeit such matters are yet to be tested for soundness at an Examination in Public.

No sites have been 'allocated' within Chidham & Hambrook Parish as that is being left to the revision of the Neighbourhood Plan.

Strand 5 to AL10 recognises the importance of the setting of Chichester Harbour AONB, but focuses particular concern as to long distance views of South Downs National Park. Strand 9 considers impact to water quality in Chichester Harbour, whereas current local plan Policy 50 seeks to mitigate the impact of recreational disturbance from new housing development.

Notwithstanding that, the proposals are still mostly contrary to Policies 2 and 45 of the adopted local plan, with the quantum of housing proposed way in excess of the allowances that might be made under Policy LP1 of the adopted C & H Neighbourhood Plan.

The Conservancy is concerned about the number of speculative applications that are coming forward in the District since November 2020.

Whilst the development is unlikely to have an impact on the setting of the AONB, even when viewed from Walderton Down, these proposals are considered premature to the examination of the emerging local plan. The Conservancy is supportive of the objections made by Chidham and Hambrook and Southbourne Parish Councils.

Recommendation

An in-principle objection is therefore made, but should the Council be minded to support the application, issues of nitrate neutrality, recreational disturbance at Chichester Harbour's shoreline and delivery of an appropriate amount of public open space via S.106 planning obligations ought to be secured.

6.16 CDC Archaeology Officer

Broadly agree with the conclusions of the Desk Based Assessment with regard to the potential for this site to contain archaeological interest and the recommendation that this should be investigated prior to development. This would be best secured via the imposition of a version of condition.

6.17 CDC Drainage Engineer

Flood risk: The site is wholly within fluvial/tidal flood zone 1 (low risk), but there are areas of the site shown to be at significant (greater than 1 in 100yr) surface water flood risk. All of these areas fall within areas of open space on the proposed layout, with housing located in areas at lowest risk. Therefore subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

Surface Water Drainage: The proposed means of draining the site is via a restricted discharge to the adjacent watercourse, with surface water up to the 1 in 100yr event + 40% attenuated between an open pond and permeable sub-base. This approach is acceptable in principle as groundwater monitoring has ruled out the use of infiltration.

The total discharge must not exceed existing greenfield rates, and must include all contributing flows, such as the "small area of adopted highway". The current proposal there is for a restricted rate of 5 l/s.

There are a number of existing watercourses adjoining the site, which will need to be retained (and protected) during and post construction. A minimum 3m clear buffer should be left from the top of each bank. Based on the current proposed layout it would appear that this will be achievable within open space areas.

If you are minded to approve the application we recommend that no more than the principle of the scheme is approved at this stage and the following conditions are applied to ensure the site is adequately drained and satisfactorily maintained.

Recommended conditions

- Full details of proposed surface water drainage scheme.
- Full details of maintenance and management of the SuDS.
- Consent required for all proposed alterations and discharges to the existing watercourses.
- Ordinary watercourse consent for all alterations or discharges to ordinary watercourses (informative).
- Surface Water Drainage Proposal Checklist (informative)

6.18 CDC Economic Development Service

The Economic Development Service (EDS) does not support this application.

The loss of this commercial space would be a loss to the overall offer of this village location. In addition, the EDS supports leisure facilities, especially on existing sites.

Although, it is understood that equestrian facilities can be accommodated in a number of rural locations in the District. Policy 55 of the Local Plan sets out the conditions to be met for such developments.

However, in line with Appendix E.7 of the Chichester Local Plan 2014-2029, the loss of a tourism and/or leisure development; the site/premises should have been actively marketed for business or similar uses at a realistic rent/price based on the current economic climate.

As far as the EDS can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site.

6.19 CDC Environmental Protection Officer

Further comment received 22.11.2022

With regard to the submitted Hepworth Acoustics Noise Assessment (Ref: P20-514-R01v1, dated March 2021), Section 3.1 states “Noise monitoring was undertaken at the site over continuous 24-hour periods at two locations towards the northeast and southwest of the site respectively, over the course of Thursday 4 and Friday 5 March 2021”. The noise monitoring results from these dates have been provided in Appendix II.

It has been acknowledged in Section 3.8 that the “noise survey was carried out during the Covid-19 lockdown that was in force in March 2020. This could have had an effect on traffic flows and consequently road traffic noise levels at the site”.

The issue of conducting noise surveys during lockdown conditions has been acknowledged by the Acoustic Industry. As highlighted, in the Noise Assessment, the Association of Noise Consultants and the Institute of Acoustics has provided joint guidance on “Impact of COVID-19 on the Practicality and Reliability of Baseline Sound Level Surveying and the Provision of Sound & Noise Impact Assessments”.

The Noise Assessment has drawn from the relevant Guidance and corrected the noise levels measured by +2dB when accounting for traffic flows for pre-lockdown conditions. Our department supports this approach and considers an appropriate assessment has taken place. The findings of the Noise Assessment are not challenged.

Original comment received 12.01.2022

The site is some 300 metres from the nearest main road and consequently not significantly impacted by road traffic in respect of air quality, nor by traffic noise.

Air Quality

Current air quality is likely to be good given the distance to the main road. An air quality assessment will be required in respect of the impact of the construction phase, to include measures to control dust in order to mitigate impact on the local environment. Cycle parking and EV charging points are required as part of the development to mitigate the impact of the development on local air quality.

Noise

A suitable Construction and Environmental Management Plan will be required to mitigate the impact of noise and dust during construction and demolition.

The site is not known to be subject to significant external environmental noise, and the distance to the main road suggests traffic noise is unlikely to be at levels that would require dwellings to have additional sound insulation beyond the standard achieved by, for example, good quality construction and thermal double glazing compliant with the Building Regulations.

The applicant has commissioned a noise assessment, which is prudent given the scale of the development. The applicant's acoustics consultant carried out sound level monitoring

at the proposed site using a suitable methodology, and has accounted for the uncertainty presented by the pandemic - essentially that traffic flow at the time of assessment may have been lower than is typical. The findings have been compared against the relevant standards. The report concludes that "no specific mitigation measures are necessary at the proposed development in order to achieve appropriate internal and external noise levels at the proposed dwellings."

The findings of the consultant's report ring true with our expectations of the likely impact of external sound levels at the application site.

Contaminated Land

The site has been in use as a riding establishment for many years and was previously in use for agriculture. This suggests a low potential for contaminated land on the site. Given the nature of the development it is recommended that a phased risk assessment is undertaken. Conditions are recommended.

Lighting

To avoid any adverse impact on residents, lighting columns should be positioned, oriented or shielded such that there is no direct glare into dwellings. The ecological impact of artificial lighting within the development will be considered by colleagues from the Environmental Strategy unit.

6.20 CDC Environmental Strategy Unit

Further comments received 25.11.2022

I have reviewed the case file and our various comments over the course of the application. In August 2021 we raised the absence of Dormice surveys as an issue due to other records of that species near the site not having been picked up in the Ecological report. However, from that point on our comments concentrate on other issue of dispute, the impact on the proposed wildlife corridor connectivity, bats, water voles and the chalk stream habitats and the issue of Dormice surveys are not mentioned again. The reason for that is that looking more closely at the site specifics it became evident that no habitat suitable for dormice was present within the red line. This point was made again at the meeting I attended with the applicants and the Case Officer on 20/10/21. At that meeting I agreed verbally that no dormice surveys were in fact required as there was no Habitat to survey, the western hedge line being too sparse and intermittent to be potential habitat. Subsequent revised masterplans submitted this year show substantial additional planting along the western boundary. As this new habitat will link two areas of long-established woodland with high potential for dormice this is very likely to be an enhancement for this protected species.

Further comment received 01.09.2022

Nutrient Neutrality

Following submission of the Nutrient Neutrality Management Plan (August 2022) the proposal will cause an increase in nitrogen of 41.49 kg/N/yr. Due to this increase we require that mitigation is undertaken. As detailed within the Nutrient Neutrality Report it

has proposed that mitigation will be in the form of 9.2ha of low grazing paddock land which will be taken out of grazing and 20% planted with trees. We are satisfied that this will leave to the removal of 41.51 kg/N/yr resulting in a nutrient balance of -0.02. This mitigation should be secured within the S106 agreement in perpetuity for 85 years.

Wildlife Corridor

To be satisfied that the wildlife corridor can be enhanced and protected fully we will require that a 10m wide zone of tree planting is created along the western edge of the site as shown in the revised plans. The corridor area and the western woodland strip will need to be included and distances detailed in full within the landscaping plan submitted within the reserved matters application.

To ensure this area remains undisturbed a mitigation proposal will need to be created to provide extensive details of how these areas will be protected. This will need to include information on lighting levels from the full range of light sources and how planting will be used as screening to protect the area from light spill. We are pleased to see a hedgerow has been included within the western half of the wildlife corridor clear of the chalk stream zone. We are still concerned about light spill from plots 12-14 so additional planting should be included here.

We require that a detailed planting scheme for the site and the areas within the buffer zones is provided as part of the reserved matters application. This planting scheme will need to provide detail of the planting proposals around the stream and this should be included within the landscaping plan. Consideration will also need to be given to the management of dog waste, we require that the management company will take this on and continue to manage this in perpetuity.

Chalk Stream and Water Voles

Within the planting scheme we will expect the bank profiles around the stream to be designed to provide an enhancement for water voles and create a wildlife habitat rather than a public amenity. This area should not be easily accessible for recreational use and information provided to deter people from using this area for recreation (e.g. dog walking).

Consideration will also need to be given to water quality and mitigation must be in place to ensure this is not compromised during and post construction and must be included within a CEMP.

Bats

As detailed above the lighting scheme is going to be vitally important to protect the full assemblage of bat species using the site from disturbance. Planting should be used to screen any lighting spill and the lighting scheme will need to include the use of dark corridors along the wildlife corridor and western wooded strip, and directional lighting within the residential units and any street lighting.

Net Biodiversity Gain

We are satisfied with the proposals made within the Masterplan and Biodiversity Net Gain Review document submitted as part of the revised layout. As part of any future application

these proposals will need to be incorporated into the full landscaping plan and a management plan for these areas will be required.

Sustainable Design and Construction

We require that a sustainability statement is submitted for this proposal as part of a reserved matters application. The statement will need to demonstrate how the requirements of Policy 40 will be met. This includes how the site will:

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

Further comment received 24.12.2021

Nutrient Neutrality

The submission of the evidence on the previous use of the mitigation land over 10 years, as requested by Natural England, is welcomed. However, the securing of the land use change in perpetuity will need to be confirmed and the secured by s106. Both Natural England and ourselves have recommended broadleaved woodland planting as the preferred means of doing so, but I can't see any confirmation of this so far. The details of a planting scheme can be dealt with at s106 stage provided that the applicant indicate their willingness to agree to a planting scheme.

Bats, impact on the SAC and on the proposed Strategic Wildlife Corridor

This remains our chief concern and reason for maintaining an objection to the application. The submission of the lighting plan is also to be welcomed but it does re-emphasise our main concern. Only the external lighting of the roadways and paths is covered by the lighting scheme. However, the impact of the development as whole on the bat commuting and foraging route will also include light spill from windows and conservatories, garden lighting, security lighting on the houses and other external or seasonal decorative lighting put in by homeowners. This is an intrinsic part of development - it brings urbanisation of an area and does so in a way that can only be very partially controlled once the principle of development of site is granted via an outline permission such as this one. Overall, the concerns raised about the bat surveys in previous comments and about the likely impact on the bats including the SAC species remain and so we maintain our objection to the proposal.

We note the point raised about the Rose Briar Copse appeal. This area was not included in the proposal for Strategic Wildlife Corridors because of a relative lack of connectivity across the wider landscape. The presence or absence of the chalk stream as a linking habitat and source of aquatic insects was a major consideration in the routing of this

section of the proposed corridor. We acknowledge that Barbastelle records will occur across the wider landscape including on some sites given planning permission. The A27 / A259 corridor to the west of Chichester is subject to high levels of development which will have an in-combination negative affect on ecological connectivity for many species. This makes the need for maintaining an absolute minimum connection via the proposed corridors all the more pressing, and we focus our efforts on those areas for which there is good evidence of remaining connections and overlap of linear features. I note that the responsibility for the HRA in regard to impact on the bat SACs in such an appeal decision rests with the Planning inspectorate, rather than CDC.

Further comment received 12.10.2021

Nitrogen budget / nutrient neutrality

I have checked the calculation, and I note that a large area post-development is designated as SANGs / open space. This reflects the corridor proposed in the indicative layout. The guidance states that "The competent authority will need to be assured for that this open space will be managed as such and there will be no additional inputs of nutrients or fertilisers onto this land for the duration of the development. Appropriate conditions or other legal measures may be necessary to ensure it will not revert back to agricultural use, or change to alternative uses that affect nutrient inputs in the long term. It is therefore recommended that the 5 kg/ha/yr rate applies to areas of designated open space onsite of around 0.5 hectares and above. These sites will also need long term management to ensure the provision of dog bins and that these are regularly emptied. Small areas of open space within the urban fabric, such as road verges, gardens, children's play areas and other small amenity areas, should not be included within this category. The urban development figure is appropriate for these land uses ". With the application being outline only the final eligible area of open space will need to be re-checked at reserved matters stage, with smaller areas, verges, play areas etc., excluded.

In principle the adjacent land in the blue is suitable mitigation land subject to the cessation of use as grazing land being secured in-perpetuity. The preferred method of doing this is through woodland planting. Again the guidance on mitigation states "Woodland planting on agricultural land is a means of securing permanent land use change without necessitating land purchase. It can be evidenced easily by aerial photography and site visits. The level of woodland planting required to achieve nutrient neutrality is 20% canopy cover at maturity. In very broad terms, this equates to 100 trees per hectare, although this is dependent on the type of trees planted and there are also options that this can be achieved by natural regeneration, especially if adjacent to existing native woodland. It is our preference that native broadleaf species are selected where possible, to secure wider biodiversity gains. A nitrogen leaching rate from woodland planting is likely to equate to 5 kg/ha/yr".

Impact of the development on the proposed Wildlife Corridor

One of the key reason for proposing the strategic Wildlife corridors is the emerging evidence on the importance of the coastal plain for rare bat species. Singleton and Cocking Tunnels SAC is designated for Barbastelles and Bechstein's bats, but forms an important hibernation roost for many bat species. The dispersal of these designated species across the wider landscape between hibernation period is not yet fully understood. The 12 km zone of influence for this SAC is therefore a key consideration. Bechstein's

bats have been recorded extensively around the Westbourne / Emsworth area and also in the South Downs across to Kingley Vale, demonstrating the importance of keeping a wider landscape that connects and supports these very rare species of bat. The proposed corridor includes ancient woodland within it to the North West of this site, immediately to the North and to the South (straddling the railway line).

Given the rarity of Barbastelle bats, only about 5000 in the whole UK, the recording of this species on the site, despite the poor weather conditions on many of the survey dates, make it very likely that the species is using the corridor for commuting and foraging. The low number of records reflects the rarity of the species. Its presence indicates a commuting /foraging area of at least County level importance, even before the importance as functionally linked land for the SAC is considered.

Although we have some concerns about the methodology used in survey work (see below) the surveys also picked up Myotis sp, noctule and leislers bats, and indicating use by the rarer species of bat. Indeed it cannot be ruled out that the Myotis records were Bechstein's bat (*Myotis bechsteinii*).

These rarer and rare species including the slower flying broad winged species such as long-eared bats, Myotis species (which include Brandt's, whiskered, Daubenton's, Natterer's and Bechstein's), Barbastelle and greater and lesser horseshoe bats generally avoid street lights. The introduction of new development into a dark corridor will have an impact which cannot be fully mitigated. Even with a lighting scheme for the road and communal areas that is designed to minimise light levels it will inevitably be greater than existing. In addition once the principle of development is conceded even with a fully conditioned scheme, garden and security lighting post occupation cannot be controlled through the planning system.

In addition, it is also thought that insects are attracted into lit areas from further afield. This is thought to result in adjacent habitats supporting reduced numbers of insects. This is a further impact on the ability of the light avoiding bats to be able to feed. It is noticeable that most of Britain's rarest bats are among those species listed as avoiding light.

Barbastelle prefer pastoral landscapes with deciduous woodland, wet meadows and water bodies, such as woodland streams and rivers. The wet meadow that forms the main development site is of importance for these bats and for the micromoths they prey on not just the stream corridor.

Bat survey methodology

The survey effort on the site is concentrated nearly exclusively on the eastern edge of the site, with all the static detectors being placed here. Although this is justified to an extent by the stream, but the potential value of the (admittedly gappy) hedge on the western boundary is under investigated, particularly as it provides a direct and dark link between two woodlands.

The applicants bat report states (para 3.19) that 'Anabat Express recorders are zero crossing detectors, meaning only the loudest sound at a given point in time is recorded. High amplitude insect noise can therefore result in poor rendering of bat calls when using zero crossing detectors, consequently, bat activity for these months may not be fully

representative as a result.' For a location in the stream corridor where insect noise is high this is problematic, the more so where quite species such as barbastelle are concerned.

The weather on the days of the transect surveys was suboptimal, which is unfortunate as this is the only data for bats on site outside of the stream corridor -26th April (cool & chilly) and 17th May (just after a thunderstorm) 2021 and the 20th July (very wet month).

These three factors taken together lead to a less than complete understanding of how bats species, especially rare bats species use the site, when it is considered in the context of connectivity across the wider landscape.

In conclusion, the development of the site within the proposed corridor and the associated urbanisation and increase in in lighting will have an adverse impact on several bat species including very rare UK BAP species. This can only be partly mitigated. In addition a functional link to the SAC bat colonies cannot be ruled out.

Further comment received 24.08.2021

Further to the consultation responses below I would like to reinforce some of the points made there about ecology with some additional data.

Impact on proposed wildlife corridor. The Ham brook and associated habitat on the eastern side of the site is a vital connecting feature for the corridor. Any adverse impact a[on it suitability for key species would significantly reduce the value of the proposed corridor. In this regard the impact on water voles, commuting and foraging bats and on the rare chalk stream itself needs to be carefully considered.

Water voles

The applicant survey notes "The stream on site was considered to offer opportunities for water voles given the presence of their favoured vegetation and the slow water flow in the stream. However, no evidence was found during the initial assessment, and update surveys in April and May 2021." Further to this a survey undertaken as part of the corridors enhancement project in a property immediately to the south of the site (undertaken 19 August 2021) found extensive evidence of burrows feeding areas and droppings. It would be helpful to have clarification as to whether the on-site surveys recorded no sightings of the voles or no evidence of burrows, feeding areas or latrines. It would be helpful to have more information as to the extent of the surveys mentioned, given the suitable vegetation and the presence of voles immediately adjacent in very similar habitat. Given that this is an outline application, the 20m buffer zone (para 5.27 of the ecological report) around the stream proposed in the indicative layouts should be secured by condition on any permission. Similarly the detailed design and location on new bridges will require re-survey work and mitigation features built it to avoid any impact on this species as it is clearly using the Brook as a corridor and most likely a domicile as well.

Bats

Another key piece of evidence that underlies the proposed corridor is the bats surveys undertaken in the corridor in 2020. For this corridor the survey points were immediately to the north of the application site (P10) and to the south of the A259 (P9). These show considerable bat use including the extremely rare Barbastelle bat. This additional evidence

reinforces the importance of the site for commuting and foraging bats and is one of the key reasons for the proposed route of a corridor in this location. Again the stream is the vital link, but the impact of new lighting from any development is of grave concern even with the open spaces proposed around the Ham Brook. Although the layout is a reserved matter it is important that if any permission is granted it does not open up the stream corridor to negative impacts. The recommendations in the applicant's bat report (para 4.22 to 4.26) are a good start but given that the site is within the zone of influence for Singleton and Cocking Tunnels SAC and that all the know bats surveys confirm the presence of Barbastelle bats, a commitment to delivering enhancement of the bat flight lines around the stream will be required and a condition to ensure that the layout and detailed design can deliver an increase in light level of no more than 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane in line with Bat Conservation Trust guidelines.

Chalk Stream Habitat

Although we do not normally require surveys of the aquatic species present on site the global rarity of chalk streams merits a precautionary approach. The proposed layout avoids development near to the stream other than the access bridge but our recent experience of construction sites that contain chalk streams is that some short term impacts during construction phase are inevitable, if only from soil and mud wash off during winter. Again a construction environment Management Plan will be a matter for reserves matter stage but this is a mitigation and risk reduction measure and cannot eliminate all impacts. Several species found in chalk stream need the very clean water found in them and are sensitive to any increase in turbidity. Soil run-off during heavy rainfall cannot be eliminated on a large site even with the best CEMP and although such runoff is non-toxic the impact on this delicate habitat can be severe. This need to be weighed up as a risk in any granting of permission.

Original comment received 21.08.2021

Bats

As stated in the Ecological impact assessment (June 2021) a single emergence survey conducted in May 2021 did not identify any bats emerging from the building. As such the building is not considered to be a bat roost. A soft roof strip should be undertaken by hand and if any bats are found, all work should stop and a bat ecologist contacted; after 6 months from any permission, a further loft inspection should be undertaken if no work has commenced.

All mature trees on site were considered to retain at least 'low' potential for roosting bats but as these trees are to be retained, no further surveys are required. Unless any of the proposed plans change and any of these trees are to be felled, then further surveys will be needed to assess the roost features present.

The Ham Brook itself, and the corridor that this habitat supports was considered to have 'high' habitat suitability for bats and the stream on site has been identified as an important corridor for brown long-eared bats (*Plecotus auritus*) in the Southbourne Parish Neighbourhood Plan Review 2019 - 2037 Policy SB14 Biodiversity Supporting Evidence Report SB14.EV1. The hedgerows and ditches on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows and ditches (5m) and during construction fencing

should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Conditions should be used to ensure this.

"The site lies outside the Sussex Bat SAC wider conservation zone (12km) and as such impacts outside this area are not considered to impact any of the Sussex Bat SACs." This is incorrect as the site does lie within the 12km buffer zone for the Singleton and Cocking Tunnels.

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. Barbastelle were recorded along the northern section of the site during the bat surveys (June 2021), therefore, this section of the site must be kept dark as a dark corridor and enhanced for commuting Barbastelle bats. Also, the woodland and tree line/ hedgerow along the northern boundary must be buffered so lights from the houses cannot light up the woodland or hedgerow.

Additionally, habitat enhancements benefiting foraging and commuting bats are required, including the inclusion of new areas of woodland or scrub planting; the use of a range of native tree and shrub species within landscaping proposals; and Establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape.

We require that a bat brick is integrated into the building onsite facing south/south westerly positioned 3-5m above ground.

Dormice

"There are no recent biological records for dormouse (*Muscardinus avellanarius*) within 2km of the site. There were no suitable habitats onsite for this species. The small woodland blocks adjacent but outside the development, were limited in extent. No further surveys were recommended." -Page 28, section 3.35. However, this is inaccurate as breeding dormice have been recorded within 100m of the site and the southern and western hedgerows/ tree line could be being used by dormice. Therefore, further dormice surveys are required, and following guidance from Natural England, the NPPF and the Biodiversity and Geological Conservation Circular 06 we require that these surveys are undertaken prior to determination. These surveys will need to take place during the active period April to October by a suitably qualified ecologist. If dormice are found to be present onsite mitigation will be required and a mitigation strategy should be produced and also submitted with the planning application prior to determination.

Water voles

Due to the presence of water vole habitat within the ditches on site, no works can take place within this ditch or area and a 5m buffer should be set up from the ditch bank and fencing used during the construction period to ensure this area remains undisturbed.

It is highly likely that these animals move along this boundary still come onto the site. The following will need to be implemented:

- Retaining watercourses/wetland habitats in their current locations as part of a development;

- Protecting a buffer zone around a watercourse/wetland habitat to ensure that burrows are not affected (the size of the buffer zone will be dependent on the nature of the works and the likely extent of burrows, but is likely to be in the region of 3-5m from toe of bank);
- Incorporating suitable habitat for water voles (new or existing) into Sustainable Drainage Schemes;
- Avoiding the need to culvert watercourses;
- Use of existing bridge structures to avoid the need to construct new bridges;
- Locating a pipeline watercourse crossing or new bridge to avoid the water vole population;
- Installing pipelines or services using 'no-dig' or 'trenchless' methods, such as directional drilling;
- Use of clear-span bridges that retain river banks underneath

Badgers

As a precaution any trenches should be covered overnight, or a means of escape made available and any hazardous chemicals need to be suitably stored away so animals cannot access them.

Hedgehogs

Any brush piles, 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 multiple house and/or tree within the garden of the properties being built.

Wildlife Corridor

Due to the sites location within an area identified as a potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor.

Chalk Stream

The chalk stream onsite is vitally important as it is not compromised in any way due to the springs at the watercress beds. This development will have a huge impact on this rare habitat which feeds into Nutbourne Marshes SPA. This chalk stream must be protected and not affected by building works. If this cannot happen then the application to build on this site must be considered very carefully.

Recreational disturbance

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour. Further information will be required on the proposed occupation rates to calculate the contribution based on the guidance.

Sustainable design and construction

Following submission of the Sustainability Construction Supplementary Planning Statement (June 2021) please can you provide us with some more detailed figures for the building first approach and Air source heat pumps and Waste Water Heat Recovery units proposed. The report does not show the reduction in target emissions, as we want to see what the calculations are for the improvements above building regulations. We are looking for around a 19% carbon saving above building regulations.

We are pleased to see the implementation of at least 50% of the homes will have individual charging points installed while the remaining 50% will have electrical layouts designed.

Nutrient neutrality

As detailed within the Nitrogen Neutrality Report the proposal will cause an increase in nitrogen of 40.3 kg/N/yr. Due to this increase we require that mitigation takes place. Please can the applicant provide their proposed mitigation strategy to deal with this.

Enhancements

We require a number of enhancements are incorporated within the scheme and shown with the landscaping strategy. These include:

- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles onsite
- Gaps included at the bottom of the fences to allow movement of small mammals across the site
- Two hedgehog nesting boxes included on the site

6.21 CDC Housing Enabling Officer

Further comment received 14.09.2022

We welcome the inclusion of 3 custom/self-build plots.

We acknowledge that the site straddles two parish boundaries, Chidham and Hambrook and Southbourne with the access road via Chidham and Hambrook with the majority of the

site residing in Southbourne. We are treating the development as one with any affordable housing nominations being district wide.

We note that previous responses have been provided in July 2021 (the original application) and March 2022 which included an update on First Homes. In responding to the application, we have used the latest housing register data available (9th September 2022) along with the updated (April 2022) HEDNA and Planning Policy guidelines for First Homes.

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

For Chichester the required proportions are as follows:

First Homes – 25%
Social Rent – 35%
Affordable Rent – 22%
Shared Ownership – 18%

We note the applicant commits to providing 30% of units as affordable homes which equated to 19 units.

Based on this information and considering the April 2022 HEDNA, Local Plan requirements and data from the housing register I would recommend a housing mix broadly reflecting:

No. of beds	Market Housing	First Homes	Social Rent	Affordable Rent	Shared Ownership
1-bed	2 (5%)	1 (20%)	3 (43%)	2 (50%)	0
2-bed	13 (30%)	3 (60%)	3 (43%)	1 (25%)	2 (66%)
3-bed	21 (48%)	1 (20%)	1 (14%)	1 (25%)	1 (33%)
4-bed	8 (18%)	0	0	0	0
Total	44 (100%)	5 (100%)	7 (100%)	4 (100%)	3 (100%)

We are pleased to note that the applicant intends the units to be tenure blind and we would advise that the affordable housing units, of any tenure, should be in clusters of no more than 15 units in any one given location.

Further comment received 01.03.2022

Recent changes to national planning policy have introduced a requirement for First Homes on sites subject to full or outline planning permission determination after 28 December 2021 (or 28 March 2022 where there has been significant pre-application engagement).

The First Homes provision is set out in a written ministerial statement which became effective on 28 June 2021. This requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for social rented properties once they have

secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in local planning policy and supporting evidence.

First Homes must be sold on a freehold basis to first time buyers and key workers at a minimum discount of 30%. First Homes cannot be sold for more than £250,000 after the discount has been applied and can only ever be sold to a household which meets eligibility criteria. Government guidance provides further detail on First Homes and their implementation.

The new First Homes requirement can be incorporated within the existing Chichester Local Plan Area affordable housing tenure requirements which is 70% affordable/social rented and 30% affordable home ownership, currently mostly delivered as shared ownership. It is now appropriate for the affordable home ownership to be delivered as 25% First Homes and 5% Shared Ownership.

The Council has also introduced a local connection requirement which requires that First Homes sales are prioritised for households who have a live, work or family connection to Chichester District.

Taking this into account, the following local HEDNA (Housing and Economic Development Needs Assessment, update 2020) compliant affordable housing size and tenure mix required to be delivered within this development proposal is as follows.

Required Affordable Housing Mix

Size	Affordable rented mix	Shared Ownership Mix	First Homes Mix
1-bed	6	0	1
2-bed	5	1	2
3-bed	3	1	2
4-bed	1	0	0
Total	15	2	5

Further comment received 17.12.2021

Following my previous consultation response dated 19 July 2021, the applicant has submitted revised information amending the tenure of the affordable housing mix in line with my requirements.

The affordable housing mix is acceptable and it is noted that the applicant has agreed for this mix to be secured within a section 106. This is welcomed. Previous comments regarding the pepper potting and design of the development should be adhered to within any future detailed designs. Registered providers should be engaged to ensure the disposal of the required tenure.

No information has been provided regarding an amended market housing mix. However, as an outline application, I am happy to defer the agreement of the exact market housing mix to a reserved matters application.

To conclude, the Housing Delivery Team raises no objections to this proposal.

Original comment received 19.07.2021

It is noted that whilst the proposed site is contiguous with the Hambrook settlement boundary, the site is actually located within Southbourne Parish. This may have implications on the allocation of affordable homes as Chidham and Hambrook is rurally designated under Section 157 of the Housing Act 1985, where a local connection to the parish is required whereas Southbourne Parish is not rural and requires a connection to the district rather than parish. As such I have concerns how this application meets Policy H1 of the Chidham and Hambrook Neighbourhood Plan.

The application seeks to deliver 73 residential dwellings; a net increase of 72 on site. Policy 34 of the Chichester Local Plan requires 30% (21.6 units) to be delivered as affordable housing. The applicant is proposing 22 affordable homes which meet this requirement.

Market Housing Mix

The market mix is not in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 mix requirements in that it provides too many 3-bedroom units. Chidham and Hambrook's existing housing stock is weighted towards the larger 3+ bedroom units (77.8%). These types of units typically command higher sales values which will be inaccessible to first time buyers or provide suitable accommodation to older households looking to downsize.

Affordable Housing Mix

It is not clear from the proposed mix what the tenure split of affordable housing is proposed. The Council's Planning Obligations and Affordable Housing SPD requires 70% of the affordable homes to be delivered as affordable or social rented and 30% as shared ownership. However, the mix is broadly in line with the HEDNA 202 mix requirements, albeit 1 additional 1-bedroom dwelling in lieu of a 3-bedroom. The housing register figures for Chidham and Hambrook identify a greater need for 1-bedroom affordable dwellings to come forward so on this occasion this is acceptable.

Pepper potting and design

The development should be delivered tenure blind in that the affordable dwellings should not be externally distinguishable from the market dwellings. It is not clear from the applicants submitted site layout or "proposed residential development" plan what the proposed distribution of the affordable dwelling is. However, the applicant has confirmed at paragraph 7.25 of their planning statement that the distribution of the affordable homes will follow paragraph 4.23 of the Planning Obligations and Affordable Housing SPD and not be clustered in groups of larger than 10. This is welcomed and will help to avoid social exclusion and promote mixed, balanced and sustainable communities. All units should meet or exceed the nationally described space standards set out by the MHCLG.

To conclude, the Housing Delivery Team is unable to support this application until the market housing mix has been amended to meet the above requirements.

6.22 CDC Policy Team

Further comment received 06.01.2022

The comments below are an update to those provided in August and focus on the housing land supply position and wastewater.

Housing Land Supply

Under current national planning policy, from 15 July 2020 the adopted Local Plan is now more than five years old and therefore housing supply is assessed against a figure informed by the Government's standard methodology for assessing housing need. In accordance with national planning policy, the Council regularly prepares an assessment of the supply of housing land. The revised assessment of housing land supply, as published on the Council's website demonstrates a housing supply figure of 5.3 years.

Prior to that the Council had brought forward an Interim Position Statement for Housing Development, setting out proactive measures the Council could take to ensure a good supply of housing, and to encourage appropriate housing schemes. The final Interim Position Statement for Housing was approved at Planning on 3 November 2020.

The identified housing need for the Chichester Plan area is significantly higher than the target set out in the adopted local plan, and there is also an ongoing need for affordable housing. Finally, maintaining a 5-year supply of housing for the plan area has a number of benefits, including providing greater certainty to communities. Therefore, when considering planning applications for housing, it is recommended that where appropriate, proposals are assessed against the criteria set out in the Interim Position Statement for Housing Development to consider if the benefits of the scheme indicate it should be permitted.

Waste Water

A Position Statement in relation to waste water in the catchment of Thornham Waste Water Treatment works was agreed with Southern Water and the Environment Agency in November 2021. This Statement is supported by regular monitoring of permissions in the catchment, until the capacity reaches zero at which point a requirement for no net increase in flow will come into effect. The Position Statement and accompanying headroom table are available on the Council website with the Surface Water and Foul Drainage SPD.

At the time of this response, the headroom table shows that existing permissions up to the end of November 2021 reduce the available headroom to 173 dwellings. Permissions granted since then may reduce this further. The table is updated monthly.

[Officer note – the latest (November 2022) headroom monitoring for Thornham WwTW indicates the remaining capacity is 202.]

Original comment received 31.08.2021

This comment has been summarised - the full comment can be read on file

The adopted Local Plan and made Neighbourhood Plans represent the Development Plan and the starting point for the consideration of any planning application. However, taking account of the current position with regard to housing land supply, careful consideration will need to be given to the position of policies in the adopted Local Plan, which will need to be considered in conjunction with national guidance and the revised housing land supply position. Consequently, in the current circumstances, this proposal would help to meet the identified increase in housing need for the Chichester Plan Area.

No objection is therefore raised in principle to the proposals although account will need to be taken of various criteria set out in the Interim Policy Statement.

6.23 Third Party Representations

140 letters of objection have received from local residents including 'Friends of the Hambrook' commenting on the following:

- a) Lack of understanding of local area.
- b) Proposal would create a bottle neck into the local area and there are no benefits from proposal.
- c) Crumbling road infrastructure can barely cope with the local traffic at present.
- d) Agricultural traffic uses the road and the proposal will add to difficulties already experienced on the rural roads.
- e) Increase in traffic jams and pollution.
- f) The A259 is already becoming an endless sprawl of housing
- g) The local amenities are limited (small post office and rural train station).
- h) Closest facilities are in Southbourne (Doctors, Dentist, food shops) - which increases car dependency.
- i) Narrow rural roads make walking and cycling dangerous.
- j) Proposal would destroy local habitat and wildlife corridor and lighting from proposal will affect the bats and will affect the rare chalk stream.
- k) Fields provide important flood protection.
- l) There is already too much development.
- m) Proposal would result in a considerable increase to the Parish of Chidham.
- n) Proposal does not meet the needs of local housing requirements and will lead to loss of horse-riding stable which is much appreciated by local community.
- o) Wildlife and rare species of animals would be affected (i.e. water voles, kingfishers, bats).
- p) No genuine consultation has taken place.
- q) Noise assessment was carried out in March 2020 and January 2021 - both during lockdown.
- r) Local services are already at full capacity.
- s) The proposal would be an ugly eyesore.
- t) Impact on Dark Sky Area and increase in air pollution.
- u) Proposal would negatively impact Chichester AONB, SSSI, RAMSAR and the surrounding area. We need to preserve the countryside and its habitat.
- v) The scheme is not nitrate neutral.
- w) No capacity for sewage treatment at Thornham WwTW and raw sewage is pumped into Chichester Harbour.
- x) Site is placed in Southbourne but not included in the Southbourne Neighbourhood Plan. The proposal is surplus to requirements.
- y) Proposal would have a greater impact on Hambrook/Chidham. The area will no longer be a 'village'.

z) Site would infill the natural gap between the Southbourne and Nutbourne settlement areas.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.
- 7.2 The Chidham and Hambrook Neighbourhood Plan was made on the 20th September 2016 and forms part of the Development Plan against which applications must be considered. An initial consultation on the Neighbourhood Plan Strategy Document took place at the beginning of 2022. No further information has been published on the Neighbourhood Plan website.
- 7.3 The Southbourne Neighbourhood Plan was made on the 15th December 2015 and forms part of the Development Plan against which applications must be considered. As a result of findings of the Examiner's report, Southbourne Parish Council has requested that the submitted Southbourne Parish Neighbourhood Plan Review 2019-2037 and supporting documentation is withdrawn from any further consideration by Chichester District Council.
- 7.4 The principle planning policies relevant to the consideration of this application are as follows:

Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Parish Housing Sites 2012- 2029
Policy 6: Neighbourhood Development Plans
Policy 8: Transport and Accessibility
Policy 9: Development and Infrastructure Provision
Policy 20: Southbourne Strategic Development
Policy 30: Built Tourist and Leisure Development
Policy 33: New Residential Development
Policy 34: Affordable Housing
Policy 39: Transport, Accessibility and Parking
Policy 40: Sustainable Design and Construction
Policy 42: Flood Risk and Water Management
Policy 43: Chichester Harbour Area of Outstanding Natural Beauty
Policy 45: Development in the Countryside
Policy 47: Heritage and Design
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

Chidham and Hambrook Neighbourhood Plan 2015

Policy LP1: Requirement for homes

Policy EM1: Management of sea and flood defences, streams and surface water drainage

Policy EM2: Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value

Policy EM3; Protection and enhancement of landscape, habitat and biodiversity

Policy CDP1: The use of S106 Agreements and CIL to support community development

Policy H1: Local occupancy conditions of affordable housing

Policy H2: Diversity of housing to meet the local need

Policy DS1: Development

Policy DS3: Retention of areas of natural habitat/biodiversity

Southbourne Neighbourhood Plan 2014-2029

Policy 1: Spatial Strategy

Policy 4: Housing Design

Policy 7: Environment

Chichester Local Plan Review Preferred Approach 2016-2035

- 7.5 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 early 2023. 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 2023. However, at this stage, it is considered that very limited weight can be attached to the policies contained within the Local Plan Review.
- 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 Strategy

S4: Meeting Housing Needs

S5: Parish Housing Requirements 2016-2035

S6: Affordable Housing

S12: Infrastructure Provision

S20: Design

S21: Health and Wellbeing

S22: Historic Environment

S23: Transport and Accessibility

S24: Countryside

S26: Natural Environment

S27: Flood Risk Management

S28: Pollution

S29: Green Infrastructure

S30: Strategic Wildlife Corridors
S31: Wastewater Management and Water Quality
S32: Design Strategies for Strategic and Major Development Sites
AL10: Chidham and Hambrook Parish
AL13: Southbourne Parish

Part 2 - Development Management Policies

DM2: Housing Mix
DM3: Housing Density
DM8: Transport, Accessibility and Parking
DM16: Sustainable Design and Construction
DM18: Flood Risk and Water Management
DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
DM22: Development in the Countryside
DM23: Lighting
DM24: Air Quality
DM25: Noise
DM26: Contaminated Land
DM27: Historic Environment
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 2021), which took effect from 20 July 2021 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, 16 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 documents are material to the determination of this planning application:

- Planning Obligations and Affordable Housing SPD (December 2018)
- Surface Water and Foul Drainage SPD (September 2016)
- Chichester Landscape Capacity Study (March 2019): Southbourne North eastern Coastal Plan (Sub-area 81)
- West Sussex County Council Guidance on Parking at New Developments (September 2020)
- Interim Position Statement for Housing Development (November 2020)
- National Character Areas (2014): South Coast Plain Character Area (Area 126)
- West Sussex Landscape Character Assessment (2003): Southbourne Coastal Plain (Area SC5)
- Chichester Landscape Gap Assessment (May 2019)
- Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
- Chichester Harbour AONB Management Plan (2014-2029)

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 Five-Year Housing Land Supply was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is due to be reviewed during the Autumn of 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply. Whilst at the time of writing 5.3 years remains the Council's published statement of its supply, the Committee will be aware that this figure has been challenged through several recent housing appeals. At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Eardley (E/20/03125/OUT) the Council revised its figure of 5.3 years down to 5.01 years, a surplus of 6 dwellings. The Inspector in that appeal found that the Council's supply following further necessary adjustment was at 4.8 years. Officers have subsequently looked again at the figures and agree that the evidence now points to a supply position of less than 5 years. Ahead of publication of a revised HLS statement, the Council has accepted in the statement of common ground submitted for the appeal at Chas Wood (CH/20/01854/OUT – September 2022) and Church Lane (BI/20/03034/OUT – November 2022) that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.

7.12 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations. A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with

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

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:

- Maintain low levels of unemployment in the district
- Prepare people of all ages and abilities for the work place and support the development of life skills
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage and support people who live and work in the district and to adopt healthy and active lifestyles
- Protect and support the most vulnerable in society including the elderly, young, carers, families in crisis and the socially isolated
- Support and empower communities and people to help themselves and develop resilience
- Support communities to meet their own housing needs
- Promote and increase sustainable, environmentally friendly initiatives in the district

8.0 Planning Comments

8.1 The main issues arising from this proposal are:

- i. The Principle of Development
- ii. Highways Safety
- iii. Impact on Visual Amenity and Landscape Character
- iv. Residential Amenity
- v. Surface Water Drainage and Foul Disposal
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other Matters

The Principle of Development

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

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

- 8.3 The Chichester Local Plan: Key Policies (CLP) was adopted by the Council on 14th July 2015 and now forms part of the statutory development plan for the parts of the District outside of the South Downs National Park.
- 8.4 For certainty and clarity, a plan-led approach to decision making on planning applications relies on a development plan which is up-to-date, particularly with regard to its housing policies and the proposed delivery of that housing. 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 boundaries for Chidham and Hambrook and Southbourne 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 in excess of the indicative housing numbers for the Parishes of Chidham and Hambrook and Southbourne, as set out in Policy 5 of the Local Plan (25 homes Chidham and Hambrook and 50 homes Southbourne (excluding Southbourne village)) and as set out in the Site Allocations DPD the indicative housing number have in any event already been met for Chidham and Hambrook Parish and Southbourne Parish. Therefore following a S38(6) development plan approach, this application site is contrary to policy.
- 8.5 The Council is progressing work through the Local Plan Review process to identify parish allocations for the Local Plan Review period up to 2037. As part of that review process the Council produced its Housing and Economic Land Availability Assessment (HELAA) in March 2021. The purpose of the HELAA is to identify a future supply of land which is suitable, available and achievable for housing and economic development. The HELAA forms a key component of the evidence base that will inform the Chichester Local Plan Review. The application site is identified as green (developable) in the HELAA. The HELAA has identified that the site is capable of an indicative capacity of 120 dwellings. Within the text of the HELAA under site description it refers to: *'Open field incorporating riding centre and B&B on eastern side. Access from Hambrook Hill South to the east. Residential properties to east, woodland to north, agricultural land to west'*. Under suitability the HELAA states: *'The site is potentially suitable subject to detailed consideration including matters of access, impact on/of existing business and landscape impact.'* Under availability it states: *'The promoter updated the site information in 2019. The site is therefore considered to be available.'* The HELAA details that there are no known constraints that would make development unachievable in principle and that there is a reasonable prospect that the site would be developable during the Plan period. As outlined above, the reconfiguration of Priors Leaze Lane and Hambrook Hill South junction will allow the site to be accessed off Priors Leaze Lane. The proposed access would take the form of a bellmouth with a simple priority working arrangement directly adjoining Priors Leaze Lane. Hambrook Hill South would become a secondary route served from the site's access road. As set out in WSCC highways consultation response this access has been subject to detailed consideration and is considered acceptable. In addition, the application pack includes an Economic Statement and a Landscape and Visual Appraisal with Impact Statement (LVAIS). Whilst the HELAA is a technical background document which provides a tool to assist the Council in its consideration of potential housing sites under the LPR and not a policy document of the Council, its significance is that the application site has been identified as suitable, available and deliverable to provide new housing during the Plan period. Since the time of the HELAA and with further investigation and surveys, ecology and the need for a Habitats Regulation Assessment (HRA) has also become an important consideration in terms of the site's suitability and is addressed in full below.

- 8.6 With regard to housing supply, the Council acknowledged at the recent Chas Wood and Church Lane appeals, that it can no longer demonstrate a five-year housing supply, with the Council's housing policies in the Local Plan no longer up to date. As such the Council's housing policies are deemed out of date and the provisions in paragraph 11(d) of the NPPF (known as the 'tilted balance'; i.e. where there can be a presumption in favour of granting permission for sustainable development where there are out-of-date housing policies) are engaged. It does not necessarily follow that the absence of a 5-year housing supply means the application should be allowed on that basis alone; however, for the application to be refused the Council would have to demonstrate that the adverse impacts would significantly and demonstrably outweigh the benefits.
- 8.7 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 2023, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. The fundamental aim of the IPS is to ensure early delivery of housing sites through planning applications on sites which are not being brought forward through the local plan process. It is not to deliver strategic scale development and accompanying infrastructure which need to be properly master planned in order to ensure optimum planning outcomes and the timely delivery of infrastructure to support growth.
- 8.8 When considered against the 13 criteria of the IPS which define what the Council considers good quality development in the Local Plan area, the current application scores well and the Council has not identified any adverse impacts. It is relevant to consider the application against 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 4.30 hectare (ha), broadly rectangular, greenfield site, lies predominately within the Rural Area (i.e. outside any defined Settlement Boundary), within the Parish of Southbourne. However, a small section of the site to the east (which would provide the access and replacement dwelling), is situated within the Parish of Chidham and Hambrook. Although, the majority of the site falls within Southbourne Parish, the site lies adjacent to (and partly within) the Settlement Boundary for Hambrook. In this context, it is considered to satisfy criterion 1 of the IPS.

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

Hambrook (along with Nutbourne) is defined as a Service Village in the Local Plan (Policy 2), providing a reasonable range of basic facilities to meet the everyday needs of local residents. With regard to the nearby 'Scant Road' appeal (APP/L3815/W/21/3274502, November 2021) the Inspector opined:

'The Parish Council and many local residents do not agree that the settlement should be classed as a service village and consider that the range of available facilities is poor.'

However, the designation arises from background studies that were subject to public scrutiny before the LP was adopted as the statutory policy document for the District. In the settlement hierarchy the service villages are defined as those that either provide a reasonable range of basic facilities to meet everyday needs, or those that provide fewer of these facilities but have access to them in nearby settlements. In Hambrook and Nutbourne East, which is a single service village in the LP, local facilities include the rail station and bus services as well as the shop/ post office, place of worship and public house. The combined settlement is 5th out of the 16 service villages and therefore near the top in terms of the number of facilities it provides.'

In this context the proposed scale of 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.

The submitted LVAIS concludes that the *'site is well contained by its landscape setting to the north, east and south and forms a discrete parcel which has an existing relationship with the developed edge of the settlement.'* Officers agree that the proposed development meets this point. The proposal would adjoin the existing pattern of development in Hambrook to the east. The site also falls outside of the Southbourne and Hambrook 'gap', identified in the Council's Landscape Gap Assessment. As such, there would be 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 including the ecological mitigation area the proposals achieve a density of 15 dwellings per hectare. The resultant net density of the developable area (which does not include the Open Space, LEAP, Tree Belt, Ecological Corridor or SuDS) would be 35dph. There is no artificial sub-division of the site. 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 (net density) 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.

The site is well contained by its landscape setting, whilst retaining a relationship with the developed edge of the settlement to the east. A sensitive approach to development has been proposed, with amended plans securing additional landscaping and ecological

mitigation and enhancements. The proposal seeks to retain and enhance the site's key features, whilst introducing landscape features and open space proposals pertinent to the local character, which will sensitively integrate the development into the local landscape. It is considered the setting of the Ham Brook is protected and the separate identities of Hambrook, Nutbourne and Southbourne are retained. Chichester Harbour Conservancy have been consulted on the proposal and comment that *'the development is unlikely to have an impact on the setting of the AONB, even when viewed from Walderton Down.'*

The submitted LVAIS states: *The site is located approximately 1.5km away from the closest section of the southern boundary of the SDNP, within the low lying coastal plain. Woodland, tree belts, settlements and major road corridors, together with agricultural land, inform the setting of the SDNP within the study area. The linear tree belts associated with the A27 road corridor, together with the woodland at Churcher's Copse to the immediate north of the site, form prominent skyline features and truncate views of the SDNP from the site. As such and whilst the settlement of Hambrook forms one of the villages within proximity of the SDNP, the site itself does not contribute to the setting of the SDNP due to the physical and visual enclosure resulting from the adjacent intervening woodland and tree belts...similarly, the site is located approximately 1km away from the northern boundary of the Chichester Harbour AONB. The AONB is not apparent in views south from the site due to the intervening woodland and tree belts adjacent to Priors Leaze Lane. The site does not therefore contribute to the setting of the AONB, due to the physical and visual enclosure provided by adjacent vegetation.'*

With regard to the 'Scant Road' appeal (approx. 150m to the east of the application site) the Inspector stated:

'The appeal site is to the south of the SDNP, the boundary of which is about 900m to the north-east. From the evidence presented by the Appellant and my site observations I am satisfied that the appeal site does not fall within the setting of the SDNP. This is due to the intervening uses and vegetation, which restrict views between the SDNP and the site. Furthermore, the presence of the A27 corridor is a major physical barrier between the two. I do not consider that the proposed development with its green framework would have any adverse impact on the natural beauty of the landscape within the SDNP. Whilst there would inevitably be some lighting associated with the proposal this would be unlikely to be apparent. In any event it would be seen within the context of Hambrook itself and would not impact on the dark skies or special qualities of the designated area. In terms of recreational connectivity with the SDNP, the A27 provides a barrier to north/south movement at this point...The site is relatively close to the Chichester Harbour AONB. I note that the Chichester Harbour Conservancy have no objections to the proposal, subject to several conditions that have been incorporated. The site has no intervisibility with the AONB and there is considerable development within the area between it and the site. In such circumstances the natural beauty of the landscape within the designated area would be protected...There has been some local concern that the proposed development would result in the coalescence of settlements. However, the site is to the north and east of the existing village and the development is not within any strategic gap identified in the development plan. This is not land that is important to the separation of Hambrook and any settlement to the north or east....It is acknowledged that planning permission was refused by the Secretary of State for a similar proposal in 2016. However, this was within a very different planning policy context whereby the LP had only just been adopted and there was no housing land supply deficit. Furthermore, it is

understood that much of the open space was for the provision of formal recreation rather than the more naturalistic landscape proposed now.'

With regard to the above, it is considered the landscape led proposal would comply with the above criterion, given the physical and visual enclosure provided by adjacent vegetation. As such the scheme would not interrupt any open views between the SDNP and the Chichester Harbour AONB.

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 north, east and southern boundaries of the site fall within the edge of a proposed Strategic Wildlife Corridor. The submitted Land Use Parameter Plan details that no built development would occur within the wildlife corridor. Instead, these areas would be enhanced for ecological and landscape purposes or retained as open space. The ecological / landscape buffers and open space provision are recommended to be secured through obligations in the S106 Agreement. Natural England and the Council's Environmental Officer raise no objection to the proposal, and as such it is considered, subject to the securing of no built development in the buffers and the mitigation proposed, the development would not affect the potential or value of the wildlife corridor.

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 would be through the statutory undertaker, affordable housing, open space, and highways improvements would be secured through the Section 106 agreement and/or by planning conditions. WSCC Education and Sussex NHS Commissioners (CCG) have confirmed they have no objection to the proposal. Furthermore, the ongoing headroom monitoring (November 2022) at Thornham WwTW indicates a remaining capacity of 202 households and as such this development of 63 dwellings (net increase of 62) could be accommodated within the remaining capacity. The criterion is satisfied.

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 proposals address Local Plan Policy 40. This development is targeting to exceed Building Regulations 2013 (approx. 33% CO2 saving), which accords with the overall reduction sought in the IPS. The development will meet this criterion through a combination of fabric first and the installation of air source heat pumps for space and water heating in all properties and Waste Water Heat Recovery (WWHR) units in properties which can accommodate WWHR. A condition is recommended to secure final details of the sustainable measures. A maximum 110 per person per day water use will be conditioned. Water saving measures would also be required, and would be secured by way of condition.

In addition, the scheme would ensure that at least 50% of dwellings would have individual active charging points installed, while the remaining 50% would have electrical layouts designed to ensure straightforward installation of charging points for residents. A condition is recommended to secure a scheme for active and passive EV charging facilities. This provision is likely to exceed the WSCC Guidance on Parking at New Developments.

It is considered that secured in this way the development meets the requirements of criterion 8 of the IPS.

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.

Design and layout are matters which have been reserved for consideration as part of a future Reserved Matters application. The Land Use Parameter Plan details a good use of green space throughout the site, which would help soften the layout and will be secured via condition. The Site Layout Plan, whilst in indicative form at this stage (with further detail to follow at Reserved Matters stage), is appropriate for an edge of settlement location such as this, criterion 9 is therefore met as far as it can be at outline stage.

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 CLP and in the draft Local Plan Review (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. 'Providing for Journeys on Foot' (CIHT) states that the average length of a journey on foot is 1km (2km preferred maximum walking distance for commuting journeys). Within 1km is Post Office and Train Station and within 2km are further amenities such as pubs, schools, and local food retail.

With regard to a recent appeal at 'Flat Farm' (APP/L3815/W/20/3259646, January 2022) the Inspector opined:

'The Parish Council expressed concerns about the lack of facilities in the village available to meet the needs of residents. Its representatives considered that future occupants would be over reliant on the use of cars to get around and access the services they need, even with the site's proximity to the railway station. However, Hambrook/Nutbourne is identified in the development plan as a service village. This is partly because the District is highly constrained by the Downs and the habitats sites to the south. This significantly restricts the areas which are suitable for accommodating new housing. In these circumstances the limited range of services currently provided locally would not be a sufficient justification for rejecting the proposal...Furthermore, I note that as part of the development which has recently been granted permission on the northern edge of Hambrook [Scant Road Appeal], it is intended that a new shop and community facility will be provided. This suggests that there is every possibility that facilities in the area will improve in the coming years.'

Furthermore, the Inspector for the recently allowed appeal at 'Chas Wood' (APP/L3815/W/22/3299268, October 2022) stated:

'Therefore, although the appeal site has few everyday services and facilities within walking distance, it is near a school and the appeal site is very well placed to access other methods of sustainable transport. Paragraph 105 of the Framework explains that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The appeal site is in a rural area and in this context, I find that it is well served by sustainable transport...In conclusion, the appeal scheme would have adequate access to services and facilities by means other than private motorised transport. As a result, it would adhere to Policy 8 of the LP, which seeks to secure development that encourages the use of sustainable modes of transport as an alternative to private car use.'

In terms of pedestrian access, a new 1.5m footway will extend from the site across the Hambrook Hill (South) junction and link Priors Leaze Lane to Broad Road. This will mean there will be a continuous footpath from the site linking into the existing Broad Road footpath down through Hambrook. In addition, a fee of £1500 is proposed to be secured via S106 for the monitoring and auditing of the Travel Plan Statement as well as the financial contribution towards the A27 junction improvements.

It is therefore considered that the site is sustainably located and the criterion is complied with.

11) Development is to be located in areas at lowest risk of flooding first and 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. Built development can

lead to increased surface water run-off; therefore new development is encouraged to incorporate mitigation techniques in its design, such as permeable surfaces and surface water drainage schemes must be based on sustainable drainage principles.

This criterion is satisfied (refer to Section v. Surface Water Drainage and Foul Disposal below). The site is located within EA Flood Zone 1, as an area with the lowest level of flood risk. It is also acceptable to the relevant consultees in relation to ground water and surface water 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.

Following submission of the updated Nitrogen Mitigation (Reside, 2022) the CDC Environment Officer is satisfied that the mitigation proposed is suitable, provided the offset land-use change is secured under a S106 agreement to maintain the new woodland in perpetuity. The HRA, including the mitigation scheme, has been subject to further consultation with Natural England, with the response being 'no objection' from Natural England.

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.

Although the application is submitted in outline, this is a greenfield site. There are no known impediments to the delivery of the development. A reduced time frame condition of 2-years in which to submit the reserved matters in respect of the outline component and a 2-year period thereafter in which to begin implementation of the approved details is accepted by the applicant. As such, this criterion is satisfied.

Sub-Conclusion

- 8.9 The proposed development is considered to meet all the relevant criteria in the IPS. The IPS provides an appropriate development management tool for assessing such applications and in this context and for the reasons outlined above in the subsequent assessment the 'principle' of housing development on this site is considered acceptable. It is recognised that the Council cannot demonstrate a 5-Year Housing Land Supply (5YHLS) and it is important that permissions are granted for developments that score well against the IPS and are considered acceptable in principle to ensure the supply is maintained and bolstered and it is considered that in this context the proposal is acceptable. The full detailed planning assessment is carried out below.

ii. Highways Safety

- 8.10 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39

of the CLP asserts that development should be designed to minimise additional traffic generation.

- 8.11 As noted elsewhere within this report, aside from the principle of development in this location, 'access' is the sole matter for consideration as part of this outline application. Matters of appearance, landscaping, layout and scale are reserved for consideration at reserved matters stage. The assessment of access and highway safety has been undertaken in consultation with WSCC Highways and National Highways.
- 8.12 In terms of access, a reconfiguration of Priors Leaze Lane and Hambrook Hill (South) junction will allow the site to be accessed directly off Priors Leaze Lane. The proposed access would take the form of a bellmouth with a simple priority working arrangement directly adjoining Priors Leaze Lane. Hambrook Hill South would become a secondary route served from the site's access road. Swept path tracking diagrams demonstrate that all anticipated vehicles can manoeuvre the new and altered junctions. The visibility splays are also acceptable and meet the requirements for a road with a speed limit of 30mph (in accordance with the Manual for Streets). As noted above the Ham Brook partially follows the south-eastern boundary. The Ham Brook is proposed to be retained within the scheme. The current bridge across the Ham Brook incorporates a culvert structure which will require replacement when the new bridge is constructed. The bridge will be formed with a precast concrete box culvert solution and will also include a mammal ledge, so that any mammal using the river would be able to easily move across the river (such as water voles). All criteria (e.g. that traffic in both directions can pass) will be agreed with the Environment Agency at detailed design stage under an Activity Permit application as well as the Council's Environment Officer and WSCC highways. The section of the Ham Brook which will be subject to bridge replacement works will not impact water vole burrows currently, but it will be required that updated surveys are submitted with the relevant reserved matters application.
- 8.13 The vehicle trips generated by the proposals would be acceptable in terms of highways safety and traffic levels and have not been found to result in a residual cumulative impact on the road network. WSCC as the Local Highways Agency find that the nearby junctions of Broad Road/Scant Road West/Priors Leaze Lane would operate comfortably within capacity in future year scenarios. In addition, National Highways raise no objection, provided a contribution of £113,589 is collected, to provide further mitigation of the A27 junctions in Chichester.
- 8.14 In terms of pedestrian access, a new 1.5m footway will extend from the site across the Hambrook Hill South junction to Priors Leaze Lane. A new 1.5m wide off-site footway with 1m verge will then be provided along Priors Leaze Lane to link in with the existing footway on Broad Road. This will mean there will be a continuous footpath from the site linking into the existing Broad Road footpath down through Hambrook. Tactile paving dropped kerb points will be provided and improved where required.
- 8.15 Therefore, in relation to highways safety and access, a number of conditions relating to access (vehicular and pedestrian), visibility and a construction management plan (CEMP), as requested by WSCC highways, are recommended. Furthermore, a fee of £1500 is proposed to be secured via S106 for the monitoring and auditing of the Travel Plan Statement as well as the financial contribution towards the A27 junction improvements.

- 8.16 The submitted Transport Assessment (based on previous development for 73 dwellings) confirms that the proposals will include parking (total of 173 car spaces) in line with LHA standards for vehicles and cycles (104 cycle spaces will be provided). This is acceptable as overall provision for the number of units proposed. Position will be considered at Reserved Matters stage.
- 8.17 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, the proposed accesses into and out of the site, as proposed would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

iii. Impact on Visual Amenity and Landscape Character

- 8.18 The NPPF confirms that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Planning policy-making and decision-making should take into account the roles and character of different areas and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Paragraph 174 states that the planning system should *inter alia* contribute to and enhance the natural and local environment by:

- *'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
- *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*

- 8.19 In addition, Paragraph 176 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development in their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

- 8.20 Policies 2, 33, 43, 45, 47, 48 and 52 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and SDNP.
- 8.21 The application site is not subject to any special landscape designation nor has it been identified as a 'valued' landscape warranting protection (NPPF paragraph 174). The CDC Landscape Capacity Study (March 2019) found the site to have a 'medium' capacity to

accommodate development. The report concludes that *'It is possible that built development may be accommodated along the eastern edge of Southbourne and western edge 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, respecting the historic settlement pattern and locally distinctiveness. Great care would need to be taken to avoid any landscape or visual harm including protecting the setting of Ham Brook and ensuring the separate identities of Hambrook and Southbourne are protected.'*

8.22 The applicant has submitted a LVAIS which concludes: *'that the site is well contained by its landscape setting to the north, east and south and forms a discrete parcel which has an existing relationship with the developed edge of the settlement. A sensitive approach to development, responsive to the adjacent landscape character and can be accommodated. The proposals seek to retain and enhance the site's key features, plus introduce landscape features and open space proposals pertinent to the local character which will sensitively integrate development into the local landscape. Furthermore, the proposals respect the historic settlement pattern and the local distinctiveness. The setting of the Ham Brook is protected and the separate identities of Hambrook and Southbourne are retained.'*

8.23 'Layout', 'Scale', 'Appearance' and 'Landscaping' are Reserved Matters for this application; however, the submitted Land Use Parameter Plan details that the existing boundary vegetation would be retained and strengthened, to filter views and to assist in visually integrating the development. Furthermore, the Land Use Parameter Plan details a good use of green space throughout the site, including the perimeter of the site, which would help soften the layout. An area of land of 5.05ha, currently used for paddocks (lowland grazing) outside of the application site but directly adjoining the western boundary of the application site, is proposed to be secured through the S106 Agreement to mitigate this application and make the scheme nitrate neutral. The land to be off-set is edged blue on the plan no. 10/Rev.D - Location Plan (title number WSX284184). Mitigation is required in the form of woodland planting, with trees planted at a density of 100 trees per hectare.

8.24 Whilst Chichester Harbour Conservancy raise an 'in principle' objection they state that *'...the development is unlikely to have an impact on the setting of the AONB, even when viewed from Walderton Down.'* 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. The submitted documentation provided at this outline stage indicate that the proposals would be of a two-storey scale throughout. It is considered that the provisional scale would align with the nearby residential development to the east and is considered to be appropriate for the site context and characteristics. As such, no objections are therefore raised at this stage, with the matter requiring further assessment at the time of a future Reserved Matters application.

8.25 All new development will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal. As such and with regard to the above, it is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the SDNP and the Chichester Harbour AONB, in accordance with national and local policy.

iv. Residential Amenity

- 8.26 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users of places. In addition, Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.
- 8.27 A consequence of developing out a greenfield site is that it will potentially have some bearing on the established amenities of existing adjacent residential properties, some of whom currently may enjoy an outlook onto a rural field. However, loss of or change of 'outlook' is not necessarily a reason for not permitting new development. Given the distances to the nearest existing neighbours it is not considered the proposed development would result in any significant issues of overlooking, loss of light or overshadowing. In addition, the principle of a replacement dwelling is considered acceptable and in-line with the existing properties located to the east of the Ham Brook. Conditions could be attached to the recommendation to secure appropriate boundary treatments buffered through landscaping as part of the Reserved Matter, and as such the above issue is not considered to weigh adversely against the proposal in terms of the final planning balance. Furthermore, a condition could also be imposed to secure a Construction and Environmental Management Plan (CEMP) to protect residential amenity.

v. Surface Water Drainage and Foul Disposal

Surface Water Drainage

- 8.28 The site is wholly within Flood Zone 1 (low risk), but there are areas of the site shown to be at significant (greater than 1 in 100yr) surface water flood risk. All of these areas fall within areas of open space on the Land Use Parameter Plan, with the housing located in areas at lowest risk of surface water flood risk. Therefore subject to satisfactory surface water drainage the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds. The Lead Local Flood Authority (WSSCC) also raises no objection.
- 8.29 The proposed means of draining the site, as outlined in the accompanying Flood Risk Assessment (FRA) is via a restricted discharge to the adjacent watercourse, with surface water up to the 1 in 100yr event + 40% attenuated between an open pond and permeable sub-base. This approach is acceptable in principle as groundwater monitoring has ruled out the use of infiltration. This approach would be in accordance with the SuDS hierarchy and therefore acceptable in principle.
- 8.30 The Council's Drainage Engineer advises that the total discharge must not exceed existing greenfield runoff rates, and must include all contributing flows, such as the 'small area of adopted highway'. The current proposal therefore is for a restricted rate of 5 l/s, which will not exceed existing greenfield runoff rates.
- 8.31 In addition, there are a number of existing watercourses adjoining the site, which will need to be retained (and protected) during and post construction. A minimum 3m clear buffer should be left from the top of each bank. Based on the current proposed layout it would appear that this will be achievable within open space areas. A condition is recommended

to ensure that a 3m buffer from the top of each bank of the ditch is left clear to allow for future maintenance of the ditches.

8.32 In light of the above, the Council's Drainage Engineer recommends conditions to secure full details of the proposed surface water drainage scheme and full details of the maintenance and management of the SuDS.

Foul Drainage

8.33 Southern Water state that their investigations indicate that they can facilitate foul sewerage disposal to service the proposed development. As set out in the foul drainage statement, the applicant proposes to utilise a connection to the existing 150mm diameter public foul water sewer network in Priors Leaze Lane to serve the proposed development. Whilst levels of the proposed lower ground floor will be elevated above the existing ground profile it is not viable to achieve a gravity-based connection, therefore a pump station will be required.

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

8.35 Local concerns regarding drainage and sewage disposal and the current state of the off-site network are noted but improvements where necessary of that infrastructure is the specific statutory function of Southern Water under the Water Industry Act against whom the industry regulator OFWAT has the power to enforce against if the required statutory function is not being satisfactorily discharged. Furthermore, the ongoing headroom monitoring at Thornham WwTW indicates a remaining capacity of 202 households and as such this development of 63 dwellings (net increase of 62) could be accommodated within the remaining capacity. On the basis of the consultation response received from Southern Water no formal objection to the application is raised and it would be both unreasonable and untenable for officers to recommend a reason for refusing the application on this basis.

vi. Ecology and Biodiversity

Protected Species

8.36 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats which are protected, or which are of importance to biodiversity is avoided or mitigated.

8.37 Whilst, the application site is subject to no particular ecological designations, the site does lie within the zone of influence of multiple sensitive ecological sites including the Chichester Harbour SSSI, Chichester and Langstone Harbours SPA and Ramsar, Solent Maritime SAC, and the Singleton and Cocking Tunnels SAC (12km zone), the site also lies partly within a proposed Strategic Wildlife Corridor. The Ham Brook partially falls along the south-eastern boundary, which has been classified as a Chalk Stream by the Environment Agency and meets the criteria for a priority habitat chalk river tributary.

- 8.38 The applicant's Ecological Impact Assessment (June 2021) details a number of measures to improve the biodiversity of the site. During the course of the application the applicant has also submitted the following: further Bat Activity Survey Reports (June 2021, August 2021 and November 2021), Report to inform Habitats Regulation Assessment (June 2021), Lighting Assessment (February 2022), Masterplan and Biodiversity Net Gain Review (August 2022), a CEMP and an indicative Planting Strategy (August 2022). Furthermore, amendments have been secured to: reduce the quantum of development (reduction in 10 dwellings) with the subsequent reduction in size of developable area; the removal of all built development out of the proposed Strategic Wildlife Corridor; the provision of a 10m wide tree belt to the north and west boundaries; and the provision of a 25m wide ecological corridor to the eastern boundary to buffer the chalk stream (Ham Brook).
- 8.39 The submitted reports detail a net gain in terms of habitats on site. It should be noted that the results of the Biodiversity Net Gain Report are only an estimate based on the illustrative plan from which the proposed habitats were measured. As such, the result should only be seen as an estimate with the final calculation of the site carried out once the detailed landscape design is finalised. However, there is a significant increase in habitats resulting in a +44.56% Biodiversity Net Gain.
- 8.40 In terms of lighting and potential impacts, the amended layout will support lower numbers of units and therefore result in a reduced lighting impact. The new layout results in a 15m core stream buffer, with an additional 10m secondary area adjacent to the core. As such 25m around the stream will be suitably buffered, planted and managed to ensure the functionality of the stream is maintained. This is considered a significant long-term enhancement over what is currently present.
- 8.41 The Council's Environment Officer has assessed the proposals and made a number of recommendations (see 6.19 above) which are recommended to be secured by condition / S106 obligation. These conditions / S106 obligations include the protection of trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions / S106 obligations, there is no ecological reason to resist the application. In addition, Natural England raise no objection (see 6.3 above), subject to appropriate mitigation being secured.

Recreational Disturbance

- 8.42 It has been identified that any development within 5.6km of Chichester and Langstone Harbour, which is residential in nature, will result in a significant effect on the SPA/Ramsar, due to increased recreational pressure causing disturbance to birds. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, which is recommended to be secured via the S106 Agreement.

Nitrates

- 8.43 An area of land of 5.05ha, currently used for paddocks/lowland grazing (mix of grade 2 and 3 agricultural land according to DEFRA) is being proposed to mitigate this application

and make the scheme nitrate neutral. The land to be off-set is edged blue on the plan no. 10/Rev.D - Location Plan (title number WSX284184), adjacent to the west of the application site and falls within the fluvial catchment area of the Solent Maritime SAC. It is proposed that the mitigation land will be planted with trees to form native broadleaf woodland planting at a density of 100 trees per hectare. Natural England have been consulted on the Appropriate Assessment and are satisfied with the Nutrient Budget Calculation and subsequent mitigation strategy. As such Natural England raise no objection, subject to securing the proposed mitigation to combat the increase in nutrients as a result of the development. In addition, the Council's Environment Officer is also satisfied with the proposed nitrate mitigation strategy. A S106 agreement will ensure that the land is taken out of agricultural use in perpetuity (85-125 years) and therefore off-setting can be secured for the lifetime of the development. A programme of management and monitoring will also be secured through the S106 Agreement.

vii. Sustainable Design and Construction

- 8.44 The applicant has submitted an Energy and Sustainable Design and Construction Statement (Reside, June 2021) which proposes a combination of fabric first and renewable technologies to reduce energy demand and deliver carbon savings through thermally efficient, well designed and suitably orientated buildings.
- 8.45 The proposals address Local Plan Policy 40. This development is targeting to exceed Building Regulations 2013 (approx. 33% CO2 saving), which accords with the overall reduction sought in the IPS. The development will meet this criterion through a combination of fabric first and the installation of air source heat pumps and Waste Water Heat Recovery (WWHR) units. A condition is recommended to secure final details of the sustainable measures. A maximum of 110 litres per person per day water use would also be conditioned.
- 8.46 In addition, the scheme would ensure that at least 50% of dwellings would have individual active electric vehicle charging points installed, while the remaining 50% would have electrical layouts designed to ensure straightforward future installation of charging points for residents. These details are recommended to be secured by condition, in accordance with WSCC Guidance on Parking at New Developments.
- 8.47 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.

viii. Other Matters

Agricultural Land

- 8.48 An Agricultural Land Classification Report has been submitted (Land Research Associates, May 2021), which concludes 3.4ha (82%) of the application site is grade 2, with the non-agricultural part of the site being taken up by residential property, stabling and yards.
- 8.49 The site is currently in use as horse paddocks and a riding school. According to historic mapping the site has not been ploughed or cultivated in the last 20 years (mapping dating back to 2001). This is further supported by the Site History (see Section 4.0 above), which suggests the equestrian use of the land dates back to the 1980s. Furthermore, 5.05ha of

blue-edged land currently used for paddocks/lowland grazing (mix of grade 2 and 3 agricultural land according to DEFRA) is required for nitrate mitigation. Constraints such as the SDNP, Chichester Harbour AONB and areas at risk of flooding mean that the main areas for new housing are focused predominantly along the east-west corridor.

8.50 Whilst the application has failed to demonstrate that the development of poorer quality agricultural land has been considered in preference to the Best and Most Versatile (BMV) land in accordance with criterion 4 of Policy 48 of the CLP, this harm (i.e. the loss of approx. 8.45ha of grades 2 and 3 agricultural land) would need to be weighed against the benefits of the provision of housing. In weighing this harm, it is duly noted that the site has not been in active cultivation since the 1980s. With regard to the nearby 'Scant Road' appeal (APP/L3815/W/21/3274502, November 2021) the Inspector opined:

'The appeal development would result in the loss of about 4.5 ha of BMV agricultural land and a further loss of some 2 ha on the nitrate mitigation site. Clearly this is not ideal, but it should be placed in context. The situation in the District is that the existence of the South Downs National Park and Chichester Harbour AONB means that it is inevitable that BMV agricultural land will be required to meet the Council's housing needs. With this comes the added complication of the proximity of sites of European importance in Chichester Harbour. In order to avoid significant effects it is necessary to ensure nitrate neutrality and Natural England has approved the approach of removing land from agricultural production... Taking account of the circumstances outlined above, it seems to me that the proportionate loss of BMV in this case would be justified bearing in mind the economic and social benefits. In the absence of any evidence that the housing shortfall could be addressed on poorer quality agricultural land it seems to me that there is no conflict with policy 48 in the LP in this respect.'

8.51 With regard to the material consideration above and in the absence of a 5-year housing land supply, and where 19 of the 63 units proposed (31%) would be affordable, this position is accepted, and the benefits are therefore considered to outweigh the harm.

Loss of existing equestrian facilities and business

8.52 Whilst the comments from the CDC Economic Development Team and Parish Council are acknowledged, the applicant has confirmed that the B&B closed in 2019 and therefore there is no loss of employment as this use has not existed for approximately 3 years. It is also noted that Chichester District does not suffer from a shortage of tourist accommodation. With regard to the loss of the horse riding centre, although this loss is regrettable, Policy 55 (Equestrian Development) of the CLP does not address the protection or loss of this particular use and only the provision of new equestrian development is considered. Furthermore, the applicant has confirmed that the riding school has one full time employee and one part time (10 hours a week) employee, therefore the potential loss of employment is minimal. Irrespective of whether permission is granted, the owners of the site are past retirement age and would close down the riding school at some point in the near future and as such the loss of employment would occur naturally. In the absence of a 5-year housing land supply, and where 19 of the 63 units proposed (31%) would be affordable, this position is accepted, and the benefits are therefore considered to outweigh the harm.

Archaeology

8.53 As shown in the consultation responses section of this report, the site is located within an area of potential archaeological interest and as such a condition is recommended requiring an investigation of the site to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation prior to development.

Contaminated land

8.54 Full details of contaminated land investigations and any remediation measures are recommended to be provided for review. Conditions are recommended to ensure a Phase 1 Desk Study is submitted and if necessary, site investigation and remediation are carried out.

Noise and Air Quality

8.55 The application site is set in a relatively quiet location and the Environmental Protection Officer, advises that traffic noise is unlikely to be at levels that would require dwellings to have additional sound insulation beyond the standard achieved through Building Regulations. A condition is recommended to secure details of a Construction and Environmental Management Plan (CEMP), which would include such details as working hours, construction compounds and dust and noise management, in order to minimise disturbance.

Significant Conditions

8.56 Key conditions attached to the recommendation include securing the vehicular and pedestrian access arrangements, the precise details of the foul water and surface water drainage systems and the sustainable development components.

Infrastructure / Planning Obligations

8.57 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation. This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.

- 31% Affordable Housing (19 units) (no more and no less) in accordance with the required HEDNA mix, with a rent/shared ownership/first homes tenure as follows:
 - 7 Social Rented mix comprising: 3x1-bed, 3x2-bed and 1x3-bed
 - 4 Affordable Rented mix comprising: 2 x 1-bed, 1x2-bed and 1x-3-bed
 - 3 Shared Ownership mix comprising: 2x2-bed and 1x3-bed.
 - 5 First Homes mix comprising: 1x1-bed, 3x2-bed and 1x3-bed.

First Homes to be delivered in compliance with the model template planning obligations set out in the National Planning Practice Guidance, which include freehold tenure at a minimum discount of 30% against market value; the first sale cannot be for more than £250,000 after the discount has been applied and the First Home to be sold to a household which meets the basic eligibility criteria. First Homes will also need to comply with the requirement of Chichester District Council (as set out in the Cabinet report 7 September 2021) for a local connection test, applicable for the first 3 months of sale and

will apply on all future sales of the First Homes properties. A local occupancy clause for all the affordable housing units.

- An area of land of 5.05ha, currently used for paddocks (lowland grazing) will be required to mitigate this application and make the scheme nitrate neutral. The land to be off-set is edged blue on the plan no. 10/Rev.D - Location Plan (title number WSX284184), adjacent to the west of the application site and falls within the fluvial catchment area of the Solent Maritime SAC. The S106 agreement will ensure that the land is taken out of paddock (lowland grazing) use in perpetuity (85-125 years) and therefore off-setting can be secured for the lifetime of the development. Mitigation is required in the form of native broadleaf woodland planting, with trees planted at a density of 100 trees per hectare and distributed evenly across the mitigation land. A programme of management and monitoring is also required.
- Financial contribution of £111,786 (62 x £1,803 per dwelling) payable to Highways England, towards the agreed Local Plan highway mitigation/works on the A27 Chichester bypass.
- Financial contribution (based on the final approved housing mix) towards the Bird Aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbours SPA/Ramsar.
- Provision, management and on-going maintenance of a 10m tree belt buffer and a 25m ecological corridor.
- Provision, management and on-going maintenance of Public Open Space (POS) including equipped play space (LEAP), in accordance with Planning Obligations and Affordable Housing SPD requirements.
- Financial contribution of £1,500 for the monitoring and auditing of the Travel Plan by WSCC.
- Section 106 Monitoring Fee of £5,106

Conclusion and Planning Balance

8.58 The application has been tested against the 13 criteria in the IPS and the adverse impacts of the proposal would not significant or demonstrably outweigh the benefits. Whilst the wider concerns and objections of the Parish Councils and third parties are noted, the development is considered to be sustainable development and a proposal which responds to the constraints of the site. There is no compelling evidence arising from consideration of this application that the existing infrastructure cannot cope with the new development proposed. Through the S106 Agreement and the CIL payment, the development will provide the necessary infrastructure requirements to mitigate the impact of the development on the wider infrastructure in the locality. The application will deliver much needed housing including 19 units of affordable housing. 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

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

RECOMMENDATION

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

1) (i) Approval of the details of the "layout of the site", "scale of the buildings", "appearance of the buildings or place" and the "landscaping of the site" (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale of the buildings, the appearance of the buildings or place, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 10/Rev.D (Site Location Plan), 30026A/130/Rev.O (Land Use Parameter Plan), 2019-6075-001/Rev.E (Access Overview and Dimensions) and 2019-6075-002/Rev.E (Visibility Splays).

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

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

building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

5) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA). Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

6) If the Phase 1 report submitted pursuant to Condition 5 above; identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

7) If the Phase 2 report submitted pursuant to Condition 6 above; identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

8) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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 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; a schedule for the investigation, and 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.

10) **No development shall commence** until the discharge of any flows to a watercourse has been approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority (WSCC). Any discharge to a watercourse must be at a rate no greater than the predevelopment run off rates. The approved discharge rates must be adhered to.

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.

11) **No development shall commence** until the arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the phase has been submitted to and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities of any

watercourse on or adjacent to the site. The access and maintenance arrangements shall be implemented as approved.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

12) 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 has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall provide details of the following:

- (a) the anticipated number, frequency and types of vehicles used during construction;
- (b) the location and specification for vehicular access during construction;
- (c) the provision made for the parking of vehicles by contractors, site operatives and visitors;
- (d) the loading and unloading of plant, materials and waste;
- (e) the storage of plant and materials used in construction of the development;
- (f) the erection and maintenance of security hoarding;
- (g) the location of any site huts/cabins/offices;
- (h) 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);
- (i) 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;
- (j) 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;
- (k) measures to control the emission of noise during construction;
- (l) 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;
- (m) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas;
- (n) measures to reduce air pollution during construction including turning off vehicle engines when not in use and plant servicing;
- (o) waste management including management of litter and prohibiting burning;
- (p) measures to prevent the discharge of water or other substances to ground or surface waters without the prior written approval of the Environment Agency;
- (q) provision of temporary domestic waste and recycling bin collection point(s) during construction; and,
- (r) measures to be taken in the event of emergency spillages.

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.

13) No development shall commence, including demolition, nor any plant, machinery or equipment brought onto the site, until an Ecological Construction Management Plan (ECMP), comprising a schedule of management measures and accompanying plans has been submitted to and approved in writing by the Local Planning Authority. The ECMP shall be prepared in accordance with the approved Ecology Documentation prepared by The Ecology Partnership. Thereafter the approved ECMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The ECMP shall provide details of the following:

- (a) full details of wildlife buffers and protective fencing to be erected around all retained trees, hedgerows, planted areas, the chalk stream and all ditches on and around the boundary of the site. These details shall be in accordance with the Arboricultural Implications Assessment and Method Statement (Ecourban Ltd, June 2021) and the recommendations of BS5837:2012. The buffer areas shall be undisturbed at all times during the construction period, with no work taking place within the buffer and no vehicles, equipment or materials to be stored within the fenced area at any time. The fencing shall be retained until all equipment, machinery, surplus materials and soil have been removed from the site;
- (b) specifications of protective and construction fencing to ensure suitability for wildlife;
- (c) specification and details of how the chalk stream will be protected during construction, especially in relation to the construction of the replacement bridge, construction of the replacement dwelling, the storage of materials, how runoff will be controlled into the stream and ensuring water quality is protected;
- (d) ecological and environmental safeguards for any works required within the buffer areas or to existing trees, hedges or vegetation, including details of timing of works and any requirements for additional surveying or an ecological watching brief on site during works,
- (e) protection of all retained trees and hedges in accordance with BS5837:2012;
- (f) details of how any lighting required for construction purposes will be designed and installed to minimise disturbance to wildlife;
- (g) details of waste management within the site to ensure no adverse impact on wildlife and confirmation there shall be no burning of materials on site;
- (h) details of how any trenches will be covered overnight, or a means of escape made available, and how any hazardous chemicals are proposed to be stored away so animals cannot access them;
- (i) management of the development area prior to works commencing to minimise disturbance to wildlife and
- (j) mitigation measures during and following construction works to be carried out as specified within the approved ecology documentation prepared by The Ecology Partnership.

The ECMP shall demonstrate how the site will be managed in accordance with the criteria set out above and shall be implemented in accordance with the agreed criteria and plans set out above. All fencing and other protection measures shall be

maintained as agreed until all equipment, machinery, surplus materials and soil have been removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: This information is required pre-commencement to protect the environmental value of the site during works.

14) Details of the ditch maintenance buffers (minimum of 3m from the top of the banks) and maintenance access points shall be submitted for consideration with **the application for reserved matters which relates to layout.**

Reason: To ensure that future maintenance of the ditches will not be unsatisfactorily impeded by the development.

15) Details of the location and plot size of the 3 custom/self build plots to be provided as part of the market housing provision, shall be submitted for consideration with **the first application for reserved matters.**

Reason: To ensure that the availability of land for custom/self build plots on the development site.

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

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

17) **No development shall commence above ground level**, until the developer has provided details of how the development will accord with the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) in respect of the provision of Electric Vehicle (EV) charging facilities and the technical specification of the EV charging point facilities. These details shall be approved in writing by the Local Planning Authority and carried out as approved. Specifically the development shall provide passive provision through ducting to allow EV charging facilities to be brought into use at a later date for the whole site. Active EV charging facilities shall be provided in accordance with the table at Appendix B of the West Sussex County Council: Guidance on Parking at New Developments (September 2020 or any superseding document) and 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 accord with current parking standards and the sustainable development objectives of Policy 40 of the Chichester Local Plan: Key Policies 2014-2029.

18) If pursuant to condition 7 a contaminated land remediation scheme is required **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.

19) **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.

20) 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 or any superseding document). **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.

21) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access serving the development has been constructed and visibility splays provided in accordance with the details shown on drawings 2019-6075-001/Rev.E (Access Overview and Dimensions) and 2019-6075-002/Rev.E (Visibility Splays). Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of ensuring safe and adequate access to the development.

22) **Prior to first occupation of any dwelling hereby permitted**, details showing the precise location, installation and ongoing maintenance of fire hydrant(s) 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 hydrant(s) shall be installed before first occupation of any dwelling and thereafter be maintained as in accordance with the approved details.

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

23) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be 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 be based on the recommendations contained within the submitted Masterplan and Net Gain Review (August 2022, The Ecology Partnership) and the Lighting Assessment Final Report (February 2022, Williams Lighting Consultants Ltd). The lighting scheme shall take into consideration the presence of bats in the local area, including the use of dark corridors along the ecological corridor and the western and northern tree belt and shall minimise potential impacts to any bats using trees and hedgerows by avoiding artificial light spill through the use of directional lighting sources and shielding. The layout and detailed design should be designed to show that it can deliver an increase in light level of no more than 0.2 lux on the horizontal plane and below 0.4 lux on the vertical plane, in line with Bat Conservation Trust guidelines. 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.

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

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

24) A detailed Sustainable Design and Construction statement, based on the Sustainable Design & Construction Statement (Daedalus Environmental Ltd, June 2021), shall be submitted with **the first application for reserved matters and any subsequent applications for reserved matters** shall demonstrate how the proposal complies with these approved details. The statement shall demonstrate how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS. The statement shall also include the exact location, form, appearance and technical specification (including

acoustic performance) of the air source heat pumps proposed for all dwellings and confirmation of which dwellings are going to be installed with Waste Water Heat Recovery (WWHR) units and the technical specification of the WWHR units. The development thereafter shall be carried out in accordance with the approved details.

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

25) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the Conclusions, Impacts and Recommendations sections of the submitted Ecological Impact Assessment (June 2021) and the Masterplan and Biodiversity Net Gain Review (August 2022), Bat Activity Survey Reports (June 2021, August 2021 and November 2021), Report to inform Habitats Regulation Assessment (June 2021), the indicative Planting Strategy (August 2022). In addition the following enhancements are required to be incorporated within the scheme and shown with the landscaping strategy. These include:

- Any trees removed should be replaced at a ratio of 2:1
- Filling any gaps in tree lines or hedgerows with native species
- The establishment of a native hedgerow along the northern boundary to increase commuting potential into the wider landscape
- Bat and bird boxes to be installed on multiple houses and/or trees within the gardens of the properties or on the wider site
- Bat bricks to be integrated into the buildings on site, facing south/south westerly and positioned 3-5m above ground
- Two hedgehog nesting boxes included on the site
- Gaps included at the bottom of the fences to allow movement of small mammals across the site
- Habitat enhancements benefiting foraging and commuting bats, including the inclusion of new areas of woodland or scrub planting and the use of a range of native tree and shrub species within landscaping proposals
- Grassland areas managed to benefit reptiles
- Log piles onsite
- Wildlife pond, and
- Wildflower meadow planting used.

Reason: In the interests of protecting biodiversity and wildlife.

26) In relation to the demolition of the existing dwelling on site and any other buildings/structures (where appropriate) to be removed, a soft roof strip shall be undertaken by hand and if any bats are found, all work shall stop and a bat ecologist shall be contacted to check the building before any further works take place. After 6 months from any permission, a further loft inspection shall be undertaken if no work has commenced.

Reason: In the interest of conserving and enhancing biodiversity.

27) If any works need to take place to the trees or for vegetation clearance on the site, they 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 interest of conserving and enhancing biodiversity.

28) Any brush piles, 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.

Reason: In the interest of conserving and enhancing biodiversity.

29) All mature trees on site were considered to retain at least 'low' potential for roosting bats but as these trees are to be retained, no further surveys are required. Unless any of the proposed plans change and any of these trees are to be felled, then further surveys will be needed to assess the roost features present.

Reason: In the interest of conserving and enhancing biodiversity.

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

Reason: In the interests of residential amenity.

INFORMATIVES

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

2) S106 - This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.

3) The council has created a Surface Water Drainage Proposal Checklist document that can be found in the downloadable documents box on the following webpage: <http://www.chichester.gov.uk/landdrainage>. This document is designed to clearly outline the Council's expectations and requirements for Surface Water Drainage

Proposals. If pre-commencement surface water conditions are applied to the application this document should be used for any subsequent Discharge of Conditions Applications.

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

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

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

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

7) As part of the Building Regulations 2004, adequate access for fire fighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly on very large developments (BS5588 Part B 5). For further information please contact the Fire and Rescue Service.

8) The applicant is reminded that the prior written consent of the Lead Local Flood Authority (WSCC) 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.

9) The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

10) 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

11) The applicant is advised via the Scottish and Southern Energy Power Distribution consultation response that live cables within the area of works.

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

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QUUPZ1ERJO200>

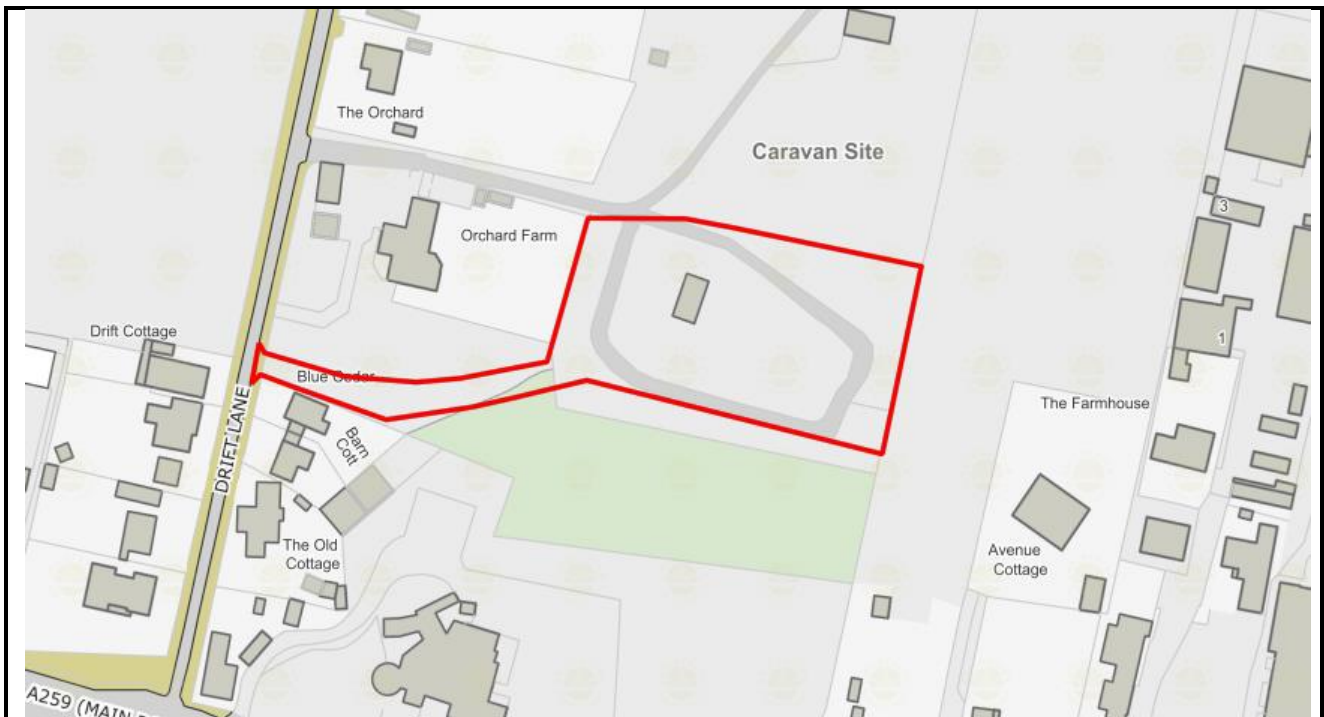
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Parish: Chidham & Hambrook	Ward: Harbour Villages
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CH/21/02303/OUT

Proposal	Outline Application (with all matters reserved except Access) for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstandings and erection of 1no 4bed, 3no 3 bed, 4no 2bed and 1no 1 bed bungalows.		
Site	Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester We Sussex PO18 8PP		
Map Ref	(E) 479422 (N) 105449		
Applicant	Mr M Herridge	Agent	Mr Stephen Jupp

RECOMMENDATION TO PERMIT WITH S106



	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 0.59ha, broadly rectangular site is located to the south side of Drift Lane, just north of the A259, within the Parish of Chidham and Hambrook. The site lies within the Rest of the Plan Area (i.e., outside any defined Settlement Boundary), approximately 0.5km to the east of the Nutbourne Settlement Boundary and approximately 1.2km west of the Broadbridge Settlement Boundary. The Chichester Local Plan (CLP) describes both Nutbourne and Broadbridge as 'Service Villages' with a reasonable range of everyday facilities and reasonable road and public transport links, including on-road cycle lane east-west along Main Road.
- 2.2 The site comprises the south half of Orchard Farm, which currently operates a touring caravan site to the north with caravan storage/repair to the south. There is a small workshop to the south, which provides repair services ancillary to Orchard Farm.
- 2.3 The site is set back from Drift Road by approximately 80m, set behind the existing farmhouse (Orchard Farm) and the almost continuous ribbon of residential development which lines the east side of Drift Lane from the A259 to the railway line. The eastern boundary is contiguous with the former Chas Wood Nursery, which has subsequently been granted outline planning permission for 26 dwellings at appeal under application reference 20/01854/OUT. Beyond that, lies several commercial and residential uses, including Cockleberry Farm, which is subject to an appeal seeking permission for 9 dwellings, under application reference 21/02361/FUL. To the south of the site, lies the Bosham Inn with several TPO'd trees on the shared boundary. The site is enclosed to the north, east, south, and west by existing commercial and residential development.
- 2.4 The site lies (approximately 105m) to the north of the northern boundary of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), which runs along the southern side of Main Road. The site is well contained, relatively flat and lies within Flood Zone 1. The site lies within the zone of influence of multiple sensitive ecological sites including the Chichester and Langstone Harbours Special Protection Area (SPA), the Singleton and Cocking Tunnels Special Area of Conservation (SAC) and much of the site lies within a proposed Strategic Wildlife Corridor.

3.0 The Proposal

- 3.1 This Outline application seeks approval for the principle of development for 9 dwellings, with access to the site considered at this outline stage. The remaining matters pertaining to appearance, scale, landscaping and layout are reserved for future consideration. Notwithstanding those matters reserved, the Outline application has been considered in a high level of detail following consultee responses and comments from third parties, with an indicative layout having been provided showing the siting of the dwellings, parking and access road, private amenity areas woodland and buffer planting.
- 3.2 The primary access to the site would be taken from Drift Lane, on the western boundary of the site, south of Orchard Farm and the new dwelling permitted under reference 21/03139/FUL).
- 3.3 The application seeks approval for the principle of a housing development on the site with the following housing mix proposed 1no 4-bed and 3no 3-bed chalet bungalows and 4no 2-bed and 1no 1-bed bungalows.

3.4 The layout, scale, appearance, and landscaping are all reserved matters, but the applicant has provided an illustrative layout, showing how the development might be delivered. The proposal has been amended during the application to seek a better indicative layout to provide reassurance that 9 dwellings could be comfortably achieved within this site. During the course of the application the housing mix has also been amended in accordance with the consultee comments provided by the Council's Housing Enabling Officer.

4.0 History

00/01863/OUT	REF	Outline application - Residential use.
02/01920/FUL	PER	Continuation of use with non-compliance of condition No. 2 of planning permission CH/12/87 relating to agricultural occupancy.
05/02694/OUT	REF	2 no. detached dwellings.
09/03113/FUL	PER	Replacement workshop building for caravan and camping site.
10/03247/FUL	PER	Continuation of use of land for the storage of touring caravans.
10/03249/FUL	PER	Continuation of use of land as a touring caravan site (40 pitches) on a year-round basis.
20/00164/OUT	PER	Erection of 1 no. 3 bed single storey dwelling.
21/03139/FUL	PER106	Erection of detached dwelling. Alternative scheme to that approved under application 20/00164/OUT.
22/02273/FUL	PCO	Demolition of existing 1 no. workshop and creation of 1 no. workshop to north of site access.
22/00824/FUL	PER	Erection of single storey detached garage
22/00993/FUL	PCO	Erection of detached dwelling . Alternative scheme to that approved under application 20/00164/OUT - Variation of Condition 13 of planning permission CH/21/03139/FUL - To allow for an alternative nitrates mitigation method to that approved. Condition to removed and replaced with a section 106 agreement to secure the obligation.

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Parish Council

Further Comments

The Parish Council repeats its original objections made on 30 September 2021. In addition, the Council would comment that since this original objection was made, the District Council has published its updated position on its 5-yr housing land supply.

Original Comments

The Parish Council are submitting their initial OBJECTION to this application but there are several key reports which are not yet available:

The site is neither within nor contiguous to the settlement boundary, contrary to the CDC Interim Position Statement 6.1. It is situated in designated countryside.

There will be an aggregate of ten dwellings on this site, taking into account previous permission for a two-bed house. This application does not include any contribution to affordable housing thus not meeting a local need.

The access is onto a narrow country lane, relatively close to the junction with Main Road. There is no footway in Drift Lane and pedestrians, particularly those with mobility problems, wheelchair users or with buggies, already struggle with the existing traffic. The lane is regularly used by pedestrians as it leads to a network of footpaths and bridle ways.

The site is within the proposed strategic wildlife corridor. This is a vital route for wildlife transiting between the AONB and the SDNP. Any permanent development will impact on the sensitive biodiversity to be found on site. Although a dormouse survey has been included this was commissioned by the adjacent site and the impact assessment and conclusion are only relevant to that site, which is not wholly within the corridor. As flagged up by the CDC Environmental team a separate survey is required to assess the impacts on the proposed corridor and the connectivity for this specific site. The applicant would have to demonstrate how these impacts could be overcome, once identified.

The impact on the AONB needs to be assessed as it is in close proximity.

There is no information about connection for wastewater treatment. Given the limited capacity of Thornham WWTW (recently confirmed by CDC as 384 as from 1st April 2021) Southern Water need to confirm if they are able to connect.

The Agent makes much of precedent, however it is our contention that this is not relevant. Each planning application must be considered on its own merits, facts and circumstances, regardless of what may have been permitted in the past.

The application should not be seen as a precursor to further development to the north of the site.

We note the comments made by the CDC Economic Development Service and the impact on loss of employment and tourist facilities.

6.2 Natural England (summarised)

Further Comments:

No Objection - Subject to Appropriate Mitigation Being Secured

Original Comments:

Further Information Required to Determine Impacts on Designated Sites

6.3 WSCC Highways

The proposed development would be accessed from Drift Lane, a "D" class road which is located to the west of Bosham and in close proximity to Hambrook. The road serves a number of residential and agricultural buildings. The road is subject to a 60 mph 'National' speed limit. The proposal is for the demolition of caravan repair building, cessation of use of land for caravan storage and removal of hardstanding's and erection of 6 no. 3 bed chalet bungalows and 3 no. 2 bed bungalows.

The site would include a new vehicular access onto Drift Lane. The access is considered to be of sufficient geometry to accommodate the anticipated level of vehicular activity. Sightlines along Drift Lane from the existing point are considered acceptable. The applicant has provided swept path diagrams to demonstrate that a larger vehicle can safely turn within the site and enter Drift Lane in the forward gear.

A review of in the proximity of the access onto Drift Lane indicates that, there have been no recorded accidents within the last 3 years and that there is no evidence to suggest that the access and local highway network are operating unsafely.

Given the scale of the proposal and the existing permitted use a TRICS assessment and Travel Plan. The proposals are unlikely to result in a material increase in traffic movements over the existing use. From a capacity perspective we are satisfied the proposal will not have a severe residual impact.

The proposed parking is considered acceptable. The LHA are not aware of that the previous use resulted in excess parking onto Drift Lane; it is considered unlikely that there would be an increase in on-street parking as a result of this proposal.

Several local amenities and services are within nationally recognised acceptable walking and cycling distances of 2km for walking and 8km for cyclists. The local shop (ESSO), bus

stops and Train Station are approximately 1km of the site and accessible by foot via street lit footway. National Cycle Network (NCN2) runs along on- carriageway of A259 and across proposed site access. Nutbourne Train Station is 0.5 mile walk distant and provides regular services to several destinations. The nearest bus stops are on A259, a short distance from the site access.

The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 108), and that there are no transport grounds to resist the proposal.

6.4 Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage runoff 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.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

6.5 WSCC Fire & Rescue Service

RECOMMENDATION - Advice

WSCC Fire & Rescue Service have advised a condition be imposed to secure the provision of a fire hydrant or stored water supply.

6.6 CDC Economic Development Service

Further Comments

A new planning application (22/02273/FUL) has been submitted by the applicant, which seeks to relocate the caravan repair workshop in an alternative location on the neighbouring caravan park.

The EDS withdraws its objection to the loss of the caravan repair workshop subject to the new planning application being permitted and implemented. The EDS still objects to the application on the grounds that the marketing evidence as per Appendix E has not been submitted.

Original Comments

The Economic Development Service does not support this application. The proposed site currently provides storage for up to 90 caravans and motorhomes. In addition, there is a workshop that provides repair and maintenance services for caravans. This is a sole trader business with one person in the business. The site is adjacent to a caravan and camping site.

The applicant has expressed that the caravans could be relocated to alternative nearby sites. Furthermore, the business that provides the repair and maintenance services, largely works in a mobile capacity. Most caravan owners appear to want maintenance people to come out to them and carry out repairs at their home. Also, much of this repair and maintenance work takes place at caravan parks and so being mobile is an additional benefit to the customers.

Nonetheless, the loss of this commercial space would be a loss to the overall offer of this village location and the district. There would also be a loss of support services to the tourism industry, however it appears this is negligible.

Any introduction of non-commercial use in this location needs careful consideration. A range of alternative commercial operations should be explored and presented before any change of use to residential is considered. This is in line with Appendix E of the Chichester Local Plan 2014-2029, marketing evidence is required for applications seeking a change of use. Applications "need to be accompanied by robust and credible evidence that adequate marketing has occurred in order to support the argument that the property/land is no longer required."

Furthermore, as caravan storage falls under B8 Storage or distribution, including open air storage; paragraph E.6: information relating to the loss of employment land and use, states:

"In addition to the general criteria above, where a planning application may lead to the loss of an existing site currently in business use class (B1-B8) or similar sui generis uses to alternative uses (without satisfactory provision for replacement land/floorspace or relocation of existing businesses) supporting information will also be required to demonstrate that:

- The site/premises has been vacant for some time and has not been made deliberately unviable;
- The site/premises has been actively marketed for business or similar uses at a realistic rent/price for a minimum of 2 years or a reasonable period based on the current economic climate;
- Alternative employment uses for the site/premises have been fully explored; where an existing firm is relocating elsewhere within the district, maintaining or increasing employment numbers will be acceptable; and
- For proposals involving a net loss of 2,000m² or more employment floorspace, the loss of the site will not result in an under-supply of available employment floorspace in the local area."

As far as we can ascertain there has been no extensive marketing campaign or investigation into alternative commercial uses for the site.

We appreciate that intensive commercial activities at this site are likely to be inappropriate. However, the loss of this site to residential use will be permanent and reduces the economic base of the village/district for commercial and employment space.

6.7 CDC House Enabling Officer

Further Comments

Following my previous consultation response dated 17 November 2021, the applicant has amended the description of the application which includes amendments to the market housing mix.

To conclude, the Housing Delivery Team raises no objections to this proposal.

Original Comments

Thank you for the opportunity to comment on this application. The application seeks to deliver 9 residential dwellings. In line with policy 34 of the adopted Chichester Local Plan, an affordable housing financial contribution will be required as it is providing between 6 and 10 dwellings in a rural designated parish under section 157 of the Housing Act 1985. At this stage, I am unable to provide an exact figure for the contribution. The financial contribution will be calculated in accordance with the Planning Obligations and Affordable Housing Supplementary Planning Document at a rate of £350 x the square meterage of the gross internal floor area of all proposed dwellings.

The applicant is seeking to deliver the following mix of market housing:

3 x 2-bedroom bungalows
6 x 3-bedroom chalet bungalows

The above mix is not in line with the Chichester Housing and Economic Development Needs Assessment (HEDNA) 2020 in that it provides too many 3 bedroom dwellings. Chidham and Hambrook's existing housing stock is already weighted in favour of the larger 3+ bedroom dwellings; 77.8% and 69% respectively. This proposal will further add to the imbalance and will price out younger newly forming households from accessing the market within Chidham and Hambrook. Taking the existing stock and HEDNA mix requirements into consideration the following market housing mix is required to be delivered:

6.8 CDC Environmental Strategy and Environmental Protection

Further Comments

I am happy with you to go ahead with your proposed conditions for this. The report [Dormouse Survey Report June 2021] clearly states no dormice are present and we already have recommended protection for the hedgerows and restrictions on lighting, so we would not be asking for anything further.

Further Comments

Due to the site's location within an area identified as a potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper, we require that the applicant demonstrates that the proposal will not adversely affect the potential or value of the wildlife corridor. We feel that the Preliminary Ecological Survey v2 did not provide robust enough mitigation. We feel the below requirements are suitable so that the integrity of the corridor will not be affected.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity.

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.

Guidance outlined in the new Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust "Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication should be adopted into the site plans.

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

Conditions should be used to ensure the above.

As per Stephanie's comment the Dormouse Survey Report, we request that the report be updated to include the impacts and conclusions for the Orchard Farm site. The above mitigation will also benefit hazel dormice should be present onsite.

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

We would like bird boxes to be installed on the new dwellings or trees within the site.

Since the site lies within the Zone of Influence for Chichester Harbour, as contribution to the Bird Aware: Solent Mitigation Scheme will be required to mitigate the increased recreational pressure at the Harbour.

Original Comments

In accordance with the recommendations within the preliminary ecological appraisal: Any vegetation clearance or building demolition should be timed outside the nesting bird period (1st March-31st August) unless a search by a suitably qualified ecologist confirms the absence of any active nests.

An enhancement planting scheme - an outline scheme is provided in Annex A of the dormice survey, but a more detailed ecological management scheme will be required at reserved matters.

Bat and Bird Boxes will be required.

The proposed development should include an 'ecologically sensitive lighting scheme' in accordance with guidance produced by the Bat Conservation Trust.

The results of the final dormice survey have not yet been provided and will need to be provided prior to determination. Should this survey also conclude that dormice are not present then the recommendations within section 4 of the survey report can be conditioned, including:

Precautionary methods should be taken where clearance of suitable dormouse habitat is to be undertaken. All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site will be carefully searched for dormouse nests prior to clearance. The vegetation will be removed through a process of phased habitat manipulation. A careful fingertip search for nesting dormice on the ground will proceed every stage of the phased habitat manipulation. In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.

Enhancements as detailed within the enhancement strategy to increase the potential for dormice on site. This includes an urban orchard made up of 2 fruiting trees which will provide a vital food source for dormice. An understory of wildflower meadow using Emorsgate EM5-Meadow Mixture for Loamy Soils will be sown beneath the orchard. An area of tussocky grassland will be sown along the eastern site boundary using Emorsgate EM10-Tussocky Mixture with an additional 1g/m² of yellow rattle which will provide an additional food source of invertebrates, seeds and flowers for the omnivorous diet of a dormouse.

The measures included within the sustainability report, including measures to reduce water usage and the inclusion of solar pv, an air source heat pump and wastewater heat recovery system will meet the requirements of policy 40 and should permission be granted, should be conditioned.

6.9 CDC Costal and Drainage Engineer

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

The outline proposal is for soakaways and permeable paving (subject to percolation tests). This approach is acceptable in principle, and we are happy that a more detailed drainage strategy is submitted and considered at reserved matters application.

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

Given the nature of the development, to bring it in line with current guidance, the documentation supporting the drainage design should be able to demonstrate that the infiltration/SUDS features can accommodate the water from a 1 in 100-year critical storm event, plus an additional 40% climate change allowance.

6.10 CDC Environmental Health (summarised)

As the site has been used for caravan repairs a phased risk assessment would be required with validation report if remediation is necessary. Construction and Environmental Management Plan and Hours of Construction conditions also recommended. In terms of noise management, I recommend a good standard of glazing to ensure BS8233 is achieved inside properties.

6.11 Third Party Representations

19 letters of objection have been received concerning:

- Poor access and safety for pedestrians along Drift Lane
- Ill-equipped Public Transport
- Increased traffic, noise, pollution and destruction of the countryside
- Southern Water's inability to cope with current and addition wastewater and sewage
- Poor considerations of highway safety and increased traffic down Drift Lane
- Narrow lane and poor vehicle access
- Location of nearest bus stop poses as hazard to traffic on the A259 and those coming down Drift Lane
- Significant pressure on already stressed infrastructure and residential amenity facilities
- Little proposals for increases in infrastructure, amenities and facilities to cope with this
- Does not meet an identifiable housing need or include affordable housing
- Outside a settlement boundary
- Could lead to subsequent applications due to precedent from this application
- Companies profiteering from development without provisioning appropriately
- Not a previously developed site as it was just used for caravan repairs and storage
- Adverse effects on the biodiversity and surrounding wildlife
- Site is in the Nutbourne wildlife corridor which is a rich biodiverse site between the Chichester Harbour AONB and the Hills of the South Downs National Park

2 letters of support have been received concerning:

- Small estate of bungalows which are in keeping with the character of the three villages within the Chidham and Hambrook Parish Council
- Residents have expressed wishes for a range of dwelling types and sizes within the area
- Meets the needs for housing for older generations and disabled individuals
- The site is well screened
- Walking distance to public transport
- A brownfield sites
- Minimal consequences for wildlife and habitat movement
- Proportion of current caravan related traffic is removed

7.0 Planning Policy

The Development Plan

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

Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 5: Parish Housing Sites 2012- 2029
- Policy 6: Neighbourhood Development Plans
- Policy 8: Transport and Accessibility
- Policy 33: New Residential Development
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flood Risk and Water Management
- Policy 43: Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- Policy 45: Development in the Countryside
- Policy 47: Heritage
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas

Chidham and Hambrook Neighbourhood Plan

The relevant Neighbourhood Plan Policies are:

- Policy LP1 Requirement for homes
- Policy EM1 Management of sea and flood defences, streams and surface water drainage
- Policy EM2 Protection of Chichester Harbour, nature conservation designated areas and related areas of special environmental value
- Policy EM3 Protection and enhancement of landscape, habitat and biodiversity
- Policy CDP1 The use of S106 Agreements and CIL to support community development
- Policy H1 Local occupancy conditions of affordable housing
- Policy H2 Diversity of housing to meet the local need
- Policy DS1 Development (design standards)
- Policy DS2 Provision for car parking
- Policy DS3 Retention of areas of natural habitat/biodiversity

National Policy and Guidance

- 7.5 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2021), which took effect from 20 July 2021. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed: or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- 7.6 Consideration should also be given to the following paragraph and sections: Sections 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 14, 15 and 16 and Annex 1. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- 7.7 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) 2021. 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 period, the Council anticipates that the Submission Local Plan will be published for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in early 2023, and that following this the Plan will be submitted to the Secretary of State for Independent Examination. It is currently anticipated that after following all necessary procedures the new Local Plan will be adopted in 2023.
- 7.8 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 Strategy
- S4 Meeting Housing Needs
- S5 Parish Housing Requirements 2016-2035
- S6 Affordable Housing
- S12 Infrastructure Provision
- S20 Design

- S21 Health and Wellbeing
- S22 Historic Environment
- S23 Transport and Accessibility
- S24 Countryside
- S26 Natural Environment
- S27 Flood Risk Management
- S28 Pollution
- 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
- DM8 Transport, Accessibility and Parking
- DM9 Existing Employment Sites
- DM16 Sustainable Design and Construction
- DM18 Flood Risk and Water Management
- DM19 Chichester Harbour Area of Outstanding Natural Beauty (AONB)
- DM22 Development in the Countryside
- DM23 Lighting
- DM24 Air Quality
- DM25 Noise
- DM26 Contaminated Land
- DM27 Historic Environment
- 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

Interim Position Statement for Housing Development

7.9 In accordance with national planning policy, the Council is required to regularly prepare an assessment of its supply of housing land. The Council's most recent assessment of its Five-Year Housing Land Supply (5YHLS) was published on 24 November 2021 and provides the updated position as of 1 April 2021. This position is in the process of being reviewed and publication of the new supply position is imminent. At the time of preparing this report the published assessment identifies a potential housing supply of 3,536 net dwellings over the period 2021-2026. This compares with an identified housing requirement of 3,329 net dwellings (equivalent to a requirement of 666 homes per year). This results in a housing surplus of 207 net dwellings, equivalent to 5.3 years of housing supply. Whilst at the time of writing 5.3 years remains the Council's published statement of its supply, the Committee will be aware that this figure has been challenged through several recent housing appeals. At the recent public Inquiry for up to 100 dwellings on Land South of Clappers Lane in Earnley (E/20/03125/OUT) the Council revised its figure of 5.3 years down to 5.01 years, a surplus of 6 dwellings. The Inspector in that appeal found that the Council's supply following further necessary adjustment was at 4.8 years. Officers have subsequently looked again at the figures and agree that the evidence now

points to a supply position of less than 5 years. Ahead of publication of a revised HLS statement, the Council accepted in the appeal at Chas Wood Nurseries (CH/20/01854/OUT) which was allowed on 17 October 2022 that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the Interim Position Statement on housing (IPS) to support the delivery of sustainable new housing development outside of settlement boundaries.

- 7.10 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the Local Plan Review, the Council will continue to use the IPS, which sets out measures to help increase the supply of housing in appropriate locations.
- 7.11 A draft IPS was originally approved for use by the Planning Committee at its meeting on 3 June 2020 at a time when the Council could not demonstrate that it had a 5-year housing land supply. Following a period of consultation and subsequent revisions it was reported back to the 4 November 2020 Planning Committee, where it was approved for use with immediate effect. In the absence of a 5YHLS, new housing proposals such as this application will be considered under the IPS and assessed against the 13 criteria set out in the IPS document. The IPS is a development management tool to assist the Council in delivering appropriate and sustainable new housing sites outside of existing settlement boundaries.
- 7.12 The IPS is not a formally adopted 'policy', and neither does it have the status of a supplementary planning document, but it is a material consideration in the determination of relevant planning applications when used alongside up to date policies in the Local Plan. It is a document that decision makers need to have regard to in the context of why it was introduced and in the context of what the alternatives might be if it wasn't available for use. New housing proposals which score well against the IPS criteria where relevant are likely to be supported by officers.

Other Local Policy and Guidance

- 7.13 Consideration has also been given to:
- Planning Obligations and Affordable Housing SPD (July 2016)
 - Surface Water and Foul Drainage SPD (September 2016)
 - CDC Waste Storage and Collection Guidance (January 2017)
 - Chichester Landscape Capacity Study (March 2019)
 - West Sussex County Council Guidance on Parking at New Developments (September 2020)
 - Chichester Harbour Area of Outstanding Natural Beauty: Joint Supplementary Planning Document (May 2017)
 - CHC Chichester Harbour AONB Management Plan (2014-2029)
- 7.14 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
 - 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. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB
- iii. Residential Amenity
- iv. Highways Safety and Access
- v. Surface Water Drainage and Foul Disposal
- vi. Ecology and Biodiversity
- vii. Sustainable Design and Construction
- viii. Other matters
- ix. Infrastructure / Planning Obligations

Assessment

i. Principle of development

8.1 The application site lies within the 'Rest of the Plan Area'. As per Policies 2 and 45 of the Local Plan, developments within the 'Rest of the Plan Area', outside of defined settlement boundaries, must require a countryside location and meet an essential, small scale, local need which cannot be met within or immediately adjacent to an existing settlement.

8.2 The Local Plan sets out a clear settlement hierarchy across the Plan Area, with settlement boundaries reviewed through Neighbourhood Plans or the Site Allocations Development Plan Document (Policy 2). The Chidham and Hambrook Neighbourhood Plan is a 'made' plan and forms part of the Statutory Development Plan. Policy 2 identifies Chidham as a service village, capable of accommodating some small-scale housing, consistent with the indicative housing numbers set out at Policy 5 of the Local Plan.

8.3 Local Plan Policy 5 confirms the indicative housing number for Chidham and Hambrook of 25 units for the plan period 2014-2029. The CHNP states that *'planning permission has already been granted for 86 new homes since January 2014. Accordingly, there is no current requirement for the Parish Neighbourhood Plan to identify new sites for major development. However, changing local needs may require the building of new homes later in the period.'*

8.4 Nevertheless, the Neighbourhood Plan still takes a positive approach through Policy LP1 (Requirement for homes). This policy supports development of ten homes or fewer on windfall sites. It defines Windfall sites as those which are not specifically identified as being available in the local plan process and normally comprise previously developed land. The corollary of Policy LP1 is that schemes of more than ten homes would not be

supported. The application is for 9 dwellings, which is below the threshold set within Policy LP1 and the site comprises previously developed land, in that it has a lawful use for the storage of touring caravans.

- 8.5 Notwithstanding the fact the site is located outside the settlement boundary, as defined by Policy 2 of the Local Plan, the proposal is compliant with Policy LP1 of the Neighbourhood Plan and is therefore acceptable in principle in this location.
- 8.6 In relation to the Examiner's Report of the Chidham and Hambrook Neighbourhood Plan, Policy LP1 was modified by the Examiner to ensure that, in order to be acceptable, windfall development, should also comply with the detailed development management policies elsewhere in the plan (i.e. that it should of high design quality, in a sustainable location, and should not harm the landscape and scenic beauty of the AONB amongst other matters). The modification did not therefore mean that windfall development must comply with Policies 2 and 45 of the CLP; rather, that it should comply with other policies of the Development Plan.
- 8.7 Having regard to Section 38(5) of the 2004 Planning and Compulsory Purchase Act 2004, any conflict between two documents forming part of the development plan must be resolved in favour of the last document to become part of the development plan. The last plan in this case is the Chidham and Hambrook Neighbourhood Plan. Any conflict therefore between Policies 2 and 45 of the Adopted Chichester Local Plan and Policy LP1 of the Chidham and Hambrook Neighbourhood Plan, fall in favour of Policy LP1 of the Neighbourhood Plan. This is referenced at paragraph 7.30 of the Local Plan, which states that '*A Neighbourhood Development Plan and its policies will work alongside, and where appropriate replace, the policies in the Local Plan where they overlap.*'
- 8.8 This approach has been applied to several applications within Chidham and Hambrook, notably following the receipt of a Legal Opinion submitted in respect of the redevelopment of Green Acre (16/04132/OUT). The Council's Principal Solicitor, agreed with the thrust of the advice given in that case. That is to say a) that the [Green Acre] site could be categorised as a windfall site, b) that there was a conflict between Policy LP1 of the neighbourhood plan and Policies 2 and 45 of the Local Plan and so there was a need to assess the weight to be given to each policy; and c) that as Policy LP1 is a more recently adopted policy it carried greater weight in the assessment of the application.

Interim Position Statement (IPS)

- 8.9 Ahead of publication of a revised 5YHLS statement, the Council accepted in the appeal at Chas Wood Nurseries (CH/20/01854/OUT) which was allowed on 17 October 2022 that it now has a supply of 4.82 years. The Council therefore finds itself in a similar position to that in the Summer of 2020 when it resolved to start using the IPS to support the delivery of sustainable new housing development outside of settlement boundaries. In the absence of a demonstrable housing supply the 'tilted balance' in paragraph 11 d) of the NPPF i.e., the presumption in favour of permitting sustainable development is engaged and the Council is required by 11 d) ii) to assess whether the adverse impacts of issuing a permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 8.10 It is therefore important to consider this application against the IPS:
- 8.11 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).**
- 8.12 The application site is not contiguous with an identified settlement boundary; it is located 0.6km from the nearest settlement boundary. Non-compliant.
- 8.13 2) The scale of development proposed is appropriate having regard to the settlement's location in the settlement hierarchy and the range of facilities which would make it a sustainable location for new development.**
- 8.14 Chidham is a service village providing a reasonable range of facilities to meet the everyday needs of local residents. CLP Policy 2 states that provision will be made for small scale housing developments, in this instance, 9 dwellings would not be regarded as inappropriate, and the criterion is therefore satisfied. Compliant.
- 8.15 3) The impact of development on the edge of settlements, or in areas identified as the locations for potential landscape gaps, individually or cumulatively does not result in the actual or perceived coalescence of settlements, as demonstrated through the submission of a Landscape and Visual Impact Assessment.**
- 8.16 The application site is enclosed by both commercial and residential development, including the recently approved site at Chas Wood Nurseries (CH/20/01854/OUT). The proposal would not project into the countryside and would remain enclosed by a mix of residential and commercial uses. There is no actual or perceived coalescence likely to arise from permitting this development. The criterion is satisfied Compliant.
- 8.17 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.**
- 8.18 Whilst 'layout' is a reserved matter, based on the illustrative layout, the proposal would result in a density of approximately 17 dwellings per hectare. In the context of the rural location, this level of development would be acceptable for the surrounding vicinity. The criterion is satisfied. Compliant.
- 8.19 5) Proposals should demonstrate that development would not have an adverse impact on the surrounding townscape and landscape character, including the South Downs National Park and the Chichester Harbour AONB and their settings.**
- 8.20 The application site is located approximately 105m from the northern edge of the Chichester Harbour AONB and is visible in distanced views from the South Downs National Park and the. However, the site is well screened, set within the immediate context of other residential and commercial development and therefore not considered to have an adverse impact upon the South Downs National Park and the Chichester Harbour AONB and their settings. This criterion is satisfied. Compliant.

- 8.21 **6) Development proposals in or adjacent to areas identified as potential Strategic Wildlife Corridors as identified in the Strategic Wildlife Corridors Background Paper should demonstrate that they will not adversely affect the potential or value of the wildlife corridor.**
- 8.22 The application site is located within an identified potential Strategic Wildlife Corridor. The proposal has been reviewed by the Council Environmental Strategy Offices, who are satisfied with the proposed mitigations and enhancements. The proposal will therefore not adversely affect the potential or value of the wildlife corridor. This criterion is satisfied. Compliant.
- 8.23 **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.**
- 8.24 Wastewater disposal will be through the statutory undertaker. It is accepted by Southern Water that there are potential capacity issues with the off-site network in the vicinity of the application site yet have raised no objection to the proposal. Affordable housing, open space, and highways matters would all be secured through a Section 106 agreement and/or by planning conditions should the application recommended for approval. The criterion is satisfied. Compliant.
- 8.25 8) (abridged) Development should demonstrate how it complies with Local Plan policy 40 and does not compromise on environmental quality.**
- 8.26 The applicant's submission in this respect is limited due to the detailed design of the dwellings being confirmed within the Reserved Matters application. The applicant has advised that the development will meet this criterion through a combination of fabric first, EVCP, air and/or ground source heat pumps and/or solar PV panels. The application is submitted in outline and the details could be secured by condition through the subsequent reserved matters application/s to ensure the criterion is met. There is no reason to suggest that this criterion could not be complied with. Compliant.
- 8.27 **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.**
- 8.28 The application is submitted for outline permission with appearance being a reserved matter so architectural and design quality are not matters for consideration at this stage. However, it is considered that the development would not have a detrimental impact on the rural and tranquil setting of the village and would be a natural extension to the existing settlement. This criterion is satisfied. Compliant.
- 8.29 **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.**

8.30 The site is within a short walking distance to bus stops with a frequent and extensive bus service. There is nearby train station in both Bosham and Nutbourne, which could be reached on foot or by cycle. The proposal has been reviewed by WSCC Highways who have raise no capacity issued with the existing road networks and do not consider the proposal to be unacceptable in highways terms. There are facilities for pedestrians and cyclists, which allow access to nearby everyday facilities. This criterion is satisfied. Compliant.

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

8.32 The site is located within EA Flood Zone 1, as an area with the lowest level of flood risk. This criterion is satisfied. Compliant.

8.33 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.

8.34 The proposal will require a 0.48ha parcel of land to the north of the site to be set aside from re-wilding purposes. This land lies within the applicant's ownership and can be secured via planning condition. This criterion is satisfied. Compliant.

8.35 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.

8.36 Although the application is submitted in outline, there are not apparent abnormal circumstances, besides potential ground contaminates from the caravan storage, that indicate a development approved here could not be delivered within an earlier overall timeframe. A reduced time frame of 2 years in which to submit the reserved matters in respect of the outline component and a 2-year period thereafter in which to begin implementation of the approved details is not considered to be unachievable. As such, it is considered criterion 13 of the IPS would be satisfied. Compliant.

8.37 In considering the above, the proposal scores highly against the criteria set out within the IPS, which is a material consideration in the assessment of this application.

Loss of Existing Employment Site

8.38 Policy 26 deals with existing employment site and ordinary is relevant as the application site provides caravan storage, which would fall within B8 use. The policy operates to safeguard existing employment sites to benefit the local economy and only allows alternative uses where it has been demonstrated that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses with evidence of marketing.

8.39 However, in this case, the site is not an employment generator, rather it is a source of income for the owners of Orchard Farmhouse, who operate the storage without third party employment. It is therefore considered that the land is not an employment site for the purposes of policy 26. The owners wish to retire and have indicated their intention to cease the storage offering, irrespective of the outcome of this application. The existing storage use is therefore likely to cease in any event.

- 8.40 It is also important to appreciate the evolution of the site, which became a touring site under the Camping and Caravanning Club Certification in around 1992. The popularity of the site grew, and the site was being used for the storage of upwards of 100 caravans throughout the year between 2000 and 2010. The site subsequently changed hands, with the current owner of the site, in 2010, seeking retrospective planning permission for the continuation of use of the touring caravan site with up to 40 pitches on a year-round basis.
- 8.41 The application was assessed under Policy T7 of the of the 1999 local plan, which permitted touring caravan and tented camping facilities providing that they involve five units or less and do not conflict with policies for the rural environment. It required larger proposals to have no adverse impacts of the character and appearance of the landscape. The application received officers support, despite exceeding the five units due to the well-screened nature of the site, and the lack of landscape impacts. It also received support due to the preceding 18 years of operation (since 1992). In the assessment the case officer concluded:
- 8.42 In view of the length of time that the use has existed, the fact that it has no material adverse effect on the character and appearance of the Rural Area, and the lack of objection from the Parish Council and the Harbour Conservancy, it is considered that permission should be granted despite being contrary to policy.*
- 8.43 At around the same time, retrospective planning application was submitted for the continuation of the use of the site for caravan storage, which received support under Policy T10 of the 1999 local plan, which supported the provision of caravan storage sites, which were related to existing touring/caravan sites.
- 8.44 Permission was also granted for a 'replacement workshop building for caravan and camping site' subject to a condition which stipulated the workshop should be incidental to the use of Orchard Farm as a camping and caravan site. It could therefore not be let or sold separately for commercial use outside of Orchard Farm. It has been confirmed the mechanic who has been based at Orchard Farm is seeking to park ways with the workshop next year, opting to return to mobile maintenance and repair.
- 8.45 The current use of the site as a touring site, whilst lawful, obtained permission retrospectively, in an 'on balance' decision noted to be contrary to the then local plan policy (T7). The subsequent associated use (the storage use), which would be lost via this application, again received retrospective permission, due to policy support for storage associated with existing sites. The site was therefore never 'planned' but evolved through an extensive period of existence prior to obtaining planning consent.
- 8.46 The Council's Economic Development Officer (EDO) note the loss of the workshop would be negligible, raising no objection to its loss. The applicants have nevertheless applied to re-site the workshop on the adjoining touring site to the north, to continue to provide the ancillary repair service. This remains under consideration at the time of writing.
- 8.47 The EDO has objected to the loss of the B8 storage, citing the lack of marketing provision, in accordance with Appendix E of the Local Plan. However, it is the view of officers that the site should not be viewed as an employment site, requiring protection under Policy 26 of the local plan. The site, whilst technically within a B8 storage use, does not provide any third-party employment and is simply a source of income of the owners of Orchard Farm.

In addition, it has been indicated the use is likely to cease shortly due to the owner's retirement, which could occur in any event. As a result, officers consider the loss of the caravan storage to be acceptable in this instance.

Conclusion

8.48 The proposal, despite its countryside location can be considered acceptable, in principle, given the support provided to this scheme by Policy LP1 of the Chidham and Hambrook Neighbourhood Plan. The proposal scores well against the IPS, which is a material consideration in the assessment of this application. The proposal is not considered to be an existing employment site, for the reasons as outlined above. In any event, the loss of the caravan storage, as a potential employment site would need to be balanced against the accepted supply position of 4.82 years, which necessitates the application of the 'tilted balance' in paragraph 11 d) of the NPPF, where the Council is required by 11 d) ii) to assess whether the adverse impacts of issuing a permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The loss of the existing caravan storage is not considered to be so significantly harmful to justify refusing this application. Accordingly, when considering the principal issues together, officers consider them to fall in favour of the proposed development.

ii. Impact on Visual Amenity, Landscape Character and setting of Chichester Harbour AONB

8.49 The NPPF confirms that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Planning policymaking and decision-making should take into account the roles and character of different areas and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

8.50 Paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by:

- *'protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).'*
- *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*
- *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.*

8.51 In addition, Paragraph 176 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development in

their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

- 8.52 Policies 33, 43, 45, 48, 49 and 52 of the CLP, support the above, ensuring development, respects and enhances the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and SDNP.
- 8.53 'Layout', 'Scale', 'Appearance' and 'Landscaping' are Reserved Matters on the application; however, the illustrative Layout Plan shows the houses set-back from Drift Lane, by way of the access track. The indicative landscape proposals detail that the existing boundary vegetation, including dense woodland area to the south would be retained, filter views and to assist in visually integrating the development.
- 8.54 The submitted documentation provided at this outline stage indicate that the proposed dwellings would be bungalows, some of a chalet variety. There has been no further information provided at this stage; however, this provisional scale of either single-storey bungalows or some chalet bungalows with first floor accommodation within the roof space, would align with the mixed character and styles of property within the area. As such, no objections are therefore raised at this stage, with the matter requiring further assessment at the time of a future Reserved Matters application.
- 8.55 In landscape character terms, the application site, is screened and contained in the landscape due to the 'set-back' nature of the site, the existing boundary vegetation, and the existing development to the east, south and west. The site is therefore unlikely to be widely visible or perceived, much like the caravan site currently. Important similarities can be drawn from the findings of the recent appeal at Chas Wood Nurseries (PINS Ref. 22/3299268), which shared the eastern boundary with the current application. The Inspector opined:
- 8.56 *The visually enclosed nature of the appeal site means the appeal scheme would appear as an infilling within a discernible cluster of development. In this respect it would not harmfully erode the open rural character of the area. Importantly, the proposed development would not be especially visible from the A259 due to the setback, the provision of a community orchard and the screening provided by existing buildings, most notably Far Close, Oaklands and Avenue Cottage. As a result, the scheme could be a subtle addition that would not appear as an encroachment into the countryside or an erosion of the area's rural character. This would be subject to a sensitive scheme being pursued at the reserved matters, but the illustrative drawings indicate that with some refinement a pleasant design of low-rise buildings could be provided.*
- 8.57 All new development will of course involve a change to the character and appearance of that land, but that change in or by itself is not sufficient on its own to warrant refusal particularly when that judgment is weighed, as it must be against the significant benefit of delivering new homes to help address the Council's housing supply shortfall.
- 8.58 It is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP) and the Chichester Harbour AONB, in accordance with national and local policy.

iii. Residential Amenity

- 8.59 The NPPF states at Paragraph 130 that planning should ensure a good quality of amenity for existing and future users (of places) and Policy 33 of the CLP requires that new residential development provides a high-quality living environment for future occupants, in keeping with the character of the surrounding area and includes requirements to protect the amenities of neighbouring properties.
- 8.60 As mentioned above, the indicative landscape proposals detail that the existing boundary vegetation would be retained and strengthened, to filter views and to assist in visually integrating the development. Due to the separation distance and level of natural screening between the proposed development and the existing development, it is considered that the development on the site would not result in an unacceptable level of overlooking, or an overbearing relationship, that would be harmful to the living conditions of the neighbouring dwellings or the future occupiers of the proposed dwellings.

iv. Highways Safety and Access

- 8.61 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Additionally, Policy 39 of the CLP asserts that development should be designed to minimise additional traffic generation. The assessment of access, highway safety and parking has been undertaken in consultation with WSCC Highways.
- 8.62 As noted elsewhere within this committee report, aside from the principle of development in this location, 'access' is the only matter for consideration at the time of this outline application with all other matters being reserved.
- 8.63 The vehicle access would be from Drift Lane, on the western boundary of the site, south of Orchard Farm and the new dwelling permitted under reference 21/03139/FUL. The simple priority T-junction would be of sufficient geometry to accommodate the anticipated level of vehicular activity, with satisfactory site lines possible along Drift Lane. The application has been accompanied by a swept path diagrams to demonstrate that a larger vehicle can safely turn within the site and enter Drift Lane in the forward gear.
- 8.64 The vehicle trips generated by the proposals would be acceptable in terms of highway safety and traffic levels, particularly when considering the existing use of the site and have not been found to result in a residential cumulative impact on the road network.
- 8.65 In terms of pedestrian access, there is no footway along Drift Lane, so pedestrian movement would be made along the road itself, made possible with grass verges which line the 90-metre distance from the site access point to the footway which begins at the junction of Drift Land and Main Road.
- 8.66 In summary, it has been demonstrated to the satisfaction of the LHA and to Officers that the proposal would not generate traffic to the extent that the function of the local highway network would be impaired. Similarly, subject to the proposed junction into and out of the site, the proposed access would be both safe and suitable in highway terms. The LHA is satisfied that in terms of the relevant policy test in the NPPF (paragraph 111), the

development would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe.

v. Surface Water Drainage and Foul Disposal

Surface Water Drainage

8.67 The site is wholly within Flood Zone 1 (low risk) and the Council has no additional knowledge of the site being at increased flood risk. Therefore, subject to satisfactory surface water drainage, the Council's Drainage Engineer raises no objection to the proposed use, scale or location based on flood risk grounds.

8.68 The outline proposal is for soakaways and permeable paving (subject to percolation tests) to. This approach is acceptable in principle, and a condition can be imposed to secure a more detailed drainage at the reserved matters stage.

Foul Disposal

8.69 Southern Water as the statutory undertaker has not raised any objections to the proposal, confirming they can facilitate foul sewerage runoff disposal to service the proposed development. They have advised that should the application receive planning approval, a condition should be attached to ensure that construction of the development should not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority, in consultation with Southern Water. Therefore, subject to compliance with the suggested condition, the proposal would achieve adequate foul drainage.

vi. Ecology and Biodiversity

Protected Species

8.70 Policy 49 of the CLP asserts that development should safeguard the biodiversity value of the site and demonstrable harm to habitats or species which are protected, or which are of importance to biodiversity is avoided or mitigated.

8.71 The application site is subject to no ecological designation. It falls almost entirely within, but on the edge of a proposed Strategic Wildlife Corridor. The applicants have submitted a Dormouse Survey Report (July 2021) which identifies there are no presence of dormouse within the site. In addition, a Preliminary Ecological Appraisal (October 2021) (PEA) was submitted to identify the conditions of the site any mitigation measures.

8.72 The Council's Environment Officer has assessed the proposals and made several recommendations, including the strengthening of the mitigation outline within the PEA, which can be adequately secured via condition. These conditions include protection of the trees / hedgerow during construction, sensitive lighting and to secure biodiversity protection and enhancements. Subject to the recommended conditions, the proposal would result in an acceptable ecological impact and would not adversely affect the potential or value of the wildlife corridor.

Nitrates

8.73 An area 0.48ha parcel of land to the north of the site is to be set aside from re-wilding purposes to achieve a nitrate neutral development. The site itself falls within the fluvial catchment area of the Solent Maritime SAC and as the land falls within the applicant's ownership, the re-wilding of this land can be adequately secured via condition. Natural England raise no objection, subject to appropriate mitigation being secured. The mitigation can be secured via a planning condition as it falls within the application site.

Recreation Disturbance

8.74 It has been identified that any development within 5.6km of Chichester and Langstone Harbour, which is residential in nature, will result in a significant effect on the SPA, due to increased recreational pressure causing disturbance to birds. A Bird Aware Strategy came into effect on 1 April 2018. This sets out how development schemes can provide mitigation to remove this effect and enable development to go forward in compliance with the Habitats Regulations. The mitigation can be provided in the form of a financial contribution towards a Solent wide mitigation strategy, which is recommended in the Heads of Terms for the S106 Agreement. On this basis, as sufficient mitigation has been provided for potential recreation disturbance, the development is not likely to have a significant effect on the Chichester and Langstone Harbour Special Protection Area and therefore accords with the aims and objectives of the NPPF, Policy 50 of the CLP and the Conservation of Habitats and Species Regulations 2017 (as amended).

vii. Sustainable Design and Construction

8.75 The applicant has submitted a Sustainable Statement (July 2021) which proposes a combination of fabric first and low carbon energy generating technology, with Solar PV and air source heat pumps being the current preferred options. The exact savings will need to be quantified as part of a detailed assessment undertaken alongside any future reserved matters submission and an appropriately worded planning condition requiring a more detailed Sustainable Design and Construction statement to be submitted with the reserved matters application is recommended, to secure a CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources. The Council's Environment Officer has confirmed that the applicant's approach is acceptable.

8.76 The submitted statement also confirms that active Electric Vehicle (EV) charging points will be provided in accordance with the recently updated Building Control Regulations, and infrastructure will be provided for future 'passive' charging points.

8.77 Conditions are also attached to the recommendation to secure a maximum water consumption standard of 110 litres per person per day including external water use. 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.

viii. Other Matters

8.78 As a result of the former use of the site, details of contaminated land investigations and any remediation measured are recommended to be provided for review. Conditions

recommended to ensure a Phase 1 Desktop Study is submitted and if necessary, site investigation and remediation are carried out.

ix. Infrastructure / Planning Obligations

- 8.79 This section of the report is important in that it sets out the Heads of Terms that it is currently envisaged would need to be included in any such Agreement.
- 8.80 This development is liable to pay the Council's CIL charge at £120 sqm which will address most of the infrastructure matters. If planning permission is granted, it will be subject to the completion of an Agreement under Section 106 of the relevant legislation.
- 8.81 In line with policy 34 of the adopted Chichester Local Plan, an affordable housing financial contribution will be required as it is providing between 6 and 10 dwellings in a rural designated parish under section 157 of the Housing Act 1985. The financial contribution will be calculated in accordance with the Planning Obligations and Affordable Housing Supplementary Planning Document at a rate of £350 x the square meterage of the gross internal floor area of all proposed dwellings.
- 8.82 A financial contribution (based on the final approved housing mix) towards the Bird aware Solent mitigation scheme to mitigate the impact of recreational disturbance to wildlife in Chichester and Langstone Harbour SPA/Ramsar. Sum to be agreed.

Section 106 Monitoring Fee of £326.00.

Conclusion

- 8.83 Government policy in the NPPF requires local planning authorities to demonstrate that they have a rolling 5-year supply and 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 Council is unable to demonstrate that it has a 5-year supply of housing land and therefore the housing policies in the Local Plan are now considered to be out of date. In the absence of an up-to date Local Plan, the Council cannot rely on a plan-led approach to decision making on major applications as it ordinarily would, and the 'tilted balance' approach is therefore engaged.
- 8.84 The proposal complies with Policy LP1 of the Neighbourhood Plan, which supports windfall sites of up to 10 houses, on previously developed land. The Interim Policy Statement provides an appropriate development management tool for assessing such applications and is a material consideration. The proposed development in this case is considered to score highly in relation to the IPS (as set out in the report above). The proposal would result in the loss of the existing caravan storage, however for the reasons set out above the proposal should not be considered as resulting in the loss of employment space. In this context, and for the reasons outlined above, the 'principle' of housing development is therefore considered acceptable. The application will deliver much need housing, including a contribution towards affordable housing which 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, mitigation and other infrastructure.

8.85 It is considered the proposal would respect the landscape character of the surrounding area, including the setting of the Chichester Harbour AONB and would not interrupt any open views between the South Downs National Park (SDNP). The indicative scale of the development, subject to full assessment at the reserved matters stage.

8.86 The application is therefore recommended for permission, subject to the use of planning conditions and the applicant entering into a S106 agreement to secure the required affordable housing, SPA mitigation and other infrastructures and mitigations as outlined in the sections above.

Human Rights

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

RECOMMENDATION

DEFER FOR S106 THEN PERMIT subject to the following conditions and informatives:-

1) (i) Approval of the details of the "layout of the site", "scale of the buildings", "appearance of the buildings or place" and the "landscaping of the site" (hereinafter called "reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.

Plans and particulars of the reserved matters referred to in paragraph (i) above, relating to the layout of the site, the scale of the buildings, the appearance of the buildings or place, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(ii) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and to ensure that the full details of the development are approved at the appropriate stage in the development process.

2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3) The development hereby permitted shall not be carried out other than in accordance with the approved plans: Drawing 13C (Illustrative Site Plan).

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

4) **No development shall commence** until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls have been submitted to, and approved in writing

by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

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

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

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

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

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

7) Notwithstanding any details submitted, **no development shall commence** until details of a system of foul drainage of the site have been submitted to, and approved in writing by the Local Planning Authority. Any variance in the approved details must be agreed in writing with the Local Planning Authority prior to the commencement of any development in relation to the foul drainage of the site. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall take place until the approved works have been completed. The foul drainage system shall be retained as approved thereafter.

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.

8) **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.

9) **No development shall commence** until a scheme to deal with contamination of land and/or controlled waters has been submitted to and approved in writing by the Local Planning Authority. Unless the local planning authority dispenses with any such requirement specifically in writing the scheme shall include the following, a Phase 1 report carried out by a competent person to include a desk study, site walkover, production of a site conceptual model and human health and environmental risk assessment, undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

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

10) If the Phase 1 report submitted pursuant to Condition 9 above identifies potential contaminant linkages that require further investigation then **no development shall commence** until a Phase 2 intrusive investigation report has been submitted to and approved in writing by the LPA detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011+A1:2013 - Investigation of Potentially Contaminated Sites - Code of Practice. The findings shall include a risk assessment for any identified contaminants in line with relevant guidance.

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

11) If the Phase 2 report submitted pursuant to Condition 10 above identifies that site remediation is required then **no development shall commence** until a Remediation Scheme has been submitted to and approved in writing to the Local Planning Authority detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. Any ongoing monitoring shall also be specified. A competent person shall be nominated by the developer to oversee the implementation of the Remediation Scheme. The report shall be undertaken in accordance with national guidance as set out in DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11. Thereafter the approved remediation scheme shall be fully implemented in accordance with the approved details.

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

12) No development shall commence until a five-metre fenced buffer has been erected around all existing hedgerows. The buffer shall be clearly marked with a temporary fence, which shall be maintained during the development and at no time shall any works take place within the buffer and no vehicles, equipment or materials be stored within the buffer at any time.

Reason: In the interests of protecting biodiversity and wildlife.

13) Notwithstanding the illustrative 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, a program/timetable for the provision of the landscaping and details of the proposed infrastructure and regime for watering of the landscaping and trees. 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 and boundary fencing shall include gaps underneath to enable the passage of small mammals (hedgehogs). The works shall be carried out in accordance with the approved details and planting timetable and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Any trees or plants which after planting are removed, die, or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Local Planning Authority

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

14) A detailed Sustainable Design and Construction statement, demonstrating how CO2 emissions saving of at least 19% through improvements to the fabric of the buildings together with at least a further 10% improvement through renewable resources, are to be met for the approved use in accordance with the IPS, shall be submitted with **the first application for reserved matters** and any subsequent applications for reserved matters shall demonstrate how the proposal complies with the approved details. The statement shall also include the proposed location, form, appearance and technical specification of the PV panels and the air/ground source heat pumps (including acoustic performance). The development thereafter shall be carried out in accordance with the approved details.

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

15) **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.

16) **Before first occupation of any dwelling** details of any proposed external lighting of the site shall be submitted to and be 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.

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

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

17) **Prior to first occupation of any dwelling hereby permitted**, details showing the precise location, installation and ongoing maintenance of fire hydrant(s) 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 hydrant(s) 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.

18) **No part of the development hereby permitted shall be first occupied** until such time as the vehicular access has been constructed in accordance with plans and details that shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of ensuring safe and adequate access to the development.

19) **No part of the development hereby permitted shall be first occupied** until the vehicle parking and turning spaces have been laid out and constructed (including drives/garages) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

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

20) **Prior to the occupation of the dwellings hereby permitted**, cycle storage provision for the development shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and such provision shall thereafter be retained for the stated purpose in perpetuity.

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

21) **Notwithstanding any details submitted, no part of the development hereby permitted shall be first brought into use**, until a scheme of ecological mitigation based on the recommendations of the submitted Preliminary Ecological Appraisal and the comments of the CDC Environmental Strategy Unit; together with a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme of ecological enhancements shall include consideration of:

- Any trees removed should be replaced at a ratio of 2:1
- Wildlife pond
- Wildflower meadow planting used
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles
- Log piles provided on site
- Gaps are included at the bottom of the fences to allow movement of small mammals across the site.
- Two hedgehog nesting boxes provided on the site.
- 4 bee bricks
- Provision of bat boxes on a building or a tree onsite facing south/south westerly positioned 3-5m above ground
- Provision of several bird boxes within trees located within the site

Thereafter the strategy shall be implemented fully in accordance with the approved details and timescale.

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

22) 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.

23) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed within the submitted: Preliminary Ecological Appraisal V2 (October 2021) produced by the Ecology Co-op and the Dormouse Survey Report (June 2021) produced by Kingfisher Ecology Ltd.

Reason: To ensure that the protection of ecology and 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.

24) Any works to trees or vegetation clearance on site should only be undertaken outside the bird breeding season (1st March - 1st October). If works to trees or vegetation are required within this time an ecologist shall check the site before any works take place (within 24 hours of any work) and any works shall be in accordance with the ecologist's recommendations.

Reason: To protect the habitat of nesting birds.

- 25) A precautionary approach shall be taken with regard to dormice, including:
- All suitable habitat such as the scrub and tall ruderal vegetation surrounding the site should be carefully searched for dormouse nests prior to clearance. The vegetation should be removed through a process of phased habitat manipulation, first being cut back to a minimum of 200mm and then to ground level. A careful fingertip search for nesting dormice on the ground will be required at every stage of the phased habitat manipulation.
 - In the unlikely event that dormice or dormouse nests are found during the destructive searches, all works must be suspended, and a suitably qualified Ecologist contacted. In this case works may only continue once a European Protected Species Mitigation Licence has been obtained.
 - The enhancements for dormice as detailed within the enhancement strategy should be conditioned and followed in its entirety.
 - An ecological management plan will be required to ensure long-term sympathetic management of the suitable habitats for biodiversity within the proposed development and promote increased opportunities for biodiversity.

Reason: To ensure that the protection of ecology and 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.

26) The construction of the development and associated works shall not take place on Sundays or Public Holidays or any time otherwise than between the hours of 0730 hours and 1800 hours Mondays to Fridays and 0800 hours and 1300 hours on Saturdays.

Reason: In the interests of residential amenity.

27) The proposed hard surfaces hereby permitted shall either be made of porous materials or provision shall be made to direct run-off water from the hard surfaces 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.

28) Prior to the first occupation of the dwellings hereby approved, the development shall have fully implemented the required nitrogen mitigation, in strict accordance with the Drawing 14D – Nitrate Compensatory Area Plan and the Nitrate Budget Report V3. Thereafter, the mitigation shall be retained and maintained in accordance with the protection and maintenance methods set out within the Nitrate Budget Report V3 for lifetime of the development.

Reason: In the interest of ensuring the proposal is nitrate neutral and does not result in an increased nitrate level within the Chichester Harbours.

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.

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=QWWSQERL9400>

Report to
**Planning
Committee**

Date **7 December 2022**

By **Director of Planning and Environment**

Local Authority **Chichester District Council**

Application No. **SDNP/22/04375/FUL**

Applicant **M Gill**

Application **Replacement dwelling and garage.**

Address **Greenacres Farm Trotton Road Elsted West Sussex GU29 0JT**

Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Reason for Committee referral: Parish objection - officer recommends PERMIT

The proposal is for a new dwelling following the demolition of the existing house on the site. The replacement of the existing dwelling is acceptable in principle and is supported by policies of the Local Plan. Whilst larger than the dwelling it is to replace, the replacement dwelling is an appropriate response to its setting in terms of design, massing and scale and therefore would not result in adverse harm to the wider rural landscape or the purposes of designation of the National Park. The proposal also incorporates adequate and suitable mitigation measures in respect of landscape protection and to meet the objectives of policies SD2 (Ecosystems Services) and SD48 (Climate Change and Sustainable Use of Resources).

1 Site Description

- 1.1 The application site is located on the west side of Trotton Road, approximately 140 metres north of its junction with Station Road and directly opposite Oakacre Cottage. To the north and west of the existing dwelling are a small group of former poultry buildings now in use for B8 storage purposes granted by a series of planning permissions dating from 2009.
- 1.2 To the south of the application site the land is generally flat and in use pasture, some of which is used for equestrian purposes. Immediately to the west of the application site what is described as a reservoir on the plans has been infilled and used as grazing for equestrian purposes. The land to the north of Greenacres Farm is characterised by a patchwork of fields in arable production, with field margins defined by hedgerows and small woodland blocks. The land rises gently and steadily toward the north. Medium/long distance views of the application site and the former farm buildings can be obtained from Station Road to the south and the public footpath that crosses the headland of the field to

the north.

- 1.3 The original dwelling was a single story bungalow of no particular architectural merit, with external finishes of white painted render under a pyramidal artificial slate roof. A single storey extension had been added to the west elevation. This dwelling has been demolished and works begun on the construction of a replacement dwelling permitted under reference SDNP/17/04320/FUL. This work has been halted because of the failure to discharge pre-commencement conditions attached to that planning permission before it time-expired.
- 1.4 The site comprises a mature garden, the boundaries which are well defined by hedging along the south margin and a line of mature trees on the east boundary that form an effective screen to the majority of the site when viewed from Trotton Road. The north boundary is for the most part undefined up to the former poultry houses, with the west boundary itself defined by a post and rail fence, reinforced by an established 2.0 metre hedge. Access from Trotton Road and parking is on the north side of the dwelling.

2 Proposal

- 2.1 The proposal is for the erection of a 2 storey dwelling of the same size and following design principles previously permitted under reference SDNP/17/04320/FUL. Development was begun on the 2017 scheme, but it later transpired that several pre-commencement conditions had not been discharged. The applicants' applications to discharge those conditions were received after the planning permission had expired and therefore could not be actioned, making the start on the 2017 dwelling unlawful.
- 2.2 This application seeks approval for a replacement dwelling that is similar in terms of size, design and appearance previously found to be acceptable to the LPA. An amendment in the form of a modest orangery has been added to the rear elevation, with a corresponding reduction in the size of the detached garage at the front of the site to ensure that overall floorspace is not increased from that previously permitted. A dormer window and chimney have been omitted and the number of rooflights reduced from 4 to 3. As before, a sensitive scheme of landscaping is included with the scheme to compliment and reinforce the existing planting within the site in order to ensure that the natural beauty of the surrounding rural landscape is conserved.

3 Relevant Planning History

SDNP/15/03898/FUL - Replacement dwellinghouse and garage. PERMIT 07.01.2016

SDNP/17/03556/DCOND - Discharge of Condition 9 from Planning Permission
SDNP/15/03898/FUL. APPROVED 08.09.2017

SDNP/17/04320/FUL - Amendment to permission SDNP/15/03898/FUL to include width increase by 0.5m to facilitate Plant Room, small extension to front elevation, revisions to windows and doors and internal alterations to layout. PERMIT 08.12.2017

SDNP/19/01926/FUL - Demolition of former chicken sheds and storage units and erection of 2 no. residential dwellings and 2 no. detached double garages. WITHDRAWN
23.09.2019

SDNP/21/04690/DCOND - Discharge of conditions 3, 4, 6 and 7 from planning permission SDNP/17/04320/FUL. WITHDRAWN 15.11.2021

SDNP/22/02203/DCOND - Discharge of Conditions 3 (materials), 4 (landscaping), 6 (tree protection) and 7 (fencing) of planning permission SDNP/17/04320/FUL. INVALID

4 Consultations

Parish Council Consultee

Objection

The Council notes that the previous application was void because the conditions were not correctly discharged. It is important to note that the SDNPA Local Plan, adopted on 2 July 2019, includes policy SD30 'Replacement Dwellings' meaning this application, despite being based on the previous approval SDNP/17/04320/FUL, is greatly in breach of that policy.

The Council OBJECT to the scale and mass of the proposed property as it is seriously in breach of policy SD30 without any justification. The GIA of the proposed property is 380m² (plus garage) rising from the original GIA of the demolished bungalow of 142m². This is an increase of 268% in the GIA of the house without the inclusion of the garage.

CDC - Environmental Strategy

Water Neutrality

Following submission of the Design and Access Statement (Oct 2022) the proposed replacement dwelling will have a water consumption of 109 l/per person/day whilst the existing building due for demolition has a water consumption of 161.5 l/per person/ day. Unfortunately, it has been assumed that the level of occupancy will be the same, however the new property will be a four bed rather than a three bed like the existing. Due to this the applicant will have to calculate the water use of the new building based on this and the assumption of occupants as detailed below.

- ' One-bedroom dwellings: 1.32 occupants
- ' Two-bedroom dwellings: 1.88 occupants
- ' Three-bedroom dwellings: 2.47 occupants
- ' Four-bedroom dwellings: 2.86 occupants
- ' Five-bedroom dwellings: 3.09 occupants

Using the figures provided the existing buildings water use is 398.9 L/day and the new building will be 311.74 L/day. As the water usage of the new property is still lower than the existing water use, we are satisfied that there will be reduction in water use across the site from the new development and no further work is required for this.

Further comments received:

It is acknowledged that the figures above are taken from Horsham District Council's guidance. For development within the SDNPA area of Chichester District, it is more appropriate to apply a blanket 2.4 people / dwelling occupancy. Given that in the original comments the proposal is water neutral even assuming an increase in occupation, then it will still be the case assuming no increase in occupation before and after re-development as the water use per person falls from 161.5l/p/day to 109l/p/day due to the more efficient fittings in the new build replacement. Therefore no AA is required as no mitigation is required.

Ecology

The Extended Phase One Habitat Survey (June 2019) which has been submitted with this application is unfortunately out of date. Following Natural England's guidance surveys are only valid for 2-3 years and once this period has passed new surveys are required because enough time has passed for the habitats and species to have dramatically

changed within the site. We require that an updated phase one habitat survey is undertaken and it may also be necessary that bat and reptile surveys are also required.

HCC - Landscape Team

I have had a look at the revised application and they have now added the planting details to the plan. I am happy with their proposals they are suitable for the site.

5 Representations

5.1 None received.

6 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- None

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF01 - Introduction
- NPPF02 - Achieving sustainable development

- NPPF04 - Decision-making
- NPPF12 - Achieving well-designed places
- NPPF15 - Conserving and enhancing the natural environment

7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD30 - Replacement Dwellings
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

Partnership Management Plan

7.4 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 50

8 Planning Assessment

8.1 The main issues with this proposal are:

- (i) the principle of the 1:1 replacement of the existing dwelling and;
- (ii) its effect on the landscape character and appearance of the surrounding area.

The principle of the replacement of the existing dwelling

8.2 The 2017 planning permission was granted under the policies of the Chichester District Local Plan 1999. Works were begun pursuant to that permission, but it transpired that certain pre-commencement conditions had not been discharged prior to its commencement. The planning permission then became time-expired and so works

ceased. Given the context of the works, there was no intention to abandon the residential use of the site and so this proposal can still be determined as being a replacement dwelling for the previous property. Current Local Plan policy is found in the South Downs Local Plan 2014 - 2033. Policy SD30 of the Local Plan supports the principle of replacement dwellings. There are two limbs to the policy; the first is that the proposal does not result in the loss of a small/medium-sized dwelling within the National Park and the second is that the proposal should not have a detrimental impact on the landscape character and appearance of the National Park. The main mechanism to secure these aims is to limit the size of replacement dwellings to approximately 30%.

- 8.3 The Technical Guidance Note (TAN) published to accompany Policies SD30 and SD31 explains that so far as the first limb of SD30 is concerned, a small/medium-sized dwelling is identified as having a floorspace of 120m² or less and/or 1, 2 or 3 bedrooms. The previous dwelling on the site had a floorspace of 143m². The TAN and the supporting text at paragraph 7.38 to Policy SD26 (Supply of Homes) goes on to advise that any room in a proposed dwelling that is not a main reception room, kitchen, bathroom or WC, and has dimensions that allow for a single bed, will be counted as a bedroom. This will include studies and additional reception rooms. The original dwelling included a utility room that had the dimensions that exceeded the minimum area (4.64m²) to be used as sleeping accommodation. This means the original dwelling had the potential to accommodate 4 bedrooms and therefore, together with its size, falls outside the definition of a small/medium-sized dwelling. Inspectors on recent appeals involving extensions or replacement dwellings have also identified that 120m² represents the threshold above which a property should be regarded as a 'large' dwelling. Therefore, the proposal does not result in the loss of a small/medium-sized dwelling and so not contrary to the first limb of the policy.
- 8.4 It is acknowledged that the floorspace increase is more than approximately 30% but is no larger than the dwelling previously approved in 2017 when taking into account the reduced size of the proposed garage. Nevertheless, it is still necessary to consider the proposal against the second limb of Policy SD30 and whether the design, scale and massing of the replacement dwelling is appropriate and sympathetic to its setting. To this end it is necessary to have regard to policies SD4 (Landscape Character), SD5 (design).

The effect on the character and appearance of the surrounding area - form and appearance of the new dwelling

- 8.5 The proposed dwelling is essentially the same as was permitted in 2017. As before, the overall height of the new dwelling is relatively modest at 7.95 metres, with the eaves of the building kept deliberately low to ensure the built form maintains a discrete addition to the surrounding landscape. The combination of the articulation of the plan form of the building, resultant variation in roof heights allowing the first-floor accommodation to make partial use of the roof space, successfully manages the massing of the building and helps to impart a general informality of the design that is considered appropriate to its rural setting. A modest single storey orangery is added to the rear elevation in this latest iteration, along with a reduction in the number of rooflights, removal of a chimney and simplification of the glazing pattern of windows and doors. This does not materially alter the proportions or visually add to the massing or bulk of the dwelling when viewed from public vantage points. A further amendment includes the reduction in size of the separate garage.

- 8.6 The design also proposes the use of good quality materials in the form of facing brickwork, and clay tiles and its rural character is reinforced with features such as an open-eaves detail, incorporation of hipped and half-hipped roof forms. The use of clay tile hanging to the first floor is a common feature of rural dwellings throughout the National Park and further helps to successfully manage the bulk of the new building.
- 8.7 The access to the site is to remain as previously existed, with a new garage building positioned between the new house and the east boundary of the site. Careful attention has been paid to the design and positioning of the garage building, with a relatively low height of 5.0 metres, with a quarter-hipped roof form and a deep 'catslide' hipped roof to its southeast elevation to ensure it remains an unobtrusive feature within the street scene. The mature tree line along the eastern boundary with Trotton Road would also provide effective screening of not just the garage but also to the new dwelling itself. The section through the garage shown on the submitted drawings shows a trussed roof design, thus precluding the use of the roofspace for purposes other than incidental storage.
- 8.8 On this first issue, the proposal is considered to be of a design that reflects local distinctiveness and its local context and does not detract from the character or appearance of the area. Therefore, it is concluded that the proposal complies with Policies SD4, SD5 and SD30 of the Local Plan and the design section of the NPPF (Section 12).

The effect on the character and appearance of the surrounding landscape

- 8.9 It is acknowledged that, as before, the proposed dwelling is larger than the one it is to replace, being essentially two-storey in form. The siting back from the highway boundary will allow the building to be successfully assimilated into its setting. The plans show a relatively compact footprint and a similar design to the original submission. The design does incorporate vernacular details and is articulated in a manner that helps to break up its overall massing and the building kept as low as practicable. The two storey character reflects that of a number of other properties in the locality, including Oakacre Cottage opposite and the recent development to the east of the Elsted Inn.
- 8.10 Views of the proposed dwelling from the Station Road to the south are discrete, as the existing tree cover/planting along the south boundary and the western margin of Trotton Road comes into play, as well as the subtle undulation in landform when looking north. More distant views are possible from the footpath crossing the field to the north of the application site. The footpath is elevated relative the level of the application site because of the gentle fall toward the south. Views are partially obscured by a tree line that traverses east/west north of the former poultry buildings and by those buildings. Distant views to the south are dominated by the wooded scarp of the Downs beyond and it is considered that the proposed dwelling would be seen as a subservient feature in the context of this feature and other buildings nearby.
- 8.11 The closest receptors of the new development would be the dwelling opposite the site and users of Trotton Road. The dwelling is set back from the highway boundary by approximately 18.0 metres and whilst the garage is positioned closer to the highway it is offset from direct view. Much of the east boundary with Trotton Road is screened by mature trees and general views from the dwelling opposite are restricted to those from the

entrance.

- 8.12 The LPA received expert landscape advice both on the original proposal in 2015 and the 2017 amended scheme. Whilst the original proposal was of concern due to its size and siting, the revised 2017 scheme, which the current proposal is a repeat of with minor changes, was considered to be acceptable from a landscape perspective. This proposal repeats the additional landscaping to further assimilate the proposed dwelling into the surrounding landscape in line with the landscape officer's previous advice and again this will be subject to a condition to ensure its implementation. The HCC Landscape Team have reviewed the latest proposals and as before, do not raise objection on landscape grounds.
- 8.13 In the light of the above, the proposal is considered to be acceptable from a landscape perspective and therefore accords with the objectives of policies SD4, SD5 and the second limb of SD30.

Other matters - water neutrality

- 8.14 The application site falls within the Sussex North Water Resource (supply) Zone, which is serviced by ground water abstraction near Pulborough. This has the potential to impact upon the Arun Valley, a Special Area Conservation (SAC), Special Protection Area (SPA) and Ramsar site. In September 2021, the Authority received advice from Natural England. The Natural England position is that it cannot be concluded that the existing abstraction within the Sussex North Water Supply Zone is not having an impact on the Arun Valley sites. It advises that developments within this zone must not add to this impact. Therefore, development proposals that would lead to a material increase in water demand will need to demonstrate 'water neutrality'. This means that there would be no increase in water consumption, demonstrated by a combination of water efficiency, water recycling and offsetting measures. This should be demonstrated in a water budget, showing the baseline and proposed water consumption and mitigation measures proposed.
- 8.15 The applicant has produced a water budget which has been subject to review by officers in the Environmental Strategy Unit of the Council. The budget demonstrates that the proposed dwelling - without requiring positive mitigation - would be more water efficient than the previous dwelling (311.74 litres/person/day compared to 398.9 litres/person/day) because of the requirement to comply with Building Regulations AD Part G. Notwithstanding this position, the applicant proposes installing further water efficiency measures, including rainwater harvesting to reduce reliance on external taps. Therefore, the proposal may be 'screened out' as having no material effect on the Arun Valley.

Other matters - Ecosystems Services

- 8.16 The applicant has submitted an ecosystems services statement to demonstrate that the proposal can meet the objectives of policy SD2. Measures including the provision of new and supplementary boundary planting and wildflower planting will enhance the biodiversity value of the site and permit linking of existing wildlife corridors, particularly foraging routes used by bats and other fauna. The use of water butts and permeable surfacing will compliment other water-saving measures and manage surface water runoff to mitigate against flood risk.

Other matters - Ecology

- 8.17 An updated walk over survey (PEA) has been prepared in line with the CDC Ecologist's request. Specific relevance to this application is that the original PEA identified the former dwelling as a bat roost. Its subsequent demolition was authorised by a low-impact licence issued by Natural England. The updated PEA advises that there has been no material change in the site circumstances and that no additional surveys are required. The proposed development presents an opportunity to compensate for its loss and it is proposed to include bat tiles for the roof and adapted tile hanging to allow access to the batten spaces. Further enhancements recommended by the applicant's ecologist include integrated or wall-mounted bat boxes and access points through ridge or roof tiles into a loft void if one will be present. Existing tree and hedgerow corridors are being retained and enhanced. The proposal is within the 12km buffer for the Singleton and Cocking Tunnels Special Area of Conservation (SAC). However, it would have no adverse impact on the nature conservation importance of this SAC and is 'screened out'.

Other matters - sustainable construction

- 8.18 Policy SD48 requires proposals to respond positively to combat climate change and to make sustainable use of resources. The dwelling would be insulated to a high level to ensure the greater energy efficiency of the building. The water budget advises that water consumption will be 108l/pp/pd, below that stipulated in policy SD48(2)(ii). Low carbon technologies in the form of air source heat pumps (ASHP) are included in the proposal, further reducing the development's carbon footprint.

Other matters - Parish Council

- 8.19 The Parish Council has raised concerns about the scale of the dwelling and consider that the increase in floorspace of the building represents an unjustified breach of Policy SD30, notwithstanding being based on the 2017 approval. Paragraph 8.3 above explains in more detail why the proposal does not result in the loss of a small/medium-sized dwelling that policy SD30 is aimed at protecting and is sensitive to its landscape setting in terms of positive design and materials. It should also be noted that the Parish Council raised no objection to the 2017 proposal, which was very similar.

9 Conclusion

- 9.1 In conclusion, the replacement dwelling (as now proposed) is considered to be an acceptable and appropriate response to its setting in terms of design, mass and scale and therefore seeks to promote local distinctiveness and would not result in an adverse impact on the wider rural landscape. The proposal does not result in the loss of a small/medium-sized dwelling as defined in the accompanying TAN and whilst the floorspace is more than 'approximately 30%', it does not run counter to the objectives of the second limb of policy SD30. The application proposals also incorporate adequate and suitable landscape mitigation measures in respect of the protection and enhancement of the surrounding landscape together with ecological, and sustainability measures. Therefore, the proposal accords with the objectives of local and national planning policies and with the purposes of designation of the National Park as set out above.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of 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. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shown on Drawing No. GCL_22_104 shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

5. No development, including site works of any description, shall take place on the site and before any equipment, machinery or materials are brought onto the site, until all the existing trees or hedges to be retained on the site have been protected by fencing as detailed on Drawing No GCL_22_104. This fencing shall be maintained until all equipment, machinery, surplus materials and soil have been removed from the site. Within the areas so fenced off the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority. If any trenches for services are required in the fenced off areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25 mm or more shall be left un severed. All in accordance with BS 5837:2012

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

6. No development shall take place above wall plate level unless and until details of screen walls and/or fences have been submitted to and approved by the SDNPA and the dwelling shall be occupied until such screen walls and/or fences associated with them have been erected. Once erected they should be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

7. The garage building hereby permitted shall not be used for any purpose other than as a private domestic garage and for incidental storage in connection with the replacement dwelling hereby approved.

Reason: To accord with the terms of the application and to ensure that the development does not result in an over-intensive use of the site.

8. The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the recommendations section of the submitted bat survey dated June 2017 (as updated in November 2022) produced by AEWC Ltd and approved under reference SDNP/17/03556/DCOND on 08.09.2017.

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.

9. Prior to the commencement of the development hereby permitted detailed information in a design stage sustainable construction report in the form of:

- a) design stage SAP data
- b) design stage BRE water calculator
- c) product specifications
- d) building design details
- e) layout or landscape plans demonstrating that the dwelling has:
 - i) reduced predicted CO2 emissions by at least 19% due to energy efficiency and;
 - ii) reduced predicted CO2 emissions by a further 10% due to on site renewable energy compared with the maximum allowed by building regulations
 - iii) EV charge point
 - iv) predicted water consumption no more than 110 litres/person/day
 - v) separate internal bin collection for recyclables
 - vi) private garden compost bin and providing evidence demonstrating:
 - vii) sustainable drainage and adaptation to climate change
 - viii) selection of sustainable materials

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these agreed details.

Reason: To ensure development demonstrates a high level of sustainable performance to address mitigation of and adaptation to predicted climate change.

10. The rooflights hereby permitted shall not be installed until details of an automated blind system and its operation has been submitted to and approved in writing by the LPA. The approved system shall be installed as an integral part of the rooflight(s) prior to occupation and remain operational at all times thereafter.

Reason: To safeguard the character and relative tranquillity of the international dark night skies reserve

11. No external lighting shall be installed to the building or anywhere within the site unless otherwise agreed in writing by the Local Planning Authority. This exclusion shall not prohibit the installation internal lighting or of sensor-controlled security lighting of 1,000 lumens or less, which shall be designed and shielded to minimise upwards light spillage.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity and protect the South Downs International Dark Night Skies Reserve.

12. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site, unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes B or C inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

14.1 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

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Price

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Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees Parish Council, CDC Ecology, CDC Environmental Strategy Unit

Background Documents SDNPA Local Plan, SDNPA Management Plan, SDNPA Design
Guide, NPPF

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type_Reference	Version	Date Received	Status	
Plans - GCL_22_101	GCL_22_101		15.09.2022	Approved
Plans - EXISTING PLANS	GCL_22_102		15.09.2022	Approved
Plans - PROPOSED PLANS	GCL_22_103		15.09.2022	Approved
Plans - PROPOSED HARD & SOFT LANDSCAPING	GCL_22_104		15.09.2022	Approved
Plans - TOPOGRAPHIC SURVEY	01315_TOPO		15.09.2022	Approved
Plans - SITE LOCATION PLAN	GCL_22_100		15.09.2022	Approved

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

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Report to **Planning Committee**
Date **7 December 2022**
By **Director of Planning**
Local Authority **Chichester District Council**
Application No. **SDNP/22/03304/HOUS**
Applicant **Mr & Mrs Liddle**
Application **Replacement ancillary residential building and removal of 3 no. other ancillary buildings.**
Address **Hurstfield House
B2146 Ditcham Lane To Hurst Mill Lane
Hurst
South Harting
West Sussex
GU31 5RF**

Recommendation: That the application be Refused for the reasons set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Red Card – Cllr Kate O'Kelly - Important information/opinion to raise in debate

The application site has the benefit of an existing annexe building, the lawful status of which is informed by the grant of the lawful development certificate in 11/01443/ELDNP. This determined that the annexe is to be occupied solely in connection with and ancillary to the host dwelling of Hurstfield House (known as Badgers at that time). This was highlighted as a modest level of accommodation and a subsidiary element of the single residential unit. This proposal seeks to replace the existing subsidiary annexe with a structure that provides all the facilities to permit habitual living independent of Hurstfield House. Given the size and scale of the building and the facilities contained within it, it is believed that the proposed structure constitutes a new dwelling outside of a settlement boundary with no details of an essential need to live in the countryside provided and causes demonstrable harm to the defining landscape character of the National Park.

No evidence of the water neutrality of the development has been provided in accordance with the requirements of Natural England and therefore it has not been established that the proposal will not have a likely significant effect on the Arun Valley SPA..

Therefore, the proposed building is considered not to comply with the objectives of the South Downs Local Plan (2019) set out in this report and the application is recommended for refusal.

1.0 Site Description

- 1.1 Hurstfield House is a large early C20th detached dwelling located approximately 1.5 miles west of the settlement boundary of South Harting and on the eastern side of the B2146 Harting to Petersfield road. It is situated in a relatively isolated position surrounded by open countryside.
- 1.2 Hurstfield House is a two-storey dwelling, partly timber-framed construction and tile hung under a clay tiled roof positioned toward the more open eastern boundary of the property's curtilage.
- 1.3 To the south and west of the main dwelling are a series of outbuildings, including an unassuming single storey annex building comprising three distinct elements, which is the subject of this application. This annex comprises living space, kitchen, WC, and bedroom and is constructed of a mixture of coloured render, faux timber framing and weather boarding under a shallow pitched clay roof. It is to be replaced under this proposal.

2.0 Proposal

- 2.1 The proposal is for the replacement of the existing single storey annex comprising one bedroom, kitchen, wc and living space with a single storey, two bed roomed unit incorporating a ground floor open plan living, dining and kitchen space with a study, plant and storage areas.
- 2.2 The replacement building is to be located partially covering the footprint of existing annex, south of the principle dwelling on the site, Hurstfield House.

3.0 Relevant Planning History

98/02645/DOM - Erection of 2 bay car barn - Approved

01/02664/DOM - First floor rear extension forming bathroom en-suite from existing bedroom Approved

11/01443/ELDNP - Existing Lawful Development for annex accommodation to dwelling known as 'The Badgers' - Approved

SDNP/18/03098/PRE - Temporary change of use for 3 years to dog training activities for 1 acre of the 9 acre field - Pre Application Advice Given

SDNP/20/00434/PRE - Convert existing detached garage into habitable standard workroom, studio and home office - Pre Application Advice Given

SDNP/21/05000/HOUS - Two side extensions to the north and the east elevations - Approved

SDNP/21/00807/PRE - Replacement of existing ancillary outbuildings and extensions to main house - Pre Application Advice Given

SDNP/21/05057/HOUS - Replacement ancillary residential building and removal of other ancillary buildings. - Refused

4.0 Consultations

4.1 Parish Council Consultee

No objection

4.2 CDC - Environmental Strategy

Bats:

Following submission of the Bat Survey Report (Sept 20), 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. If any piles need to 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.

5.0 Representations

No third-party representations received.

6.0 Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans. Other plans considered:

- N/A

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated July 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 176 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

- 7.2 The following National Planning Policy Framework documents have been considered in the assessment of this application:
- NPPF04 - Decision-making
 - NPPF01 - Introduction
 - NPPF02 - Achieving sustainable development
 - NPPF05 - Delivering a sufficient supply of homes infrastructure
 - NPPF12 - Achieving well-designed places
 - NPPF15 - Conserving and enhancing the natural environment
- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD26 - Supply of Homes
- Strategic Policy SD27 - Mix of Homes
- Strategic Policy SD28 - Affordable Homes

Partnership Management Plan

7.4 The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- Partnership Management Plan Policy 1
- Partnership Management Plan Policy 3
- Partnership Management Plan Policy 50

8.0 Planning Assessment

The Principle of the Proposed Development

- 8.1 The lawful status of the existing building is informed by the grant of the lawful development certificate in 11/01443/ELDNP. This determined that the occupation of an existing outbuilding on the site was solely in connection with and ancillary to the host dwelling (known as Badgers at that time). The Officer report highlighted that this very modest level of accommodation, as a matter of fact and degree was within and formed a subsidiary element of the same, single residential planning unit as the main dwelling and not a separate planning unit.
- 8.2 The assertion in the agent's application documents that the annexe can or has been lawfully occupied as a separate residential unit from Hurstfield House has not been tested; the fact that separate council tax has been levied on the building is not demonstrative evidence on its own as to the *use* it has been put to.
- 8.3 The principle of the replacement of the current, modestly sized annexe is considered acceptable given its lawful status. However, the acceptability of any replacement annexe is subject to the aims and objectives of national and local planning policies.
- 8.4 It is important to note that this application follows a recent pre-application advice response ref. SDNP/21/00807/PRE and a refused application ref. SDNP/21/05057/HOUS for a scheme that is similar to the structure proposed in this application.
- 8.5 The advice given within SDNP/21/00807/PRE concluded that in view of the substantial size, level of self-sufficiency and degree of separation, the intended replacement annexe would be tantamount to the erection of a new dwelling and could not be reasonably considered as an ancillary building serving the main dwellinghouse in the context of the lawful status of the existing building. This was also reflected in the reasons for refusal of application SDNP/21/05057/HOUS.
- 8.6 Policy SD31 of the South Downs Local Plan (Extensions to existing dwellings, and provision of annexes and outbuildings) which deals with matters relating to the provision of annexes states inter alia:

2. Proposals for annexes should demonstrate the functional and physical dependency on the host dwelling.
 3. Proposals for outbuildings should demonstrate that they are required for purposes incidental to the use of the host dwelling.
 4. Where permission is granted future extensions may be controlled by the removal of permitted development rights.
- 8.7 Paragraph 7.91 of the supporting text to the policy states, '...Proposals should respect local character and complement the scale, height, massing, appearance and character of the existing dwelling. All applications for extensions, annexes and outbuildings will therefore need to comply with SD4: Landscape Character and SD5: Design'. Paragraph 7.95 of the Local Plan goes on to advise that, 'Proposals for annexes to provide additional ancillary accommodation must demonstrate a functional link between it and the host dwelling. The annexe must be in the same ownership as the main dwelling and share utility services, access, vehicular parking and private amenity space. An annex should usually be incorporated within or physically attached to the host dwelling. Where an extension to provide an annexe is not practical, consideration will also be given to the size of the detached annexe and sub-ordinance to the host dwelling'.
- 8.8 The application proposal seeks to demolish the modest, single storey annexe, with a floorspace of 51.88 sq. metres which contains living space, kitchen, W/C and bedroom. This would be replaced with a substantially larger detached, single storey unit with a floorspace of 177.5sq. metres. The replacement structure would have a large open plan living room, kitchen and dining area, two bedrooms with ensuites, library/study, storage and plant room in a basement. The 'study/library' has the dimensions to be used as a third bedroom and must be treated as such in accordance with the TAN advice. The new building represents an increase of 240% over that of the existing annex.
- 8.9 The applicant suggests that existing outbuildings can be removed to facilitate a larger overall increase in GIA and could be regarded as a modest rationalisation of the site. On inspection, many of these are not of substantial enough construction to be considered as outbuildings such as the greenhouses located in the northwest of the planning unit. Potentially a single outbuilding could be removed, described as 'Coral Outbuilding' which even if the removal of is included in GIA calculations, the proposed scheme would still result in an increase of 175% on the existing annexe, far exceeding the 30% restriction of SD31.
- 8.10 The proposed building, by virtue of its height and massing would be visible from public vantage points and therefore add to the built development within the wider landscape and erosion of the rural character of the area. The reduction in ground levels is an attempt to mitigate against the scale of the new building but would not result in the structure becoming acceptably subservient to the host dwelling or overcome the concerns raised about the visual impact of the building on the surrounding area.
- 8.11 The structure has all the facilities to permit day to day living independently of Hurstfield House. The independence is emphasised through the incorporation of a bespoke plant basement room. This shows little reliance on the main house and is considered to be tantamount to a new dwelling and therefore contrary to Section 2 of SD31.

- 8.12 Policy SD25 of the South Downs Local Plan (SDLP) states that outside of designated settlement boundaries, development will be permitted where it complies with relevant policies in the Local Plan, responds to the context of the relevant broad area or river corridor, and:
- a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
 - b) There is an essential need for a countryside location; or
 - c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
 - d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.
- 8.13 The personal aspirations to have close relatives living close-by are acknowledged as capable of being a material consideration, but these fall far short of being an essential need to live in the countryside, nor as mentioned above would the consolidation of the built form result in the conservation and enhancement of the special qualities of the National Park. No details of an essential need have been provided with this application. The proposal is therefore considered to be contrary to policy SD25 of the SDNP LP.

The effect of the proposed development on the surrounding area and its relationship with the host dwelling

- 8.14 Policy SD4 states that proposals will only be permitted where they conserve or enhance the landscape character. This policy is closely linked to policy SD5 which requires proposals to adopt a landscape led approach and respect local character through sensitive, high-quality design that makes a positive contribution to the overall character and appearance of the area. This is not just in relation to the building itself, but to its effect on and relationship with existing development. Paragraph 176 of the NPPF requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of National Parks which has the highest status of protection in relation to these issues.
- 8.15 The site lies within a relatively isolated and visually sensitive rural position within the South Downs National Park. Whilst there is an existing structure in this location, the replacement with a larger building would result in the consolidation of sporadic residential development and associated domestic activity in the countryside and the unacceptable urbanisation of this sensitive rural landscape. It is believed that this will cause demonstrable harm to the defining characteristics and visual qualities of this part of the South Downs National Park. It is therefore considered to be inconsistent with and contrary to the policies of landscape led South Downs Local Plan.

Impact upon amenity of neighbouring properties

- 8.16 Policy SD31 of the SDNP Local Plan 2019 states that development proposal for extension to existing dwellings will be permitted where the proposal is not overbearing or of a form

which would be detrimental to the amenity of nearby residents by virtue of loss of light and/or privacy.

- 8.17 The site is situated in a rural location with substantial distance between this development and the nearest neighbour, approximately 90 metres to the northwest across the B2146 highway.
- 8.18 As such, it is the officer's opinion that the proposed works would be sufficiently distanced, orientated and designed so as not to have an unacceptable effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light.

Dark Night Skies

- 8.19 The appeal site lies within the intrinsic zone of darkness of the Dark Night Skies Reserve of the South Downs National Park, immediately outside of the Dark Sky Core, which is the darkest part of the reserve.
- 8.20 The proposed structure features no. 4 modest sized roof lights which are proposed to be fitted with automatic blackout blinds. The roof form extends over larger windows in order to minimise upward light spill from the apertures.
- 8.21 These mitigation measures are considered appropriate and reduce the unnecessary light spill and ensure that the development does not harm the quality of the Dark Night Skies Reserve.

Water Neutrality

- 8.22 Hurstfield House is located within the Sussex North Water Resource (Supply) Zone. This area is served by groundwater abstraction near Pulborough, near to the Arun Valley designated sites as SSSI, SAC, SPA and Ramsar. Natural England (NE) are undertaking condition assessments of the Arun Valley designated sites and have identified significant negative changes in their condition. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on. NE advise that it cannot be ruled out that groundwater abstraction for water supply near Pulborough is contributing to the situation. The LPA has received an interim position statement from NE who advise development must not add to this impact and should only be permitted if it can be demonstrated that it is water neutral.
- 8.23 Having regard to the Local Planning Authority's statutory duties under The Conservation of Habitats and Species Regulations 2017 (as amended), it has not been shown that the proposed development would be 'Water Neutral' that is, "the use of water in the supply area before the development is the same or lower after the development is in place" and consequently a likely significant effect upon the Arun Valley designated sites would occur. In the absence of sufficient information to determine any likely significant effect upon the Arun Valley designations, and any potential mitigation being secured, it has not been demonstrated that the proposals accord with policies SD1, SD9 and SD17 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).

9.0 Conclusion

- 9.1 The proposal will result in a building that is capable of being used as an independent dwelling. The provision of a unit of self-contained and independent accommodation within the Rural Area, with no explicit justification for a rural location, is contrary to Development

Plan and National planning policies that seek to restrict development and to protect the countryside for its intrinsic merit. Furthermore, no evidence of the water neutrality of the development has been provided in accordance with the requirements of Natural England. The application is therefore recommended for refusal.

10 Reason for Recommendation and Conditions

It is recommended that the application be Refused for the reasons set out below.

1. The proposal will result in a building that is capable of being used as an independent dwelling. This constitutes the provision of a unit of self-contained and independent accommodation within the Rural Area, with no explicit justification for a rural location resulting in demonstrable harm to the defining characteristics and visual qualities of this part of the South Downs National Park. The scheme is contrary to Development Plan and National planning policies that seek to restrict development and to protect the countryside for its intrinsic merit, which has added weight in National Parks. For these reasons the proposal is considered to be inconsistent with and contrary to policies SD1, SD4, SD5, SD6, SD7, SD25, SD26, SD27, SD28, SD29 and SD31 of the South Downs Local Plan 2019, the objectives of the NPPF, in particular the environmental sustainability dimension, paragraphs 8, 10, 11, 47, 59, 61, 78, 79, 80, 119, 120, 124 and 176 and the two purposes of designation of the South Downs National Park.
2. The application site falls within the Sussex North Water Resource (Supply) Zone. This area is served by groundwater abstraction near Pulborough, near to the Arun Valley designated sites as SSSI, SAC, SPA and Ramsar. Natural England (NE) are undertaking condition assessments of the Arun Valley designated sites and have identified significant negative changes in their condition. The hydrology (water quantity and its movement) of the area is essential to maintaining the habitat upon which the designation features/species rely on. NE advise that it cannot be ruled out that groundwater abstraction for water supply near Pulborough is contributing to the situation. The LPA has received an interim position statement from NE who advise development must not add to this impact and should only be permitted if it can be demonstrated that it is water neutral. Having regard to the Local Planning Authority's statutory duties under The Conservation of Habitats and Species Regulations 2017 (as amended), it has not been shown that the proposed development would be 'Water Neutral' that is, "the use of water in the supply area before the development is the same or lower after the development is in place" and consequently a likely significant effect upon the Arun Valley designated sites would occur. In the absence of sufficient information to determine any likely significant effect upon the Arun Valley designations, and any potential mitigation being secured, it has not been demonstrated that the proposals accord with policies SD1, SD9 and SD17 of the South Downs Local Plan 2019, the National Planning Policy Framework 2021 and The Conservation of Habitats and Species Regulations 2017 (as amended).
3. The application has been assessed and determined on the basis of the plans noted below.

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

11. Crime and Disorder Implications

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Alex Ransom

Tel:

email: aransom@chichester.gov.uk

Appendices

Appendix 1 - Site Location Map

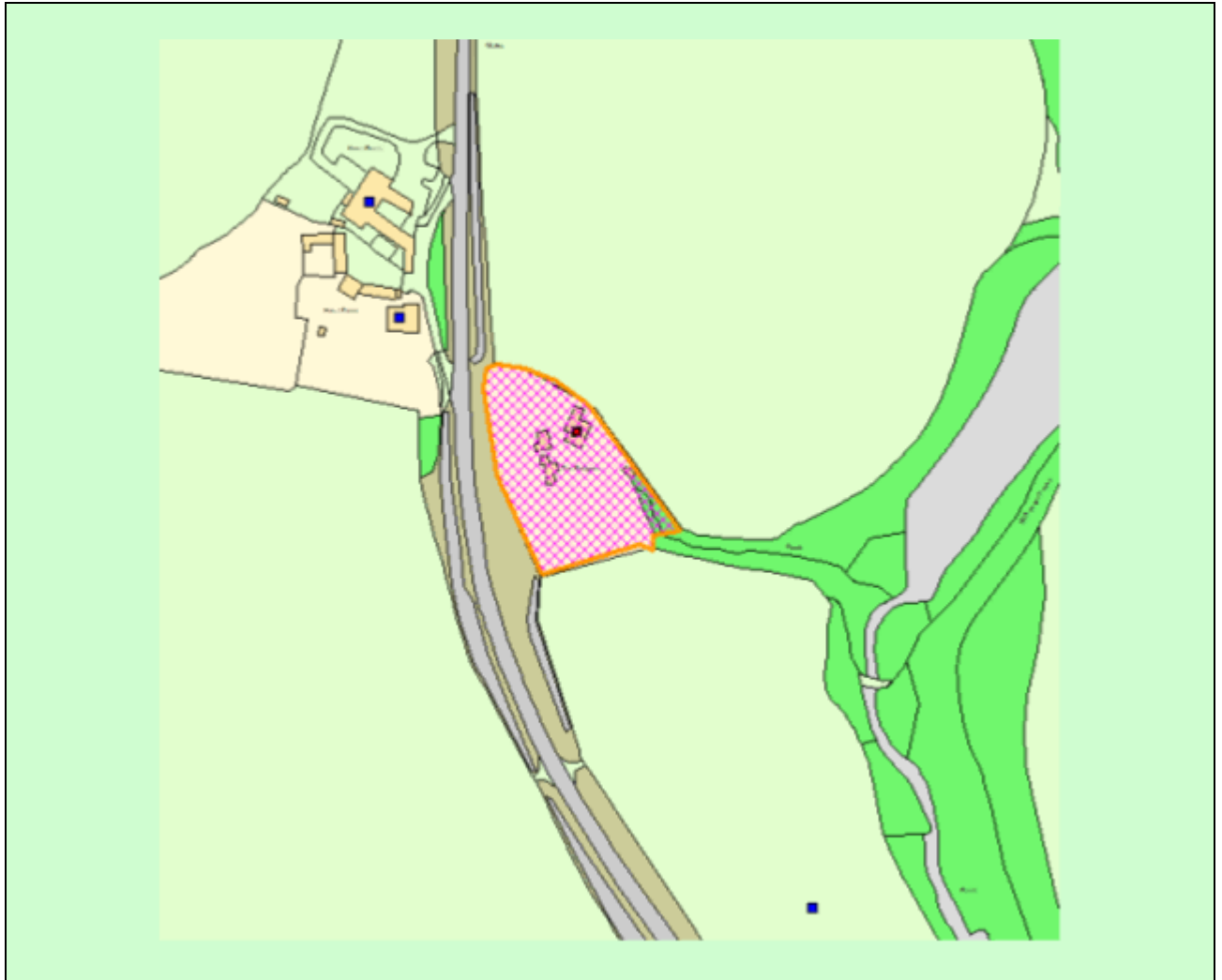
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date Received	Status
Plans -	2010684.HAR-01	LOCATI ON AND SITE PLANS		Not Approved
Plans -	2010684.HAR-02	LOCATI ON AND SITE PLANS		Not Approved
Plans -	2010684.HAR-03	GIA AND GEA EXISTIN G BU		Not Approved
Plans -	2010684.HAR-04	GIA AND GEA PROPO SED BU		Not Approved
Plans -	2010684.HAR-05	COTTA GE FLOOR PLAN - EX		Not Approved
Plans -	2010684.HAR-06	EXISTIN G COTTA GE ELEVAT I		Not Approved
Plans -	2010684.HAR-07	EXISTIN G COTTA GE ELEVAT I		Not Approved
Plans -	2010684.HAR-08	PROPO SED FLOOR PLAN		Not Approved

Plans -	2010684.HAR-09	PROPOSED BASEMENT FLOOR		Not Approved
Plans -	2010684.HAR-10	ROOF PLAN - PROPOSED		Not Approved
Plans -	2010684.HAR-11	ELEVATIONS - PROPOSED		Not Approved
Plans -	2010684.HAR-12	ELEVATIONS - PROPOSED		Not Approved
Plans -	2010684.HAR-13	EXISTING OUTBUILDING 6		Not Approved
Plans -	2010684.HAR-14	EXISTING OUTBUILDING 7		Not Approved
Plans -	2010684.HAR-15	EXISTING OUTBUILDING 8		Not Approved

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

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Chichester District Council Planning Committee

Wednesday 07 December 2022

Report of the Director Of Planning and Environment Services Schedule of Planning

Appeals, Court and Policy Matters

between 19-10-2022 - 15-11-2022

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>22/01366/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex - 1 no. detached dwelling (plot 1).
<u>22/01367/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Land To Rear Of Co-Op Store Bracklesham Lane Bracklesham Bay West Sussex - 1 no. dwelling.
<u>22/00606/FUL</u>	
Selsey Parish Case Officer: Louise Brace Written Representation	21 Vincent Road Selsey Chichester West Sussex PO20 9DQ - Erection of 1 no. 2 bed bungalow (resubmission of SY/21/01820/FUL).

Reference/Procedure	Proposal
22/00154/CONHI	
West Itchenor Parish Case Officer: Sue Payne Written Representation	Russett Cottage Itchenor Road West Itchenor Chichester West Sussex PO20 7DD - Appeal against the Council's decision not to issue a remedial notice

2. DECISIONS MADE

Reference/Procedure	Proposal
22/00142/FUL	
Fishbourne Parish Case Officer: Jane Thatcher Written Representation	Bethwines Farm Blackboy Lane Fishbourne PO18 8BL - Change of use of land to provide facility for 'doggy day care', including the provision of 3 no. portakabins and perimeter fence.
Appeal Decision: APPEAL DISMISSED	
<p>" Appeals A, B and C are dismissed (and planning permission or prior approval for the proposed schemes is refused). ... Appeal A, reasons - ... the appeal site is not an appropriate location for the development proposed and that it would be harmful to local character. No intervening structures or attenuation are proposed ... it would not be possible to impose conditions that would ensure acceptable living conditions. I therefore conclude that the proposal would adversely affect the living conditions of those nearby ...it has not been demonstrated that the proposal would ensure the safe and efficient operation of the surrounding highway network..... I accept that taking land out of active agricultural use may have a beneficial effect in terms of nutrient generation and ecological effects .. Appeal B. reasons - The proposal was originally for the 'change of use of 501sqm of the existing agricultural building to storage use'. That would inherently exceed the 500 sqm limit set via GPDO Schedule 2, Class R, paragraph R.1.(b).Class R expressly relates to the 'change of a use of a building...'. the appeal site encompasses a substantially larger area than the footprint of the building, including other buildings. There are no readily identifiable markers or features as to where any curtilage logically falls. I cannot conclude that the scheme would be permitted development, Appeal C, reasons ... The use of any land for the purposes of agriculture is not development by virtue of section 55(2)(e) of the 1990 Act, and the planning definition of agriculture in section 336(1) of the 1990 Act is broad and not exhaustive..... I consider that the proposal before me would amount to a material change of use in the land.... Taking any land out of agricultural use, or managing agricultural practices differently, may theoretically reduce nutrients entering the local ecosystem. That may be beneficial whether or not there has been adequate delivery, or exists an adequate forward supply, of housing. However that does not provide compelling justification for this specific scheme. There is no clear indication of the types of farming activities or practices conducted over time here. There is no indication HELAA site HFB0004a is being progressed as an allocation. There is similarly no indication in the cases made to me that the Council are unable to demonstrate an adequate forward supply of land for housing, or that housing delivery is faltering with reference to NPPF paragraphs 68, 74 or 11 (or, even if they were not able to, that any such lack is attributable to insufficient nutrient offsetting facilities). There is therefore no compelling justification for removing the land here from agricultural use to enable the delivery of housing. "</p> <p>"Costs applications in respect of appeals A and B are refused. The application for an award of costs in respect of appeal C is, however, allowed within the terms set out below. ... Appeal C was for the use of five fields at Bethwines Farm amounting to 28.48ha as a nutrient offsetting site. That was with the aim of mitigating the adverse effects of effluent associated with new housing on ecologically sensitive sites nearby.Notwithstanding the Council's position as to whether permission was required, the appellant consistently argued that the proposal to which appeal C related was development, and that Local Plan policy 48 applied..... It is therefore difficult to rationalise why the appellant provided no substantive information on the ALC of the site, regardless of whether that was expressly requested. The only statement on that matter, integral to determining whether or not the scheme would benefit from in-principle support from the statutory development plan, is in the appellant's statement of case, paragraph 5.2. ...</p>	

**Appeal Decision: APPEAL DISMISSED
- continued**

As explained in the associated appeal decision, the arguments advanced by the appellant in favour of appeal C were unsubstantiated in three respects Firstly, taking any land out of agricultural use may theoretically reduce nutrients entering the local ecosystem, rather than applying specifically to the scheme proposed. Secondly, there was no indication as to how the scheme would relate to others or to overall housing delivery pressures. Thirdly, although the scheme was supported by various studies, none substantiated that the site would naturally turn into grass or wetlands as was applied for.30. In that context based on the inadequacies of the supporting evidence the proposal had no reasonable prospect of succeeding. ...For the above reasons, in respect of appeal C unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. A full award of costs is therefore justified. ...”

[22/00142/FUL](#)

Fishbourne Parish	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL - Re-grading of existing agricultural land to create natural grass and wetlands
Case Officer: Jane Thatcher	
Written Representation	

Appeal Decision: APPEAL DISMISSED

As Above

[22/00575/PA3R](#)

Fishbourne Parish	Bethwines Farm Blackboy Lane Fishbourne Chichester West Sussex PO18 8BL - Prior Approval - Change of use of existing agricultural building to storage use (B8).
Case Officer: Jane Thatcher	
Written Representation	

Appeal Decision: APPEAL DISMISSED

As Above

Reference/Procedure	Proposal
21/00992/FUL	
<p>Oving Parish</p> <p>Case Officer: Joanne Prichard</p> <p>Written Representation</p>	<p>Littlemead Business Centre Tangmere Road Tangmere PO20 2EU - Erection of 10 no. new lettable E(a), E(g)(ii), (iii) and B8 units of differing sizes, including mezzanines and ancillary access slabs, onsite unallocated parking, cycle and communal bin area, planting.</p>
Appeal Decision: APPEAL DISMISSED	
<p>“The appeal is dismissed. ... The main issues are whether the proposed development would be a) appropriately located having regard to character and appearance of the area and need, and b) adequate in design and construction. ... The main parties agree the appeal site is within the countryside, as designated by the Chichester Local Plan: Key Policies 2014-2029 (LP) and is not adjacent to any settlements. ... Although the proposal would comply with the requirements in LP Policies 3 and 26 which support the retention and development of existing employment sites, its countryside location also requires compliance with LP Policy 45. The proposal’s construction would have a detrimental impact on the character of the countryside and permanently remove the buffer it creates between the pastoral landscape beyond and the existing buildings, ... its loss needs to be balanced against a clearly defined need which could not be met by a similar development within or immediately adjacent to the existing settlements ... The appellant asserts there is a pent up demand for Littlemead Business Centre units ... However, this relies on conjecture and is not supported by independent evidence. The appellant has also submitted general statistics relating to the needs of rural businesses. Unfortunately, this information is too broad and does not specifically show why the site in question is best suited to fulfil the potential needs illuded too. Consequently, there is no justification for a specific essential, small scale and local need that the proposal would fulfil nor why this location is the only place it could be achieved. ... I also note that the appellant considers areas within Oving (a nearby village) are developable and a previous approval shows the appeal site is sustainable but there is nothing before me to support these claims, so they do not alter my findings. ... it cannot be shown that the appeal site is the appropriate location for that proposed regarding character, appearance and need. It would be contrary to LP Policies 1, 2 and 45 and paragraphs 85 and 174 of the Framework, ... in relation to sustainable design ... From the information submitted it is apparent some but not all the criteria could be met. ... I am satisfied this could be dealt with by condition. Consequently, the proposed development could be adequate in design and construction. ... For the reason above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal is, therefore, dismissed.”</p>	

3. IN PROGRESS

Reference/Procedure	Proposal
<u>20/03034/OUT</u>	
Birdham Parish Case Officer: Jane Thatcher Informal Hearings	Land And Buildings On The South Side Of Church Lane Birdham West Sussex - Erection of 25 no. dwellings comprising 17 open market and 8 affordable units with access, landscaping, open space and associated works (all matters reserved except for access and layout)
<u>21/03407/PA3Q</u>	
Boxgrove Parish Case Officer: Sascha Haigh Written Representation	Eartham Quarry Eartham West Sussex PO18 0FN - Change of use of agricultural building to 2 no. dwellinghouses (Class C3).
<u>21/03343/FUL</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF - Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>21/03344/LBC</u>	
Chichester Parish Case Officer: Sascha Haigh Written Representation	Forbes Place, Flat 23 King George Gardens Chichester PO19 6LF - Altering of non-load bearing partitions and ceiling, removal of boiler and addition of 1 no. roof-light.
<u>20/00040/CONENG</u>	
Chichester Parish Case Officer: Mr Michael Coates-Evans Written Representation	Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex - Appeal against CC/154
<u>20/03320/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023	Land East Of Broad Road Broad Road Nutbourne West Sussex - Outline planning application (with all matters reserved except access) for up to 132 dwellings and provision of associated infrastructure.

Reference/Procedure	Proposal
<u>20/03321/OUTEIA</u>	
Chidham & Hambrook Parish Case Officer: Jane Thatcher Public Inquiry 04-Jan-2023	Land North Of A259 Flat Farm Main Road Chidham West Sussex - Outline planning application (with all matters reserved except access) for up to 68 no. dwellings and provision of associated infrastructure.
<u>20/03378/OUT</u>	
Chidham & Hambrook Parish Case Officer: Andrew Robbins Informal Hearings	Land At Flat Farm Hambrook West Sussex PO18 8FT - Outline Planning Permission With Some Matters Reserved (Access) - Erection of 30 dwellings comprising 21 market and 9 affordable homes, access and associated works including the provision of swales.
<u>22/00137/FUL</u>	
Earnley Parish Case Officer: Calum Thomas Written Representation	Russ Autos132A Almodington Lane Almodington Earnley Chichester West Sussex PO20 7JU - Demolition of B2 workshop and erection of 1 no. live/work unit.
<u>21/03163/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Calum Thomas Written Representation	Hanneys West Bracklesham Drive Bracklesham PO20 8PH - Replacement dwelling, garaging and associated works (alternative scheme to planning permission EWB/20/03303/FUL)
<u>21/03282/FUL</u>	
East Wittering And Bracklesham Parish Case Officer: Emma Kierans Written Representation	Land South Of Tranjoeen Ashcroft Place Bracklesham Lane Bracklesham Bay West Sussex - Proposed vehicle crossover (means of access to a highway Class B).
<u>* 21/02509/FUL</u>	
Fishbourne Parish Case Officer: Martin Mew Written Representation	Black Boy Court Main Road Fishbourne PO18 8XX - Creation of 4 no. parking spaces, dropped kerb, boundary treatment and landscaping.

Reference/Procedure	Proposal
<u>* 19/00445/FUL</u>	
Funtington Parish Case Officer: Martin Mew Written Representation	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.
<u>19/02939/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Old Allotment Site Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding.
<u>20/00234/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Lane West Ashling PO18 8DD - Change of use of land for the stationing of 4 no. static caravans and 4 no. touring caravans for a Gypsy Traveller site, including parking, hard standing and associated infrastructure.
<u>20/00534/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings	Land South Of The Stables Scant Road East Hambrook Funtington West Sussex - Change of use of land to use as a residential caravan site for 2 no. gypsy families and construction of 2 no. ancillary amenity buildings, including the laying of hardstanding, erection of boundary wall.
<u>20/00950/FUL</u>	
Funtington Parish Case Officer: Calum Thomas Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Use of land for the stationing of a caravan for residential purposes, together with the formation of hardstanding and associated landscaping.

Reference/Procedure	Proposal
<u>20/00956/FUL</u>	
<p>Funtington Parish</p> <p>Case Officer: Calum Thomas</p> <p>Informal Hearings 31-Jan-2023</p> <p>Chichester City Council North Street Chichester PO19 1LQ</p>	<p>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.</p>
<u>20/03306/FUL</u>	
<p>Funtington Parish</p> <p>Case Officer: Calum Thomas</p> <p>Informal Hearings 31-Jan-2023</p> <p>Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land To The West Of Newells Farm Newells Lane West Ashling West Sussex - The stationing of caravans for residential purposes together with the formation of hardstanding and utility/dayrooms ancillary to that use for 3 no. pitches.</p>
<u>20/00288/CONENG</u>	
<p>Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearings 31-Jan-2023</p> <p>Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/77</p>
<u>20/00288/CONENG</u>	
<p>Funtington Parish</p> <p>Case Officer: Shona Archer</p> <p>Informal Hearings 31-Jan-2023</p> <p>Chichester City Council North Street Chichester PO19 1LQ</p>	<p>Land West Of Newells Lane West Ashling Chichester West Sussex PO18 8DD - Appeal against Enforcement Notice FU/89</p>

Reference/Procedure	Proposal
<u>20/00109/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Field West Of Beachlands Nursery Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/80
<u>18/00323/CONHI</u>	
Funtington Parish Case Officer: Sue Payne Written Representation	West Stoke Farm House Downs Road West Stoke Funtington Chichester West Sussex PO18 9BQ - Appeal against HH/22
<u>21/00152/CONTRV</u>	
Funtington Parish Case Officer: Shona Archer Informal Hearings 31-Jan-2023 Chichester City Council North Street Chichester PO19 1LQ	Land West Of Newells Farm Newells Lane West Ashling West Sussex - Appeal against Enforcement Notice FU/87
<u>21/02428/FUL</u>	
Linchmere Parish Case Officer: Calum Thomas Written Representation	Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ - 9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.
<u>19/01400/FUL</u>	
Loxwood Parish Case Officer: Martin Mew Written Representation	Moores Cottage Loxwood Road Alfold Bars Loxwood Billingshurst West Sussex RH14 0QS - Erection of a detached dwelling following demolition of free- standing garage.

Reference/Procedure	Proposal
<u>21/01697/PA3Q</u>	
Plaistow And Ifold Parish Case Officer: Rebecca Perris Written Representation	Premier Treecare & Conservation Ltd Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ - Prior notification for the change of use of agricultural buildings to 1 no. dwelling (C3 Use Class) with alterations to fenestration.
<u>21/03123/FUL</u>	
Plaistow And Ifold Parish Case Officer: Sascha Haigh Written Representation	Little Wephurst Walthurst Lane Loxwood RH14 0AE - Replacement dwelling following demolition of an existing dwelling.
<u>20/00414/CONHH</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Public Inquiry	Oxencroft Ifold Bridge Lane Ifold Loxwood Billingshurst West Sussex RH14 0UJ - Appeal against Enforcement Notice PS/71.
<u>20/00182/CONCOU</u>	
Plaistow And Ifold Parish Case Officer: Sue Payne Written Representation	The Coach House Oak Lane Shillinglee Plaistow Godalming West Sussex GU8 4SQ - Appeal against PS/70
<u>20/02785/ELD</u>	
Sidlesham Parish Case Officer: Emma Kierans Written Representation	Jardene Nursery Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Use of building 3 for B1 and B8 purposes.
<u>21/01963/PA3Q</u>	
Sidlesham Parish Case Officer: Martin Mew Written Representation	11 Cow Lane Sidlesham Chichester West Sussex PO20 7LN - Prior approval of proposed change of use of an existing agricultural building former piggery building to 1 no. dwelling.

Reference/Procedure	Proposal
<u>22/00144/PNO</u>	
Sidlesham Parish Case Officer: Rebecca Perris Written Representation	Chalk Lane Nursery 17A Chalk Lane Sidlesham Chichester West Sussex PO20 7LW - Erection of agricultural building.
<u>20/02077/FUL</u>	
Southbourne Parish Case Officer: Martin Mew Written Representation	Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ - Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.
<u>21/02238/FULEIA</u>	
Southbourne Parish Case Officer: Jane Thatcher Written Representation	Gosden Green Nursery 112 Main Road Southbourne PO10 8AY - Erection of 29 no. (8 no. affordable and 21 no. open market) new dwellings, public open space, landscaping, parking and associated works (following demolition of existing buildings).
<u>21/03665/FUL</u>	
Southbourne Parish Case Officer: Calum Thomas Informal Hearings	Land East Of Priors Orchard Inlands Road Nutbourne Chichester West Sussex PO18 8RJ - Construction of 9 no. dwellings.
<u>20/00785/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	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
<u>* 20/01569/FUL</u>	
Westbourne Parish Case Officer: Jeremy Bushell Informal Hearings	Land South Of Foxbury Lane Foxbury Lane Westbourne West Sussex PO10 8RG - Erection of 1 no. dwelling and associated landscaping

Reference/Procedure	Proposal
<u>20/03164/FUL</u>	
Westbourne Parish Case Officer: Calum Thomas Informal Hearings	Change of use of land to 1 no. private gypsy and traveller caravan site consisting of 1 no. mobile home, 1 no. touring caravan, 1 no. utility dayroom and associated development.
<u>21/02159/FUL</u>	
Westbourne Parish Case Officer: Martin Mew Written Representation	Land Adjacent To 15 The Shire Long Copse Lane Westbourne West Sussex - Erection of 7 no. dwellings, access, landscaping and associated works.
<u>13/00163/CONWST</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	The Old Army Camp Cemetery Lane Woodmancote Westbourne West Sussex - Appeal against WE/40, WE/41 and WE/42
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/58
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/52
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/53

Reference/Procedure	Proposal
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/54
<u>19/00176/CONT</u>	
Westbourne Parish Case Officer: Shona Archer Fast Track Appeal	4 The Paddocks Common Road Hambrook Westbourne Chichester West Sussex PO18 8UP - Appeal against Enforcement Notice WE/55 - removal of TPO'd trees without an application for tree works.
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/59
<u>21/00169/CONDWE</u>	
Westbourne Parish Case Officer: Shona Archer Public Inquiry	Land South West Of Racton View Marlpit Lane Hambrook Westbourne West Sussex - Appeal against creation of a dwellinghouse and two annex buildings subject to Enforcement Notice WE/57
<u>21/03424/FUL</u>	
Wisborough Green Parish Case Officer: Sascha Haigh Written Representation	Howfold Barn, Howfold Farm, Newpound Lane Wisborough Green RH14 0EG - Erection of 1 no. custom/self build dwelling - alternative to permission WR/20/01036/PA3Q.

4. VARIATIONS TO SECTION 106 AGREEMENTS

5. CALLED-IN APPLICATIONS

Reference	Proposal	Stage

6. COURT AND OTHER MATTERS

Injunctions		
Site	Breach	Stage
Birdham Farm	Of 4 Enforcement Notices	Injunction granted by the High Court in 2020. All residents have left but 3 plots remain occupied. Counsel instructed to advise on Contempt of Court proceedings for breaching the terms of the injunction. All affidavits and exhibits sent to counsel and we're waiting for advice.

Court Hearings		
Site	Matter	Stage

Prosecutions		
Site	Breach	Stage
Land South of the Stables	Of Enforcement Notice	First court date on 6 December 2022 at 14:00 at Crawley Magistrates' Court
Lagoon 3, Crouchlands, Loxwood	Of Enforcement Notice	Second advice sought from counsel. All the latest updates sent to counsel and now waiting for the advice

7. POLICY MATTERS

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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 19/10/22 and 15/11/22

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

Reference/Procedure	Proposal
<u>SDNP/22/01045/HOUS</u> Petworth Town Council Case Officer: Beverley Stubbington Householder Appeal	16 Old School Close Petworth GU28 9BF - Proposed side extension to create a single garage.

2. DECIDED

Reference/Procedure	Proposal
<p data-bbox="108 277 475 349"><u>SDNP/19/00386/COU</u> Fittleworth Parish Council</p> <p data-bbox="108 376 475 412">Case Officer: Sue Payne</p> <p data-bbox="108 468 475 504">Written Representation</p>	<p data-bbox="512 277 1378 349">Douglaslake Farm Little Bognor Road Fittleworth Pulborough West Sussex RH20 1JS - Appeal against FT/11</p>
<p data-bbox="464 517 1050 555">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="108 562 1415 1467">"...It is directed that the enforcement notice be varied by adding the words "that are associated with the use of the land and buildings as a storage and distribution centre" to the end of the sentence in Section 5(ii). Subject to this variation, due to the appeal succeeding to this extent under ground (f), the appeal is otherwise dismissed. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. ... Therefore, due to the totality of the planning harm I have found above, the development is in conflict with Policies SD1, SD2, SD4, SD5 and SD7 of the South Downs Local Plan 2014-2033 (2019) and Policy FITT1 of the Fittleworth Neighbourhood Plan 2018-2033 (2019). It is also in conflict for the same reasons with the National Planning Policy Framework, including Chapter 16 which seeks to conserve and enhance the natural environment. ... The development does not comply with the development plan as a whole, and there are no other considerations which outweigh this finding. Accordingly I will not grant planning permission for the development, and ground (a) does not succeed. ... Technically the requirement of the notice to "Remove all portable toilets and vehicles from the Land" would prohibit vehicles on the land associated with its lawful agricultural use. It is therefore excessive and ground (f) succeeds to this extent only. Accordingly, I am varying the notice so that this requirement relates only to the removal of all portable toilets and vehicles associated with the unauthorised material change of use. ... While the appellant says that more time (6 months) is necessary to terminate contracts and relocate the business, no substantive evidence has been submitted as to the contracts to support the appellant's case and I otherwise find that 3 months is reasonable notice to the companies concerned ground (g) does not succeed I conclude that the appeal should not succeed other than to the extent I have indicated as regards grounds (f). I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application..."</p>	

Reference/Procedure	Proposal
<p data-bbox="108 197 491 264"><u>SDNP/21/01971/FUL</u> Lurgashall Parish Council</p> <p data-bbox="108 293 491 327">Case Officer: Derek Price</p> <p data-bbox="108 387 491 421">Written Representation</p>	<p data-bbox="515 197 1310 264">Abesters Quell Lane Lurgashall GU27 3BS - Erection of replacement gates.</p>
<p data-bbox="459 439 1046 472">Appeal Decision: APPEAL DISMISSED</p>	
<p data-bbox="92 479 1414 1464">“...However, the application forms do not indicate that the development has been completed, and I cannot be certain that the development which has taken place reflects the development as indicated on the submitted plans. Therefore, this appeal is considered as a scheme for proposed development. ... the appeal site occupies a tranquil and remote countryside location. The winding narrow road past the appeal site and the trees and woodland bordering the road and appeal site positively inform the intimate, secluded, shady and rural character and appearance of the area. In terms of materials, the oak gates would relate well to the sites woodland setting. ... However, due to the significant height of the gates and the location of the gates and gateposts close to the edge of an outside bend in the lane, they would be prominent when viewed on approach from Fernden lane and when entering or exiting the adjacent public right of way (reference LUR/2014/4). ... the gates and gateposts would starkly contrast with the site’s rural setting and natural beauty and would have a harmful urbanising effect upon this part of the National Park. ... it would be detrimental to the special qualities of the National Park, including its visual tranquility. This harm weighs heavily against granting permission. ... the proposed development could help to deter criminal activity within the site. This lends some limited weight to the argument for granting permission. ... No cogent evidence has been submitted which demonstrates that either the site context or settings of other planning permissions referenced, are directly comparable with the appeal scheme. Furthermore, in those cases where copies of the officer report have been supplied, the design and scale of the developments were found to be appropriate having regard to nearby development and the settings of the sites. This would not be the case in this appeal. ... I have found that the development would fail to conserve or enhance the natural beauty of the area. This would not be outweighed by the benefits of the appeal scheme that I have identified above. ... It would conflict with the requirements of Local Plan Policy SD1 which seeks to ensure sustainable development. In addition, it would conflict with Local Plan Policies SD4, SD5 and SD7 which together seek to secure development which is sensitive to landscape character, and which would conserve and enhance relative tranquility. ...”</p>	

3. CURRENT APPEALS

Reference/Procedure	Proposal
<p><u>SDNP/21/04858/FUL</u> Kirdford Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Former Cricket Pavilion The Old Coach House Hawkhurst Court Kirdford Billingshurst West Sussex RH14 0HS - Retrospective planning application for the conversion of a former cricket pavilion into a holiday let.</p>
<p><u>SDNP/21/03816/FUL</u> Funtington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Birchwood Lye Lane East Ashling PO18 9BB - Conversion of the stable for ancillary residential accommodation for disabled mother.</p>
<p><u>SDNP/21/04109/FUL</u> Lurgashall Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Land Adjoining Sods Farm High Hamstead Lane Lurgashall Petworth West Sussex GU28 9EX - Erection of new hardstanding area to allow vehicular access to site.</p>
<p><u>SDNP/20/02935/CND</u> Harting Parish Council</p> <p>Case Officer: Derek Price</p> <p>Informal Hearing 28/02/2023 SDNPA - South Downs Centre</p>	<p>Three Cornered Piece East Harting Hollow Road East Harting West Sussex GU31 5JJ - Change of use to a mixed use of the land comprising the keeping and grazing of horses and a gypsy and traveller site for one family. (Variation of conditions 1, 2, 3 and 4 of planning permission SDNP/16/06318/FUL- To make the permission permanent, non personal to increase the number of mobile homes by one to change the layout.)</p>
<p><u>SDNP/21/03527/FUL</u> Tillington Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p>Written Representation</p>	<p>Field South East of Beggars Corner Halfway Bridge Lodsworth West Sussex - Erection of timber stable building and change of use of the land for the keeping of horses for private use.</p>

Reference/Procedure	Proposal
<p><u>SDNP/21/05908/HOUS</u> Lodsworth Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>Oakleaves School Lane Lodsworth GU28 9DH - Extension of existing bungalow to provide first floor accommodation and construction of a new garage building.</p>
<p><u>SDNP/21/02690/HOUS</u> West Lavington Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Written Representation</p>	<p>St Andrews Selham Road West Lavington GU29 0EG - Proposed erection of a single storey orangery to the rear of the property.</p>
<p><u>SDNP/21/04454/HOUS</u> Lurgashall Parish Council</p> <p>Case Officer: Beverley Stubbington</p> <p>Householder Appeal</p>	<p>Smugglers Cottage Jobsons Lane Windfall Wood Common Lurgashall GU28 9HA - Erection of garden outbuilding.</p>
<p><u>SDNP/19/00375/BRECO</u> Stedham With Iping Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p>Written Representation</p>	<p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</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