

# Public Document Pack

## JOHN WARD

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A meeting of **Planning Committee** will be held in Committee Rooms, East Pallant House on **Wednesday 6 December 2023 at 9.30 am**

MEMBERS: Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr D Betts, Mr R Briscoe, Mr J Brookes-Harmer, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter, Ms S Quail and Mrs S Sharp

## 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Committee will be informed at this point in the meeting of any planning applications which have been deferred or withdrawn and so will not be discussed and determined at this meeting.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 - MINUTES FROM 22 NOVEMBER TO FOLLOW** (Pages 1 - 12)

The minutes relate to the meeting of the Planning Committee on 8 November 2023 and; the meeting of the Planning Committee on 22 November 2023 (TO FOLLOW)

### 3 **Urgent Items**

The chairman will announce any urgent items that due to special circumstances will be dealt with under agenda item 14(b)

### 4 **Declarations of Interests** (Pages 13 - 14)

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 10 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/22/01903/OUT - Four Acre Nursery Cooks Lane Southbourne Emsworth West Sussex PO10 8LQ** (Pages 15 - 56)  
Outline planning application (with all matters reserved except access) for the development of 40 residential dwellings (Use Class C3), with associated vehicular access, parking and open space.
- 6 **CH/23/01910/OUT - Willowbrook Riding Centre, Hambrook Hill South, Hambrook, Chidham** (Pages 57 - 172)  
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.
- 7 **CC/23/01214/FUL - Priory Park Public Conveniences, Priory Lane, Chichester, West Sussex, PO19 1LA** (Pages 173 - 180)  
2 no. additional doors, installation of defibrillator and water fountain to south east elevation with associated alterations and repairs.
- 8 **BO/23/01216/FUL - Public Conveniences, Bosham Lane, Bosham, West Sussex, PO18 8HS** (Pages 181 - 189)  
Refurbishment of public conveniences including enlargement of disabled WC and 1 no. additional door to south east elevation.
- 9 **BO/22/02446/FUL - Land At The Old Cart Shed Hook Lane Bosham Chichester West Sussex PO18 8EX** (Pages 191 - 204)  
Small agricultural barn.
- 10 **AP/22/03196/FUL - Apuldram House, Dell Quay Road, Dell Quay, Appledram, West Sussex, PO20 7EE** (Pages 205 - 231)  
Demolition and replacement dwelling and garage with associated landscaping.
- 11 **Chichester District Council Schedule of Planning Appeals, Court and Policy Matters** (Pages 233 - 247)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 12 **South Downs National Park Authority Schedule of Planning Appeals, Court and Policy Matters** (Pages 249 - 256)  
The Planning Committee will consider the monthly schedule updating the position with regard to planning appeals, litigation and recent planning policy publications or pronouncements.
- 13 **Planning Appeal APP/L3815/W/23/3332866 - REPORT TO FOLLOW**  
The Planning Committee are asked to consider the report and make the proposed recommendation set out in the report
- 14 **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

- 15 **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

#### **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

**FUL** Full Application  
**GVT** Government Department Application  
**HSC** Hazardous Substance Consent  
**LBC** Listed Building Consent  
**OHL** Overhead Electricity Line  
**OUT** Outline Application  
**PLD** Proposed Lawful Development  
**PNO** Prior Notification (Agr, Dem, Tel)  
**REG3** District Application – Reg 3  
**REG4** District Application – Reg 4  
**REM** Approval of Reserved Matters  
**REN** Renewal (of Temporary Permission)  
**TCA** Tree in Conservation Area  
**TEL** Telecommunication Application (After PNO)  
**TPA** Works to tree subject of a TPO  
**CONACC** Accesses  
**CONADV** Adverts  
**CONAGR** Agricultural  
**CONBC** Breach of Conditions  
**CONCD** Coastal  
**CONCMA** County matters  
**CONCOM** Commercial/Industrial/Business  
**CONDWE** Unauthorised dwellings  
**CONENG** Engineering operations  
**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

**CRTDEC** Hearing Decision Made  
**CSS** Called in by Secretary of State  
**DEC** Decided  
**DECDET** Decline to determine  
**DEFCH** Defer – Chairman  
**DISMIS** Appeal Dismissed  
**HOLD** Application Clock Stopped  
**INV** Application Invalid on Receipt  
**LEG** Defer – Legal Agreement  
**LIC** Licence Issued  
**NFA** No Further Action  
**NODEC** No Decision  
**NONDET** Never to be determined  
**NOOBJ** No Objection  
**NOTICE** Notice Issued  
**NOTPRO** Not to Prepare a Tree Preservation Order  
**OBJ** Objection  
**PCNENF** PCN Served, Enforcement Pending  
**PCO** Pending Consideration  
**PD** Permitted Development  
**PDE** Pending Decision  
**PER** Application Permitted  
**PLNREC** DC Application Submitted  
**PPNR** Planning Permission Required S64  
**PPNREQ** Planning Permission Not Required  
**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

# Public Document Pack Agenda Item 2



Minutes of the meeting of the **Planning Committee** held in Committee Rooms, East Pallant House on Wednesday 8 November 2023 at 9.30 am

**Members Present:** Mr C Todhunter (Chairman), Mr J Cross (Vice-Chairman), Mr R Bates, Mr R Briscoe, Ms B Burkhart, Mrs H Burton, Mrs D Johnson, Mr S Johnson, Mr H Potter and Ms S Quail

**Members not present:** Mr D Betts, Mr J Brookes-Harmer and Mrs S Sharp

**In attendance by invitation:**

**Officers present:** Mrs F Stevens (Divisional Manger for Planning), Miss N Golding (Principal Solicitor), Miss J Bell (Development Manager (Majors and Business)), Stephens (Development Manager (Applications)), Mr J Bushell (Principal Planning Officer), Miss S Haigh (Planning Officer), Mr M Mew (Principal Planning Officer), Miss K Taylor (Senior Planning Officer), Mr T Day (Environmental Coordinator), Mrs S Archer (Enforcement Manager), Mrs K Waters (WSCC Interim Flood Risk Manager) and Mrs F Baker (Democratic Services Officer)

## 99 **Chairman's Announcements**

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

Apologies were received from Cllr's Betts, Brookes-Harmer and Sharp.

## 100 **Approval of Minutes**

Following a vote, the minutes of the meeting held on Wednesday 27 September 2023 were agreed as true and accurate record.

Following a vote, The minutes of the meeting held on Wednesday 4 October 2023 were agreed as a true and accurate record.

## 101 **Urgent Items**

There were no urgent items.

## 102 **Declarations of Interests**

Cllr D Johnson declared a personal interest in;

- Agenda Item 5 – NM/22/02191/OUT – as a member of West Sussex County Council
- Agenda Item 6 – SI/22/02887/FUL – as a member of West Sussex County Council
- Agenda Item 7 – SY/23/01215/FUL – as a member of West Sussex County Council and Selsey Town Council
- Agenda Item 10 – BI/22/03026/FUL – as a member of West Sussex County Council and the WSCC appointed member to the Chichester Harbour Conservancy

Cllr S Johnson declared a personal interest in;

- Agenda Item 10 – BI/22/03026/FUL – as the Chichester District Council appointed member to the Chichester Harbour Conservancy

Cllr S Quail declared a personal interest in

- Agenda Item 9 – CC/23/00771/ADV – as a member of Chichester City Council

## 103 **NM/22/02191/OUT - Charmans Field, Marsh Lane, Runcton, West Sussex**

Mr Bushell introduced the report. He reminded the Committee that the application had been deferred by the Planning Committee at their meeting on 12 July 2023 for the following reasons (detailed in full on page 20 of the report pack);

- Foul drainage
- Surface water drainage
- Highways
- Education
- Lighting

Mr Bushell drew attention to paragraph 8.1 (page 48) of the report which explained that the application was a resubmission of an earlier proposal on the same site for 113 dwellings. He explained that the original application had been refused by the Council as at the time they could demonstrate a five year housing land supply (5YHLS). However, the Council were no longer able to demonstrate a 5YHLS which meant the tilted balance was now engaged in favour of allowing sustainable development.

Mr Bushell informed the Committee that since the original application the applicant had worked hard to address the areas of harm which had been identified previously, including a reduction in the number of dwellings.

Mr Bushell outlined the site location, he highlighted the neighbouring land which was in the control of the applicant and drew attention to other development sites within close proximity including Lowlands.

The Committee were shown an indicative parameter plan of the proposed layout, which included a large central open space and play area, landscaping and SuDs measures. The development would deliver 94 dwellings, no more than two storey in height, the proposed housing mix was detailed in the report on page 22.

Mr Bushell highlighted the proposed cycle and pedestrian improvements which would be delivered as part of the development.

Regarding earlier concerns about the impact of growing lighting from the adjoining Vitacress nursery. Mr Bushell informed the Committee that officers had sought advice from the Environmental Protection team who had considered the matter and proposed an additional condition which would ensure the design/layout of the development adequately mitigates any potential impact from the glasshouses.

Mr Bushell detailed the proposed access arrangements, which would include a number of improvements including the delivery of a cycle/pedestrian route identified as an aspiration in the North Mundham Neighbourhood Plan. Addressing the concerns raised by the Committee at the previous meeting Mr Bushell explained that West Sussex County Council had undertaken a site visit and were satisfied that the proposed mitigation measures were acceptable and raised no objection.

On the matter of school places, Mr Bushell informed the Committee that in their original calculation WSCC had included two significant pre application developments. They had since removed these figures, rerun their calculations and had now confirmed the local school did have capacity to accommodate any children from the proposed development.

Mr Bushell drew attention to the Agenda Update sheet which included; additional third party objections; additional supporting information from the agents and an amendment to the recommendation to include two additional conditions, 28 and 29.

Representations were received from;

Cllr David Maclean – North Mundham Parish Council  
Cllr Simon Oakley – WSCC Member  
Mr Jonathan Denby – Objector  
Mrs Jane Smith – Objector  
Mr Ian Chivers – Objector  
Mr Richard Boulter (Ford to Hunston Canal Society) – Supporter  
Ms Lisa Jackson – Agent

Before opening the debate, Cllr Todhunter read out a statement from Cllr Betts.

Officers responded to comments and questions as follows;

On the matter of planting along the eastern boundary; Mr Bushell agreed that whilst a reserved matter, the planting would include a mixture of evergreen and deciduous vegetation. In addition, the developers had stated that any trees planted would be a minimum of 4m in height.

Responding to concerns of 'skyglow' from the glasshouses; Mr Bushell explained what 'skyglow' was. The Institute of Lighting Professionals (IPL) did provide guidance, which had been considered by the Environmental Protection, on how it can be managed. Mr Bushell informed the Committee that the lights within the glasshouses were in operation from 4am – 4pm. He reminded the Committee that the layout was indicative and could be reconfigured in order to address any potential lighting impact which may be identified at the reserved matters stage.

In addition, Mr Bushell informed the Committee that the lights had been in operation since 2018 and there was no evidence (no complaints to Environmental Health) to suggest that they were having a negative impact.

On the matter of foul drainage; Mr Bushell acknowledged the concerns raised. However, he explained that the issues raised were existing issues and were the responsibility of Southern Water to resolve and not the applicants. As the statutory consultee Southern Water had raised no objection to the development.

Regarding highway contributions; Mr Bushell confirmed the developer had agreed to pay the higher contribution. In addition; WSCC as the highway authority had made no objection to the development.

Regarding education; Mr Bushell reiterated that WSCC as the Education Authority had confirmed the local school could accommodate any required school places from the development. He agreed that if the application was deferred then the situation could change.

On the matter of surface water; Ms Waters, Interim Flood Risk Manager, WSCC, explained that WSCC had reviewed the submitted supporting documents and flood risk assessment, and were satisfied with the proposals which would be secured through conditions. The calculations used were very precautionary and took into account climate change figures, they showed that the runoff from the site would be reduced once developed as the current discharge rates were higher and not managed. Any pooling on the site currently was most likely due to soil compaction and not being able to soak away.

Mr Bushell advised the Committee that if they chose to defer the application, there was no guarantee that the applicant would grant any extension of time. He explained the applicant had already agreed to an extension of time to allow the application to come back to Committee.

Following a vote, the Committee agreed to support the report recommendation to **defer for S106 then permit.**

Resolved; defer for S106 then permit subject to the conditions and informatives included in the report.



104 **SI/22/02887/FUL - Land South Of Telephone Exchange, Selsey Road, Sidlesham, West Sussex**

Miss Haigh introduced the report. She outlined the site location, which was outside any settlement boundary, and drew attention to Muttons Farmhouse which was a grade II listed building to the south of the site.

Miss Haigh informed the Committee the application was retrospective. She showed the proposed layout and elevations of the proposed building which was ancillary to the business and would be used as storage.

Miss Haigh explained the adjoining land, which was in the applicant's control, benefitted from planning permissions for eight gypsy and traveller pitches, a stable block, and paddocks.

The following representations were received;

Cllr Val Weller – CDC Ward Member

Officers responded to comments and questions as follows;

Miss Haigh confirmed that the proposed storage barn was not a stable block, but acknowledged the design did mirror the appearance of one.

Regarding policy; Mrs Stevens clarified that previous permission for the gypsy and traveller pitches was granted having regard to the specific national Gypsy and Traveller Policy, this policy was not relevant to this application as this was a business use.

Having listened to the discussion Cllr Burton proposed that the Committee should permit the development, against officer recommendation.

Cllr Cross seconded the proposal.

Before moving to the vote Mrs Stevens advised the Committee, they may wish to consider what conditions they might wish to attach to the permission.

Miss Haigh advised the following conditions;

- A condition controlling the times between which the site can operate.
- A condition to remove a building which did not form part of the application.
- A condition to restrict the use of the site to caravan storage only and limit any stacking of materials.
- A condition for ecological enhancements including bird and bat boxes.
- A condition to control lighting on the site.

Cllr Burton confirmed she was happy to accept the conditions. Cllr Cross seconded the proposal with the attached conditions.

Following a vote, the Committee agreed **permit** the application, against officer recommendation.

Resolved; **permit**, subject to the proposed conditions.

105 **SY/23/01215/FUL - Public Conveniences, East Beach Road, Selsey, West Sussex, PO20 0SZ**

Mr Mew introduced the report. He drew attention to the Agenda Update Sheet which amended the applicant on the report to Chichester District Council.

Mr Mew highlighted the site location, which was located on the corner of Beach Road. He showed the Committee the proposed floor plan, highlighting the new disabled toilet layout and the relocation of the defibrillator.

Mr Mew explained there would be additional internal alterations, however, this work did not require planning permission.

There were no representations.

The Committee had no questions and were in full support of the application.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

106 **KD/22/02154/FUL - Foresters Arms,, Village Road Kirdford, West Sussex, RH14 0ND**

Mr Mew introduced the report. He informed the Committee that a separate Listed Building Consent application had been submitted and approved, as the objection from the Parish Council was in relation to water neutrality issues and therefore the Listed Building Consent application did not need to be determined by the Committee.

Mr Mew outlined the site location which was within both the Kirdford settlement boundary and conservation area. He highlighted the extent of the proposed rear extension.

The Committee were shown the proposed elevations and floorplan.

Representations were received from;

Cllr Tony Piedade – Kirdford Parish Council  
Mr Philip Russell - Supporter

Officers responded to comments and questions as follows;

On the matter of water neutrality; Mrs Stevens explained the importance of achieving water neutrality and referred to the guidance provided by Natural England. Natural England has reviewed the application and whilst they acknowledge that at certain peak times (when there is maximum occupancy) water neutrality may not be achieved, overall, they are satisfied that water neutrality will be achieved. Conditions have been attached to secure adequate mitigation.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

107 **CC/23/00771/ADV - 4 New Town, Chichester, West Sussex, PO19 1UG**

Mr Mew introduced the report. He outlined the site location which was within the Chichester Conservation Area.

Mr Mew showed the Committee the proposed sign. He explained that it was contrary to the Chichester District Council Shopfront and Advertisement Design Guidance, however, officers had considered this and were satisfied that the impact on the amenity was acceptable.

The building is unique and does not have a traditional shop front.

Representations were received from;

Mr Joseph Seaman – Applicant

Officers responded to comments and questions as follows;

Regarding the weight of the Shop Front Guidance; Mr Mew explained that the guidance note was a material consideration, however, it was only guidance and not policy. Officers had considered the impact of the proposed and considered that it was acceptable and did not cause any harm to the character of the area. Revisions had been sought during the course of the application following comments from the Council's Conservation and Design team.

Following a vote, the Committee agreed to support the report recommendation to **permit**.

Resolved; **permit** subject to the conditions and informatives included in the report.

108 **BI/22/03026/FUL - Chichester Marina, Birdham, Chichester, West Sussex, PO20 7EJ**

Miss Taylor introduced the report. She drew attention to the Agenda Update Sheet which included an additional consultation response from the Environment Agency.

Miss Taylor outlined the site location and highlighted the units A2 and D7. She explained the application had been submitted under Section 73 of the Town and Country Planning act, to amend condition 3 of planning permission 12/00475/FUL and sought to allow more flexible use of the units A2 and D7.

Miss Taylor drew attention to paragraph 8.18, page 176, which quoted a recent appeal decision from the Planning Inspector, which acknowledged that a more flexible approach could be granted on units A2 and D7.

Miss Taylor explained the current use permitted and detailed the new use classes which were being sought for both A2 and D7. She informed the Committee that the applicant had submitted evidence to show that adequate marketing had been undertaken for both units. The unit known as A2 had been vacant since April 2020 and the unit known as D7 had been vacant since February 2019.

Representations were received from;

Mr Andy Pearce – Agent  
Cllr Timothy Firmston – Birdham Parish Representative  
Cllr Elizabeth Hamilton – CDC Ward Member

Officers responded to comments and questions as follows;

Miss Bell clarified that there would be demolition as part of the application. The units were already built and in situ. All the application sought was to vary and extend the use of enterprise which could operate within the units known as A7 and D2.

Miss Bell confirmed that the units had been competitively marketed, she referred to the Planning Inspector comments within the report which acknowledged a wider use could be applied to both A7 and D2.

Responding to concerns that an unsuitable use may result; Ms Bell assured the Committee that officers had carefully considered what would and would not be suitable and restrictions would still be in place.

With regards to an additional condition being included that restricted either unit (A7 or D2) to being marketed for only marine use, within the first two months of the previous occupant vacating; Miss Bell agreed that a condition such as this could address the issue.

On the matter of taking a separate vote on A7 and D2; Ms Golding explained that this was not possible and advised the Committee that they must determine the application in front of them.

Regarding rental of the units; Mrs Stevens acknowledged concerns raised by the Committee, however, she explained that the Planning Committee had no role in private rental agreements.

Cllr Burton proposed that an additional condition be included restricting the applicant to marketing the units A7 and D2 for marine use only, for the first two months upon vacation of previous occupant.

Cllr Johnson seconded the proposal.

Following a vote, the Committee agreed to include the additional condition proposed by Cllr Burton.

Following a vote, the Committee agreed to support the report recommendation to **defer for S106 then permit.**

Resolved; defer for S106 then permit subject to the conditions and informatives included in the report and the additional condition as agreed.

#### 109 **The Local List - Information required to support a valid planning application**

Ms Bell introduced the report. She explained that following approval at the Planning Committee on 16 August 2023, a public consultation on the Local List was undertaken over a period of four weeks finishing on 12 October 2023.

The report summarised the responses received and proposed amendments to the Local List.

Miss Bell drew the Committees attention to the following amendments;

- Following feedback from Southern Water further clarification would be required for extraction licences and boreholes.
- Applicants would no longer be required to submit photographs as part of their application.
- Delegation be given to officers to allow updates to be made as and when policy changes are introduced, to ensure the List remains up to date.

Officers responded to comments and questions as follows;

Mrs Stevens explained that additions to the Local List could not be made at this stage as it had already been the consultation exercise.

Miss Bell clarified that the information applicants were required to submit in accordance with the Local List, was to validate an application not for determining one.

With regards to removal of the requirement for photo's; Mrs Stevens explained this requirement had been introduced during Covid when officers were unable to travel

to sites. It is officer opinion that the photo's are no longer required as they can travel to site. Applicants can still submit photos if they wish it will just no longer be a requirement.

On the matter of clarifying what a historical building is (page 236); Mrs Stevens agreed that this could be amended to state, 'Listed Building' instead of 'historic building'.

Following a vote, the Committee agreed to support the report recommendation at 2.1.

**Resolved;**

**That the Local List (set out in Appendix 1 to this report) as amended be endorsed for immediate use in validating planning applications, and that officers have delegated authority to amend the local list as necessary prior to the next formal review.**

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

The Committee agreed to note the item.

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

The Committee agreed to note the item.

**112 Schedule of Contraventions**

Mrs Archer presented the report and highlighted the reduction in officer caseload since the previous report, and the enforcement notices which had been issued.

The Committee thanked Mrs Archer and her team for the work they do.

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

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

There were no late items.

**114 Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 1.54 pm

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CHAIRMAN

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Date:

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## **Chichester District Council**

### **Planning Committee**

**Wednesday 6 December 2023**

#### **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 R Bates – Fishbourne Parish Council
- Mr R Briscoe – Westbourne Parish Council
- Mrs B Burkhart – Lurgashall Parish Council
- Mrs H Burton – Stedham with Iping Parish Council
- Mr J Cross – Sutton Parish Council
- Mrs D Johnson – Selsey Town Council
- Mr S Johnson – Chidham & Hambrook Parish Council
- Mr H C Potter – Boxgrove Parish Council
- Mrs S Quail – Chichester City Council
- Mr C Todhunter – Loxwood Parish Council

#### **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
- 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 R Bates – Chichester Harbour Conservancy (reserve); the Standing Conference on Problems Associated with the Coastline (SCOPAC) and the West Sussex Health and Adult Social Care Committee
- Mr R Briscoe – Portsmouth Water Forum
- Mr J Brookes-Harmer – Goodwood Airfield Consultative Committee
- Mrs H Burton – Action in Rural Sussex and LGA Sparsity Partnership for Delivering Rural Services
- Mr J Cross – South Downs National Park Authority
- Mrs D Johnson – Manhood Peninsula Partnership and the Western Sussex Hospital NHS Trust Council of Governors
- Mr S Johnson – Chichester Harbour Conservancy
- Mr H Potter – Goodwood Motor Circuit Consultative Committee
- Mrs S Quail – Chichester Conservation Advisory Committee
- Mr C Todhunter – West Sussex Rural Partnership

### **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 R Briscoe – Woodmancote Resident Association
- Mr S Johnson – Maybush Copse Friends
- Mrs S Quail – Westgate Residents Association

|                        |                      |
|------------------------|----------------------|
| Parish:<br>Southbourne | Ward:<br>Southbourne |
|------------------------|----------------------|

**SB/22/01903/OUT**

|                  |  |              |                 |
|------------------|--|--------------|-----------------|
| <b>Proposal</b>  | Outline planning application (with all matters reserved except access) for the development of 40 residential dwellings (Use Class C3), with associated vehicular access, parking and open space. |              |                 |
| <b>Site</b>      | Four Acre Nursery Cooks Lane Southbourne Emsworth West Sussex PO10 8LQ   |              |                 |
| <b>Map Ref</b>   | (E) 477309 (N) 106178  |              |                 |
| <b>Applicant</b> | Mr Andy Williams   | <b>Agent</b> | Ms Bryony Stala |

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



|  |                     |  |
|--|---------------------|--|
|  | <b>NOT TO SCALE</b> | <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> |
|--|---------------------|--|

**1.0 Reason for Committee Referral**

1.1 Parish Objection – Officer recommends permit.

**2.0 The Site and Surroundings**

- 2.1 The site comprises a former horticultural nursery and a part of the residential curtilage of a property known as Down's View which is located to the east of the site. It is roughly rectangular in shape and comprises an area of 1.76 hectares. The application site is essentially flat, with a change in levels from the north-east corner of the site to the south-west corner of approximately 1 metre. The majority of the site is occupied by a number of disused horticultural glasshouses whilst the former residential curtilage is undeveloped. The northern and western boundaries of the application site are currently open and relatively undefined whilst the eastern and southern boundaries of the application site are contained by a mature belt of trees and Cooks Lane respectively.
- 2.2 To the east of the application site along Cooks Lane are a number of detached dwellings in large plots, whilst development is being undertaken on land to the west and north of the site, which has the benefit of outline planning permission for 199 dwellings. Southbourne Railway station lies less than 200 metres to the south-west and the site is well placed in terms of sustainable access to local retail, education, employment and community facilities.
- 2.3 The site has been subject to a previous refusal of planning permission for a similar scheme (ref. 20/02987/OUT). This decision, issued on May 6th, 2021, cited the following reasons for refusal:
  1. The application site forms part of a proposed allocation contained within the emerging Chichester Local Plan Review 2016-2035 Preferred Approach and the Southbourne Neighbourhood Plan Review 2019- 2037 Submission Plan. In accordance with Paragraph 48 of the National Planning Policy Framework both plans have some weight and are material considerations in the determination of this application. As such, it is considered that approval of the proposal, prior to the proper masterplanning and preparation of a strategy to ensure delivery of infrastructure to support the allocation would represent piecemeal development and would be contrary to the proper planning of the area, Policy 7 of the Chichester Local Plan and the plan-led system more generally.
  2. The proposals would have the effect of undermining the local community's clearly expressed wish to shape the future development of its parish and they are therefore counter to the local democratic process underpinning neighbourhood planning and the provisions of Paragraph 29 of the National Planning Policy Framework.
  3. The proposed access to the site will necessitate the partial removal of a hedgerow of acknowledged historic importance and biodiversity value which could be avoided if the site were developed as part of a comprehensive masterplan for the emerging strategic allocation for the extension of Southbourne. The proposal will therefore be contrary to Policies 7, 47, 49 and 52 of the Chichester Local Plan; Key Policies 2014-2029 and paragraphs 175(c) and 195 of the National Planning Policy Framework

### **3.0 The Proposal**

- 3.1 The application is in outline form with all matters, aside from access, reserved. The existing access to the site is located to the south-west corner. The originally submitted scheme sought to formalise this existing agricultural access as the new development. The scheme has however been amended and the proposed access has been relocated slightly further eastwards along Cooks Lane.

- 3.2 The proposal is for 40 new dwellings and is accompanied by an illustrative layout which shows a varied range of houses proposed on the site, from one bedroom dwellings to family sized three and four bedrooms dwellings. The accompanying Design and Access Statement confirms that the proposal includes 12 affordable units comprising a policy compliant mix of first homes (3 no.), social rented units (5 no.), affordable rent units (3 no.) and a single shared ownership unit).
- 3.3 Building heights are generally two storeys throughout the development, and typologies are generally detached or semi-detached buildings with some terraced units. The illustrative layout also includes the following elements:
- Retention and enhancement of existing hedgerow along Cooks Lane,
  - Incorporation of green buffer to allow for new planting to supplement the existing hedgerow, along with potential SUDs attenuation within a landscaped space,
  - New houses served from a minor road and orientated to face south and towards Cooks Lane,
  - Creation of green buffer along western edge extending the proposed green ring
  - New houses orientated to face outwards and provide an eastern edge to the 'arrival corridor' extending from this site into the emerging layout on the adjacent land,
  - A small centrally located 'pocket park' located centrally and
  - Creation of a green buffer to the north to link with the emerging layout on the adjacent land.
- 3.4 The site lies within the open countryside, outside of the settlement boundary as defined in the made Neighbourhood Plan for Southbourne.
- 3.5 The submission includes an Energy and Sustainability Statement which explains how the scheme will deliver a development with lower energy and water use, lower carbon emissions and lower predicted operational costs than a Building Regulations 2013 compliant design. The statement outlines the energy performance of the site which will exceed Building Regulations Part L1A compliance by 19% whilst meeting the local plan Policy 40 requirement of "minimising energy consumption through energy efficiency measures and maximising energy reduction through on site LZC energy generation.

#### 4.0 History

|              |                 |  |
|--------------|-----------------|--|
| 14/03632/EIA | No EIA required | Erection for up to 50 residential dwellings with vehicular access off adopted highway (Cooks Lane) to the south of the site.   |
| 14/04231/OUT | REF             | Outline planning application for the construction of up to 55 dwellings, parking and estate roads, footways, pedestrian linkages and open space. New vehicular access from Cooks Lane to be determined at outline stage.   |
| 20/02987/OUT | REF             | Outline application for 40 dwellings with all matters reserved apart from access, layout and scale with associated new access roads, parking and turning areas, erection of a wastewater pumping station, the provision of |

surface water drainage features, amendment to the existing site access and works to Cooks Lane including the provision of a new footway on the northern side.

Appeal Withdrawn

|               |        |  |
|---------------|--------|--|
| 21/02297/HDG  | REF    | Removal of existing hedgerow on southern boundary that runs at frontage of Four Acre Nursery along Cooks Lane.   |
| 22/01865/ADV  | PER    | Temporary 1 no. hoarding sign and 4 no. flags and 1 no. triple face stack sign.  |
| 22/02219/NTFN | ADVGIV | Regulation 5 notification (under the electronic communications code regulations 2003) for the proposed upgrade of an existing base station consisting of the removal of the existing 24m lattice and installation of a 25m lattice mast comprising 6 no antennas and 2 no dishes on an open headframe with 2 no ground-based cabinets and ancillary development thereto in relocated location. |
| 23/01263/PLD  | APPRET | Temporary change of use from Agricultural/Nursery to construction compound and associated works including siting of 3 no. two-storey portacabins, 4 no. storage containers, hard standing, material storage and temporary access road to support the construction of development approved under SB/18/03145/OUT, (APP/L3815/W/19/3237921) and SB/22/00257/REM.                                 |

## 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 Southbourne Parish Council

### *Further comments (24.01.2023)*

On 24/1/2023 the Parish Council made the following comments, specifically referencing flood risk.

The site lies within the surface water catchment area and flow paths that contribute to flooding on the Ham Brook and downstream to School and Farm Lane.

NPPF July 2021 clearly states:

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

NO development lives in isolation and the cumulative effects must be taken into account throughout the parish.

### *Original comments (1.09.23)*

Southbourne Parish Council objects to the proposal on the following grounds:

- Members felt there was no evidence to support the claims made regarding the hedgerow not meeting protected status. The Parish Council's own surveys indicate the contrary.
- The increased recreational impact on the coast caused by the proposed development will not be sustainable.
- There is potential that this site holds significant historical and archaeological value and this must be determined prior to any work being carried out.
- The reports indicate that a quarry has been located at the western part of the site. No further information has been provided regarding this and members consider this insufficient.
- The Planning Committee cannot support piecemeal developments that do not contribute to local infrastructure.
- Members fully support the objections made by both Natural England and Chichester Harbour Conservancy.

In addition, the Parish Council comments that if the hedgerow, or any part of it, is to be removed that consideration is given to the re-siting of both the existing hedgerow and the

soil base and that consideration is given to a dual entrance with the neighbouring site which would mitigate the impact on the hedgerow and that of the mast.

## 6.2 Chichester Harbour Conservancy

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

Appropriate planning conditions are suggested to control matters that have a bearing on the AONB acknowledging the sites proximity to protected national landscape. Chichester Harbour Conservancy is keen to ensure that all appropriate and necessary mitigation measures on and off-site are fully addressed to safeguard the quality of the AONB.

- Full Waste-Water Sewerage Capacity is within local treatment work capabilities
- Suitable Nitrogen Neutrality mitigation exceeding the minimum target is provided for
- Reserved matters for landscaping including boundary treatments
- Provision and securing usable on site recreational public open space
- Lighting schemes to consider Dark Skies protocols where possible
- Contribution towards Solent Bird Aware Protocol to be secured as appropriate.

## 6.3 Highways England

No Objection on the basis the applicant will be required to enter into a Section 278 Agreement of the Highways Act 1980 with Highways England for a contribution of £72,120 (in accordance with Chichester District Council's adopted SPD of £1803 per dwelling) towards the agreed Local Plan highway works at the A27, Chichester bypass.

*(Officer note: These comments pre-date the Council's updated work and draft SPD which specify higher rates of contributions to secure the necessary highway improvements).*

## 6.4 Natural England

### **Habitats Regulations Assessment (HRA)**

Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. Furthermore, we note that the applicant's shadow HRA concludes "It is considered that the mitigation measures... are proportionate and appropriate to this level of development. Therefore, the development is not required to progress the application to the Appropriate Assessment stage of the HRA process." It is not appropriate when determining whether or not a plan is likely to have a significant effect on a site and requires an appropriate assessment, to take account of mitigation measures intended to avoid or reduce the harmful effects of the plan on that site (People Over Wind Ruling). As such, your authority should proceed to Appropriate Assessment stage to consider the proposed mitigation measures.

### **Nutrient Neutrality**



As submitted, the applicant's Revised Nutrient Neutrality Assessment (21 June 2022) concludes that the proposed development will result in a nitrogen budget of 25.1 kg/N/yr, which will require offsetting in order to achieve nutrient neutrality, and to mitigate any potentially harmful impacts to the designated sites. Natural England can confirm that it has reviewed the calculations submitted and agrees with the conclusions of the report.

*(Note: The remaining comments related to a now superseded proposal for nitrate mitigation).*

Following submission of the revised proposal for the use of credits generated by the adjacent site, Natural England commented as follows:

"We note that the Four Acre Nursery development (22/01903/OUT) has calculated a positive nutrient budget of 25.1kg TN/yr (using the latest Nutrient Budget Calculator - March 22), and that the development has proposed to utilise surplus nutrient mitigation from neighbouring approved development 22/00157/REM. Whilst we agree that nutrient neutrality can be achieved in principle via this type of approach. There are a number of factors that your authority, as the competent authority, should consider when deciding if this mitigation is appropriate for 22/01903/OUT.

With regards to the mitigation approved under planning application 22/00157/REM. It is important for your authority to ensure that the mitigation is delivered prior to the occupation of dwellings proposed under the Four Acre Nursery development (22/01903/OUT). Additionally, if the mitigation is outside of control of this applicant, the applicant has no control of the delivery of this mitigation - there is a risk that delivery of this mitigation could be delayed or not completed. With these details in mind, your authority as the decision maker, will need to be certain that the mitigation is delivered prior to occupation. This may mean that you will need to include additional measures in place, if planning permission were to be granted for this application.

In addition, there is a risk that double counting could occur, if multiple planning applications were to utilise the surplus nutrient mitigation created under approved planning application 22/00157/REM. As the competent authority and decision maker, we advise that it will be your duty to ensure that such mitigation is not over subscribed (i.e. prevent double counting, so that the same mitigation is not used for multiple developments). We would advise that your authority creates a register in order to prevent any double counting, and to ensure that the mitigation is monitored and enforced".

## **Recreational Disturbance**

Since this application will result in a net increase in residential accommodation, impacts to the coastal SPA and Ramsar Site may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution, which we consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the designated sites. Notwithstanding this, Natural England's advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, 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).

## 6.5 WSSC Highways

*Further Comments received on 7/12/22*

This is a re-consultation of the above planning application which WSSC responded to on the 23rd August 2022. More information has been re-submitted in the form of updated documents. Those which are relevant for WSSC highways to comment upon are:

1. Travel Plan Statement
2. Transport Statement

### **Travel Plan Statement**

We would query point 1.16. Travel Plan Notice boards for each plot are proposed but this doesn't seem right for individual dwellings. It is more common for information packs to be used for individual dwellings and you may wish to re-word this part of the TPS. We would expect to see some sort of travel voucher offering to the initial occupants of the residential units. Vouchers should be worth at least £150 per dwelling and could be exchanged for one of the following: a. a season ticket for the local bus service b. a rail season ticket or network card c. a contribution towards the purchase of a new bicycle and/or equipment d. Bikeability training up to 4 members of the household (further details and course costs are available at [www.westsussex.gov.uk/roadsafety](http://www.westsussex.gov.uk/roadsafety)) e. 12 months free membership to any local Car Club (including joining fee). The provision of one or more public access electric vehicle charging points for visitors should be considered. There are a number of charge points in West Sussex that are part of the Energise Network, and this should also be promoted through the TPS. Wherever possible, dwellings with garages should be equipped with domestic electrical sockets to facilitate the charging of electric vehicles. Where a Travel Plan Statement is required the applicant is required to pay a Travel Plan monitoring fee of £1,500 at the application stage. This can be secured through the S106 process.

### **Statement**

In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction). The development will also create minimal vehicle movements in the peak hours with approximately 1 trip every 2-3 minutes.

### **Access**

This will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter, turn and exit in forward gear. A 1.8m wide footway will also be provided to connect into the footway of another new development by providing a continuous link to the west of the site. Pedestrians are also given priority within the site with a raised crossing area.

The access will require a 278 agreement and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

### **Parking/Cycles/EVC**

Parking for the site will use the WSCC car parking in new residential developments guidance which designates this into Zone 2, spaces should be 2.8m x 4.8m or wider and provision of at least 5% of spaces which are larger for disabled use, should be included.

Cycle storage will be provided for in sheds in gardens, or garages will be made larger at 3m x 6m to provide storage for bikes within these. WSCC are pleased to see the inclusion of Electric vehicle charging spaces. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning.

Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision because of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th, 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

*Original Comments received on 23/08/2022*

WSCC as the County Highway Authority (CHA) have been re-consulted on the above application which was refused under planning application ref 20/02987/OUT. This re-submission is for outline approval with all matters reserved except for access.

The proposed access arrangements are not any different to those proposed in the previous application and therefore WSCC raise no objection to the access.

This will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter turn and exit in forward gear.

A 1.8m wide footway will also be provided to connect into the footway of another new development by providing a continuous link to the west of the site. Pedestrians are also given priority within the site with a raised crossing area.

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under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision because of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th, 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction. The development will also create minimal vehicle movements in the peak hours with approximately 1 trip every 2-3 minutes.

The access will require a 278 agreement and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

## 6.6 WSCC Flood Risk Management

*Further comments received on 7/08/23*

Following the submission of a Ground Water Monitoring Investigation by the applicant, the LLFA made the following additional comments;

The LLFA are satisfied that the applicant has sufficiently addressed our concerns raised in our previous response dated 22 May 2023 and the details are now in accordance with NPPF and local planning policy subject to recommended conditions relating to submission of detailed designs for the surface water drainage scheme, a method statement for interim and temporary drainage measures during the demolition and construction phases and detailed verification report

*Original comments received on 12/08/22*

Current surface water mapping shows that the proposed site is at low risk from surface water flooding. Higher Risk exists to the southern extent of the site. This risk is based on modelled data only and should not be taken as meaning that the site will/will not definitely flood in these events. Any existing surface water flow paths across the site should be maintained and mitigation measures proposed for areas at high risk. Reason: NPPF paragraph 163 states - 'When determining any planning application, local planning authorities should ensure flood risk is not increased elsewhere.'

The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will/will not suffer groundwater flooding. Ground water contamination and Source Protection Zones. The potential for ground water contamination within a source protection zone has not been considered by the LLFA. The LPA should consult with the EA if this is considered as risk.

Current Ordnance Survey mapping shows no watercourses running close to/across the site. Local or field boundary ditches, not shown on Ordnance Survey mapping, may exist around or across the site. If present these should be maintained and highlighted on future plans. Works affecting the flow of an ordinary watercourse will require ordinary

watercourse consent and an appropriate development-free buffer zone should be incorporated into the design of the development.

We do not have any records of historic surface water flooding within the confines of the proposed site. This should not be taken that the site itself has never suffered from flooding, only that it has never been reported to the LLFA.

### **Future development - Sustainable Drainage Systems (SuDS)**

The FRA and Drainage Strategy for this application proposes that sustainable drainage techniques (permeable paving, swales, attenuation basins with a restricted outfall to the watercourse) would be used to control the surface water from this development.

In the spirit of SuDS implementation, and in line with policies in the West Sussex Lead Local Flood Authority Policy for the Management of Surface Water, betterment for surface water systems on the new developments should be sought. This could include retention at source through rain gardens, permeable paving, swales or bioretention systems. SuDS landscaping significantly improves the local green infrastructure provision and biodiversity impact of the developments whilst also having surface water benefits.

This application will be subject to review by the District Council Drainage Engineer to identify site specific land use considerations that may affect surface water management and for a technical review of the drainage systems proposed.

The disposal of surface water via infiltration/soakaway should be shown to have been investigated through an appropriate assessment in consultation with the District Drainage Engineer.

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.

Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDS Approval Body (SAB) in this matter.

#### **6.7 West Sussex Fire & Rescue Service**

No objection subject to conditions.

#### **6.8 CDC Housing Enabling Officer**

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. We note that the applicant refers to the April 2022 Housing and Economic Development Needs Assessment (HEDNA) and that they intend to use this as base point for establishing a suitable mix. They have confirmed that 30% of units will be provided as affordable housing which will yield 12 new affordable homes. We are pleased to note that the applicant intends to cluster these units in small groups around the site and that the design, style and form of the affordable units will be provided with the same level of detailing as the market homes on the site and will be delivered as 'tenure blind'.

## Housing Mix

The application makes provision for 12 affordable units, which represents 30% of housing and as such is policy compliant. National planning policy requires a minimum of 25% of all affordable homes secured through developer contributions to be First Homes. Local authorities should then prioritise securing their policy requirements for rented properties once they have secured the First Homes requirement. Other tenure types should be secured in the relative proportions set out in planning policy and supporting evidence. For Chichester the required proportions are as follows: First Homes - 25% Social Rent - 35% Affordable Rent - 22% Shared Ownership - 18%

The application has not set out any detailed housing mix. Considering the April 2022 HEDNA, Local Plan requirements and data from the housing register we would recommend a housing mix broadly reflecting:

|       | Market Housing |     | First Homes |     | Social Rent |     | Affordable Rent |     | Shared Ownership |     |
|-------|----------------|-----|-------------|-----|-------------|-----|-----------------|-----|------------------|-----|
|       | Units          | %   | Units       | %   | Units       | %   | Units           | %   | Units            | %   |
| 1 bed | 2              | 7   | 1           | 33  | 2           | 40  | 1               | 33  | -                | -   |
| 2 bed | 9              | 32  | 2           | 67  | 2           | 40  | 1               | 33  | 1                | 100 |
| 3 bed | 12             | 43  | -           | -   | 1           | 20  | 1               | 33  | -                | -   |
| 4 bed | 5              | 18  | -           | -   | -           | -   | -               | -   | -                | -   |
| TOTAL | 28             | 100 | 3           | 100 | 5           | 100 | 3               | 100 | 1                | 100 |

The applicant has not made any mention of space standards and we would encourage that national space standards are met and where possible are exceeded. As the housing type has yet to be decided we would comment that should flats or maisonettes be provided our preference is to ensure households have direct access to private outdoor space where practicable, where it is not practicable, we would ask that these properties are either provided with access to a communal outside space or are very near to useable public open space.

## 6.9 CDC Archaeology Officer

Archaeological investigation of the development site immediately to the north is producing (amongst other things) evidence of a Roman settlement that seems to intensify the closer that it gets to this site. It seems possible (likely, even) that the core of the settlement lies within the nursery. Although this probably isn't enough to warrant preservation from development, it would certainly need to be evaluated in advance in order to identify areas of importance that should then be fully investigated. This process should be secured via the imposition of a standard condition (as I recommended 24/08/2022). Any other ground-works that are preliminary to development should be kept to a minimum and should be archaeologically monitored.

## 6.10 CDC Drainage Engineer

### **Flood Risk:**

The site is wholly within fluvial/tidal flood zone 1 (low risk). Our mapping indicates that there is an area in the south-west corner of the site which is shown to be at significant risk of surface water flooding. This area is primarily associated with the access to the site, and they are proposing to raise the access 300mm above the existing ground level to reduce the risk. We would expect the LLFA to comment on surface water flood risk in more detail, and the acceptability of their proposal. Subject to satisfactory surface water drainage we have no objection the proposed use, scale or location based on flood risk grounds.

### **Surface Water Drainage:**

The proposal (supported by testing of the adjacent site) is to drain dwellings to private soakaways, parking areas via permeable paving and the highway to infiltration basins. This approach is in accordance with the SuDS hierarchy and therefore acceptable in principle. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable. (Any discharge should be restricted to greenfield run-off rates, with a minimum rate of 2l/s). If you are minded to approved the application we recommend the following condition is applied to ensure the site is adequately drained: Development shall not commence until the full details of the proposed 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 systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. Winter groundwater monitoring, to establish the highest annual ground water levels, and winter percolation testing, to BRE 365 or a similar approved method, will be required to support the design of any infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed scheme.

## 6.11 CDC Environmental Strategy Officer

*Comments received on 29/3/2023*

### **Nutrient Neutrality**

No objection to the use of credits generated by the adjacent development site subject to an appropriate trigger to ensure that sufficient land has been taken out of horticultural use.

*Original comments*

### **Nutrient Neutrality**

As detailed within the Revised Nutrient Neutrality Assessment (June 2022) the proposal will cause an increase in nitrogen of 25.1 kg/N/yr. Due to this mitigation has been proposed at an area of land at Broadreed Farm, Stansted Park, Rowlands Castle, Hants

PO9 6DZ which can be used as compensation land for woodland planting. We are satisfied that this would be suitable.

*(NB these comments relate to a now superseded nitrate neutrality proposal but on 29/3/2023, confirmation was received that the revised scheme of mitigation was acceptable in principle).*

### **Recreational Disturbance**

For this application we are satisfied that the HRA issue of recreational disturbance can be resolved as long as the applicant is willing to provide a contribution to the Bird Aware scheme, the standard HRA Screening Matrix and Appropriate Assessment Statement template can be used.

### **Bats**

Following submission of the Amended Bat Mitigation Report (May 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. 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. Conditions should be used to ensure this. We are disappointed to see that there will be a number of fruit trees removed as part of the proposal though to mitigation this they will be replanted along the boundaries of the site. 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 through the provision of dark habitat orientated north-south direction and avoiding unnecessary artificial light spill through the use of directional light sources and shielding. We require that further details of the lighting scheme and dark corridors are provided as part of this application.

### **Reptiles**

Following submission of the Reptile Surveys & Mitigation Strategy (May 2022), we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

### **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).

### **Hedgehogs**

Any brush pile, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs. If any piles need to be removed outside of the hibernation period mid October to mid-March inclusive. The piles must undergo soft demolition. Nesting Birds Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

### **Badgers**



Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. If a badger sett is found onsite, Natural England should be consulted and a mitigation strategy produced.

### **CEMP and LEMP**

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserve matters application.

### **Enhancements**

We require a number of enhancements are incorporated within the scheme and shown with a Biodiversity Enhancement and Mitigation Plan (BEMP) as part of this application. These include:

- Any trees removed should be replace 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
- We require that gaps are included at the bottom of the fences to allow movement of small mammals across the site
- Hedgehog nesting boxes included on the site

### **Policy 40**

Following submission of the Energy and Sustainability Statement (July 2022) we are satisfied that the proposals will meet our requirements within Policy 40. As part of a reserved matters application we will require further details on the PV onsite and the location of the car charging points being installed onsite.

#### **6.12 Third Party Representations**

One letter of objection has been received concerned about the impact of further development on local infrastructure, notably health and education facilities and the local road network. The letter continues by stating that if the development is approved, that is shall be as "green" as possible.

#### **7.0 Planning Policy**

##### **The Development Plan**

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Southbourne Neighbourhood Plan (2014-2029) was made on the 15<sup>th</sup> December 2015 and forms part of the Development Plan against which applications must be considered.

- 7.2 Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held 14<sup>th</sup> January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12<sup>th</sup> April 2022, Southbourne Parish Council withdrew the plan.
- 7.3 Following the Parish Council's withdrawal of Southbourne Parish Neighbourhood Plan Review 2019-2037, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16<sup>th</sup> December 2022 and the draft Submission Modified Neighbourhood Plan 2014-2029 was published formally under regulation 16 for consultation by Chichester District Council between 2<sup>nd</sup> March and 14<sup>th</sup> April 2023, at which point the plan began to gain weight. The examination commenced in July 2023 and is now complete and the Examiner's Report has been published. The Decision Statement will be considered by Cabinet on the 5<sup>th</sup> December 2023 and, subject to Cabinet's agreement, the Southbourne Modified Neighbourhood Plan 2014-2029 can then move onto referendum in early 2024. Following publication of the Examiner's Report the policies in the Southbourne Modified Neighbourhood Plan 2014-2029 have moderate weight, this will increase to significant weight if the Decision Statement for the referendum is agreed at Cabinet and substantial weight if the plan passes Referendum. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 - 2029 remains in place.
- 7.4 The principal policies of the Chichester Local Plan 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 7: Masterplanning Strategic Development
- Policy 8: Transport and Accessibility
- Policy 9: Development and Infrastructure Provision
- Policy 20 Southbourne Strategic Development
- Policy 33: New Residential Development
- Policy 34: Affordable Housing
- Policy 39: Transport, Accessibility and Parking
- Policy 40: Sustainable Design and Construction
- Policy 42: Flooding. Risk and Water Management
- Policy 45: Development in the Countryside
- Policy 47: Heritage and Design
- Policy 48: Natural Environment
- Policy 49: Biodiversity
- Policy 50: Development and Disturbance of Birds in Chichester and Langstone Harbours Special Protection Areas
- Policy 52: Green Infrastructure
- Policy 54: Open Space, Sport and Recreation

## Southbourne Neighbourhood Plan 2014-2029

Policy 1: Spatial Strategy  
Policy 4: Housing Design  
Policy 7: Environment

### Emerging Policy

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

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

7.6 Relevant policies from the published Chichester Local Plan Review 2021 - 2039: Proposed (Regulation 19) are:

S1: Spatial Development Strategy

S2: Settlement Hierarchy

NE2: Natural Landscape

NE3: Landscape Gaps Between Settlements

NE4: Strategic Wildlife Corridor

NE5: Biodiversity and Biodiversity Net Gain

NE6: Chichester's Internationally and Nationally Designated Habitats

NE7: Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat

NE8: Trees, Hedgerows and Woodlands NE10: Development in the Countryside

NE13: Chichester Harbour Area of Outstanding Natural Beauty

NE15: Flood Risk and Water Management

NE16: Water Management and Water Quality

NE19: Nutrient Neutrality

NE20: Pollution

NE21: Lighting

NE22: Air Quality

NE23: Noise

NE24: Contaminated Land

H1: Meeting Housing Needs

H3: Non-Strategic Parish Housing Requirements 2021-2039

H4: Affordable Housing H5: Housing Mix H6: Custom and/or Self Build Homes

H10: Accessible and Adaptable Homes

P1: Design Principles

P2: Local Character and Distinctiveness

P3: Density  
P4: Layout and Access  
P5: Spaces and Landscaping  
P6: Amenity  
P8: Materials and Detailing  
P9: The Historic Environment  
P14: Green Infrastructure  
P15: Open Space, Sport and Recreation  
P16: Health and Well-Being  
E8: Built Tourist and Leisure Development  
T1: Transport Infrastructure  
T2: Transport and Development  
T3: Active Travel - Walking and Cycling Provision  
T4: Parking Provisions  
I1: Infrastructure Provision  
A13: Southbourne Broad Location for Development

Southbourne Modified Neighbourhood Plan, Submission Modified Plan 2014-2029  
(with changes recommended by Examiner)

7.7 The Southbourne Modified Neighbourhood Plan (SNP3) has completed examination and carries moderate weight. Relevant policies include:

Policy SB1 Development within and outside settlement boundaries  
Policy SB3 Local Housing Needs  
Policy SB4 Design in Southbourne Parish  
Policy SB13 Green and Blue Infrastructure Network  
Policy SB14 Biodiversity  
Policy SB15 Trees Woodlands and Hedges  
Policy SB16 Achieving Dark Skies  
Policy SB18 International Nature Sites  
Policy SB19 Zero Carbon Buildings  
Policy SB20 Water Infrastructure and Flood Risk  
Policy SB21 Sustainable Travel

National Policy and Guidance

7.8 Government planning policy comprises the National Planning Policy Framework (NPPF September 2023) and related policy guidance in the NPPG. Paragraph 11 of the current Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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)
- o 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) o Chichester Harbour AONB Management Plan (2014-2029)
- WSCC Transport Plan (2011-2026)

#### 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 5th December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. However, through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal). 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. Principle of Development
- ii. Highway Impact
- iii. Landscape Impact
- iv. Flooding and Drainage
- v. Layout, Density and Design
- vi. Ecology and Biodiversity
- vii. Nitrate Neutrality

### **i. 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.

### *Assessment of the Proposal against the existing Development Plan*

8.4 When assessed against the policies of the adopted Local Plan, the current application is considered to be contrary to policies 2 and 45 in that it is proposing new housing outside

the settlement boundary for Southbourne in the countryside or Rest of Plan Area and would not meet an "essential, small scale and local need" (Policy 45). In addition, the site is not one of the allocated sites identified in the made Southbourne Neighbourhood Plan and so it conflicts with policies 1 and 2 of that Plan.

### *Emerging Policy*

- 8.5 Southbourne has been identified within the revised local plan as a suitable location for strategic development during the later part of the Plan period. A broad location for development, shown on the Key Diagram, has been identified, within which the application site is located. Within this area a mixed use development of 1,050 homes, local employment opportunities and supporting local facilities will be developed. The site will also provide for the accommodation needs of gypsies and travellers and travelling showpeople. The current site lies within this broad location for development. Further consideration of sites and the allocation of land to deliver this development will be made through either a revised Site allocation DPD or revised Southbourne Neighbourhood Plan. Policy A13 of the emerging plan sets out a number of criteria which development within the broad location will need to meet. The policy states that "piecemeal or unplanned development proposals within the area which are likely to prejudice its delivery including the infrastructure for the area will not be permitted".
- 8.6 The current proposal falls within this latter category and is centrally located within the broad location for development. An argument could be put forward that its development in isolation could prejudice a "comprehensive and coordinated development approach" as required by Policy A13. However, the weight that can be attributed to such an argument is limited given the formative stage of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19).
- 8.7 Balanced against this, is the applicant's argument that the site is of modest size and will not prejudice the comprehensive approach to development and is a natural "rounding off" of the Cooks Lane development to the north and west of the application site.
- 8.8 Members will recall that the Southbourne Neighbourhood Plan Review was withdrawn after the Examiner recommended that it not progress the Referendum Stage "in advance of the adoption of the Local Plan Review". The Parish Council has subsequently prepared a modification of the existing "made" 2015 plan as an interim measure to "plug the gap" until the Council's new Local Plan is adopted. The document is proposed as an interim measure and states that one of its aims is to resist speculative development.
- 8.9 The Examiner concluded that the modified Neighbourhood Plan should be allowed to proceed to referendum, subject to certain amendments. These are generally minor in nature but one does refer to the Cooks Lane housing site, adjacent to the current site and referred to previously in this report. The document as submitted for examination, allocated this site for housing development, however this site already benefits from planning permission and therefore the Examiner recommended changing its status to a commitment rather than an allocation. Consideration of the amended plan is likely to be undertaken by CDC at its Cabinet meeting on December 5<sup>th</sup> after which it is likely that the plan will be put to a referendum in the new year.
- 8.10 It is necessary therefore to consider the relevance of this plan to consideration of the current proposal, particularly with regard to Paragraph 14 of the NPPF, which can afford

protection against speculative development where a neighbourhood plan positively plans for housing delivery, and subject to other limitations. With regard to the implications of paragraph 14 of the NPPF, the Council has sought legal advice following receipt of the Examiner's report, particularly taking into account the recommendation to treat the Cooks Lane site as a planning commitment rather than a planning allocation. Counsel's advice was as follows:

"...SNP3 would not be a neighbourhood plan that 'contains policies and allocations to meet its identified housing requirement.' I note the reference to 'policies and allocations'; it is not 'policies or allocations'. As such as a matter of objective construction, the neighbourhood plan must contain both 'policies and allocations' for criterion (b) of paragraph 14 to be met....SNP3 does not engage para. 14 of the NPPF."

8.11 On the basis of Counsel's advice the application falls to be considered on the basis of that the Council does not have a 5-year housing supply in place and therefore the 'tilted balance' in paragraph 11d)ii) of the NPPF, i.e. the presumption in favour of permitting sustainable development, is engaged.

8.12 At this stage however, only moderate weight can be attached to policies of the plan. The primary conflict with the emerging neighbourhood plan (and indeed the existing one) is that the site lies outside of the settlement boundary and that the form of development proposed does not meet any of the exceptions in which development would be acceptable. For reasons explained later in the report, it is not considered that this conflict, on its own, would justify withholding consent in a situation in which the Council cannot demonstrate a five year supply of housing and in which the "tilted balance" is engaged.

8.13 However, one should still consider the issue of prematurity, not least because this constituted one of the reasons for refusal of the 2020. In order to assist officers, legal advice has been taken on this matter and is unequivocal in stating that it would not be reasonable for the Council to resist an application for new housing development within the neighbourhood plan area by citing a prematurity. This is due to the nature of the modified plan and the conscious decision made within it not to make any "decisions about the scale, location or phasing of new development" that has not already been built or consented.

#### Housing Supply

8.14 The Council's most recent assessment of its Five-Year Housing Land Supply was published on 5th December 2022 and identifies 4.74 years of housing supply and through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years. 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) is 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.

8.15 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.

8.16 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).**

This criterion is not met in respect of the currently defined settlement boundary for Southbourne but development would be contiguous with existing development once the Cooks Lane site is built out. The site also lies within the Southbourne "broad location for development" allocation within the Chichester local Plan 2021-2039 Proposed Submission (Regulation 19).

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

Southbourne is a sustainably located settlement defined as a Settlement Hub in the Local Plan (Policy 2). 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.**

It is considered that the development satisfies this criterion particularly given the extant permission which wraps around the north and western boundaries of the site. There is no actual or perceived coalescence likely to arise from permitting this development.

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

As demonstrated by the accompanying illustrative plan, the proposed quantum of development can be comfortably accommodated on the site along with relevant green infrastructure requirements. Its form is likely to reflect the consented scheme to the north

and west and is appropriate in respect of surrounding housing. This criterion is therefore deemed to have been met.

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

Whilst it is true that the development lies within land considered as open countryside for planning policy purposes it is not undeveloped; a significant part of the site is occupied by disused (and unsightly) glasshouses. The site is also located very close to existing built development to the east. There are residential properties to the east, along with further horticultural infrastructure, and the approved "Rydon" development, which is currently under construction, will wrap around the north and the east of the site. These factors, combined with the fact that the site is of a modest scale, mitigate the wider landscape impact.

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

The application site is not located within or adjacent to a potential Strategic 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.**

The proposed scheme offers policy compliant affordable housing and the illustrative layout demonstrates how the proposal would meet the Council's open space requirements. These, along with the necessary highway improvements are recommended to be secured via a Section 106 Agreement. In terms of wastewater, ongoing headroom monitoring (November 2023) at Thornham WwTW indicates a remaining capacity of 363 households and as such this development of 40 dwellings could be accommodated within the remaining capacity.

**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.**

The application is accompanied by an Energy and Sustainability Statement which outlines the proposed energy performance of the site. This demonstrates that the scheme will exceed building regulations part L1A by a minimum 19% from energy efficiency measures and a further 10% through on site renewable energy generation via PV affixed to the roofs of the new dwellings and air source heat pumps which accords with the overall reduction sought in the IPS. Internal water use will be limited through the use of limiting appliances.

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

The submitted Design and Access Statement demonstrates that the scheme has the potential to deliver a high quality development that respects and enhances the character of the area. Building heights are two storeys throughout the development, reflecting local character, and are a mix of generally detached or semi-detached with a smaller number of terraced units. The new houses are to be constructed largely of brick with some render and a mixture of grey and red tiled roofs, again very much in common with the surrounding area. The landscaping strategy should provide an appropriate setting for the new development and enhance the character of the wider area.

**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.**

Southbourne is well served by several facilities including a primary school, public houses, a medical practice and a dental practice, a church, convenience retail facilities, and a railway station. Most of these are within easy walking distance of the site. Local Plan Policy 2 classifies Southbourne as a Settlement Hub, recognising that these places are sustainable parts of the District suitable for growth. In addition it is well connected by public transport. Aside from the nearby railway station there is a bus stop located on the A259, approximately 10 minutes' walk from the site. From this stop there are regular buses to Chichester, Havant and Portsmouth. It is considered that this criterion is met.

**11) Development must be located, designed and laid out to ensure that it is safe, that the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere, and that residual risks are safely managed.**

This criterion is considered to be satisfied. The site is located within EA flood zone 1, as area with the lowest level of flood risk. The drainage system is to be designed through SuDS to satisfactorily manage the discharge of surface water from the development. Groundwater investigations have satisfied the LLFA that the risk of this form of flooding is not significant.

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

The application site stands directly south and east of 'Land north of Cooks Lane, Southbourne', which is subject to both outline (SB/18/03/03145/OUT) and reserved matters (22/00157/REM) permission for the provision of 199 dwellings and associated development. The detailed proposals for Land north of Cooks Lane were supported by an 'Information for Habitats Regulations Assessment' report which attributes the now approved development with a nutrient budget of -29.93 kg/year, i.e., a substantial net reduction in the quantity of nutrient nitrogen released to the Solent Marine Sites. This is as a result of the land having previously been subject to horticultural use prior to development which resulted in the release of high levels of nutrient nitrogen to ground and surface

waters. Natural England's calculator demonstrates that the benefits of discontinuing the former, nutrient-intensive use comfortably outweighed the injurious effects of the additional wastewater generated from the new dwellings.

Bloor Homes, the owner and developer of the land to the north, proposes to allocate the beneficial effects of the approved 199 dwelling scheme (a net reduction of 29.93 kg/year) to offset the injurious effects of the proposed 40 dwellings scheme (a contribution of 25.1 kg/year), thereby achieving nutrient neutral development. This approach has been agreed with Natural England and will be secured via a Section 106 Agreement. This criterion is therefore met.

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

An assessment of the planning application has not identified any barriers to delivery. A reduced time restricted condition is recommended, to ensure timely delivery of the development. It is understood that the likely developer is Bloor Homes who are developing the land to the north, in which case this site would effectively form a further phase of that project.

8.17 The proposed development scores well against the relevant criteria in the IPS. The only criterion that is not met is criterion 1 which requires new development to be contiguous with the settlement boundary. However this is arguably a technical breach only as the site adjoins the boundary of an approved development which is under construction. It would therefore be unreasonable to refuse permission on this matter alone. 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. 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 to ensure the supply is maintained and bolstered, and it is considered that in this context the proposal is acceptable.

ii. Highway Impact

8.18 The Highway Authority has raised no objection to the proposed access to the site, which is sited only fractionally eastwards from the excising site access, albeit in an improved form.

8.19 The access will provide visibility splays of 2.4m x 43m in both directions and do not cross into any third-party land. The access is designed according to the speed of the road and will create a safe access with a good width of 5.5m with a 5m kerb radii. Diagrams have been provided to show how fire and rescue service vehicles are able to enter turn and exit in forward gear. A 1.8m wide footway will also be provided to connect into the footway of the adjoining Cooks Lane development, which is under construction, providing a continuous link to the west of the site.

8.20 In terms of highway capacity impact, this development of 40 dwellings has had a junction capacity assessment and this shows that there will be a negligible increase in delays and queuing at both junctions, (these being Cooks Lane/Stein Road junction and Inlands Road/Priors Leeze Lane junction. The development will also create minimal vehicle

movements in the peak hours with approximately 1 trip every 2-3 minutes. The access will require a 278 agreement with WSCC highways and as other off-site highway works are planned to include the widening of Cooks Lane; this will need to be timed accordingly to coincide with the widening works.

8.21 It is accepted 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 visibility improvements, the proposed access would be both safe and suitable in highway terms. The layout plan whilst illustrative at this stage demonstrates compliance with the County Council's parking standards. In terms of identifying the potential for future occupiers of the site to use non-car modes it is noted that the site is located close to the existing railway station and within walking distance of most local services and amenities

8.22 The Chichester Local Plan 2014-2029 was adopted on the 14th July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9 of the adopted Local Plan, alongside the Planning Obligations and Affordable Housing SPD. As part of the evidence base for the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), transport studies have been undertaken to understand the impacts of development on the highway network in the plan area and surrounding area. These transport studies have identified that a number of highway improvements will be required to mitigate the impact of the development, particularly in relation to junction improvements on the A27 Chichester Bypass. Draft Policy T1 Transport Infrastructure of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) makes provision for a co-ordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion and improve safety.

8.23 The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the Submission Local Plan. The formula is set out in draft Policy T1 Transport Infrastructure and at this point in time equated to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the Local Plan 2021-2039: Proposed Submission (LPPS) is emerging and not adopted policy. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, is however, such that unless all housing permitted ahead of the adoption of the LPPS, the Council will be unable to secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the LPPS.

8.24 The applicant has confirmed that they are willing to provide the financial contributions envisaged in the draft Policy T1 of the LPPS and therefore any harmful effects of the development on the strategic highway network can be mitigated successfully. The financial contribution will be secured through the Section 106 Agreement.

iii. Landscape Impact

8.25 The site comprises a flat arable field, dilapidated glass houses and an old orchard. The majority of the site is enclosed by existing vegetation apart from the western boundary and part of the northern boundary where it abuts the approved residential site and wraps around the application site. Existing residential properties (33 and 35 Cooks Lane) abut

the Site to the east whilst Cooks Lane itself defines the southern boundary. In landscape terms therefore, the site is, or certainly will be, once the adjacent development is completed, relatively self-contained.

- 8.26 There are no statutory designations of landscape or townscape quality which infer any special character on the site itself or its immediate surroundings. The published Landscape Character Assessment and Land Management Guidelines refer to the Southbourne Coastal Plain as a 'landscape which, despite lacking strong distinctive character, has strategic value and has great potential to improve the setting to the surrounding urban areas.' The Chichester District AONB Landscape Capacity Study identifies the Southbourne North Eastern Coastal Plain as having a 'substantial' landscape Sensitivity but a 'slight' landscape value.
- 8.27 Development of housing will undoubtedly change the existing landscape character and result in a loss of open character. However the proposed development will add some landscape value to the site's surrounds through proposed and enhanced hedgerows, tree planting and integrated swales and ponds as part of a SuDs system. As a result of these enhancements and the self-contained nature of the site the landscape impact will be moderate. Impacts will be very local to the site and as a direct result of the change from agricultural land to residential development and the corresponding change in views for some immediately adjoining residents and users of the adjoining footpath. These are acknowledged impacts of development and would likely to be much the same for any similar settlement edge development. It is also relevant to point out that the site is around one fifth of the size of the adjoining consented development that was not considered unacceptable in landscape terms to either the Council or the Planning Inspectorate.
- 8.28 In conclusion, any adverse landscape impact is local and limited and not considered to be detrimental to the settlement character of Southbourne or importantly to the wider landscape character of the area, the SDNP or the Chichester Harbour AONB.

iv. Flooding and Drainage

*Surface Water and Flood Risk*

- 8.29 Current surface water mapping shows that, as a whole, the proposed site is at low risk from surface water flooding although there appears to be a significant surface water flood risk in the SW corner of the site. This is acknowledged by the applicant in the submitted Flood Risk Assessment. The indicative layout does not show any dwellings within this area and the applicant has indicated that the level of the access road will be raised by 300mm in this area to mitigate the risk. The indicative layout shows the potential to deliver a successful SuDs scheme.
- 8.30 The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping and the applicant was therefore asked to undertake groundwater monitoring in order to assess the actual risk from this source. This monitoring was undertaken during winter 2022 and the Lead Local Flood Authority, after reviewing the data, has confirmed that there is no significant risk from groundwater flooding.

*Foul Drainage*

8.31 The applicant proposes that the foul water from the site will be discharged to the existing Southern Water system located on Cooks Lane, to the west of the application site. Due to the level on Cooks Lane, which rise when heading west, it will be necessary to provide a pumping station, and one has been shown on the indicative drainage strategy and site layout.

8.32 Local concerns regarding drainage and sewage disposal and the current state of the offsite 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. For the Council to resist this application on the basis of these concerns would be neither tenable nor reasonable. Furthermore, the ongoing headroom monitoring at Thornham WwTW indicates a remaining capacity of 363 households (as of November 2023) and as such, this proposal could be accommodated within the remaining capacity.

v. Layout, Density and Design

8.33 The submitted Design and Access Statement demonstrates that the scheme has the potential to deliver a high quality development that respects and enhances the character of the area. The indicative plan submitted with the application shows a perimeter block based layout with one "main road" and a series of secondary lanes. Generous greenspace allows for public open space, biodiversity and accommodation of SuDS. The illustrative layout demonstrates how the proposal would meet the Council's open space requirements. Two areas of public open space are proposed comprising 462 square metres. (Depending on the hosing mix, which is not yet finalised, the policy requirement would be round 400 - 430 square metres). Thus the proposed quantum of development can be comfortably accommodated on the site along with relevant green infrastructure requirements. Its form is likely to reflect the approved "Rydon" scheme to the north and west and is appropriate in respect of surrounding housing.

vi. Ecology and Biodiversity

8.34 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. In addition, policy SB13 of the emerging Southbourne Modified Neighbourhood Plan seeks to maximise opportunities to improve biodiversity in a number of ways, including through the continuation of the Green Ring, which is also required in the made Neighbourhood Plan. Policy SB13 (inclusive of the Examiner's recommendations in italics which have been accepted by the Parish Council) states:

A. The Neighbourhood Plan identifies the Green Ring, wildlife corridors and waterbodies of ecological value (including rare chalk streams), as shown on the Policies Map, that form part of a Green Infrastructure Network, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into neighbouring parishes and for mitigating climate change. The Network also comprises a variety of green spaces, ancient woodland, trees and hedgerows, assets of biodiversity value, children's play areas and off-street footways, cycleways and bridleways.

B. Development proposals that lie within or adjoining the Network are required *where relevant* to have full regard to creating, maintaining and improving the Network, including delivering a net gain to general biodiversity value *and wildlife connectivity*, in the design of their layouts, landscaping schemes and public open space and play provisions.

C. Proposals for any part of the Green Ring must have equal regard to accessibility to the Network for both existing and new residents. In this respect, the Green Ring will form a central and defining multi-functional landscape feature of any new development, creating opportunities for the whole community to enhance outdoor sport, recreation and play, improve pedestrian and cycle connectivity to existing amenities and any proposed future community hub, schools, the railway station and footbridge access over the railway line.

D. Proposals that will prejudice the completion of the Green Ring or lead to the loss of land lying within the Network and that will undermine its integrity will not be supported. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported provided they do not adversely affect the character, environment and appearance of the Chichester Harbour AONB, result in adverse effects on the integrity to the Chichester Harbour SPA, and are consistent with all other relevant policies of the development plan.

E. Proposals for development schemes *for housing, commercial, business and service development* comprising a gross site area of 2 Ha or more should incorporate woodland and/or wetland planting on-site of a species and standard that will effectively store/sequester carbon, as verified by the Woodland Carbon Code, unless it can be demonstrated that the soil or other site feature cannot accommodate this planting.'

8.35 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 and the Solent Maritime SAC.

8.36 A portion of the hedgerow that bounds the site to Cooks Lane is to be removed to facilitate the access. The hedgerow is 87 metres long and a length of 19 metres according to the access plan (although the applicant's own hedgerow assessment suggests the length to be removed is 24 metres). There will also be a requirement to trim back parts of the residual hedge to secure sightlines. The submitted ecological assessment describes the hedgerow as "species poor" being dominated by Wild Cherry with Ivy and Field Maple. The Council's Tree Officer considers the hedge to be average/poor in its health, diversity and development. To compensate for this loss, the applicant proposes to enhance the residual hedge with a greater range of species which provide improved biodiversity and visual amenity. There is evidence of an ancient hedgerow in this location dating back to the 17<sup>th</sup> century although no evidence of the original hedge remains. The loss of a section is therefore regrettable but is considered to be offset by the biodiversity enhancements which will result from the new planting.

8.37 The applicant has submitted a Hedgerow Assessment, in part to determine whether the hedgerow is protected in the terms of the 1997 Hedgerow Regulations. A survey has been submitted by a qualified ecologist using the methodology prepared by DEFRA. The conclusion is that while some of the qualifying criteria are met, the hedgerow does not meet any of the ecological criteria and is therefore not ecologically classified as protected hedgerow, due to the low number of woody species. The survey suggests that the original



hedgerow was removed and replanted at some stage in the 20th century and therefore lacks the diversity and ancient hedgerow indicator species.

- 8.38 It has been suggested that access could be taken from the adjacent site to allow full retention of the hedgerow. However this would require land currently outside the applicant's control and does not form part of the proposals. Furthermore, it is the officer's view that the loss of green infrastructure to facilitate such access, should it have been posited as a solution, may well be significantly worse than the current proposal.
- 8.39 The applicant's biodiversity survey identified suitable habitats for foraging and commuting bats, common reptile species and breeding and nesting birds. In addition it identified a BAP habitat (orchard). A supplementary Bat Mitigation Report and a Reptile Surveys and Mitigation Report have identified various mitigation measures. The Council's Environment Officer has assessed the proposals and made a number of recommendations 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, enhancements and mitigation.
- 8.40 The indicative route of the Green Ring as shown on the Modified Neighbourhood Plan Policies Map follows the western and northern boundaries of the application site – in both cases where it adjoins the neighbouring Cooks Lane development which is under construction. This alignment takes advantage of the green margins of the latter site and the indicative plan accompanying this application shows a landscaped buffer which will provide additional opportunities to incorporate new planting and SUDs attenuation which will provide additional biodiversity opportunities. The site is smaller than two hectares so Clause E of Policy SB13 is not applicable. Whilst the layout details are reserved the indicative plan does demonstrate that the relevant requirements of Policy SB13 can be complied with.
- 8.41 For the reasons set out above and subject to the recommended conditions / S106 obligations, there is no ecological reason to resist the application.

#### Nitrate Neutrality

- 8.42 The proposed nitrate mitigation strategy proposes to use the positive surplus of nitrates generated by the adjacent site, which is subject to both outline (SB/18//03145/OUT) and reserved matters (22/00157/REM) permission for 199 dwellings. This application was supported by an 'Information for Habitats Regulations Assessment' report which attributed the now approved development with a nutrient budget of -29.93 kg/year, i.e., a substantial net reduction in the quantity of nutrient nitrogen released to the Solent Marine Sites. This a result of the land having previously been subject to horticultural use prior to development which resulted in the release of high levels of nutrient nitrogen to ground and surface waters. Bloor Homes, proposes to allocate the beneficial effects of the consented 199 dwelling scheme (a net reduction of 29.93 kg/year) to offset the injurious effects of the proposed 40 dwellings scheme (a contribution of 25.1 kg/year), thereby achieving nutrient neutral development. Natural England has agreed to this approach.

#### Significant Conditions

8.43 The key conditions that are recommended to make the development acceptable include details of the construction management plan, surface and foul water drainage requirements and requirements in respect of ecological mitigation.

#### Infrastructure / Planning Obligations

8.44 This development is liable to pay the Council's CIL indexed 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 which would cover the following matters:

- 30% Affordable Housing (12 units) (no more and no less) in accordance with the required HEDNA mix, with a rent/shared ownership/first homes tenure as follows:
  - 5 Social Rented mix comprising: 2 x 1-bed, 2 x 2-bed and 1 x 3-bed
  - 3 Affordable Rented mix comprising: 1 x 1-bed, 1 x 2-bed and 1 x 3-bed
  - 1 Shared Ownership comprising: 1 x 2-bed property
  - 3 First Homes mix comprising: 1 x 1-bed and 2 x 2-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.

- Financial contribution towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) calculated at the time of granting any permission. The current estimate is £309,120 (40 x £7,728 per dwelling).
- 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 Public Open Space (POS, in accordance with Planning Obligations and Affordable Housing SPD requirements.
- Highway improvements to include new footway along northern side of Cooks Lane.
- Financial contribution of £1,500 for the monitoring and auditing of the Travel Plan by WSCC.
- Nutrient Neutrality Mitigation.
- Section 106 Monitoring Fee of £2,200.

#### Conclusion and Planning Balance

- 8.45 The Council cannot demonstrate a 5-year housing land supply and acknowledges that its housing policies in the development plan are also out of date. In such circumstances the Council by reason of paragraph 11 d) of the NPPF is required to consider favourably planning applications for sustainable new housing unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- 8.46 This proposal would increase the supply and choice of housing in the district and help to reduce pressure on the 5-year housing. Importantly the scheme provides 12 affordable dwellings. There will also be a number of economic benefits arising from the proposal relating to construction spend, future spend by residents and Council Tax and New Homes Bonus receipts.
- 8.47 Given the acknowledged benefits of the scheme which would weigh heavily in favour of supporting the scheme, Counsel's advice is that Paragraph 14b of the NPPF is not engaged and thus the "tilted balance" applies. In such circumstances planning permission should be refused only when "the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework" (NPPF Para. 11d)ii).
- 8.48 There is no compelling evidence arising from consideration of this proposal that the existing infrastructure cannot cope with the new development proposed. The development will meet its infrastructure requirements through obligations secured under the S.106 agreement and potential wider benefits could be secured through the development's CIL receipts. Officers regard this as a sustainable site for new housing and a proposal which responds well to the constraints which the report has identified above.
- 8.49 The supporting material, assessments and reports demonstrate that there are no technical or environmental constraints that would preclude the development of this site, subject to planning conditions and/or obligations. The proposal has been tested against the relevant 13 criteria in the IPS, which is effectively a measure of sustainable development, and meets all the criteria save one. The proposal would have very minor negative impacts on landscape character but these are very local and there is no material impact on the South Downs National Park or Chichester Harbour AONB. It cannot therefore be reasonably argued that these adverse impacts significantly and demonstrably outweigh the benefits described above.
- 8.50 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

- 8.51 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, scale, appearance and landscaping (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 be carried out in accordance with the approved plans in so far as they relate to the matters of detail hereby approved:

- Location Plan 1000 PL A
- Proposed Access Arrangement Plan 5490/002 M

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

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

- (a) the 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, and
- (o) waste management including prohibiting burning and the disposal of litter,
- (p) provision of temporary domestic waste and recycling bin collection point(s) during construction and
- (q) hours of construction.

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

5) No development shall commence on site, until protective fencing has been erected around all trees and shrubs on the northeast and eastern site boundaries 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.

6) 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.

7) If the Phase 1 report submitted pursuant to condition 6 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 Local Planning Authority 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.

8) No development shall commence unless and until details of the proposed means of foul water sewerage disposal which shall be to Thornham Wastewater Treatment works have been submitted to and been approved in writing by the Local Planning Authority acting reasonably in consultation with Southern Water. Thereafter all development shall be undertaken in accordance with the approved details. No occupation of any dwelling shall take place until the approved off-site works have been completed or, in the event that the agreed off-site works are not completed in full by the time of first occupation, detailed interim on-site measures for the disposal of foul water sewerage shall be first agreed in writing by the Local Planning Authority in consultation with Southern Water and implemented in full.

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) Prior to commencement of development, in accordance with the submitted Flood Risk Assessment (Flood Risk Assessment, MT/5490/FRA.6, Bellamy Roberts, July 2023) and the Foul and Surface Water Drainage Strategy (drawing number 5490/006, Rev. H, July 2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

- i. If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development

runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

- ii. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change).
- iii. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the: a. 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site. b. 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
- iv. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.
- v. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.
- vi. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
- vii. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. No development shall commence until details of the proposed overall site-wide surface water drainage scheme has been submitted to and been approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal as set out in Approved Document H of the Building Regulations and the SUDS Manual produced by CIRIA. Winter ground water monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. The surface water drainage scheme shall be implemented as approved unless any variation is agreed in writing by the Local Planning Authority. No building shall be occupied until the complete surface water drainage system serving that property has been implemented in accordance with the approved surface water drainage scheme.

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

10) Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

11) Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Policies

12) No development/works shall commence on the site until a written scheme of archaeological investigation of the site has been submitted to and been approved in writing by the Local Planning Authority. The scheme shall include proposals for an initial trial investigation and mitigation of damage through development to deposits of importance thus identified, and a schedule for the investigation, the recording of findings and subsequent publication of results. Thereafter the scheme shall be undertaken fully in accordance with the approved details, unless any variation is first submitted to and agreed in writing by the Local Planning Authority.

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

13) No part of the development shall be first occupied until such time as the new 1.8m wide footway along the western side of the access and northern side of Cooks Lane has been constructed in accordance with the details shown on drawing no. 5490/002 M.

Reason: In the interests of providing safe vehicular access and egress to the site.

14) No part of the development shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be



submitted to and approved in writing by the Local Planning Authority. Once provided these spaces shall thereafter be retained in perpetuity for their designated purpose.

Reason: To ensure that the development provides satisfactory parking for the development in the interests of proper planning.

15) No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

16) No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

17) No development shall commence until full details have been submitted to and be approved in writing by the Local Planning Authority showing how the development is to achieve the objectives in Policy 40 of the Chichester Local Plan: Key Policies 2014-2029 and criterion 8 in the Interim Position Statement for Housing (November 2020). The development shall thereafter be carried out in accordance with the approved details.

Reason: To accord with policy 40 of the Chichester Local Plan: Key Policies 2014-2029, criterion 8 of the Interim Position Statement for Housing and the principles of sustainable development as set out in the NPPF.

18) 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 2014-202

19) The implementation of this planning permission shall be carried out strictly in accordance with the method of works and mitigation measures detailed in the

Preliminary Ecological Appraisal (May 2022), Bat Mitigation Strategy (May 2022) and Reptile Surveys and Mitigation Strategy (May 2022). In addition the following enhancements are required to be incorporated within the scheme

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

Reason: In the interests of protecting biodiversity and wildlife.

20) No construction of any buildings above slab level shall be carried out unless and until a full schedule of all materials and finishes including samples and finishes for external walls and roofs of the proposed buildings and surfacing materials have been submitted to and been approved in writing by the Local Planning Authority.

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

21) Before first occupation of any dwelling details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting 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. The lighting scheme shall also demonstrate how it complies with the requirements of policy SB17 of the Southbourne Modified Neighbourhood Plan 2014-2029 specifically how it has been designed to minimise the occurrence of light pollution by employing energy-efficient forms of lighting that also reduce light scatter. Note: Any proposed external lighting system should comply with the Institute of Lighting Engineers (ILE) guidance notes for the Reduction of Light Pollution. 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.

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 showing the precise location, to be supplied (in accordance 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.

### 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](mailto: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](http://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 (WSSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto: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 Andrew Robbins on 01243 534734.

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFFF54ERJ8500>

|                        |                           |
|------------------------|---------------------------|
| Parish:<br>Southbourne | Ward:<br>Harbour Villages |
|------------------------|---------------------------|

**SB/21/01910/OUT**

|                  |  |              |                |
|------------------|--|--------------|----------------|
| <b>Proposal</b>  | 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. |              |                |
| <b>Site</b>      | Willowbrook Riding Centre Hambrook Hill South Hambrook Chidham PO18 8UJ  |              |                |
| <b>Map Ref</b>   | (E) 478659 (N) 106629  |              |                |
| <b>Applicant</b> | Reside Holdings Ltd  | <b>Agent</b> | Dr Chris Lyons |

**RECOMMENDATION TO DEFER FOR SECTION 106 THEN PERMIT**



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

## **1.0 Reason for Committee Referral**

- 1.1 Parish Objections - Officer recommends permit.
- 1.2 Red Card Councillor Moss - exceptional level of public interest.
- 1.3 **This application was further deferred at the 4 October 2023 meeting of the Planning Committee to allow for the publication of the Examiner's report for the Southbourne Modified Neighbourhood Plan. The examination into the Southbourne Modified Neighbourhood Plan is now complete and the Examiner's report has been published. The Decision Statement will be considered by Cabinet on the 5 December 2023 and, subject to Cabinet's agreement, the plan can then move onto referendum in early 2024.**
- 1.4 This application was previously deferred at the 14<sup>th</sup> June 2023 meeting of the Planning Committee to allow for a site visit. The committee site visit took place on the 2<sup>nd</sup> October 2023.
- 1.5 In the interim period, an updated consultee comment from WSCC Lead Local Flood Authority (LLFA) was received on 29<sup>th</sup> June 2023 (see paragraph 6.13 below for full comment).
- 1.6 To address the objection raised by WSCC LLFA, the applicant has submitted an updated Flood Risk Assessment and Drainage Strategy, updated plans (Land Use Parameter Plan, Indicative Site Layout, Existing Surface Water Flood Map with Alternative Layout Overlay, Existing Topographical Surveys and Contours, LiDAR Contours and Flow Catchment Area, Impermeable Areas and Catchment Appraisal, Proposed Levels Strategy and Exceedance Flow, Proposed Drainage Strategy Preliminary Design), together with an updated Nitrogen Mitigation Statement and Nutrient Budget Calculator.
- 1.7 WSCC LLFA have now reviewed the submitted information (comment received 7<sup>th</sup> September 2023) and are satisfied that their previous objection has been overcome, subject to the recommended conditions.
- 1.8 This application was originally deferred at the 7<sup>th</sup> December 2022 meeting of the Planning Committee in accordance with the officer's recommendation that the application be deferred to allow officers time to seek clarification on the implications of the Written Ministerial Statement (HCWS415) made on 6<sup>th</sup> December 2022.
- 1.9 On the 6<sup>th</sup> December 2022 a Written Ministerial Statement (WMS) was published setting out the Government's proposed changes to the planning system. Details of the changes were set out in a National Planning Policy Framework prospectus, which was published 22<sup>nd</sup> December 2022.
- 1.10 On the 5<sup>th</sup> September 2023 a WMS (HCWS1005) was published with regard to the updated National Planning Policy Framework (published 5<sup>th</sup> September 2023). Policy changes, relevant to planning decisions, take effect immediately upon publication (some transitional arrangements for plan making are set out at Annex 1). The amendments are to Chapter 14 ('Meeting the challenge of climate change, flooding and coastal change') of the National Planning Policy Framework.

- 1.11 On 27 January 2023, the application was further held up by the consultation response from Planning Policy which stated “On 24th January Council agreed the Pre-Submission Local Plan for Regulation 19 consultation, beginning 3rd February 2023. From this point (Regulation 19) the Plan will be at an advanced stage of preparation and its weight as a material consideration in the determination of planning applications will increase. The emerging plan will require all new housing in the southern part of the Plan Area to contribute to a scheme of infrastructure improvements to the strategic road network (A27). Any further permissions from 3<sup>rd</sup> February that do not make provision towards this infrastructure potentially put at risk delivery of the identified infrastructure improvements”.
- 1.12 The Council has now received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that would meet the tests set out in regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF. If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission the previous ‘holding objection’ on this basis would no longer apply. In that case the decision taker would need to weigh the potential for the development in question to undermine a ‘plan-led’ approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits for the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11 (d) of the National Planning Policy Framework - the ‘tilted balance’.

## **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 (1.79ha) alone. The submitted parameter plan details that 2.28ha 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 (0.59ha) ecological corridor to the east boundary.
  - The inclusion of an approx. 10m (0.42ha) wide tree belt to the north and west boundaries.
  - The provision of Public Open Space (POS) (1.13ha) including LEAP (0.04ha) to the south and east of the site.
  - The provision of site attenuation ponds (0.14ha) to the east and south 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. A new plan (2019-6075-SK04/Rev.A) has been submitted which details the footways widened to 1.8m in width.
- 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 (widened to 1.8m) will extend from the application site and across the new Hambrook Hill South junction to Priors Leaze Lane. Off-site, a new footway (widened to 1.8m) 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 small mammal using the river would be able to easily move across the river (i.e. 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 26.01.2023*

Objection: Willowbrook Riding centre ref: 21/01910/OUT

This application should be rejected. The applicant has not provided an accurate survey or assessment of the presence of notably rare species. Given the lack of a suitable assessment of the status of the species using the site a full assessment of impacts cannot be accurately made as to the potential impact.

This note also identifies other issues where more work is needed.

#### General

This note identifies a number of constraints, limitations and issues with the surveys and data collected, in particular in relation to Barbastelles. A separate note could/should be prepared dealing with the other bats using the site.

There are 18 species of bat breeding in the UK. All 18 have been recorded in Sussex including seven of the rarest species. 1 ref Sussex Bat Group. All bats, their colonies and roosts, are protected 2 ref.

The rare Barbastelle Bat, an Annex II species, has been recorded at the site and in close proximity to the Ham Brook chalk stream.

Research has shown that breeding female Barbastelle bats can travel significant distances between maternity roosts and feeding areas. 3 ref.

Commuting barbastelle bats have been recorded locally both north and south of the AONB boundary and there is a maternity colony of Barbastelle bats known to be present in the Chichester area with roosts known around the northern and western area of Chichester. 4 ref.

Hedgerows and streams are important features for bats both for dispersal where bats commute and for foraging areas, notably lighting has been identified as a notable factor affecting barbastelle dispersal.

Protection of their commuting routes is an important consideration for planners. The full colony range and roosting areas used by the Chichester colony is unknown, or what satellite roosts are used where. Breeding female Barbastelles are known to have foraged up to 20km. Barbastelle bats are known to be present at Kingley Vale (SAC) approximately 5km away and females from this colony have been identified roosting approximately 6km from this site. This may mean that this site falls within the Core Sustainance Zone for this colony.

BCT Bat survey guidance suggests it may be 20km ref 5 Based on 15km range Barbastelles will travel to forage (ref 5a) , planners should consider that the proposed Willowbrook development has the potential to impact the populations of Barbastelle bat in the vicinity of Kingley Vale, and Singleton and Cocking SAC.

- No evidence or justification has been put forward to prove that the development will not damage these protected bat populations.
- The Bat survey was not carried out in accordance with BCT guidelines. 6 ref. This may be inadvertent.
- Unsuitable equipment (ZC) was used for detecting and identifying Barbastelles. Once Barbastelle bats were identified, being a whispering species more targeted species specific surveys to more accurately identify the use of the site by Barbastelle bats should be conducted.
- As a consequence, analysis and identification of the bats may have been flawed.
- The time the static recorders operated missed much of the peak activity times notably later summer and so do not provide an accurate presentation of the bat activity levels that could be on the site. As a consequence, the results may be both qualitative and quantitatively unreliable.
- The presence of other rare bats such as Grey Long Eared Bats, and three of the rarest Myotis sp: Alcahoë, Bechstein, Greater Mouse Eared would not have been identified by the static survey carried out. 7 ref.

#### Further considerations:

- No bats of any species were recorded at the southern location over 5 days in April. This is highly improbable, this is more likely a data/technical flaw and would need accurate data collection.

- Bat roost potential sites are easily missed.
- The concerns about this site relate particularly to commuting rare bats.
- Barbastelle bats (and some other rare bats) are very sensitive to, and avoid light where possible because it makes them vulnerable to predators.
- The proposed local Plan has just been published. The implications of this development proposal on rare species, wildlife corridors and their impact on the two major areas we should be protecting, the South Down National Park and the Chichester Harbour Area of Outstanding Beauty need to be closely considered. This development proposal does not have the evidenced support to enable these issues to be properly considered.
- There is a great deal of ecology rebuttal evidence posted on the Pallant Appeal site 20/03320/OUTEIA and some of this evidence is relevant to this application. This should be considered but it takes time.

Action: The points raised above, notably the lack of suitable survey data, accuracy of the survey data, lack of surveys suitably following survey guidelines and limited survey timing means that further survey work is required to accurately confirm the level of bat use on this site, specifically for barbastelle bats. A full accurate assessment of impact of the development cannot be made based on the survey data collected to date, and limited confirmation on how barbastelle bats are using this site. As such the application should be rejected. This note also identifies other issues where more work is needed.

### Supporting Background

The Willowbrook applicant provided a Bat Survey report (Bat Activity report) authored by The Ecology Partnership, published date August 2021, (Sept 17, 2021 on the CDC portal) in support of a major development outline planning application 21/01910/OUT for 63 Homes. It used the wrong type of bat recorder to measure Barbastelle activity, and an unsatisfactory method of identification of the rare bat calls recorded. Ref BCT Bat Survey Guidelines The survey did not follow Bat Conservation Trust survey guidelines. There is a maternity roost in the northern area of Chichester. The full roosting range of this colony is unknown, or what satellite roosts are used where. Breeding female Barbastelles are known to forage up to 20km and Barbastelle bats are known to be present at Kingley Vale (SAC) approx. 5km away and female roosts are known to be approximately 6km from this site. (D Whitby.)

There are two development sites in close proximity. For simplicity I will refer to the sites as Willowbrook i.e. 21/01910/OUT and Aviary i.e. 22/01410/OUT.

22/01410/OUT Land North of Aviary Close, Hambrook PO18 8UJ for 30 Homes posted on the CDC portal Dec 5th 2022. This site is on the approx. 120m east of the Hambrook, with the north end of the Willowbrook site closest to the south end of the Aviary site.

## Willowbrook survey shortcomings

The number of Barbastelle registrations (recorded passes) will have been influenced by not following BCT guidelines:

1. The wrong equipment was used - this can be exacerbated by other factors e.g. insect noise.
2. The wrong identification methods? Computer ID of rare bats can miss Barbastelles.
3. The times of the year recording was carried out, missing peak periods of activity.

## Recording equipment/method used:

### Willowbrook

The static survey is based on Zero crossing (ZC) recordings - see para 2.8 of the Willowbrook limitations warning, and the Aviary Limitations warning below) Analysis of ZC recordings is not recommended and is largely superseded technology. It is not accurate for identifying Barbastelles. see 'Limitations' mentioned in both reports.

Was Anabat Insight computer analysis (see para 2.10) used with some spectrogram measurement?

Computer Analysis of ZC recordings is used for ID of pipistrelles, big bats and myotis types, but not always down to species level eg for Myotis. It can identify some of the common bat species.

### Aviary

The static survey used Full Spectrum static detectors (This technology gives more detailed spectrograms). Was identification done using Kaleidoscope software to visualise the call, and all assessments by taking measurements of the peak frequency, inter-pulse interval, call duration and end frequency? The report suggests that computer identification was used.

### Number of Barbastelle registrations

Willowbrook (4 months - 2 locations, 40 machine/location/nights, 15 registrations) ZC Last recording October 1st. What happened at the Southern location in April (no registrations) should be clarified.

Aviary (6 months - 2 locations, 55 machine/location/nights, 52 registrations) FS Last recording October 8th. October could be a peak month for male Barbastelle commuting. see also Aviary para 3.18 of the 'Limitations' (Appendix 2 below)

## Conclusion

All the 18 bat species found in the UK have been recorded in West Sussex. Relatively little is known about the biology of the barbastelle compared with other bat species. There is evidence that they travel significant distances. There is a maternity roost

in the northern area of Chichester. The full roosting range of this colony is unknown, or what satellite roosts are used where. Breeding female Barbastelles are known to forage up to 20km and Barbastelle bats are known to be present at Kingley Vale (SAC) approx. 5km away and female roosts are known to be approx. 6km from this site. Hedgerows and streams are important to the bats for navigation and foraging. They need to be in dark areas. Barbastelles avoid well-lit areas. I have recorded commuting barbastelle bats both north and south of the AONB boundary.

The impact of the development on Barbastelle bat populations at Kingley Vale, Singleton and Cocking SAC has the potential to impact these populations. No evidence or justification has been put forward to prove that the development will not.

Protection of Barbastelle commuting routes is an important consideration for planners. The developer proposed corridor is too narrow. There should be an authoritative bat survey of the wider area before the application is determined.

Various other issues that should be considered are not dealt with here. Wildlife corridors which link the SDNP to the AONB must be wide enough to be functional. There are Environmental and Legal considerations as well as commercial consequences if these corridors fail.

Access and Drainage issues have not been fully addressed. The democratic issues thrown up by this application have not been addressed. The site is deficient in terms of local infrastructure, services, or public transport .

Please refuse this application.

See also:

Appendix 1 About Recording Equipment

Appendix 2 Limitations of the survey (as spelled out in the survey)

Appendix 3 About Barbastelles

#### Appendix 1 About Recording Equipment

Willowbrook: zero crossing ZC recorders are commonly used for bat surveys. They are not state of the art technology for measuring Barbastelle activity, but are still used. Their advantage is the digital recording files are small so they can record for long periods of time. They can be used with computer identification software which reduces analysis time. Their disadvantages are that the spectrograms do not have sufficient detail so that for some recordings identification is not possible. Barbastelles are difficult because they may have two call types. Pure computer analysis saves time but can be very unreliable identifying rare bats. It can identify some common bats reasonably reliably.

Full Spectrum recorders have largely superseded Zero Crossing recorders where the ecologist hopes to record rare bats such as Barbastelles. Some bat species cannot be identified from echolocation calls alone eg the 6/7 species of Myotis bats cannot be certainly identified by computer analysis or measurement of their spectrogram alone. Barbastelle bats may not be identified with certainty by ZC but have a sufficiently distinctive/recognisably unique call spectrogram when recorded with Full Spectrum recorders to make identification certain in many instances.

## Appendix 2 Limitations of the survey

### a) Willowbrook Copied from the Willowbrook survey, page 9/10

#### “Limitations

2.7 It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no single investigation could ensure the complete characterisation and prediction of the natural environment.

2.8 The Anabats recording ability are limited by the quantity of insect noise picked up over the bat calls, which varies over the season. This is a limit of the zero-crossing functionality of the Anabat recording devices. The number of bat calls recorded was particularly low some months because the loudest calls at a single frequency are always recorded. The actual number of passes is expected to have been higher.

2.9 The data obtained by static detectors does not allow for differentiation between individual bats foraging near the detector or multiple bats commuting past, therefore the activity should be seen as indicative only.

2.10 Filters are created and used on Anlook for the bat call analysis, which will have a certain degree of error, although tests are carried out to ensure the highest accuracy possible.”

### b) Aviary Copied from the Aviary survey, page 7

#### “Limitations

3.17 Due to the high level of variation in echolocation calls, the properties of zero-crossed frequency division recordings, and the overlap in sound parameters among certain species and genera (such as Myotis and Nyctalus/Eptesicus) it is not always possible to identify calls down to species level. In these instances, calls are identified to genus level, which is sufficient for a suitable assessment of potential impacts.

3.18 The lower amplitude calls made by brown long-eared bat *Plecotus auritus* and barbastelle *Barbastella barbastellus* are more difficult to detect and may not always be picked up by the directional microphones. Therefore, these species may have been under-recorded during these surveys.

3.19 Analysis of these files can highlight the presence of more than one bat if they are recorded simultaneously on the same sound file. However, it is not possible to determine whether consecutive sound files have been recorded as the result of a single bat passing the detector as it commutes across the landscape, or by one bat repeatedly triggering the detector as it forages in close proximity for an extended period. Each sound file is counted as a single bat pass or registration and the number of registrations provides an indication of the relative importance of the site / the detector location for bats.”

Note: The Aviary survey mentioned the limitations of Zero Crossing recorders, but didn't use them.

## Appendix 3 About Barbastelles

The size of the Barbastelle population in the UK is not known. There is no reliable estimate. Natural England Joint Publication JP025 A Review of the Population and Conservation Status of British Mammals: Technical Summary or how many Barbastelles maternity roosts there are. Relatively little is known about the biology of the barbastelle compared with other bat species.

(from a report for WSCC)



4.3.32 The barbastelle is considered to be rare in Britain, and only sparsely distributed through its range in Europe (Altringham, 2003). Its characteristic short and directional echolocation call (Denzinger et al., 2001), and fast and far-travelling flight (Dietz et al., 2009) are likely to reduce detection levels. This species tends to forage in woodland where its summer roost sites are usually associated with splits and cracks in trees or occur beneath raised bark (Dietz et al, 2009).

4.3.33 The foraging area for this species covers an area of approximately 8.8 ha around the roost (Dietz, et al, 2009). For male barbastelle bats, the peak foraging period / metabolic demand is likely to be in autumn and early winter, coinciding with mating activity (Greenaway, 2004). This species tends to emerge from a roost between 25 and 60 minutes after sunset (Russ, 2012). The barbastelle has a strong aversion to well-lit areas (see Section 6.2); however, it emerges early to enable it to cover the large distances separating their roosting and foraging areas during the relatively short summer nights. In order to avoid possible predation by birds, barbastelles remain in dark, shaded woodland habitats, woodland rides and close to overgrown hedgerows flying close to the ground (1-2 m high). This strategy allows them to cover large distances before darkness has fully arrived (Greenaway, 2004).

Author WSP, Lyminster By-pass bat survey for WSCC Nov 2018

#### References

- 1 Sussex Bat group - link
- 2 Bats and the Law - BCT advice - link
- 3 Journal of Mammology - link
- 4 South Downs Barbastelle project report
- 5 Journal of Mammology - link
- 5a Sussex Bat SAC Planning and Landscape Scale Enhancement Protocol
- 6 BCT Bat Survey Guidelines link
- 7 BCT Bat Survey Guidelines p32

*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 from 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 barbastelles 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 24.01.2023*

The attached report [see file for report] was completed as part of the Southbourne Parish Council Neighbourhood Plan. At the Planning Committee meeting of 19<sup>th</sup> January, it was agreed to share this report with a selection of relevant parties specifically with reference to this application.

Willowbrook 21/01910/FUL – The site lies within the surface water catchment area and flow paths that contribute to flooding on the Ham Brook and downstream to School and Farm Lane.

NPPF July 2021 clearly states:

163. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wide sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

164. The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

No development lives in isolation and the cumulative effects must be taken into account throughout the parish.

*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 underlined.

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 21.09.2023*

The advice provided in our previous response applies equally to the slight amendment to the Nutrient Budget and proposed Mitigation set out in the submitted documents. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

*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 15<sup>th</sup> March 2022 which is the earliest date referenced in your current correspondence. When we responded on 15<sup>th</sup> 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 12<sup>th</sup> 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 8<sup>th</sup> 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 24.01.2023*

WSSC Highways are content with the new plan (2019-6075-SK04/Rev.A). WSSC Highways confirm that the strip verge on Priors Leaze Lane is shown as retained and the slightly increased width on the realigned junction and into the site will be a benefit to pedestrians.



*Further comment received 18.01.2023*

With regard to the widening of the footpaths WSCC Highways and their engineer have confirmed that 1.8m is acceptable to WSCC standard construction details.

*Further comment received 09.01.2023*

Where footway is proposed on Priors Leaze Lane, WSCC believe this is 1.5m due to the requirement for a strip of verge between footway and edge of ditch (2.3 of RSA). The remaining proposed footway on the realigned and new road and further within site would be beneficial to be widened and WSCC Highways would welcome this. However, it is up to the applicant to decide whether this would be possible (with land and highway boundary constraints). If the applicant decides to go ahead with widening then the LHA could review any revised drawings.

*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, WSCC 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.

### **WSCC 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**

*Comment received 07.09.2023*

Following a review of the submitted documents and the revised documents the details are in accordance with NPPF and Local Planning Policies subject to the following conditions:

#### **Condition 1**

Prior to or in conjunction with any reserved matters application, a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for the proposed watercourse improvements that include the remodelling of the surrounding land to provide additional flood storage attenuation from the ordinary watercourse. These details shall demonstrate the design is in strict accordance with the Land Drainage Act 1991 and that flood risk is reduced to the surrounding area and not increased as per drawing D1961-PL103 (Existing Surface Water Flood Map With Alternative Layout Overlay by Bright Plan Civils, revision B, 2/8/2023) and D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023). Details submitted for any proposed watercourse alteration must demonstrate:

- there is adequate space for each watercourse to be naturalised and enhanced.
- that flood risk is suitably managed for all storms up to and including the 1 in 100 (1% Annual Exceedance Probability) plus climate change.
- that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible.

The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF.

#### **Condition 2**

Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been

submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF.

### **Condition 3**

Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

### **Condition 4**

The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation,

II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,

III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not Increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

### **Condition 5:**



Prior to commencement of development, in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report (by Bright Plan Civils, issue 2.0, 4/9/2023) and drawing number D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Surface water runoff rates will be attenuated to 8 l/s as stated within section 5.1 of the FRA / Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). It must be demonstrated the basins have less than 24 hours drain time and that the safety factors are selected based on the Ciria SuDS Manual.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. Include following if appropriate. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163, 165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Informative:

Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is Chichester District Council on behalf of West Sussex County Council.

*Comment received 19.06.2023*

A lack of detailed information in relation to flooding from the ordinary watercourse and loss of floodplains as well as out of date information related to planning policy means that flood risk could significantly increase elsewhere.

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

- In terms of flood risk, the site is at high surface water flood risk in areas along the ordinary watercourse the Ham Brook and is at high groundwater flood risk.
- Lack of information in relation to flooding from the ordinary watercourse and loss of watercourse floodplain.
- Not discharging at greenfield runoff rates and ground raising could increase flood risk elsewhere.
- The application is not in accordance with NPPF paragraph 153, 159, 167 & 169, PPG Flood Risk and Coastal Change (August 2022 version – this has been updated since the FRA was submitted), Non-statutory technical standards for sustainable drainage systems, WSCC SuDS Policies or Policy 43 Flood Risk and Water Management.

Reason

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

We will consider reviewing this objection if the following issues are adequately addressed:

1. The proposal increases the risk of flooding to existing infrastructure, dwellings, or property. Mitigation from surface water flood risk must be considered due to the loss in ordinary watercourse floodplain and the proposed ground raising altering flow routes.

2. Provide site specific ordinary watercourse and surface water flow path modelling.
3. The total discharge rate for the site is 19 l/s, which is exceeding  $Q_{bar}$ . These proposed discharge rates would increase flood risk elsewhere and need to be re-addressed.
4. Due to the ground raising, the whole site is considered impermeable due to compaction, therefore the area for the whole red line boundary must be used to calculate  $Q_{bar}$ .
5. A  $C_v$  value of 0.75 is currently being used in calculations, which means that not all the water within the catchment is draining into the proposed drainage system. A  $C_v$  value of 1 should be used instead.
6. Any proposed ground raising must adequately consider surface water flow routes, both on and off site, and comply with national and local policies. Ground raising above existing site levels could increase flood risk because surface water run-off on raised areas will be compacted, which reduced infiltration capacity and increases run-off. The impact of ground raising on groundwater must also be considered.
7. The modelling is currently using FSR which has been superseded and should not be used as underestimates the volume of water that may affect the site. FEH 2013 or ideally 2022 is required to be used for rainfall calculations.
8. An easement of 3m from the top of the bank for any watercourse, drain or SuDS feature is required for maintenance purposes.
9. Indicative vehicular access route and off-road parking needs to be provided to ponds, basins and swales within the masterplan.
10. All 4 pillars of SuDS must be considered-water quantity, water quality, biodiversity and amenity.
11. The correct and most up to date climate change allowance must be used. This ensures that the proposed drainage system is large enough to drain a 1 in 100 year plus climate change event.
12. The orifice controls should be over 0.75m wide. The ones currently proposed are too small and could therefore block easily and create flooding.
13. The time to half empty for all infiltration structures must be provided. Some results are currently missing.
14. Further details on the existing ditches are required, in particular the one that is proposed for outfall A.
15. The ordinary watercourse Ham Brook is not labelled as Main River on EA mapping. This means ordinary watercourse consents will be required (LLFA issued) for the culverts.

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

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

*Comment received 07.11.2022*

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**

*Comment received 12.06.2023*

The Council's Drainage Engineer has reviewed the comments submitted with respect to Operation Watershed by Southbourne Parish Council.

The site in question is not covered by the WSP report, but the proposed development is upstream of the study area, which has unfortunately suffered with flooding in recent years. In the opinion of the Council's Drainage Engineer, this should not be a reason to refuse this application, but a reminder of the importance of ensuring all this, and all new development does not increase flood risk, which in this instance will be achieved by attenuating and restricting run-off to greenfield rates.

The Willowbrook site is in tidal/fluviat Flood Zone 1 (low risk). There is a small portion of the site shown to be at significant surface water flood risk but this will all correctly be retained within open space (no dwellings).

*Comment received 22.07.2021*

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 comment received 13.09.2023*

Following submission of the Nitrogen Mitigation (Sept 2023) the proposal will cause an increase in nitrogen of 41.42 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 5.05ha 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/N/yr resulting in a Nutrient balance of -0.02. This mitigation should be secured within the S106 agreement in perpetuity for 85 years.

*Further comment received 02.06.2023*

The parish are objecting and asking for the application to be refused on the grounds of an inadequate survey and the lack of a suitable assessment of the impact on bats, in particular the impact on the rare Barbastelle. The objection does not seem to be on the basis of inadequate mitigation for bats, although it could be argued that lack of a suitable baseline assessment may undermine the starting point for consideration of mitigation measures.

I agree that there are flaws in the methodology of the bat survey work for this site. Indeed out team's comments of 12.10.2021 we raised very similar points, saying that the unequal distribution of detectors, the use of zero crossing recorders and the poor weather on some of the survey dates were all concerns. To be fair the consultant ecologist has flagged up these limitations in the reports.

Our concerns about the survey methodology were not pursued further as it became clear in discussions with the agent and the ecologist that they accepted that Barbastelle were present on site (regardless of whether they were recorded or not) and so a precautionary approach to mitigation under the Habitats Regulations Assessment was now required.

The central point for us, as ecological advisors to you, had moved on from the suitability of the survey to whether requiring a re-survey would alter the type and/or amount of mitigation. Once the applicant had agreed to address this issue on a precautionary basis the issue of a re-survey became secondary as it would not significantly alter the mitigation and hence the outcome for bats.

The applicant submitted a revised layout in late November 2021 in a first attempt to address the presence of SAC bat species and to provide sufficient mitigation to pass an HRA. In my comments on 24.12.2021 I took the view that lighting and urbanisation impacts on barbastelle were not fully mitigated, and an HRA was prepared on that basis.

In their letter of 15.05.2022 Natural England disagreed with our HRA. This was on the basis that light spill, vehicle lights and garden / security lighting installed post occupation and predation by pets were not likely to impact on Barbastelle. This left only street lighting and NE were satisfied that the impact of this was adequately mitigated. Whatever my professional view of this position, NE's clear position that they would not support us at appeal, and their role as statutory consultees on the HRA meant that our HRA had to be revised.

Notwithstanding NE's clear position, the applicant did submit further amendments to their plans in August 2022, with additional mitigation through increased separation distance, the creation of a western buffer strip and a reduced amount of development. Again the point is that, whether the 15 barbastelle passes recorded are an underestimate or not, is the mitigation sufficiently precautionary to avoid an adverse effect on integrity of the Barbastelle population?

*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 while 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 on its 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 (9<sup>th</sup> 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 03.11.2023***

### **Southbourne Parish Neighbourhood Plan**

**The examination into the Southbourne Modified Neighbourhood Plan is now complete and the Examiner's report has been published. The Decision Statement will be considered by Cabinet on 5<sup>th</sup> December and, subject to Cabinet's agreement, the plan will then move on to referendum in early 2024.**

*Further comment received 25.09.2023*

### **Southbourne Parish Neighbourhood Plan**

Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held on 14 January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12 April 2022, Southbourne Parish Council agreed to withdraw the plan. Following the Parish Council's withdrawal of the Southbourne Parish Neighbourhood Plan Review, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16 December 2022 and the draft Submission Modified Neighbourhood Plan was published formally under regulation 16 for consultation by Chichester District Council between 2 March and 14 April

at which point the plan began to gain weight. An independent examiner has been appointed and the examination is underway and remains on-going. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 to 2029 remains in place.

*Further comment received 13.06.2023*

### **Southbourne Parish Neighbourhood Plan**

Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019- 2037 was undertaken including a hearing held 14<sup>th</sup> January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12<sup>th</sup> April 2022, Southbourne Parish Council agreed to withdraw the plan. Following the Parish Council's withdrawal of Southbourne Parish Neighbourhood Plan Review, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16<sup>th</sup> December 2022 and the draft Submission Modified Neighbourhood Plan was published formally under regulation 16 for consultation by Chichester District Council between 2<sup>nd</sup> March and 14<sup>th</sup> April at which point the plan began to gain weight. An independent examiner is currently being appointed with the examination anticipated to start in July; at this stage it may be considered to have moderate weight, depending upon the policies to be applied. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 to 2029 remains in place.

### **Chidham and Hambrook Neighbourhood Plan**

The Chidham and Hambrook Neighbourhood Plan was made in September 2016 and work to review the neighbourhood plan in relation to the emerging new Local Plan is now underway by the Parish Council. This work remains in the early stage and therefore attracts no weight.

*Further comment received 02.06.2023*

The Chichester Local Plan 2012-2039 Proposed Submission has now completed 'Regulation 19' consultation (17<sup>th</sup> March 2023) and it is anticipated that the plan will be submitted for examination later this year (the Council's published Local Development Scheme anticipates Summer 2023). Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the NPPF and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.

As part of the Local Plan process the Council has been carrying out work to understand the implications of increasing build costs/inflation, for delivery of the highways infrastructure necessary to enable planned residential development in the plan area. This analysis has shown that unless materially enhanced financial contributions are provided in respect of that residential development, then the improvements necessary to the A27 (or any other alternative measures linked to generating capacity on the Strategic Road Network) in order to enable the highways network to accommodate it, will not be deliverable (Draft Policy T1 of the Proposed Submission Local Plan refers). This will

frustrate/preclude delivery of residential development, and thus prevent the Council from meeting housing targets in either the current pre proposed submission plan, or any variant of it. If development the subject of this application is found acceptable in all other respects, it is essential that it makes the requisite contribution towards A27 improvements envisaged within draft proposed Policy T1 of the Proposed Submission version of the Local Plan, in order that it enables the mitigation required to overcome the cumulative impact of further dwellings and the effect they have on the highway network. The Council has now received legal advice on the basis for collecting contributions in accordance with the emerging policy and is satisfied that it would meet the tests set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 and those in paragraphs 203 and 204 of the NPPF.

If contributions were to be secured in line with proposed draft Policy T1 of the Chichester Local Plan 2021-2039: Proposed Submission then no objection on this basis would be raised. In that case the decision taker would need to weigh the potential for the development in question to undermine a 'plan-led' approach and the proper delivery of the emerging Local Plan in general against the need to take account of the potential benefits of the provision of additional housing. The weight to be attributed to these benefits will depend upon the need to apply Paragraph 11(d) of the NPPF – the 'tilted balance'.

*Further comment received 27.01.2023*

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

*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 2023**) headroom monitoring for Thornham WwTW indicates the remaining capacity is **363**.]

*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**

**180** 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 / congestion and pollution on narrow roads.
- 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 and the proposal will lead to increased flooding.
- 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) Lack of infrastructure and 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'. Site should be left green and pleasant for future generations to enjoy the countryside and wildlife.
- z) Site would infill the natural gap between the Southbourne and Nutbourne settlement areas.

**6.23aA further letter of objection was received on the 6<sup>th</sup> November 2023 from Cllr Johnson (on behalf of a local resident) in relation to flooding matters and the consequences of raising the ground levels for the site and the new access, in order to mitigate flood risk.**

#### Agent's Supporting Information

6.24 A Committee Briefing note has been supplied to Members. The briefing note details:

- a) An overview and summary of the scheme.

- b) Site layout and key features.
- c) Landscaping and environment.
- d) Benefits of the scheme

6.25 The agent has also supplied further information (email dated 6<sup>th</sup> December 2022) with regard to third party representations raised in relation to flooding and drainage matters:

'The FRA report demonstrates the local topography and potential upstream catchment have been appraised and will be catered for within the final levels and drainage solutions. BPC drawing PL201 shows the upstream greenfield catchment area directly north of the site and BPC drawing PL500 demonstrates how this will be managed and upheld.

Noting the comments related to the existing residential area due east of the Main River I would clarify the process here to make clear that the proposals will alleviate the concerns raised.

It is mandatory for the applicant/developer to ensure that historic surface water/overland flow routes are not blighted by any development and that overall, betterment shall be provided. The proposed highway works situated on the east side of the Main River will be subject to Highway Authority (HA) requirements to ensure the road design complies to an adoptable standard which conforms to WSCC criteria (as per their website) and NPPF; both of which will dictate a drainage solution that is capable of dealing with the 100yr return period. You will see BPC drawing PL500 illustrates a small detention basin to cater for the new eastern highway catchment which recognises the existing overland flow and low point has been identified.

The matter of highway elevation (levels) will be addressed at detailed design stage with WSCC but having raised levels nominally in places will be subject to vertical design parameters for roads which will be coordinated with drainage collection features (gullies/ditches) and conveyance at surface level (exceedance flow if/when road gullies/ditches are brim full). The road levels into the site will be dictated by the EA for the culvert (size) crossing of the Main River. WSCC will require a comprehensive CCTV/Highway drainage investigation and local upgrades (site-wide) to the existing highway drainage apparatus/network on the eastern side. Clearly the existing highway ditch serving Hambrook Hill for example will be affected and require re-routing towards the Main River and there is ample space within the site frontage to incorporate bespoke highway drainage provision and not only honour low points but provide betterment. To ease concerns, it is also worth noting that WSCC are also Lead Local Flood Authority (LLFA) for this site and so will oversee all sources of flood risk under the S278 (highway works) application.

The proposed foul drainage will be a sealed network which gravitates to a new pumping station which is located alongside the Main River corridor. The compound area will be elevated above peak water levels to ensure surface water run-off does not breach the system. The site is also slightly elevated to mitigate this across the entire network not just the pump station.

In the event of pump failure (loss of power) the pump wet well will include 24hrs storage (Building Regs requirements). The undertaker, whether this is adopted by Southern Water or remains private and governed by a management company, will ensure 24/7

telemetry/alarms are included with a reactive servicing in place to mitigate the risk of surcharge/pollution to the Main River.'

6.26 As noted above at paragraphs 1.4-1.6 to further address the concerns raised by WSCC LLFA, the applicant has submitted an updated Flood Risk Assessment and Drainage Strategy, updated plans (Land Use Parameter Plan, Indicative Site Layout, Existing Surface Water Flood Map with Alternative Layout Overlay, Existing Topographical Surveys and Contours, LiDAR Contours and Flow Catchment Area, Impermeable Areas and Catchment Appraisal, Proposed Levels Strategy and Exceedance Flow, Proposed Drainage Strategy Preliminary Design), together with an updated Nitrogen Mitigation Statement and Nutrient Budget Calculator.

6.27 WSCC LLFA have now reviewed the submitted information (comment received 7<sup>th</sup> September 2023) and are satisfied that their previous objection has been overcome, subject to the recommended conditions (see paragraph 6.13 for full comment).

**6.27a The applicant's Drainage Consultant has reviewed the concerns raised in November 2023 and has provided the following response:**

**'The off-site highway works will be subject to a S278 application which would dictate any existing highway drainage and any locally shared drainage networking here would be diverted and/or upgraded to satisfy WSCC requirements acting as both Highway Authority and Lead Local Flood Authority. The planning strategy does not show full information as this is an outline planning application and will be subject to a detailed design submission at the Reserved Matters stage. The reports show that there is no in-principle problem with flooding that cannot be resolved.**

**The proposed levels shown are again indicative to convey the planning strategy at this stage but fundamentally demonstrate access is achieved into the site without compromising the Ordinary Watercourse flow conveyance in delivering a box culvert solution. Base flows (below ground) and exceedance flows (above ground) will be reviewed in the detailed design stage so the 9.7m spot level is not necessarily a design level. It is however evident from the topographical survey that the existing road levels locally here are confirmed to be of the order of 9.5m to 9.7m so this is not a 300mm raise of the Public Highway as implied.**

**Finally, a comment has been raised in respect of raising levels across the entire site. This matter has been carefully addressed in collaboration with WSCC who are satisfied the current proposals are unlikely to adversely affect flood flow. Essentially the development has been scaled back to exclude these areas, and moreover will enhance these areas as a betterment.'**

## **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.
- 7.3a Southbourne Parish Council undertook a review of the 'made' neighbourhood plan and an examination of the Southbourne Parish Neighbourhood Plan Review 2019-2037 was undertaken including a hearing held 14<sup>th</sup> January 2022. The Examiner's report was published recommending the proposal for the plan was refused and did not proceed to referendum. At its meeting held on 12<sup>th</sup> April 2022, Southbourne Parish Council agreed to withdraw the plan. 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 **Following the Parish Council's withdrawal of Southbourne Parish Neighbourhood Plan Review 2019-2037, the Parish Council has subsequently prepared the draft Southbourne Parish Neighbourhood Plan Pre-Submission Modified Plan 2014-2029. This plan completed the regulation 14 (Parish Council) consultation on 16<sup>th</sup> December 2022 and the draft Submission Modified Neighbourhood Plan 2014-2029 was published formally under regulation 16 for consultation by Chichester District Council between 2<sup>nd</sup> March and 14<sup>th</sup> April 2023, at which point the plan began to gain weight. The examination commenced in July 2023 and is now complete and the Examiner's Report has been published. The Decision Statement will be considered by Cabinet on the 5<sup>th</sup> December 2023 and, subject to Cabinet's agreement, the Southbourne Modified Neighbourhood Plan 2014-2029 can then move onto referendum in early 2024. Following publication of the Examiner's Report the policies in the Southbourne Modified Neighbourhood Plan 2014-2029 have moderate weight, this will increase to significant weight if the Decision Statement for the referendum is agreed at Cabinet and substantial weight if the plan passes Referendum. At this time, therefore, the 'made' Southbourne Parish Neighbourhood Plan 2014 - 2029 remains in place.**
- 7.5 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

#### Southbourne Modified Neighbourhood Plan 2014-2029

**Policy SB1: Development within and outside the settlement boundaries**  
**Policy SB3: Local housing needs**  
**Policy SB4: Design in Southbourne Parish**  
**Policy SB13: Green and blue infrastructure network**  
**Policy SB14: Biodiversity**  
**Policy SB15: Trees, woodland and hedgerows**  
**Policy SB17: Achieving dark skies**  
**Policy SB18: International nature sites**  
**Policy SB19: Zero carbon buildings**  
**Policy SB20: Water infrastructure and flood risk**  
**Policy SB21: Sustainable travel**

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

- 7.6 The Chichester Local Plan 2021-2039: Proposed Submission (LPPS) has now completed its 'Regulation 19' consultation (17 March 2023) and it is anticipated that the plan will be submitted for examination later this year (the Council's published Local Development Scheme in January 2023 anticipated Summer 2023), this is now anticipated to be **early 2024**. Accordingly the plan could now be considered to be at an 'Advanced Stage of Preparation' for the purposes of para 48(a) of the National Planning Policy Framework (NPPF) and consequently could be afforded moderate weight in the decision making process. Once it is submitted for examination it will be at an 'Advanced Stage' for the purposes of assessment of development proposals against para 49(b) of the NPPF.
- 7.7 Relevant policies from the published Chichester Local Plan Review 2021 – 2039: Proposed (Regulation 19) are:

S1: Spatial Development Strategy

S2: Settlement Hierarchy

NE2: Natural Landscape

NE3: Landscape Gaps Between Settlements

NE4: Strategic Wildlife Corridors

NE5: Biodiversity and Biodiversity Net Gain

NE6: Chichester's Internationally and Nationally Designated Habitats

NE7: Development and Disturbance of Birds in Chichester and Langstone Harbours, Pagham Harbour, Solent and Dorset Coast Special Protection Areas and Medmerry Compensatory Habitat

NE8: Trees, Hedgerows and Woodlands

NE10: Development in the Countryside

NE13: Chichester Harbour Area of Outstanding Natural Beauty

NE15: Flood Risk and Water Management

NE16: Water Management and Water Quality

NE19: Nutrient Neutrality

NE20: Pollution

NE21: Lighting

NE22: Air Quality

NE23: Noise

NE24: Contaminated Land

H1: Meeting Housing Needs

H3: Non-Strategic Parish Housing Requirements 2021-2039

H4: Affordable Housing

H5: Housing Mix

H6: Custom and/or Self Build Homes

H10: Accessible and Adaptable Homes

P1: Design Principles

P2: Local Character and Distinctiveness

P3: Density

P4: Layout and Access

P5: Spaces and Landscaping

P6: Amenity

P8: Materials and Detailing

P9: The Historic Environment

P14: Green Infrastructure

P15: Open Space, Sport and Recreation  
P16: Health and Well-Being  
E8: Built Tourist and Leisure Development  
T1: Transport Infrastructure  
T2: Transport and Development  
T3: Active Travel – Walking and Cycling Provision  
T4: Parking Provisions  
I1: Infrastructure Provision  
A12: Chidham and Hambrook  
A13: Southbourne Broad Location for Development

#### National Policy and Guidance

7.8 Government planning policy comprises the National Planning Policy Framework (NPPF September 2023) and related policy guidance in the NPPG.

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

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

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.10 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

7.11 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 Plain (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)
- WSCC Transport Plan (2011-2026)



- **A27 Chichester Bypass Mitigation SPD August 2023 (Draft)**

### Interim Position Statement for Housing Development

7.12 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 5<sup>th</sup> December 2022 and provides the updated position as of 1 April 2022. At the time of preparing this report the published assessment identifies a potential housing supply of 3,174 net dwellings over the period 2022-2027. This compares with an identified housing requirement of 3,350 net dwellings (equivalent to a requirement of 670 homes per year). This results in a housing shortfall of 176 net dwellings, equivalent to 4.74 years of housing supply. However, through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years (the Council's stated position at the Highgrove Farm, Bosham appeal).** 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.

7.13 To help pro-actively ensure that the Council's housing supply returns to a positive balance prior to the adoption of the new Local Plan, 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.

7.14 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:

- 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.

**8.4a However, the Council has acknowledged that the Local Plan in terms of its policies for the supply of new housing are out-of-date, because the settlement boundaries have not been reviewed and when the Standard Methodology for calculating local housing need is applied (as required by the NPPF paragraph 61) there is a shortfall of allocated sites to meet that identified housing need. Policies 2, 5 and 45 are therefore out of date, in so far as they relate to housing numbers. Policy 45 as a**

**countryside policy is out of date insofar as it is linked to policy 2 and is therefore reliant on there being up to date settlement boundaries within which to accommodate new housing as part of the Development Strategy. Policy 2 is considered up to date only in the relatively narrow sense that it identifies the settlement hierarchy for future development in the Local Plan area, a hierarchy which is proposed to be carried forward under draft policy S1 in the Chichester Local Plan 2021-2039: Proposed Submission (LPPS).**

**8.4b The Council has acknowledged that the adopted Local Plan in terms of its policies for the supply of new housing are out-of-date and has accepted that it cannot currently demonstrate a 5 years' worth of housing land supply. Without a 5-year housing supply in place the 'tilted balance' in paragraph 11d)ii) of the NPPF i.e. the presumption in favour of permitting sustainable development, where there is no housing supply, is engaged. In other words, there is a heightened imperative to deliver more housing to comply with government policy ahead of adoption of the new local plan. Officers consider that to simply adopt a position where all new housing proposals are resisted ahead of adoption of the new Local Plan is not a tenable approach and this has been borne out through a succession of recent appeals for major housing development outside settlement boundaries being allowed (at the time of writing the four most recent upheld appeals being: Broad Road/Drift Lane 200 dwellings, Flat Farm, Hambrook 30 dwellings, Harris Scrapyard, Nutbourne 103 dwellings; and Highgrove Farm, Bosham 300 dwellings). Housing Supply is calculated on a rolling year-on-year basis and in order to ensure that the Council can demonstrate and then maintain a supply with a suitable buffer ahead of adoption of the new Local Plan, it will be necessary for some new housing development to be permitted on green fields outside of established boundaries.**

**8.4c Paragraph 14 of the NPPF sets out the following further policy on the application of paragraph 11d)ii) where the development plan includes a neighbourhood plan:**

***'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:***

***a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;***

***b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;***

***c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and***

***d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.'***

**8.4d With regard to the implications of paragraph 14 of the NPPF, the Council has sought legal advice following receipt of the Examiner's report for the Southbourne Neighbourhood Plan 3, particularly taking into account the recommendation to treat**

the Cooks Lane site as a planning commitment rather than a planning allocation. Counsel's advice was as follows:

".. SNP3 would not be a neighbourhood plan that 'contains policies and allocations to meet its identified housing requirement.' I note the reference to 'policies and allocations'; it is not 'policies or allocations'. As such as a matter of objective construction, the neighbourhood plan must contain both 'policies and allocations' for criterion (b) of paragraph 14 to be met.

I therefore have no hesitation in confirming my previous view that SNP3 does not engage para. 14 of the NPPF. I am asked about its potential application at various times, but the short answer is that para. 14 will not apply when SNP3 is made, and it would not apply before then because criterion (a) of para. 14 can only be met after the neighbourhood plan has become 'part of the development plan'".

**8.4e On the basis of Counsel's advice the application falls to be considered on the basis of that the Council does not have a 5-year housing supply in place and therefore the 'tilted balance' in paragraph 11d)ii) of the NPPF, i.e. the presumption in favour of permitting sustainable development, is engaged.**

8.5 The Council is progressing work through the new Local Plan to identify parish allocations for the new Local Plan period up to 2039. As part of that 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 new Local Plan. 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 **LLPS** 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, **and this is relevant at a time when the Council is not able to show it is demonstrable producing enough dwellings to satisfy the government's housing requirement and in the context of the substantial weight the government attaches to significantly boosting**

**the delivery of new housing in sustainable locations (NPPF paragraph 60).** 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's most recent assessment of its Five-Year Housing Land Supply was published on 5<sup>th</sup> December 2022 and identifies 4.74 years of housing supply and through recent appeals it has been accepted that the Council can now only demonstrate a supply of 4.65 years.** 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 new Local Plan is adopted sometime in 2024, and to avoid where possible the submission of inappropriate ad hoc applications for housing development in the countryside, the Council has produced an Interim Position Statement for Housing (IPS) which sets out criteria defining what the Council considers to be good quality development in the Chichester Local Plan Area. 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...'*

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 2023**) at Thornham WwTW indicates a remaining capacity of **363** households and as such this development of 63 dwellings (net increase of 62) could be accommodated within the remaining capacity.

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



**Infrastructure and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the Local Plan 2021-2039: Proposed Submission is emerging and not adopted policy. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, is however such that unless all housing permitted ahead of the adoption of the LPPS delivers the financial contributions of the scale envisaged in draft Policy T1 of the LPPS, the Council will be unable to secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the LPPS. The applicant has indicated that they agree to providing the financial contributions envisaged in the draft Policy T1 of the Local Plan 2021-2039: Proposed Submission.**

The criterion is therefore 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 **1.8m** 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.

**8.8a During previous committee meetings concerns have been raised regarding determining the application before the Neighbourhood Plan becomes made. As set out above, the existing Southbourne Neighbourhood Plan was made in 2016, and the Southbourne Modified Neighbourhood Plan 2014-2029 (known as SNP3) has now completed Examination. Officers have advised the Planning Committee previously that the application is neither premature to the emerging Local Plan, nor the emerging Southbourne Modified Neighbourhood Plan 2014-2029. The emerging Local Plan is not sufficiently advanced to substantiate refusal of the application on the grounds that it would be premature. Whilst the Southbourne Modified Neighbourhood Plan 2014-2029 does not make any decisions about the scale, location or phasing of new development, such that determining an application would 'predetermine' any aspect of the emerging Modified Neighbourhood Plan, and therefore determining this planning application cannot be premature to the making of the neighbourhood plan. Counsel advice has confirmed this is the correct approach.**

#### *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 **1.8m** footway will extend from the site across the Hambrook Hill South junction to Priors Leaze Lane. A new **1.8m** 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.
- 8.16a As set out above, this proposal is subject to updates and changes resulting from the passage of time since the application was received by the Council. This is relevant with regards to the scheme of A27 improvements and contributions. The**

**Chichester Local Plan 2014-2029 was adopted on the 14 July 2015 and set out a scheme of A27 improvements and contributions in accordance with Policy 9 of the adopted Local Plan, alongside the Planning Obligations and Affordable Housing SPD.**

**8.16b As part of the evidence base for the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19), transport studies have been undertaken to understand the impacts of development on the highway network in the plan area and surrounding area. These transport studies have identified that a number of highway improvements will be required to mitigate the impact of the development, particularly in relation to junction improvements on the A27 Chichester Bypass. Policy T1 Transport Infrastructure of the Chichester Local Plan 2021-2039 Proposed Submission (Regulation 19) makes provision for a co-ordinated package of improvements to junctions on the A27 Chichester Bypass that will increase road capacity, reduce traffic congestion and improve safety.**

**8.16c The Transport Study (2023) identified an indicative package of measures at the Fishbourne Roundabout costing between £9,520,000 and £12,900,000 and the Bognor Roundabout costing between £19,390,000 and £30,420,000. The Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) sets out that this sum will be met from financial contributions provided by the outstanding housing developments in the Local Plan Review. The formula is set out in draft Policy T1 Transport Infrastructure and at this point in time equates to £7,728 per dwelling. Officers acknowledge that draft Policy T1 of the Local Plan 2021-2039: Proposed Submission is emerging and not adopted policy. The circumstances currently facing the Council, with regard to the A27 scheme of improvements, is however such that unless all housing permitted ahead of the adoption of the Local Plan 2021-2039: Proposed Submission deliver the financial contributions of the scale envisaged in draft Policy T1 of the Local Plan 2021-2039: Proposed Submission, the Council will be unable to secure sufficient funding for the requisite improvements to the A27 necessary to enable the planned housing development set out in the Local Plan 2021-2039: Proposed Submission.**

**8.16d Given this position, it is officers recommendation that non-compliant schemes are not supported on the basis of the acute nature of the Council's position and the risk to housing delivery in the district. The applicant has indicated that they agree to providing the financial contributions envisaged in the draft Policy T1 of the Local Plan 2021-2039: Proposed Submission and as such an S106 obligation is recommended below to secure this financial contribution.**

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 (WSCC) also raise no objection, subject to the recommended conditions.
- 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 + 45% 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. The applicant's drainage engineer has confirmed (email dated 11/01/2023) that the SuDS basin will be lined, but will not require a bund, as it will be designed to LLFA requirements which require the design to have a contingency. In this instance, the proposed drainage scheme does provide a contingency, whereby the water is designed to fill up the basin and then is controlled to release. Due to the position of the control is not designed to fill right up to the top, therefore no extra bund is required.
- 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 **8.01 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. The proposed foul drainage solution will comprise a 'sealed network' which gravitates to the new pumping station, located alongside the stream corridor. The compound area will be elevated above peak water levels to ensure surface water run-off does not breach the system. The site is also slightly elevated to mitigate this across the entire network not just the pump station. In the event of pump failure (i.e. through loss of power) the pump wet well will include 24hrs storage (in accordance with Building Regs requirements). The undertaker, whether this is adopted by Southern Water or remains private and governed by a management company, will ensure 24/7 monitoring and alarms are included with a reactive servicing in place to mitigate the risk of surcharge/pollution to the stream.

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 **363** 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.

**8.37a The application site also lies within the Ham Brook Chalk Stream Wildlife Corridor as identified by policy SB13 of the Southbourne Modified Neighbourhood Plan**

**2014-2029 (SNP3). Policy SB13 (inclusive of the Examiner's recommendations in italics which have been accepted by the Parish Council) states:**

**A. The Neighbourhood Plan identifies the Green Ring, wildlife corridors and waterbodies of ecological value (including rare chalk streams), as shown on the Policies Map, that form part of a Green Infrastructure Network, for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into neighbouring parishes and for mitigating climate change. The Network also comprises a variety of green spaces, ancient woodland, trees and hedgerows, assets of biodiversity value, children's play areas and off-street footways, cycleways and bridleways.**

**B. Development proposals that lie within or adjoining the Network are required *where relevant* to have full regard to creating, maintaining and improving the Network, including delivering a net gain to general biodiversity value *and wildlife connectivity*, in the design of their layouts, landscaping schemes and public open space and play provisions.**

**C. Proposals for any part of the Green Ring must have equal regard to accessibility to the Network for both existing and new residents. In this respect, the Green Ring will form a central and defining multi-functional landscape feature of any new development, creating opportunities for the whole community to enhance outdoor sport, recreation and play, improve pedestrian and cycle connectivity to existing amenities and any proposed future community hub, schools, the railway station and footbridge access over the railway line.**

**D. Proposals that will prejudice the completion of the Green Ring or lead to the loss of land lying within the Network and that will undermine its integrity will not be supported. Development proposals that will lead to the extension of the Network to create additional recreational opportunities will be supported provided they do not adversely affect the character, environment and appearance of the Chichester Harbour AONB, result in adverse effects on the integrity to the Chichester Harbour SPA, and are consistent with all other relevant policies of the development plan.**

**E. Proposals for development schemes *for housing, commercial, business and service development* comprising a gross site area of 2 Ha or more should incorporate woodland and/or wetland planting on-site of a species and standard that will effectively store/sequester carbon, as verified by the Woodland Carbon Code, unless it can be demonstrated that the soil or other site feature cannot accommodate this planting.'**

**8.37b The application site lies within the Ham Brook Chalk Stream Wildlife Corridor as identified on the modified Policies Map identified by policy SB13 of the Southbourne Modified Neighbourhood Plan (SNP3), forming part of a Green Infrastructure Network. Policy SB13 states the Green Infrastructure Network is identified for the purpose of promoting ecological connectivity, outdoor recreation and sustainable movement through the parish and into neighbouring parishes and for mitigating climate change. The Network also comprises a variety of green spaces, ancient woodland, trees and hedgerows and assets of biodiversity value, children's play areas and off-street footways, cycleways and bridleways.**

**8.37c** It is the view of officers that the application proposal creates, maintains and improves the green infrastructure network. The indicative development layout and proposed landscaping/ecological schemes result in a significant increase in habitat, with a +44.56% Biodiversity Net Gain, as well as protecting and enhancing wildlife connectivity. The proposal will provide an enhanced 25m ecological buffer/corridor (including a 15m dark stream corridor) adjacent to the Ham Brook chalk stream to the east of the site, which will provide wildlife connectivity in perpetuity and would be beneficial for all wildlife (including bats and water voles). In addition, the proposal includes new 10m wide tree belts with native species to the north and west of the site and a 5.05ha area of new native broadleaf woodland planting (at a density of 100 trees per hectare) within the blue edge land directly to the west of the site. These two tree belts together with the new area of woodland planting would increase wildlife connectivity to the ancient woodland to the north of the site and would be beneficial for all wildlife (including bats and dormice). The scheme also provides site attenuation ponds to the east and south of the site, with native planting, within the open space and ecological buffer and 1.13ha of open space (including an area of equipped play space) to the south and east of the site.

**8.37d** The provision, management and on-going maintenance of the tree belts, ecological corridor, the public open space (including equipped play area) and attenuation ponds together with a landscaping scheme and management plan, would be secured by the S106 agreement or condition. Although not confirmed at this outline stage, it is likely that a management company would be responsible for the future management and maintenance of the nitrate mitigation land, tree belts, ecological corridor/buffer, open space (including equipped play area) and attenuation ponds. Condition 27 is recommended to secure the proposed ecological mitigation and enhancements. Although the final specific planting details would be considered under a future 'landscape' reserve matters application, these details would be in compliance with the parameters and conditions recommended in this outline permission. For these reasons it is considered the proposal creates, maintains and improves the green infrastructure network and therefore Criterion B of policy SB13 is met.

**8.37e** The application site is not within the identified Green Ring. Criterion C of policy SB13 is therefore not applicable in this instance.

**8.37f** Criterion D requires that proposals will not prejudice the completion of the Green Ring. As set out above the site is not within the Green Ring. Criterion D also requires that proposals do not lead to the loss of land lying within the Network that will undermine its integrity. The supporting text states that proposals that lie within the Network should consider how they may improve it, or at the very least do not undermine its integrity of connecting spaces and habitats or the existing value of the habitat. The application site currently comprises riding stables and horse paddocks. As set out in paragraph 8.37c above, the scheme would however deliver a net gain in biodiversity value of +44.56%, create new wildlife habitat and improve wildlife connectivity. The application has been subject to an HRA in consultation with Natural England to ensure the protection of European important species and the Council's Environmental Strategy Unit has assessed the proposal in terms of protected species and habitats. Natural England and the Council's Environmental Strategy Unit raise no objection, subject to the recommended conditions and

appropriate mitigation being secured. It is therefore considered that the proposal would improve the integrity of the Network.

**8.37g** The second element of criterion D states development proposals that will lead to the extension of Network to create additional recreational opportunities will be supported provided they do not adversely affect the character, environment and appearance of the Chichester Harbour AONB, result in adverse effects on the integrity to the Chichester Harbour SPA and comply with all other development plan policies. Although this application proposal does not solely relate to additional recreational opportunities it does include an equipped children's play area and public open space. For the reasons set out above, it is considered that the proposal would comply with the requirements criterion D of policy SB13.

**8.37h** Criterion E relates to development schemes for housing, commercial, business and service development comprising a gross site area of 2ha or more. The application site is 4.30ha and therefore meets the size of site which needs to comply with criterion E. The application proposal proposes 10m wide native tree belts adjacent to the northern and western boundaries of the site. In addition, a 5.05ha area of native broadleaf woodland, directly to the west of the site (albeit outside of the site) is proposed to provide nitrate mitigation. The scheme also provides site attenuation ponds (0.14ha) with ecological planting to the east and south of the site within the open space and ecological buffer/corridor. The provision, management and on-going maintenance of the tree belts, broadleaf woodland (nitrate mitigation land) and attenuation ponds would be secured by the S106 agreement or condition. Although the final specific planting details would be considered under a future 'landscape' reserve matters application, these details would be in compliance with the parameters and conditions recommended in this outline permission. As set out above, the proposal incorporates both woodland and wetland planting of a standard and species to secure effective carbon storage and as such it is considered that criterion E of policy SB13 is met.

**8.37i** For the reasons set out above, it is considered that the scheme would accord with the relevant criteria of policy SB13 of the Southbourne Modified Neighbourhood Plan 2014-2023 (SNP3).

**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 would 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 **indexed** 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, giving first priority to residents of both Chidham and Hambrook and Southbourne parishes.

- 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 towards the coordinated package of highway works on the A27 Chichester bypass, in accordance with the formula set out in the Chichester Local Plan 2021-2039: Proposed Submission (Regulation 19) calculated at the time of granting any permission. The current estimate is £479,136 (62 x £7,728 per dwelling).
- 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 **£6,638**

### **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. **Regard has been given to the emerging Southbourne Neighbourhood Plan 3, which currently has moderate weight. Of particular relevance is Policy SB13 which provides greater protection for land that is now within the new wildlife corridors in respect of the biodiversity, wildlife and the environment. However, on balance it is considered that the proposal complies with the relevant policies and therefore the recommendation remains to permit the application, subject to S106 and conditions.**

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, scale, appearance and landscaping (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.T (Land Use Parameter Plan), 2019-6075-SK04/Rev.A (Footways Widened to 1.8m) and 2019-6075-002/Rev.E (Visibility Splays).

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

**4) Prior to commencement of development**, in accordance with the submitted Flood Risk Assessment & Drainage Strategy Report (by Bright Plan Civils, issue 2.0, 4/9/2023) and drawing number D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Surface water runoff rates will be attenuated to 8 l/s as stated within section 5.1 of the FRA / Drainage Strategy.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). It must be demonstrated the basins have less than 24 hours drain time and that the safety factors are selected based on the Ciria SuDS Manual.

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% annual probability critical rainfall event plus climate change to show no above ground flooding on any part of the site.
- 1% annual probability critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

IV. The design of the infiltration / attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. This will include surface water which may enter the site from elsewhere.

V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. Include following if appropriate. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 163,165 and 170 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

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 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.

11) **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;
- (r) measures to be taken in the event of emergency spillages; and,
- (s) details of how the custom/self build plots will be managed during construction and how they will be phased with the wider development.

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.

**12) 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, and how runoff will be controlled into the stream 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.

**13) Development shall not commence** until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF



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) There shall be no less than 3 custom/self-build plots provided as part of the market housing provision. A scheme and specification details, including the location and plot size of the 3 custom/self-build plots, details of how the plots will be serviced and full marketing details (including the period of marketing and market price), shall be submitted to the Local Planning Authority for consideration with the first application for reserved matters.

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

**16) Prior to or in conjunction with any reserved matters application,** a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for the proposed watercourse improvements that include the remodelling of the surrounding land to provide additional flood storage attenuation from the ordinary watercourse. These details shall demonstrate the design is in strict accordance with the Land Drainage Act 1991 and that flood risk is reduced to the surrounding area and not increased as per drawing D1961-PL103 (Existing Surface Water Flood Map With Alternative Layout Overlay by Bright Plan Civils, revision B, 2/8/2023) and D1961-PL500 (Proposed Drainage Strategy Preliminary Design by Bright Plan Civils, revision A, 4/9/2023). Details submitted for any proposed watercourse alteration must demonstrate:

- there is adequate space for each watercourse to be naturalised and enhanced.
- that flood risk is suitably managed for all storms up to and including the 1 in 100 (1% Annual Exceedance Probability) plus climate change.
- that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible.

The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with the NPPF.

**17) The development hereby approved shall not be first occupied** until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect

the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation,
- II. details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

**18) Prior to first occupation of the development (or first occupation of each phase if development is phased)** a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structure and Control mechanism.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 42 in the Chichester Local Plan 2014-2029.

**19) 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.

**20) 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.

21) **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.

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 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.

23) **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-SK04/Rev.A (Footways Widened to 1.8m)** 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.

24) **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.

25) **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.

26) 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).

27) 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 with native species
- Filling any gaps in tree lines or hedgerows with native species
- All new tree and shrub planting shall comprise 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.

28) 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.

29) 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.

30) 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.

31) 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.

32) 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.

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

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

## 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](mailto: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](http://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 (WSSCC) or its agent (CDC) will be required in order to comply with the Land Drainage Act 1991 and Flood and Water Management Act 2010 for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values. For further information please email [landdrainage@chichester.gov.uk](mailto: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>





|                       |                             |
|-----------------------|-----------------------------|
| Parish:<br>Chichester | Ward:<br>Chichester Central |
|-----------------------|-----------------------------|

**CC/23/01214/FUL**

|                  |   |              |                 |
|------------------|---|--------------|-----------------|
| <b>Proposal</b>  | 2 no. additional doors, installation of defibrillator and water fountain to south east elevation with associated alterations and repairs. |              |                 |
| <b>Site</b>      | Priory Park Public Conveniences Priory Lane Chichester West Sussex PO19 1LA   |              |                 |
| <b>Map Ref</b>   | (E) 486197 (N) 105170   |              |                 |
| <b>Applicant</b> | Chichester District Council   | <b>Agent</b> | Mr Craig Taylor |

**RECOMMENDATION TO PERMIT**



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|---|---------------------|--|
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|---|---------------------|--|

**1.0 Reason for Committee Referral**

1.1 Chichester District Council is the applicant.

**2.0 The Site and Surroundings**

- 2.1 The application site is located within the Chichester Settlement Boundary and the Chichester Conservation Area. The application site comprises public conveniences, located within the northwest section of Priory Park.
- 2.2 The toilet building is sited next to a footpath within Priory Park between an existing cafe and other buildings to the north. The toilet building has a pitched roof, a footprint of approximately 10m x 6.4m and ridge height of approximately 4.9m.

### **3.0 The Proposal**

- 3.1 To install two additional doors, a water fountain and defibrillator on the south east elevation of the toilet building. The proposed alterations to the existing elevations include the installation of a ridge tile vent, replacement of fascias, soffits and guttering and the replacement of the existing external doors with timber doors to match the existing.

### **4.0 History**

No relevant history.

### **5.0 Constraints**

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

### **6.0 Representations and Consultations**

#### **6.1 Parish Council**

No objection, however, consideration should be given to the materials as UPVC is not appropriate in the Conservation Area.

#### **6.2 CCAAC**

The Committee has no objection to this Application.

#### **6.3 CDC Archaeology Officer**

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

#### **6.4 CDC Environmental Strategy Officer**

### *Bats*

Any 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 building / trees facing south/south westerly positioned 3-5m above ground.

### *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 the building / and or tree within the site.

## 6.5 Third party other comments

None received.

## 7.0 Planning Policy

### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans.

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

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Development Strategy and Settlement Hierarchy

Policy 38: Local and Community Facilities

Policy 47: Heritage and Design

Policy 49: Biodiversity

Chichester Local Plan Review Preferred Approach 2016 - 2035

7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

#### National Policy and Guidance

7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from September 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:

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

7.5 Consideration should also be given to the following sections: 1, 2, 8, 12, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- Support and empower communities and people to help themselves and develop resilience
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

#### **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area

### iii. Ecological Considerations

#### Assessment

##### i. Principle of development

- 8.2 The proposal involves refurbishment of the toilet facilities for members of public. Whilst the internal works do not need planning permission, the upgrading of the baby change facilities, additional toilets, replacement internal doors, insulation and heating system, new tiles/decorative finish and repair of the ceiling are all welcome enhancements which will be of benefit to all members of the visiting public.
- 8.3 Although the proposal does not result in the loss of an existing community facility, Policy 38 of the Local Plan requires new or replacement community facilities to meet an identified need in locations which are well related and easily accessible to the settlement or local community. The public conveniences are well related and located within a public park. As such, they are easily accessible to the local community.
- 8.4 The proposals are considered to meet the objectives of both Policy 38 and the NPPF and the principle of the development is therefore supported.

##### ii. Design and impact upon character of the surrounding area

- 8.5 The NPPF states in paragraph 130 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment.
- 8.6 The proposals consists of external alterations to the existing building consisting of the installation of 2 no. new external doors, the installation of a water fountain, the installation of a defibrillator, the replacement of the existing fascias, soffits and guttering and the installation of a ridge tile vent in the roof of the building. The proposal also includes the replacement of the existing external timber doors to match the existing and alterations to an existing wall in front of the building. The new external doors would also match the existing doors. A low-level door swing protector rail will be installed outside the new external door which serves the disabled toilet.
- 8.7 Policy 47 of the Chichester Local Plan and Section 16 of the NPPF set out that proposals should conserve or enhance heritage assets. While, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires proposal to preserve or enhance the character of conservation areas. The application site is located within Chichester Conservation Area within Priory Park. The proposed external alterations are considered to have a minor impact on the external appearance of the building and would have a minimal impact on the character of the surrounding area and Conservation Area. As such, it is considered that the proposal would comply with Policy 47 of the Chichester Local Plan, Section 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

8.8 The general refurbishment of the public conveniences including the replacement of the existing doors to match existing would be considered to be an overall improvement to the visual amenity of much-used public conveniences.

iii. Ecological Considerations

8.9 The application needs to be carefully assessed in terms of potential impact on bats and other protected species. A Phase 1 and Phase 2 survey was submitted as part of the application and states that no bats emerged from the building and bat activity within the area was low. The report recommends that any new lighting should be hooded or baffled to ensure minimal light spillage from the site and lamps of greater than 2000 lumens must not be installed. A condition will be added for the application to ensure that the works are carried out with the recommendations detailed within the Phase 2 survey.

8.10 Following consultation with the Council's Ecology Officer, they have stated that any lighting scheme should take into consideration the presence of bats within the surrounding area. They have also stated that a bat box and bird box should be installed on site. In addition, any brush piles on the site must be removed outside of the hibernation period for hedgehogs mid-October to mid-March inclusive and a hedgehog nesting box should be installed on site. It is considered that given the nature and scale of the proposals, it would not be reasonable to provide a bat box, bird box and hedgehog box.

8.11 The proposal is therefore considered to be acceptable in ecological terms and would not cause harm to any protected species, thus complying with Local Plan Policy 49 and Section 15 of the NPPF.

Conclusion

8.12 Based on the above it is considered that the proposal is acceptable. The proposal therefore complies with development plan Policies 1, 2, 38 and 49 and Paragraphs 94 and 130 of the NPPF and therefore the application is recommended for approval.

Human Rights

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

**RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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

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

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

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

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

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

4) The development hereby permitted shall be carried out in strict accordance with the Phase 2 Bat Emergence Survey, prepared by Dr Jonty Denton (August 2023) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

## Decided Plans

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

| Details                               | Reference | Version | Date Received | Status   |
|---------------------------------------|-----------|---------|---------------|----------|
| PLAN - PROPOSED PLAN                  | 130       | 10      | 05.07.2023    | Approved |
| PLAN - PROPOSED ELEVATIONS & SECTIONS | 140       | 5       | 05.07.2023    | Approved |
| PLAN - SITE LOCATION PLAN             | 100       | 3       | 10.07.2023    | Approved |

## INFORMATIVES

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

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

toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

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

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RV7O2RERKOF00>



|                   |                           |
|-------------------|---------------------------|
| Parish:<br>Bosham | Ward:<br>Harbour Villages |
|-------------------|---------------------------|

**BO/23/01216/FUL**

|                  |  |              |                 |
|------------------|--|--------------|-----------------|
| <b>Proposal</b>  | Refurbishment of public conveniences including enlargement of disabled WC and 1 no. additional door to south east elevation. |              |                 |
| <b>Site</b>      | Public Conveniences Bosham Lane Bosham West Sussex PO18 8HS  |              |                 |
| <b>Map Ref</b>   | (E) 480616 (N) 103998  |              |                 |
| <b>Applicant</b> | Chichester District Council  | <b>Agent</b> | Mr Craig Taylor |

**RECOMMENDATION TO PERMIT**



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|  | <b>NOT TO SCALE</b> | <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 Chichester District Council is the applicant.

**2.0 The Site and Surroundings**

2.1 The application site is located within Bosham Settlement Boundary and Bosham Conservation Area. The application site is also located within the Chichester Harbour Area of Outstanding Natural Beauty (AONB). The application site consists of public toilet conveniences located within the Bosham car park. The toilet building has a pitched roof, and measures approximately 12.8m x 7.6m, with a ridge height of 5.2m.

### **3.0 The Proposal**

3.1 The proposal includes the installation of 1 no. additional door on the south east elevation of the building. The proposal also consists of the external refurbishment of the building, including the repair or replacement of the existing door like for like, the installation of vents within the roof and soffits of the building. There are also internal alterations proposed to the building to create a larger disabled toilet and an overall refurbishment of the facilities, however these works do not require planning permission.

### **4.0 History**

No relevant history.

### **5.0 Constraints**

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

### **6.0 Representations and Consultations**

#### **6.1 Parish Council**

No objection, but would point out that these facilities are very well-used and experience has shown us that the loss of them for any length of time will cause great inconvenience to visitors and residents alike. Please could serious consideration be given to supplying temporary mobile toilets for the duration of the works.

#### **6.2 Chichester Harbour Conservancy**

No Objection, subject to conditions:

- External and internal lighting to avoid light spill to maintain the AONB's dark skies.

Reasoned Justification: The proposed works would not significantly affect the external appearance of the building in terms of its impact within the AONB, subject to sensitive lighting which safeguards the AONB's dark skies, as required by the Environment Officer.

### 6.3 CDC Environmental Strategy Officer

#### *Bats*

Any 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 building / trees onsite facing south/south westerly positioned 3-5m above ground.

#### *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 site.

#### *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.

### 6.4 Third party comments

2 no. letters commenting on the following have been received concerning the following:

- a) Welcome the works to refurbish the toilets.
- b) The proposed new door is located in the area that the bin collections are for Adelaide Terrace. Requested confirmation of where the new bin collection location will be.
- c) Requested confirmation that access will be maintained to Adelaide Terrace during the works.
- d) Requested confirmation that replacement toilets will be provided during the works if the toilets need to be closed.

### 7.0 Planning Policy

#### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all 'made' neighbourhood plans. The Bosham Neighbourhood Plan was 'made' on the 22nd November 2016 and forms part of the Development Plan, against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

## Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Development Strategy and Settlement Hierarchy  
Policy 38: Local and Community Facilities  
Policy 47: Heritage and Design  
Policy 49: Biodiversity

## Bosham Neighbourhood Plan

Policy 1 - The Settlement Boundary  
Policy 4 - Community Facilities

## Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2021).

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from September 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 7.5 Consideration should also be given to the following paragraph and sections: 1, 2, 8, 12, 15 and 16. The relevant paragraphs of the National Planning Practice Guidance have also been taken into account.

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

- Support and empower communities and people to help themselves and develop resilience
- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Ecological Considerations

### Assessment

#### i. Principle of development

8.2 The proposal involves refurbishment of the toilet facilities for members of public. Whilst the internal works do not need planning permission, replacement toilets/sanitary ware and sinks, the provision of nappy bins, replacement internal doors, insulation, new tiles/decorative finish and repair of the ceiling are all welcome enhancements which will be of benefit to all members of the visiting public. The proposal also provides an enlarged toilet facility for disabled members of public within existing Bosham public conveniences. The enlargement of the toilet will help facilitate greater access to public places for disabled people and those with access needs.

8.3 Although the proposal does not result in the loss of an existing community facility, Policy 38 of the Local Plan requires new or replacement community facilities to meet an identified need in locations which are well-related and easily accessible to the settlement or local community. The public conveniences are well-related and located within a public park. As such, they are easily accessible to the local community. In addition, the proposed works to the public conveniences make a positive contribution to providing a more inclusive and safer place for disabled people living in or visiting Bosham to use.

8.4 The location is popular with visitors due to its location and siting within the existing car park.

8.5 The proposals are considered to meet the objectives of both Policy 38, the NPPF and Policy 1 and 4 of the Bosham Neighbourhood Plan and the principle of the development is therefore supported.

#### ii. Design and impact upon character of the surrounding area

8.6 The NPPF states in paragraph 130 that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the

development. Paragraph 174 advises that planning decisions should contribute to and enhance the natural and local environment.

- 8.7 Policy 1 of the Bosham Neighbourhood Plan advises that within the settlement boundary, there is a presumption in favour of sustainable development that will apply to proposals that respect the setting, form and character of the settlement. Policy 4 of the Bosham Neighbourhood Plan states that proposals for new community facilities of an appropriate scale will be supported.
- 8.8 The proposals consist of external alterations to the existing building comprising the installation of 1 no. new external door, the replacement of the existing fascias, soffits and guttering and the installation of vents in the roof of the building. The proposal also includes the replacement of the existing external timber doors to match the existing. The new external door would also match the existing doors.
- 8.9 Policy 47 of the Chichester Local Plan and Section 16 of the NPPF set out that proposals should conserve or enhance heritage assets. While, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires proposal to preserve or enhance the character of conservation areas. The application site is located within Bosham Conservation Area. The proposed external alterations are considered to have a minor impact on the external appearance of the building and would have a minimal impact on the character of the surrounding area and the Conservation Area. As such, it is considered that the proposal would comply with Policy 47 of the Chichester Local Plan, Section 16 of the NPPF and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.10 The general refurbishment of the public conveniences, including the replacement of the existing doors and the enlargement of the disabled toilet would be considered to be an overall improvement to the visual amenity and accessibility of much-used public conveniences.
- iii. Ecological Considerations
- 8.11 The application needs to be carefully assessed in terms of potential impact on bats and other protected species. A Phase 1 and Phase 2 survey was submitted as part of the application and states that no bats emerged from the building and bat activity within the area was low. The report recommends that any new lighting should be hooded or baffled to ensure minimal light spillage from the site and lamps of greater than 2000 lumens must not be installed. A condition will be added for the application to ensure that the works are carried out with the recommendations detailed within the Phase 2 bat survey.
- 8.12 Following consultation with the Council's Ecology Officer, they have stated that any lighting scheme should take into consideration the presence of bats within the surrounding area. They have also stated that a bat box and bird box should be installed on site. In addition, any brush piles on the site must be removed outside of the hibernation period for hedgehogs mid-October to mid-March inclusive and a hedgehog nesting box should be installed on site. It is considered that given the nature and scale of the proposals, it would not be reasonable to require the provision of a bat box and bird box.

8.13 The proposal is therefore considered to be acceptable in ecological terms and would not cause harm to any protected species; thus complying with Local Plan Policy 49 and Section 15 of the NPPF.

#### Other Matters

8.14 Third Party comments have been received regarding the bin collection locations, access for Adelaide Terrace and whether temporary toilets will be provided if the existing toilets are closed.

8.15 The applicant has advised that the new door will provide access to a store in the building and as such, it will not be used often. Therefore, it is expected that the existing bin collection location will still be able to be used. The applicant has advised that there may be some reduction in access for Adelaide Terrace during some of the works. They have advised that potential contractors will be made aware of the concerns over access to assist with access requirements. In addition, the applicant has advised that a works programme will be used to determine how long the works will take place and whether the whole site will be out of action for the duration of the works and whether there is a requirement for the provision of temporary toilets for the site.

#### Conclusion

8.16 Based on the above it is considered that the proposal is acceptable. The proposal therefore complies with development plan policies 1, 2, 38 and 49 and Paragraphs 94 and 130 of the NPPF and Policy 1 and 4 of Bosham Neighbourhood Plan and therefore the application is recommended for approval.

#### Human Rights

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

### **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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

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

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

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

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

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

4) The development hereby permitted shall be carried out in strict accordance with the Phase 2 Bat Survey, prepared by Dr Jonty Denton (August 2023) and the methodology and mitigation recommendations they detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife.

### **Decided Plans**

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

| Details                                     | Reference | Version | Date Received | Status   |
|---|-----------|---------|---------------|----------|
| PLAN – LAYOUT PLAN<br>- PROPOSED            | 531       | 7       | 25.05.2023    | Approved |
| PLAN - PROPOSED<br>ELEVATIONS &<br>SECTIONS | 540       | 3       | 25.05.2023    | Approved |
| PLAN – LOCATION &<br>SITE PLAN              | 500       | 1       | 25.05.2023    | Approved |

### **INFORMATIVES**

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

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



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

For further information on this application please contact Rebecca Perris on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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|                   |                           |
|-------------------|---------------------------|
| Parish:<br>Bosham | Ward:<br>Harbour Villages |
|-------------------|---------------------------|

**BO/22/02446/FUL**

|                  |  |              |                  |
|------------------|--|--------------|------------------|
| <b>Proposal</b>  | Small agricultural barn.   |              |                  |
| <b>Site</b>      | Land At The Old Cart Shed Hook Lane Bosham Chichester West Sussex PO18 8EX |              |                  |
| <b>Map Ref</b>   | (E) 483016 (N) 102723  |              |                  |
| <b>Applicant</b> | Mr and Mrs J Wells   | <b>Agent</b> | Mr Andrew Thomas |

**RECOMMENDATION TO PERMIT**



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

1.1 Parish Objection - Officer recommends Permit.

## **2.0 The Site and Surroundings**

- 2.1 The application site lies to the west of Hook Lane, within the parish of Bosham, the Chichester Harbour National Landscape (formally Area of Outstanding Natural Beauty (AONB)) and within the 'Rest of Plan Area'. The site is an existing agricultural holding, comprising an 'in-land block' (89 Hectares) and 'foreshore block' (26 Hectares), that lie within the control of the applicant but are physically separate parcels. The larger in-land block is within agricultural use, largely for crops and grazing. The smaller, foreshore block is currently managed by topping (mowing to control plant and weed growth) and not currently used to its full potential.
- 2.2 The application site itself comprises of a smaller field, forming part of the foreshore block, and lies to the east of the inland block. There is dense woodland to the east, north and south and the western boundary is fenced with stock fencing. The field is raised above the level of Hook Lane, which for the most part is a single-track tree lined lane. There is a gravel parking area, opposite Hook Farm Farmhouse, which provides access into the field. There is a dilapidated corrugated metal shed to the south of the access.
- 2.3 The wider character of the area is rural, comprising mostly of agricultural land with scattered dwellings and agricultural/industrial buildings. This includes the small industrial site on the corner of Old Park Lane and Hook Lane. The 'Green Barn' just south of the industrial site is an agricultural building, serving the larger in-land block and is used for the storage of farm equipment, fertiliser etc. The Green Barn lies 0.8km (as the crow flies) west of the application field.

## **3.0 The Proposal**

- 3.1 This application seeks permission for the construction of a three-bay barn, measuring 13.8m in length, 8m in width and 4.8m in height to a shallow ridge. The barn would be clad in treated timber spaced boarding, fibre cement roof sheeting in anthracite grey. The northern bay would be open sided to the north and east.

## **4.0 History**

|              |     |  |
|--------------|-----|--|
| 85/00164/BO  | PER | Change of use from disused cattle yard and barn to garage and hardstanding for adjacent house.       |
| 95/02414/DOM | PER | Proposed extensions to south and west elevations and general alterations.                            |
| 95/02429/FUL | PER | Reroofing existing barn using plain clay tiles.  |
| 98/02007/FUL | REF | Shed for storage of tractor, implements and boat.  |
| 07/03710/FUL | PER | Retention of improvements to existing access to barn and new access to adjoining agricultural field. |

|              |        |   |
|--------------|--------|---|
| 13/04217/PNO | NOPA   | Lean to extension to provide for farm office and workshop i.e. secure diesel, store fertilizer, machinery and farm materials. |
| 14/01759/PNO | NOPA   | Proposed access track.  |
| 14/02478/PNO | NOPA   | Lean-to extension to provide dry and secure storage for hay/forage and machinery storage.                                     |
| 20/03131/PNO | PPR    | General Purpose Agricultural building.  |
| 21/00619/PNO | PPR    | Agricultural building.  |
| 21/03594/PNO | YESPAR | 1 no. agricultural building.  |

## 5.0 Constraints

|                         |     |
|-------------------------|-----|
| Listed Building         | NO  |
| Conservation Area       | NO  |
| Rural Area              | YES |
| National Landscape      | YES |
| Tree Preservation Order | NO  |
| EA Flood Zone           |     |
| - Flood Zone 2          | NO  |
| - Flood Zone 3          | NO  |

## 6.0 Representations and Consultations

### 6.1 Parish Council

#### *Further comments*

Bosham Parish Council maintains its objection to this application.

#### *Original comments*

BPC objects to this application on the grounds that the applicant has adequate storage within the curtils of the farm. This is an unnecessary building adjacent to the harbour in the AONB within the rural landscape.

### 6.2 Natural England

No objection.

### 6.3 Chichester Harbour Conservancy

#### *Further comments*

The Conservancy's position with this development application has not changed and maintains its Objection.

### *Original comments*

Objection: The application has failed to demonstrate a genuine need for a new barn in this isolated location away from the main farmstead / existing buildings at Old Park Farm, and as such, the proposal would result in the proliferation of built development within a rural part of the AONB and would fail to meet the relevant criteria of the Conservancy's Planning Principle PP07 and Local Plan Policy 45.

#### 6.4 CDC Environmental Strategy

Following submission of the PEA (Dec 2021) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place.

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. Conditions should be used to ensure this.

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

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.

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

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 site.

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction will need to be included within the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserve matters application.

#### 6.5 Third party objection comments

Ten (five from the same individual) third party representations of objection have been received concerning the following matters:

- a) Lack of justification for the proposed barn
- b) Isolated location
- c) Existing barn within the site 'Green Barn'
- d) Adequate existing storage for the farm
- e) Building proliferation is damaging to Chichester Harbour AONB
- f) Observations on previous planning history
- g) Buildings within Old Park Farm (including Fletchers Farm) which have been changed from agricultural to industrial and residential purposes.
- h) The agricultural buildings at Old Park Farm, the farm has extensive storage facilities
- i) A S106 should be used to restrict existing and proposed barn for agricultural use only and to prevent subsequent conversions.
- j) Concerns with the size of the agricultural land
- k) Existing buildings should be extended
- l) The visibility of the barn
- m) It would dominate the lane
- n) Noise and disturbance
- o) Dominating Hook Farm
- p) Visible from the Harbour

Four third party representations of support have been received concerning the following matters:

- a) No objections from Natural England.
- b) There is adequate justification.
- c) Supports the proposed farming initiative.
- d) There is no hay storage currently on the farm.
- e) The building will be useful to store hay without damage.
- f) Useful to storing equipment.
- g) The land subject to this application is treated and farmed separately from the large holding., thus requiring separate storage.
- h) The building allows for efficient working of the farm.
- i) The barn is modest in size.
- j) It is well related to existing buildings.
- k) The land was taken on by the applicants to be revitalised.

## **7.0 Planning Policy**

### The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029, the CDC Site Allocation Development Plan Document and all made neighbourhood plans. The Bosham Neighbourhood Plan was made on the 22 November 2016 and forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

## Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 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 48: Natural Environment
- Policy 49: Biodiversity

## Bosham Neighbourhood Plan

- Policy 1 - The Settlement Boundary
- Policy 6 - Landscape and the Environment
- Policy 7 - Ecology, Wildlife and Biodiversity
- Policy 8 - Flood and Drainage
- Policy 9 - Transport and Highways

## National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023). Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7.5 Consideration should also be given to the following paragraph and sections: Section 1 (introduction), 2 (Achieving Sustainable Development), Section 4 (Decision making), 12 (Achieving Well-Designed Places), and 15 (Conserving and Enhancing the Natural Environments) of the NPPF. In addition, the relevant paragraphs of the National Planning Practice Guidance have also been considered.

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

- 7.6 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to



the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2023).

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

- Policy S1 Spatial Development Strategy
- Policy S2 Settlement Hierarchy
- Policy NE2 Natural Landscape
- Policy NE5 Biodiversity and Biodiversity Net Gain
- Policy NE6 Chichester's Internationally and Nationally Designated Habitats
- Policy NE8 Trees, Hedgerows and Woodlands
- Policy NE10 Development in the Countryside
- Policy NE13 Chichester Harbour Area of Outstanding Natural Beauty
- Policy NE21 Lighting

#### Other Local Policy and Guidance

7.8 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)
- Landscape Gap Assessment for Chichester Local Plan Review 2035 (May 2019).
- CHC Chichester Harbour AONB Management Plan (2014-2029), including Planning Principles:
  - PP01 - Chichester Harbour as a Protected Area
  - PP07 - New/Extended Farm and Woodland Buildings
  - PP09 - Dark Skies.

7.9 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
- Develop a local workforce that meets the needs of local employers
- Support local businesses to grow and become engaged with local communities
- Encourage partner organisation to work together to deliver rural projects and ensure that our communities are not isolated
- Promote and increase sustainable, environmentally friendly initiatives in the district

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

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i. Principle of development
- ii. Design and impact upon character of the surrounding area
- iii. Amenity of neighbouring properties
- iv. Drainage
- v. Ecology

### Assessment

i. Principle of development

8.2 The application site is located outside of any Settlement Boundary, which is defined as the 'Rest of the Plan Area' within the Local Plan (LP). Policies 2 and 45 of the LP state that development outside of 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. In addition, it goes onto advise permission will be granted for sustainable development in the countryside where the proposal is well related to an existing farmstead or group of building, it is complementary to and would not prejudice any viable agricultural operations and any building ensures that their scale, siting, design, and materials would have minimal impact on the landscape and rural character of the area.

8.3 The proposal seeks an agricultural barn, within a field which is part of a larger agricultural holding, comprising of in-land and foreshore blocks. The holding is of a sufficient size to justify the requirement for an agricultural barn, and indeed a barn (Green Barn) has previously been approved on the larger in-land block in 2014 and subsequently extended. This barn is used for the storage of machinery and fertiliser and is fully utilised by the larger arable farming of the in-land block, with there being little opportunity to use this barn for hay storage. In addition, the two parcels of land are farmed separately, with the foreshore block essentially underutilised, due to its makeup of smaller land parcels which makes arable farming unviable. It is however the applicant's intention to increase the productivity of this land through harvesting hay, introducing grazing animals and applying for Countryside Stewardship, which is a government scheme which provides financial incentives for farmers to look after and improve the environment they manage.

8.4 The additional barn would provide storage for equipment to maintain the foreshore block, in addition to providing its primary function of storing hay. The barn would help to achieve the applicant's aspirations to fully utilise the foreshore block and reintroduce better farming practices. This has been examined further within the applicants 'Grassland Assessment and Management Recommendations' report which advises the production of hay from the land, rather than the current process of topping (mowing the fields and leaving the cutting in situ) is more beneficial to the management and quality of the land, reducing the amount of unmanaged scrub and weeds. Similarly, the grazing of the land would help to manage the sward to create and encourage a greater diversity of species than what is achieved through hay cutting alone. It would therefore be beneficial to have a barn in this location to

allow the storage of the cut hay, and its later use as supplementary feed for the grazing animals.

- 8.5 The barn would be well-located to the existing dwelling (Hook Farm), its outbuildings and the corrugated shed, which could provide further storage but is not suited for hay storage. It would be well related to the foreshore block and is a purpose-built spaced timber boarded barn providing safe aerated hay storage. The building, including its location on the foreshore block is beneficial for the day-to-day husbandry, allowing for convenient storage of smaller hay bales, which reduces reliance upon larger agricultural vehicles, hay wastage and reduces workload for labour intensive activities. It also provides a purpose-built structure to serve the foreshore block, which is of a sufficient scale to justify the barn. The applicants have advised of an average yield of 100 small bales per acre, which would roughly equate to 1000 bales which require storage. The existing Green Barn lies some distance from the foreshore block, with the distance making it an impractical option.
- 8.6 The application is accompanied by several supporting documents prepared by a rural practice-chartered surveyor, who has examined the various benefits of providing an additional barn within this location. These benefits, as set out above are on balance considered to justify the provision of a new barn within the foreshore block of the established agricultural holding. As such, the proposal can be considered to comply with the requirements of Policy 45, as it relates to an established agricultural holding, would be complementary to and, help to diversify the current farming practices and could provide ecological benefits through better management of the land and could not be reasonably achieved within the settlement boundary. In addition, the proposal is well related to the existing buildings, and as explored further below is unlikely to have an adverse impact upon the landscape and rural character of the locality. Finally, whilst the proposal would result in a small loss of Grade 1 agricultural land to facilitate its construction, this loss is unlikely to significantly impact the use or agricultural value of the field. Consequently, when considering the above the proposal can be considered acceptable in principle.

ii. Design and Impact upon Visual Amenity/Character of Area

- 8.7 Policy 43 has a number of criteria which proposals have to meet before they will be permitted which include that the natural beauty and locally distinctive features of the National Landscape are conserved and enhanced; and that proposals reinforce and respond to, rather than detract from, the distinctive character and special qualities of the National Landscape. In addition, Policy 45 of the Chichester Local Plan requires development in the countryside should be of a scale, siting, design and incorporate materials that would have minimal impact upon the landscape and rural character of the area. Policy 48 of the Chichester Local Plan requires, amongst other considerations, proposals respect and enhance the landscape character of the surrounding area and site.
- 8.8 Planning Principle 01 reaffirms the importance of the Chichester Harbour National Landscape, and its primary purpose to conserve and enhance the natural beauty of the area. It advises, The Conservancy will oppose any application that, in its opinion, is a major change or will cause material damage to the National Landscape or which will constitute unsustainable development. Policy DS1 requires development to integrate with existing surroundings, respond to the semi-rural nature of the parish and use good quality materials that complement existing within the parish and comply with the AONB Design Guidance.

8.9 The proposal by reason of its size, scale and detailed design is an appropriate form of development, having had regard to the proposed location of the barn to the eastern side of the field adjacent to existing screening. This would be entirely appropriate and would minimise impact upon the open arable field and would maximise natural screening opportunities from the established woodland. The barn is well related to the existing Hook Farm, its outbuildings and the corrugated shed and would not read as an isolated building within the countryside. Its siting, adjacent to the established wooded boundary would effectively screen all but glimpsed views from the foreshore and harbour. It would be visible in views from the west, but these would be against the wooded backdrop and of Hook Farm. The building is modest in scale, simplistic in form and incorporates a muted colour palette, of natural timber cladding and profile cedar sheet roofing, which is typical of a rural/agricultural style building. One of the bays of the barn would be partially open, and there would be a sliding timber door in the south elevation.

8.10 Whilst third parties have raised concerns regarding the impact of the development upon the rural character of the National Landscape, it is important to consider that the established character of this part of the National Landscape is one of a rural farming landscape, where you would expect to encounter associated farm development. The presence of an appropriately designed and sympathetic rural barn would not be out of keeping or detrimental to the rural character of the area.

8.11 Overall and on balance the visual impacts of this development are considered respectful to the character and quality of the National Landscape. It is therefore considered that the development complies with Sections 12 and 15 of the NPPF, Policies 33, 43, 45 and 47 of the Local Plan, Planning Principles 01 and 07 of the Chichester Harbour National Landscape Management Plan and Policy 6 of the Bosham Neighbourhood Plan.

iii. Impact upon amenity of neighbouring properties

8.12 Paragraph 130 of the NPPF states that planning decisions should create places that offer a high standard of amenity for existing and future users.

8.13 There is an appropriate level of separation between the location of the proposed barn and the closest residential dwelling, thus ensuring the proposal would not have an unacceptable impact on the amenities of the neighbouring property. The agricultural use of the building is likely to give rise to some noise and activity, but not to a level that would cause an unacceptable level of noise and disturbance. Therefore, the proposal complies with Section 12 of the NPPF.

iv. Drainage

8.14 The site is wholly within Flood Zone 1 (low risk) and the Local Planning Authority have no additional knowledge of the site being at increased flood risk. It is indicated the surface water drainage, is dealt with via soak away, which is the preferred means of drainage which would be secured, via the building control process and in any event appears to be operating satisfactorily currently. Given the modest size of the proposed barn, and the limited runoff it is not considered necessary to obtain further details of the proposed drainage scheme. Therefore, the proposal complies with Policy 42 of the Local Plan, and Policy 8 of the Bosham Neighbourhood Plan.

v. Ecology

- 8.15 Policy 49 of the Chichester Local Plan requires the biodiversity of the site to be safeguarded and enhanced, whilst the NPPF makes it clear in Paragraph 174 that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing for net gains, for biodiversity.
- 8.16 The site is situated approximately 140 metres north of Old Park Wood which is designated as Chichester Harbour SPA and Chichester Harbour RAMSAR. The site is situated approximately 115 metres west of the Chichester and Langstone Harbour SPA and RAMSAR site. Accordingly, the application has been accompanied by a Preliminary Ecological Appraisal which has been reviewed by the Councils Environmental Strategy Officer, who has confirmed, subject to the mitigation and suggested enhancements being secured via condition, they have no objection to the proposed development. However, it has been advised to secure further details via a Construction and Environmental Management Plan (CEMP) to ensure the development does not adversely impact nesting or overwintering birds and does not adversely impact the biodiversity of the site and its surroundings. Therefore, the subject to future compliance with conditions, the proposal would comply with Policy 49 of the Local Plan and the Planning Principles 01 of the Chichester Harbour AONB Management Plan and Policies 6 and 7 of the Bosham Neighbourhood Plan.

vi. Other Matters

- 8.17 Third party comments refer to existing industrial buildings which could be brought back into agricultural use. However, these buildings obtained permission for commercial uses approximately 20 years ago and are occupied by long-term tenants including Edward Johnson Furniture and a valuables storage company. As such, it is not considered these buildings present a realistic option for returning to agricultural use.

### **Conclusion**

- 8.18 The proposal would result in a high quality, functional agricultural barn which would be complementary to and enhance existing agricultural operations within an established agricultural holding. The barn is modest in scale, appropriately designed and sited to minimise its visual impact. Accordingly, it is considered that the proposal would result in a form of development which would conserve the natural beauty of the National Landscape.

### Human Rights

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

### **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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

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

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

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

3) No development shall commence, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CEMP shall be implemented and adhered to throughout the entire construction period unless any alternative is agreed in writing by the Local Planning Authority. The CEMP shall include details of the construction process for each stage of the development, including timings of the development to ensure there will be no disturbance to over wintering and nesting birds. In addition, the following details shall be provided:

- a) the anticipated number, frequency and types of vehicles used during construction,
- b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- c) the loading and unloading of plant, materials and waste,
- d) the storage of plant and materials used in construction of the development,
- e) the erection and maintenance of security hoarding,
- f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- h) measures to control the emission of noise during construction,
- i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas, and
- k) waste management including prohibiting burning and encouraging recycling.

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 construction does not have a harmful environmental and ecological effect.

4) The development hereby permitted shall not be first brought into use until the following ecological enhancements have been implemented:

- a) The integration of a bat box into the barn hereby approved, or the provision of a bat box within a tree sited within the grounds of the development proposal.
- b) The integration of a bird box to the barn hereby approved, or the provision of a bird box within a tree sited within the grounds of the development proposal.
- c) The provision of hedgehog nesting boxes within the site.
- d) Any gaps within existing hedgerows should also be filled in using native hedge

Thereafter, the ecological enhancements shall be retained and maintained in perpetuity.

Reason: In the interests of securing a biodiversity enhancement.

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

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

6) The following ecological mitigation measures shall be adhered to at all times during construction:

- a) Due to the potential for bats within the existing hedgerows to be retained a buffer around the hedgerows shall be maintained during the development. The buffer shall be clearly marked with a temporary fence 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.
- b) Any brush piles, compost and debris piles on site could provide shelter areas and hibernation potential for hedgehogs and therefore shall be removed outside of the hibernation period (mid-October to mid-March inclusive).
- c) If any works need to take place to the trees or for vegetation clearance within the site, works should only be undertaken outside of the bird breeding season which takes place between 1st March 1st October. If works are required within this time an ecologist will need to check the site before any works take place (within 24 hours of any work).

Reason: In the interests of protecting biodiversity and wildlife.

7) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal prepared by arbtech and the methodology and mitigation recommendations it detail, unless otherwise agreed in writing by the authority.

Reason: In the interests of protecting biodiversity and wildlife

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

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

9) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted

Development) Order 2015, or in any other statutory instrument amending, revoking and re-enacting the Order, the building hereby permitted shall be used for agricultural purposes only, including the storage of hay, agricultural tools, machinery and equipment, and for no other purpose whatsoever.

Reason: To ensure the use of the building does not have a harmful environmental effect, in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

10) When the barn hereby permitted ceases to be used for the agricultural storage of hay, agricultural tools, machinery, and equipment, the barn shall be demolished, all resultant debris removed from the site and the land restored to its former condition or a condition to first be agreed in writing by the Local Planning Authority.

Reason: To accord with the justification and requirement for the building.

## Decided Plans

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

| Details   | Reference  | Version | Date Received | Status   |
|---|------------|---------|---------------|----------|
| PLAN - SITE BLOCK PLAN                                  | RA/75/22   |         | 31.10.2022    | Approved |
| PLAN - SITE LOCATION PLAN                               | 001        |         | 31.10.2022    | Approved |
| PLAN - PROPOSED BARN FLOOR PLAN, ELEVATIONS AND SECTION | RA/422/100 |         | 31.10.2022    | Approved |

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=RIXBQJERLW000>





|                      |                           |
|----------------------|---------------------------|
| Parish:<br>Appledram | Ward:<br>Harbour Villages |
|----------------------|---------------------------|

**AP/22/03196/FUL**

|                  |   |              |                   |
|------------------|---|--------------|-------------------|
| <b>Proposal</b>  | Demolition and replacement dwelling and garage with associated landscaping. |              |                   |
| <b>Site</b>      | Apuldram House Dell Quay Road Dell Quay Appledram West Sussex PO20 7EE      |              |                   |
| <b>Map Ref</b>   | (E) 483653 (N) 102693   |              |                   |
| <b>Applicant</b> | Mr & Mrs O'Sullivan   | <b>Agent</b> | Mrs Joanne Halton |

**RECOMMENDATION TO PERMIT**



|   |                     |   |
|---|---------------------|---|
|  | <b>NOT TO SCALE</b> | 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 |
|---|---------------------|---|

**1.0 Reason for Committee Referral**

- 1.1 Red Card: Cllr David Rodgers: Important information/opinion to raise in debate (the Victorian Society has asked me to object).

## **2.0 The Site and Surroundings**

- 2.1 The application site is located on Dell Quay Road, with a frontage onto the water. The site falls within the Parish of Apuldram and the Chichester Harbour National Landscape (formerly an Area of Outstanding Natural Beauty (AONB)). The site also forms part of the Dell Quay Conservation Area.
- 2.2 The plot sits within a small collection of residential properties generous in scale and bordered by agricultural fields, over which a permissive right of way passes. The property sits within 2.5 acres of private garden bordering Chichester Harbour. The dwelling occupies a central position within the plot, set back from the roadside and screened by mature landscaped boundaries. The dwelling itself comprises of a two storey Georgian style property which has rendered elevations with a red clay tile roof over. It was constructed in 1900-1902, to the designs of English architect Temple Moore (1856-1920) and has undergone some alterations since its construction.
- 2.3 The existing property at Apuldram House is considered to be a Non-designated Heritage Asset. Within the garden there is a large, detached garage building, a storage building, tennis court and a swimming pool.
- 2.4 There is a small collection of properties which share a boundary with the site, these comprise of the Saltings to the northwest, Honeysuckle Cottage and Apuldram Cottage to the southeast. The Saltings was replaced in approximately 2017 with a new build dwelling. The site's southern boundary borders agricultural fields that extend between the nearby towns of Donnington and Chichester.

## **3.0 The Proposal**

- 3.1 The application seeks planning permission for a replacement dwelling with associated garage.
- 3.2 The replacement dwelling would be set over the footprint of the existing house, adjusted by three degrees clockwise. The main part of the house would be set back from the harbour by 4.25m, compared to the existing dwelling. The overall footprint would increase by 48%, with the mass being broken down by the separation of the main elements of the house. The proposal would be a bespoke architect designed home in a largely traditional form.
- 3.3 The existing detached garage would be replaced and set back behind the line of the east entrance boundary fence.

## **4.0 History**

|              |     |   |
|--------------|-----|---|
| 15/01163/DOM | PER | Single storey extension to existing dwelling.   |
| 21/01162/DOM | PER | Proposed pool house, raised terrace and relocation of multi-use games area and swimming pool. |

|                |       |  |
|----------------|-------|--|
| 22/00302/DOC   | SPLIT | Partial discharge of conditions 5 (external materials), 6 (ecology enhancements), 7 (hard and soft landscaping scheme) & 8 (boundary treatments) of planning permission AP/21/01162/DOM. |
| 22/01533/DOC   | PER   | Discharge of conditions 6, 7 from planning permission 21/01162/DOM.  |
| 22/02072/PRERD | PRE   | Replacement house.   |

## 5.0 **Constraints**

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

## 6.0 **Representations and Consultations**

### 6.1 Parish Council

No Parish Council comments received.

### 6.2 Chichester Harbour Conservancy (Summarised)

*Further comments received 20.09.2023*

As per the Conservancy's original response dated 06.03.23.

*Original comments received 06.03.2023*

Chichester Harbour Conservancy's Response PLANNING "NO OBJECTION" WITH SUGGESTED CONDITIONS

- schedule/samples of materials to be agreed prior to construction, use of a natural / neutral coloured timber cladding is preferred by the Conservancy, no light or pale colours
- for glazed surfaces, the use of coated surface glass that is non-reflective to mitigate external reflective glare which might also assist with keeping heat in and radiation out for the respective seasonal changes

- any and all glazed windows / doors / skylights should be fitted with working internal screen blinds to reduce light spillage during evenings and night-times in order to minimise and reduce the amount of light illumination of the new window openings to comply with the Dark Skies protocol operating within the AONB protected national landscape designated area to limit disturbance to wildlife

- any and all external lighting to the circulation areas and outdoor congregating areas be it wall mounted or free standing should be fitted with a suitable and effective cowl to focus the light-beam and illumination downwards and prevent light spillage above the horizontal and into the night sky so as to comply with the Dark Skies approach and to limit disturbance to wildlife

### 6.3 Environment Agency

17.08.2023

No further comments.

06.02.2023

No objection

### 6.4 Natural England

No objection

### 6.5 WSCC Local Highway Authority

*Further comments 29.08.2023*

No further comments

*Original comments 24.01.2023*

Summary

This application is for the demolition of existing dwelling and erection of a replacement dwelling. The site is located on Dell Quay Road, an unclassified road subject to national speed limit in this location. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Content

No alterations are proposed to the existing vehicular access arrangements. As this application seeks a replacement dwelling only, the proposed development is not anticipated to give rise to a material intensification of use of the existing vehicular access.

Regarding car parking, a replacement double-bay garage with driveway is proposed. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. Therefore, the LHA is satisfied with the proposed parking provision. On-site turning appears achievable, allowing cars to exit the site in a forward gear.

Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

For cycle parking, the proposed garage is suitably sized to accommodate at least two bicycles, in accordance with WSCC Parking Standards.

### Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

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

#### Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

#### Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

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

## 6.6 CDC Conservation and Design

Apuldram House was built between 1900-1902 originally serving as a vicarage. It is known to have been designed by Architect Temple Moore who was best known for his contribution to ecclesiastical architecture during the Victorian era. Moore also worked on

other building types during his career and a number of his works are now Listed Buildings in their own right.

Apuldram House has been reviewed against Chichester District Councils Non-Designated Heritage Asset Identification and Assessment Criteria and scored a combined total of 9 across five categories. This is a relatively high score with a total score of 5 or more indicating that a building should be considered a non-designated heritage asset (NDHA). Apuldram House following review has therefore been considered to be a NDHA with the score of 9 having been reached mainly for the following reasons:

- The dwelling is considered to be a good quality piece of architecture despite having suffered some unfortunate alteration over time.
- Having formerly been a vicarage it is considered the dwelling has some level of association with the community and local people.
- It is considered to have architectural value having been designed by a nationally celebrated architect and despite some level of alteration it retains the appearance of a building of pleasant appearance and high quality to the principal facades.

The assessment of the dwelling as a NDHA is also supported by the mention of the dwelling in the Buildings of England Sussex: West from the Pevsner's The Buildings of England series. The house is described as 'informally planned with symmetrical garden front facing the harbour'.

The plot size and the dwelling's intended design appearance portrayed a building of status and grandeur which is in keeping with the buildings original but short use as a vicarage. Its use as a vicarage is also likely to provide clues about the set up and status of the local parish and church at the time which until 1818 was under the parish of Bosham and appeared to not have a vicarage.

Given the site arrangement and access the house is considered to have two principal elevations: one addressing the front road side and the other to the waters-edge. It appears clear that the dwelling was originally designed with this in mind, as whilst differing in character both facades were clearly designed with the intention of their being seen. Being largely unaltered in form the house retains much of this appearance including sizable chimneys, the original roof slopes and bay windows (albeit with new frames, cladding and glazing). The introduction of uPVC and plastic cladding has however eroded some of the original character of the principal facades.

Whereas many of the other alterations to the house particularly on the principal facades are reversible the south-east side elevation has suffered more greatly. The resulting varied and ad hoc alteration to the original fenestration layout here is detrimental to the appearance of the building. The former stable block has also suffered substantial negative alteration which has significantly impacted its appearance. This now garage building is set in front of the house and is the most visible built feature within the site when viewed from the road. Its appearance is considered to be harmful to both the appearance of the site and the building as a NDHA.

In addition to being an NDHA Apuldram House is located within Dell Quay Conservation Area and within the Chichester Harbour AONB on a site which borders the waters-edge. The conservation area appraisal does not identify Apuldram House as a positive building and describes it as being well set back from the road with the garden being important to

the setting of the core of Dell Quay. The appraisal makes clear the house was only inspected from the road and whilst this is a key view point the conservation area is also viewed and experienced from the water of the Fishbourne Channel and must also be considered in this regard.

The Dell Quay Conservation Area Character Appraisal sets out the key characteristics of the conservation area. These include the maritime setting of Chichester Harbour, its location within the AONB, the small grouping of quayside buildings, the sound of water and wildlife, beautiful views over the estuary, a small number of listed buildings, the former warehouse and round house, the more modern functional buildings of the sailing club and education centre. These are the defining features that contribute most greatly to the significance of the conservation area with the statement identifying the quay itself as being the principal feature.

Unlike many conservation areas the character of Dell Quay Conservation Area is not heavily defined by a strong material palette or framed by built form and street scenery but rather the character of varied quayside buildings in the coastal landscape setting. As identified in the Conservation Area Character appraisal it is the grounds of Apuldram House that contribute most substantially to the character and appearance of the conservation area rather than the built forms.

The house itself, despite some harmful alterations, remains visually characteristic of its type and date and therefore contributes to an understanding of the ages of the area's development over time and more loosely its ecclesiastical history. It is however considered important to note that St Mary's Church itself is not located within the conservation area and being some distance away is not visually connected to the site.

Whilst the site history and its contribution to understanding local history is of interest it and should be given some consideration in reviewing the application it is not in itself considered to contribute to the key characteristics that make up the significance of the Dell Quay Conservation Area.

The existing house has limited visibility from within the conservation area itself with glimpsed views being possible down the driveway from the road and at the very end of the quay itself. The views from the road are mainly contributed to by the dwellings grounds and vegetation which will remain largely unaltered in character. The garage is set some distance into the site but is relatively visible, to the visual detriment of the conservation area, given its height and light-coloured finish. The house is also visible but in more distant and glimpsed views.

From the quay the first floor, gable and chimney stack of the north-west side elevation are visible and make a neutral contribution to the conservation area. The house does become more of a focal building within the conservation area from the water of the Fishbourne Channel. From here the house is much more prominent given its raised position and light painted render. It appears this prominence must have formed part of the original design intention however it is considered to be at odds with the now relative tranquillity of the setting, the siting within the AONB and its assertive presence in the beautiful views across the estuary (identified as a key characteristic of the conservation area).

By contrast the proposed house is contemporary in design and takes precedent from locally characteristic forms and material palettes with the aim of more greatly blending into

its backdrop. It is considered that the proposed design has the potential to result in a high-quality piece of contemporary architecture subject to the specification of final materials, detailing and how it is built out on site. Therefore, as designed it is considered the new build once settled into the site could provide a building that visually contributes positively and more subtly to the character of the conservation area and also the AONB.

Whilst both buildings are considered to have architectural merit there are additional factors that must be considered. The existing dwelling is considered to be a non-designated heritage asset with links to the ecclesiastical history of the area and designed by the nationally renowned architect Temple Moore. The significance, character and appearance of the house and former stable block as a grouping has however been harmed by unfortunate and inappropriate alterations some of which are not readily reversible. These along with its assertive appearance in the AONB and within views from the Fishbourne Channel are considered to be detrimental to the character of the conservation area and have reduced the quality of the building in terms of its visual contribution as an NDHA.

The proposed design would result in the loss of a NDHA and by its new build nature not instantly have associations with the local community as the existing house once had. However the proposals provide a new design of consistently high quality resulting in the removal of aspects of the existing house and garage building that contribute negatively to the conservation area and a design that less assertively and more considerately sits within its setting in the AONB. It is considered this case is finely balanced however the proposals are considered to be of such high quality that overall the sites contribution to the character and appearance of the conservation is considered to be enhanced. Therefore when weighing up the potential for harm through the loss of the existing house and the high quality design of the proposal it is not considered that harm to the significance of the designated heritage asset of the Dell Quay Conservation Area would result.

The demolition of Apuldram House would result in the loss of a non-designated heritage asset within the Dell Quay Conservation Area. The harm to the NDHA would be significant resulting in its total loss. Para 203 of the NPPF requires that this should be taken into account in determining the application and a balanced judgement required having regard to the scale of loss and the significance of the heritage asset. A balanced judgement is therefore considered to be necessary in this case without which the demolition of the house should not be considered acceptable. This must be considered overall in terms of the planning application beyond the conservation and design matters of the scheme. However, taking into account the scheme as a whole the improvements to the appearance of the designated heritage asset of the conservation area and the sites visual appearance within the designated AONB it is considered whilst very finely balanced in terms of conservation and design there are benefits that tip the balance towards supporting the demolition of the NDHA.

Should the proposals be recommended for approval it is considered that details for the materials and windows and doors should be secured by condition. This should include sample panels for the flint and brick walls as these will be of considerable importance in securing the currently reviewed high quality scheme is built out on site to the standard expected and required to weigh in favour of the demolition of the NDHA.



## 6.7 CDC Environmental Strategy (Summarised)

*Further comments 24.08.2023*

### Biodiversity Net Gain

We are pleased to see enhancements have been included within Biodiversity Net Gain Assessment (July 2023). The biodiversity net gain matrix shows a 10.13% improvement in habitats and a 225.86% hedgerow improvement which meets the requirements of Biodiversity Net Gain and we are satisfied that this is suitable.

*Original comments 23.01.2023*

### Bats

Following submission of the EIA (Dec 2022) we are happy that the mitigation proposed would be suitable. A condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species License will be required for the works, and this will need to be obtained prior to any works taking place.

### Nesting Birds

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

Conditions relating to ecological enhancements, lighting and construction mitigation recommended.

## 6.8 CDC Drainage

*Further comments 25.08.2023*

No further comments to add.

*Original comments 07.02.2023*

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

Surface Water Drainage: The proposal is to drain all surface water to ground via infiltration, an approach that is acceptable in principle. We are satisfied that the proposed drainage strategy (Drawing 0453 003 P3) should adequately drain the development. If you are minded to approve the application we would recommend you condition drainage to be constructed in accordance with the strategy.

## 6.9 Third party objection comments

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

- a) Loss of the property at Apuldram House which is by a named architect and demonstrative of a building of its time.
- b) The existing property is a major feature within the Conservation Area and on the Dell Quay skyline
- c) Apuldram House should be extended and altered to protect the architecture and history.
- d) It makes a positive contribution to the surrounding Dell Quay Conservation Area and within Chichester Harbour Area of Outstanding Natural Beauty as a cultural heritage asset
- e) The environmental impact of the demolition of an existing building and the carbon cost of a replacement.
- f) The Heritage Statement is insufficient
- g) No justification for destroying the existing property which is a good example of its time
- h) Apuldram House is a building of national architectural significance as a Victorian dwelling designed by Temple Moore.
- i) Apuldram House should be listed and is of significant historical and local heritage interest.

Of the 11 third party representations, 2 of these were submitted by The Victorian Society and Save Britain's Heritage respectively. Their comments have been summarised below, but are available in full on the planning application file.

### The Victorian Society

This application has been drawn to the attention of the Victorian Society. Having now reviewed the application documentation, we write to register our strong objection to the proposed demolition of this building.

Apuldram House is a significant historic building within the Dell Quay Conservation Area, constructed in 1900-1902 by Temple Moore. Temple Moore was an important architect of the late Gothic Revival, noted particularly for his ecclesiastical work. Geoff Brandwood in 'The Architecture of Temple Moore' describes Apuldram House as 'particularly attractive' and that 'the entrance side has an informality unusual in Moore's domestic work.'

The proposal would result in the complete loss of a building of considerable architectural and historic significance by a leading architect of the late Gothic Revival.

Furthermore, the proposals would harm the character of the Dell Quay Conservation area. While Apuldram House is not accounted a 'positive building' in the Conservation Area Appraisal we note that the Conservation Area was extended to include the building. Considering it is the work of a nationally significant architect it should be considered a positive contributor to the Conservation Area and preserved.

## Save Britain's Heritage

SAVE supports the position set out by the Victorian Society in its letter of objection, that the house is worthy of protection and should be listed. The loss of this house has not been justified by the applicant and we consider that it cannot be justified on heritage grounds.

The justification for demolition is the poor energy performance of the house and a desire to build a new home which would be more sustainable.

This proposal entails the total loss of an important house designed by a renowned architect which contributes positively to the Dell Quay Conservation Area and on balance, SAVE urges the Council to agree that the proposal cannot be justified.

The Dell Quay Conservation Area Character Appraisal 2006 (updated March 2012) ("the Character Appraisal") does not consider the importance of the conservation area from the water. Whilst the conservation area was widened to include Apuldram House and the two contemporaneous cottages on Dell Quay Road, the Character Appraisal makes it clear that Apuldram House was only inspected from the road, from which it is set well back. Accordingly, the Character Appraisal only references the gardens of Apuldram House and the pair of cottages as making a positive contribution to the character of the area, because they can be seen from the road. The Character Appraisal, however, recognises that the most significant features of the Dell Quay Conservation Area include its maritime setting on the Fishbourne Channel of Chichester Harbour and its location within the Chichester Harbour. SAVE considers that views from the water to the conservation area are therefore of key importance. Had those views been considered, SAVE believes that the house would also have been identified for its positive contribution as an historic landmark building on this part of Chichester Harbour, of greater architectural interest and quality than the roadside cottages.

Replacing this historic house with a house that is clearly modern, with large expanses of unbroken glazing will have a significant impact on the Conservation Area and AONB in this historic and unspoilt setting. Of particular concern is the loss of the historic glazing pattern with glazing bars and the replacement with plain sheets of glazing which will greatly increase glare in daylight hours and will increase the visibility of the house from the water and across the Harbour.

SAVE notes that an effort has been made to demonstrate that the replacement house may be less obtrusive on the landscape setting than the existing house by the use of brick, flint and timber in place of painted render. However, SAVE notes that from the water, Apuldram House reflects the listed Crown & Anchor Public House adjacent to Dell Quay which is also painted render. The materials of the existing house are not therefore considered detrimental or out of place, and certainly not sufficiently damaging to justify demolition.

### 6.10 Third party support comments

4 third party representations of support have been received concerning the following matters:

- a) The replacement dwelling is attractive and characterful and would preserve the conservation area and would fit in with the properties in the village.

- b) The proposal represents a high standard of architecture and would complement the character of Dell Quay.
- c) The replacement dwelling would utilise good quality materials and additional landscaping.
- d) The development would comply with the relevant guidance set out by the Harbour Conservancy.

#### 6.11 Applicant/Agent's Supporting Information

The applicant/agent has provided the following support information during the course of the application:

- a) Landscape and Visual Impact Assessment
- b) Energy Statement
- c) Landscape Mitigation Plan 5040 BB-DR-L-101
- d) Design and Access Statement
- e) Biodiversity Metric and assessment
- f) Expert Opinion re. Historic Environment Considerations
- g) Whole Life Carbon Report
- h) Heritage Advice Note
- i) Planning Justification Statement and AONB Impact Statement

## 7.0 Planning Policy

### The Development Plan

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

### Chichester Local Plan: Key Policies 2014-2029

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Development Strategy and Settlement Hierarchy
- Policy 4: Housing Provision
- Policy 8: Transport and Accessibility
- Policy 12: Water Resources in the Apuldram Wastewater Treatment Catchment
- 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 44: Development around the Coast
- Policy 45: Development in the Countryside
- Policy 46: Alterations, Change of Use and/or Re-use of Existing Buildings 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  
Policy 51: Development and Disturbance of Birds in Pagham Harbour Special Protection Area

### Chichester Local Plan Review Preferred Approach 2016 - 2035

- 7.3 Work on the review of the adopted Local Plan to consider the development needs of the Chichester Plan Area through to 2039 is now well-advanced. Consultation on a Preferred Approach Local Plan has taken place. Following detailed consideration of all responses to the consultation, the Council has published a Submission Local Plan under Regulation 19, which was approved by Cabinet and Full Council for consultation in January 2023. A period of consultation took place from 3rd February to 17th March 2023, and the Submission Local Plan is expected to be submitted to the Secretary of State for independent examination in early 2024. In accordance with the Local Development Scheme, it is anticipated that the new Plan will be adopted by the Council in 2024. At this stage, the Local Plan Review is an important material consideration in the determination of planning applications, the weight that can be attached to the policies contained therein is dependent on the significance of unresolved objection attributed to any relevant policy, commensurate with government policy at paragraph 48 of the NPPF (2023).

### National Policy and Guidance

- 7.4 Government planning policy now comprises the revised National Planning Policy Framework (NPPF 2023), which took effect from 5 September 2023. Paragraph 11 of the revised Framework states that plans and decisions should apply a presumption in favour of sustainable development, and for decision-taking this means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or
  - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 7.5 Consideration should also be given to the following paragraph and sections: Sections 2, 4, 12, 14, 15 and 16.

### Other Local Policy and Guidance

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

- Surface Water and Foul Drainage SPD
- CDC Waste Storage and Collection Guidance
- CHC Chichester Harbour AONB Management Plan (2014-2029)
- Apuldram Conservation Area Character Appraisal

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

- 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. Design and impact upon character of the surrounding area
- ii. Impact upon heritage assets
- iv. Impact upon amenity of neighbouring properties
- v. Impact upon highway safety and parking
- vi. Sustainability
- vii. Ecological considerations
- viii. Planning Balance

### Assessment

#### i. Principle of development

8.2 The application site is located outside of any defined settlement boundary, as defined by Policy 2 of the Local Plan. The proposal seeks permission for a single replacement dwelling following demolition of the existing property, there would be no additional dwellings created. The principle of a replacement dwelling is acceptable, subject to compliance with the development plan and other material considerations.

#### ii. Design and impact upon character of the surrounding area

8.3 Policy 33 of the LP refers to new residential development and sets out that proposals must meet the highest standards of design and a high quality living environment in keeping with the character of the surrounding area and its setting in the landscape. In addition, that its scale, form, massing and siting, height and design respects and enhances the character of the surrounding area and site.

- 8.4 Policy 43 relates to the impact of proposals on the AONB and proposals within the AONB must reinforce and respond to the distinctive character of the AONB. The application site is located within the AONB, the visual impact of the proposal upon the AONB must be considered, with particular regard to the proximity to the water. Policy 44 further emphasises the importance that development around the coast must not adversely affect the character and environment of the AONB. Paragraph 176 of the NPPF (2023) attributes great weight to conserving and enhancing the landscape and scenic beauty of AONB, which have the highest status of protection in relation to these issues.
- 8.5 The Chichester Harbour Conservancy have raised no objection to the proposal. Their comments conclude that the positioning of the proposals would have a localised impact on the character and visual appearance outside of the site and the immediate surrounds and the structures scale, design and appearance would sit unobtrusively within its visual setting. The architectural design is a modern traditional dwelling approach. The use of brick and flint walls would represent a change from the brick / render wall treatment of the existing house. This visual appearance can be seen as a more visually subdued alternative to the current dwelling. Due to building set-back within the site from Dell Quay Road and the harbour waters, the public view of the site is tempered.
- 8.6 The proposed replacement dwelling would represent an exceptionally high-quality design and would represent a significant benefit to the AONB landscape due to the introduction of a high-quality materials palette and high-quality design.
- 8.7 The proposed development would be largely traditional in its form with modest glazing and strong roofscapes. The proposed fenestration has been designed to be set-back by a full brick. Providing deep recesses of over 200mm to lessen the impact and visibility of the glazing from the harbour. The Design and access statement also states that window treatments will be applied to dampen light spill at night, using a variety of systems. These will include a mix of automated blinds & curtains and internal shutters. The roof light to the entrance elevation will be installed with an automated blackout blind to mitigate light pollution. Overall, the proposal would have a reduction in glazing to principal views by 6%. The window arrangement has been positioned in an informal grouping, deliberately offset to break up the impact of the glazing.
- 8.8 The replacement dwelling would be less stark in the landscape and would appear less prominent in its surroundings, particularly when viewed from the water. The render finish of the existing property appears bright in its surroundings and draws attention from the water. The property next door appears more subservient in its setting and accords with the AONB principles to a greater extent. The proposed house draws on architectural detailing from the local area, such as brick corbelling, rubbed brick arched lintels and brick detailing to chimney stacks. The materials reference the vernacular, with traditional design references, whilst taking on modern elements and principles to ensure that the building performs as efficiently as possible.
- 8.9 The scheme would be supplemented with additional landscaping which would provide some additional screening and softening of the site. Wildflower meadow planting is proposed, the existing hedgerows will be largely retained and supplemented where required. Any removal of trees would be mitigated with replacements with additional trees proposed.

8.10 Overall, the replacement house is considered to be of a high architectural and build quality and it responds positively to the rural character, scale, form and design details of surrounding properties. Despite the demolition of the existing dwelling, overall, it is concluded that the replacement house design will result in an overall enhancement to the character and appearance of the Dell Quay Conservation Area. The proposed design has taken influence from the conservation area and the AONB and the form of the replacement house reflects the qualities of local development, such as the Crown and Anchor. The massing of the dwelling has been broken down to create architecturally distinct elements which provide quality elevations from all views. It is therefore considered that the replacement dwelling would enhance the overall quality of the area and would be sensitive to the landscape.

8.11 The development would accord with Policies 33 and 43 of the CLP. Furthermore, the replacement dwelling would make a positive contribution to the conservation area and to the AONB, to which weight should be given. Both of these designations are protected by national policies and the proposed high-quality replacement dwelling would be an appropriate addition to the site which would be sympathetic to the surroundings.

iii. Impact upon Heritage Assets

8.12 Policy 47 of the Local Plan requires that development proposals conserve or enhance the special interest and setting of heritage assets. Section 16 of the NPPF reiterates this requirement to conserve and enhance the historic environment.

8.13 Apuldram House was built between 1900-1902 originally serving as a vicarage. It is known to have been designed by Architect Temple Moore who was best known for his contribution to ecclesiastical architecture during the Victorian era. Moore also worked on other building types during his career and a number of his works are now Listed Buildings in their own right.

8.14 Apuldram House has been reviewed against Chichester District Councils Non-Designated Heritage Asset Identification and Assessment Criteria and scored a combined total of 9 across five categories. This is a relatively high score with a total score of 5 or more indicating that a building should be considered a non-designated heritage asset (NDHA). Apuldram House following review has therefore been considered to be a NDHA with the score of 9 having been reached mainly for the following reasons:

- The dwelling is considered to be a good quality piece of architecture despite having suffered some unfortunate alteration over time.
- Having formerly been a vicarage it is considered the dwelling has some level of association with the community and local people.
- It is considered to have architectural value having been designed by a nationally celebrated architect and despite some level of alteration it retains the appearance of a building of pleasant appearance and high quality to the principal facades.

8.15 In addition to being an NDHA, Apuldram House is located within Dell Quay Conservation Area and within the Chichester Harbour AONB on a site which borders the waters-edge. The conservation area appraisal does not identify Apuldram House as a positive building and describes it as being well set back from the road with the garden being important to the setting of the core of Dell Quay. The appraisal makes clear the house was only inspected from the road and whilst this is a key view point the conservation area is also



viewed and experienced from the water of the Fishbourne Channel (to Dell Quay) and must also be considered in this regard.

- 8.16 Conservation Areas are a designated Heritage asset and as such, paragraph 199 of the NPPF 2023 states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'
- 8.17 Paragraph 202 of the NPPF 2023 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' In this case, the benefits of the proposed replacement dwelling would need to be weighed up against the harm to the Conservation Area and the loss of the Non-designated Heritage Asset.
- 8.18 The Dorothy Bohm v SSCLG [2017] EWHC 3217 Judgment clarifies that just because something is a 'positive contributor', so long as it is not designated in itself, a Local Planning Authority should not automatically conclude that it cannot be demolished/redeveloped until it has assessed it in comparison with the potential enhancements of a proposed development. This judgement is considered relevant in this case as it concerns the loss of an NDHA within a Conservation Area and concludes that the decision must be balanced against all other factors.
- 8.19 The above judgement found that the loss of an existing building within a conservation area would not necessarily harm the conservation area. In the Bohm Judgement, the replacement dwelling would, in the Inspector's judgement, be of an acceptable design which would preserve the character of the conservation area, no harm to the conservation area would arise. The loss of a positively-contributing building NDHA would not inevitably cause harm to the conservation area.
- 8.20 The character of Dell Quay Conservation Area is not heavily defined by a strong material palette or framed by built form and street scene, but rather the character of varied quayside buildings in the coastal landscape setting. As identified in the Conservation Area Character appraisal, it is the grounds of Apuldram House that contribute most substantially to the character and appearance of the conservation area rather than the built forms.
- 8.21 Apuldram House, remains visually characteristic of its type and date and contributes to the understanding of the ages of the area's development over time and, loosely, its ecclesiastical history. The site contributes to the local history of the conservation area, it cannot be considered however that Apuldram House contributes to the key characteristics that make up the key characteristics of the Dell Quay Conservation Area.
- 8.22 In terms of the visibility and contribution to the conservation area, glimpsed views are possible down the driveway and from the end of the quay. The views from the road are mainly contributed to by the dwellings grounds and vegetation which will remain largely unaltered in character. The garage is set some distance into the site, but is relatively visible, to the visual detriment of the conservation area, given its height and light coloured finish. From the quay, the first floor, gable and chimney stack of the north-west side elevation are visible and make a neutral contribution to the conservation area. The house

does become more of a focal building within the conservation area from the water of the Fishbourne Channel. From here the house is much more prominent given its raised position and light painted render.

- 8.23 By contrast the proposed house is contemporary in design and takes precedent from locally characteristic forms and material palettes with the aim of more greatly blending into its backdrop. It is considered that the proposed design has the potential to result in a high-quality piece of contemporary architecture subject to the specification of final materials, detailing and how it is built out on site. This replacement could contribute positively and more subtly to the character of the Conservation Area.
- 8.24 It is considered this case is finely balanced however the proposals are considered to be of such high quality that overall, the site's contribution to the character and appearance of the conservation area is considered to be enhanced. Therefore, when weighing up the potential for harm through the loss of the existing house and the high-quality design of the proposal it is not considered that harm to the significance of the designated heritage asset of the Dell Quay Conservation Area would result.
- 8.25 Paragraph 203 of the NPPF 2023 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' In this case, the loss of the Non-designated Heritage Asset must be balanced against the benefits which would arise as a result of the demolition and replacement dwelling.
- 8.26 Apuldram House has been rejected for listing by Historic England on 04 April 2023. This was due to the incremental changes to the building overtime which has resulted in a significantly altered building. Furthermore, extensive alteration to the former stable block has reduced the interest of the site as a legible domestic group.
- 8.27 The proposed design would result in the loss of a NDHA and by its new build nature, would not instantly have associations with the local community as the existing house once had. The demolition of Apuldram House would result in the loss of a non-designated heritage asset within the Dell Quay Conservation Area. The harm to the NDHA would be significant resulting in its total loss. Para 203 of the NPPF requires that this should be taken into account in determining the application and a balanced judgement required having regard to the scale of loss and the significance of the heritage asset. A balanced judgement is therefore considered to be necessary in this case, without which the demolition of the house should not be considered acceptable.
- 8.28 In summary, the proposal would result in harm to the NDHA, this would be significant harm resulting in the total loss. Apuldram House is considered to have a neutral impact on the conservation area, previous alterations and interventions have resulted in some harm to the conservation area. The loss of the dwelling would change the appearance of the conservation area, primarily from the water, however this would not change the overall character of the conservation area, as the property itself is not considered to contribute to the significance of the Dell Quay Conservation Area.
- 8.29 Policy 47 requires the LPA to conserve and enhance the historic environment and this proposal would result in the loss of an NDHA and some impact on the conservation area.

Paragraph 199 of the NPPF (2023) ensures that development conserves designated heritage assets and Paragraph 203 of the NPPF (2023) ensures that the loss of NDHA is carefully balanced. It is considered that the proposal would conserve the setting of the conservation area as the existing property does not contribute to the key characteristics which make up the significance of the Dell Quay Conservation Area and it could also be considered that the conservation area would be enhanced by the removal of the garage and replacement dwelling which once settled into the site could provide a building that visually contributes positively and more subtly to the character of the conservation area.

iv. Impact upon amenity of neighbouring properties

8.30 The NPPF states in paragraph 130 that planning should ensure a good quality of amenity for all existing and future occupiers of land and buildings, and Policy 33 of the CLP include requirements to protect the amenities of neighbouring properties.

8.31 The proposal 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.

v. Impact upon highway safety and parking

8.32 Policy 39 of the Chichester Local Plan seeks to ensure that new developments do not result in residual cumulative impacts which are severe and ensure a safe and adequate means of access for all modes of transport. Paragraph 111 of the NPPF (2023) 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.'

8.33 The development is for a single replacement dwelling. WSCC were consulted as the Local Highways Authority and raised no objection to the application. No alterations are proposed to the existing vehicular access arrangements. As this application seeks a replacement dwelling only, the proposed development is not anticipated to give rise to a material intensification of use of the existing vehicular access. Regarding car parking, a replacement double-bay garage with driveway is proposed. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. Therefore, the LHA is satisfied with the proposed parking provision. On-site turning appears achievable, allowing cars to exit the site in a forward gear. Provision for cycle parking would be possible in the garage.

8.34 Therefore, the proposal would accord with Policies 8 and 39 of the CLP and paragraph 111 of the NPPF which seeks to ensure that new development has acceptable parking levels, and access and egress to the highway.

vi. Sustainability

8.35 Policy 40 of the Local Plan requires all new dwellings to evidence that the proposal would follow Sustainable Design and Construction Principles. The application is supported by a Whole Life Carbon Report which demonstrates that when comparing both the existing house and proposed design, the proposed replacement dwelling design will reduce carbon over the next 60 years by 60%. This betterment exceeds the improvement which could be achieved by improving the existing house and extending it.

8.36 To comply with Policy 40 of the Chichester Local Plan for the residential property Apuldram House, dell Quay, Chichester Harbour to incorporate energy efficient design measures into the construction of every home. Mesh Energy has reviewed these proposals. Following a review and detailed calculation we can confirm.

- The proposed insulation and building services specifications will comfortably better the
- minimum standards of the Building Regulations Part L and the Domestic Compliance
- Guide.
- The designs of each new home allow for natural ventilation to maintain a comfortable
- and healthy internal environment.
- The house designs and glazing specification will aid solar gain.
- The measures will deliver a saving in CO2 emissions over Part L of the Building
- Regulations: and A 4.46% saving in Fabric Energy Efficiency and 30.76% in Primary Energy Efficiency is forecasted.

8.37 In conclusion the strategy proposed complies with Policy 40 of the Chichester Local Plan.

vii. Ecological considerations

8.38 A Biodiversity Net Gain Assessment has been submitted in support of the proposal. The proposal would result in a 10.13% improvement in habitats and a 225.86% hedgerow improvement which meets the requirements of Biodiversity Net Gain. Biodiversity Net Gain is not yet a statutory requirement, however it has been submitted in support of this application.

8.39 Ecological enhancements would be secured as part of the application if it were to be approved to ensure that the biodiversity of the site would be conserved and enhanced.

viii. Planning Balance

8.40 The loss of the NDHA within the Dell Quay Conservation Area has been carefully considered and great weight has been given to the heritage considerations of this application.

8.41 The demolition of Apuldram House would result in the loss of a non-designated heritage asset within the Dell Quay Conservation Area. The harm to the NDHA would be significant resulting in its total loss. Para 203 of the NPPF requires that this should be taken into account in determining the application and a balanced judgement required having regard to the scale of loss and the significance of the heritage asset. A balanced judgement is therefore considered to be necessary in this case without which the demolition of the house should not be considered acceptable. This must be considered overall in terms of the planning application beyond the conservation and design matters of the scheme.

8.42 However, taking into account the scheme as a whole, the improvements to the character and appearance of the conservation area and the site's visual appearance within the designated AONB, it is considered that, whilst very finely balanced in terms of conservation and design, the benefits that outweigh the harm identified.

8.42 Overall, when taking all of the planning constraints and merits into account, it is considered that the quality of the proposed replacement dwelling would tip the balance to support the demolition and replacement of the dwelling on-site. The replacement dwelling

would be a quality design which would be sympathetic to the AONB and the conservation area. Whilst there would be significant harm to the NDHA, resulting in a total loss, there would be less than substantial harm to the significance of the designated heritage asset, the conservation area. Consequently, a planning balance must be taken and in this case the benefits of the proposal are considered to tip the balance in support of the application.

### Conclusion

8.43 Based on the above it is considered that on balance, the replacement dwelling would contribute positively to the AONB and conservation area and the loss of the NDHA would be outweighed by the benefits arising from the replacement dwelling. The requirements of the development plan and all other material consideration have been taken into account and for the reasons set out within this report the application is recommended for approval.

### Human Rights

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

## **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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

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

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

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

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

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

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

- (a) the anticipated number, frequency and types of vehicles used during construction,
- (b) the provision made for the parking of vehicles by contractors, site operatives and visitors,
- (c) the loading and unloading of plant, materials and waste,
- (d) the storage of plant and materials used in construction of the development,
- (e) the erection and maintenance of security hoarding,
- (f) the provision of road sweepers and/or wheel washing facilities to mitigate the impact of construction upon the public highway
- (g) measures to control the emission of dust and dirt during construction, to include where relevant sheeting of loads, covering and dampening down stockpiles
- (h) measures to control the emission of noise during construction,
- (i) details of all proposed external lighting to be used during construction and measures used to limit the disturbance of any lighting required. Lighting shall be used only for security and safety,
- (j) appropriate storage of fuel and chemicals, in bunded tanks or suitably paved areas
- (k) waste management including prohibiting burning, and,
- (l) a schedule of works for the demolition and construction of the development to ensure that the most disruptive works would avoid the overwintering bird period between October-February.

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.

5) No development/works shall commence on the site until a photographic record of Apuldrum House has been submitted to approved in writing by the Local Planning Authority. The photographic record shall include high resolution photographs of the dwelling, including any features of interest. It shall be accompanied by an annotated plan (elevation and or floor plan) that contextualise each photograph, relative to its direction or the part of the building.

Reason: In the interest of securing a photographic record of Apuldrum House, prior to its demolition

6) No flint shall be installed until a sample panel of flint; shall be constructed, and made available for inspection, on site to accurately reflect the proposed bond, coursing and finish of the material and the type, composition and profile of the mortar, and an accompanying written specification shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are

begun. The approved sample panel(s) shall be retained on site until the work is completed and the work carried out in full accordance with the approved details.

Reason: To ensure the materials and finishes to be used are appropriate in order to maintain the architectural interest of the building.

7) Notwithstanding the approved plans, no windows or doors shall be installed until details have been submitted to, and approved in writing by the local planning authority. The details shall include:-

- a) Plans to identify the Windows or doors in question and its location(s) within the property(ies), cross referenced to an elevation drawing or floor plan for the avoidance of doubt;
- b) 1:20 elevation and plan;
- c) 1:10 section with full size glazing bar detail;
- d) the position within the opening (depth of reveal) and method of fixing the glazing (putty or beading); and
- e) a schedule of the materials proposed, method of opening, and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

8) Notwithstanding the approved plans, no rainwater goods shall be installed until details have been submitted to, and approved in writing by the local planning authority. These details shall include:

- a) plans to identify the location of the rainwater goods within the property(ies), cross referenced to an elevation drawing for the avoidance of doubt;
- b) 1:10 detailed section ; and
- c) a schedule of the proposed materials and finishes.

Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved in perpetuity.

Reason: To ensure appropriate design and appearance in the interests of protecting the visual amenity/character of the development and surrounding area.

9) The development hereby permitted shall not be first brought into use until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicles and pedestrian access and circulation areas; details and samples of the hard surfacing materials; and a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried

out in accordance with the approved details and once provided, the works shall be retained in perpetuity.

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

10) Prior to occupation of the works hereby permitted, whichever the earlier, the following ecological enhancements shall be provided:

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

Thereafter the ecological enhancements shall be retained in perpetuity.

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

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

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

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

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

13) Prior to first use of the proposal hereby approved, the rooflights hereby approved shall have installed automatic dusk till dawn blinds (to block all internal light emissions) which shall be retained and maintained to an operational manner in perpetuity.

Reason: In accordance with dark skies policy, and to preserve the special character of the AONB and tranquil character of the countryside.

14) The implementation of this planning permission shall be carried out strictly in accordance with the Ecological Impact Assessment (Dec 2022).



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.

15) 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 interests of protecting biodiversity.

16) Any works to the trees or vegetation clearance on the which take 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: 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.

17) Due to the risk of disturbance to overwintering birds, demolition works must avoid the winter months (October-February).

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.

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

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

19) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) no building, structure or other alteration permitted by Class A-E of Part 1 Schedule 2 shall be erected or made on the application site without a grant of planning permission.

Reason: In the interests of protecting the amenity of neighbours and the surrounding area.

## Decided Plans

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

| Details   | Reference                            | Version | Date Received | Status   |
|---|--------------------------------------|---------|---------------|----------|
| PLAN - LOCATION PLAN                                    | 221.59.10000.<br>LOC REV P2          |         |               | Approved |
| PLAN - SITE PLAN<br>EXISTING                            | 221.59.11000.<br>SITE REV P3-<br>WIP |         |               | Approved |
| PLAN - GARAGE PLANS<br>AS EXISTING                      | 221.59.20500.<br>GA REV 01           |         |               | Approved |
| PLAN - GARAGE PLANS<br>AS PROPOSED                      | 221.59.205000<br>.GA REV 01          |         |               | Approved |
| PLAN - GROUND<br>FLOOR PLAN AS<br>PROPOSED              | 221.59.21000.<br>GA REV P3           |         |               | Approved |
| PLAN - FIRST FLOOR<br>PLAN AS PROPOSED                  | 221.59.22000.<br>GA REV P3           |         |               | Approved |
| PLAN - SECOND FLOOR<br>PLAN AS PROPOSED                 | 221.59.23000.<br>GA REV P3           |         |               | Approved |
| PLAN - ROOF PLAN AS<br>PROPOSED                         | 221.59.24000.<br>GA REV P3           |         |               | Approved |
| PLAN - SECTIONS 01 02<br>MAIN HOUSE                     | 221.59.24000.<br>SEC REV P3          |         |               | Approved |
| PLAN - COASTLINE<br>(SW) AND LIBRARY (NW)<br>ELEVATIONS | 221.59.31000.<br>ELE REV P3          |         |               | Approved |
| PLAN - KITCHEN (SE)<br>AND ENTRANCE (NE)<br>ELEVATIONS  | 221.59.32000.<br>ELE REV P3          |         |               | Approved |
| PLAN - GARAGE<br>ELEVATIONS                             | 221.59.33000.<br>ELE REV 01          |         |               | Approved |
| PLAN - SECTIONS 03<br>AND 04 LINK                       | 221.59.42000.<br>SEC REV P3          |         |               | Approved |
| PLAN - SECTIONS 05,<br>06 AND 07                        | 221.59.43000.<br>SEC REV P3          |         |               | Approved |
| PLAN - LOCATION PLAN                                    | 221.59.10000.<br>LOC P2              |         |               | Approved |

|                              |                          |  |  |          |
|------------------------------|--------------------------|--|--|----------|
| PLAN - SITE PLAN<br>PROPOSED | 221.59.12000.<br>SITE P4 |  |  | Approved |
|------------------------------|--------------------------|--|--|----------|

## INFORMATIVES

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

2) 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](mailto: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).

For further information on this application please contact Sascha Haigh on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RN920DERH9D00>

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## Chichester District Council Planning Committee

**Wednesday 10 January 2024**

### Report of the Director Of Planning and Environment Services Schedule of Planning

#### Appeals, Court and Policy Matters

**between 18-10-2023 - 14-11-2023**

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  |
|--|---|
| <a href="#"><u>23/00188/FUL</u></a>  |   |
| <b>Oving Parish</b><br><b>Case Officer: Jeremy Bushell</b><br><br><b>Informal Hearings</b>                 | Land Off Longacre Way Chichester West Sussex PO20 2EJ<br><br>Erection of apartment building (87 units), including Class E floor space, with associated car parking, bike stores, landscaping and utilising existing access.                                     |
| <a href="#"><u>22/02314/FUL</u></a>  |   |
| <b>Plaistow And Ifold Parish</b><br><b>Case Officer: Sascha Haigh</b><br><br><b>Written Representation</b> | Shamba The Ride Ifold Loxwood RH14 0TQ<br><br>Demolition of existing bungalow and redevelopment of 2 no. residential units.   |
| <a href="#"><u>22/01005/FUL</u></a>  |   |
| <b>Southbourne Parish</b><br><b>Case Officer: Calum Thomas</b><br><br><b>Written Representation</b>        | The Sussex Brewery 36 Main Road Southbourne West Sussex PO10 8AU<br><br>Partial demolition, conversion, and alterations of the detached outbuilding adjacent to the public house to create a 3-bedroom chalet bungalow with associated parking and landscaping. |

## 2. DECISIONS MADE

| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#">21/00571/FUL</a>  |  |
| <b>Bosham Parish</b><br><b>Case Officer: Jeremy Bushell</b>   | Land North Of Highgrove Farm Main Road Bosham West Sussex<br><br>Construction of 300 dwellings (including 90 affordable dwellings), community hall, public open space, associated works and 2 no. accesses from the A259 (one temporary for construction). |
| <b>Appeal Decision: APPEAL ALLOWED</b>  |  |
| <p> <b>“Planning Balance ...</b> I have found that the proposal would not harm the AONB, the SPA or the SAC. Therefore, Framework paragraph 11d)i is not engaged. ... At the Inquiry, the Council confirmed that it expects the allocation to remain in the emerging plan and thus considers it a ‘sound’ allocation. I have no evidence to lead me to an alternative view. .... The proposal would provide much needed housing including affordable ones. It would provide a number of community benefits through the provision of the community hall and, open space and other recreational facilities. There would be a boost to the local economy from an increase in Bosham’s population and temporarily during the construction period. All of these individually attract significant weight in favour of the proposal. ... Although the development plan is out-of-date for the purposes of Footnote 8 of the Framework, the proposal nonetheless accords with it in terms of the main issues in this appeal. There are no adverse impacts that would significantly and demonstrably outweigh the scheme’s benefits when assessed against the Framework taken as a whole or indeed the development plan on the same basis. ... I realise that this decision will come as a disappointment to many local residents. However, as I have set out, there are no compelling reasons not to allow the development to go ahead. For the above reasons, the appeal therefore succeeds. ...”         </p> |  |

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">22/01819/DOM</a>   |  |
| <p><b>Donnington Parish</b><br/> <b>Case Officer: Rebecca</b><br/> <b>Perris</b><br/> <b>Fast Track Appeal</b></p>   | <p>Herongate 53 Grosvenor Road Donnington PO19 8RT</p> <p>Demolition of existing garage and conservatory. New single storey rear extension and first floor extension and new roof.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |  |
| <p>"... I observed on the site visit that the majority of roof types along the northern part of Grosvenor Road close to the appeal site have part gable and part hipped roofs; this includes the existing roof on the appeal property. ... I acknowledge that two dwellings No 59 and 61 have side gabled roofs but this is a separate context to the dwellings on and close to the appeal site where part gable and part hip roofs are prevail. I consider, therefore, that the proposal to extend the width of the property close to the boundary with No 55 in conjunction with the gable end roof would result in the first-floor element appearing overly large for its plot when viewed within the street scene. Furthermore, the design of the roof with the ridge being moved back from where it is on the existing dwelling would result in a squat looking development that would not assimilate successfully within the prevailing street scene. ... the plot is sufficiently large to accommodate the proposed width in principle; albeit due to the roof design not being acceptable in this case, the first floor would result in a dwelling that would appear as an over development of the site. ... I therefore conclude that the appeal proposal conflicts with Policies 2 and 33 of the Chichester Local Plan 2014-2029 (the Local Plan), ... The appeal proposal would also not be consistent with Section 12 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments are sympathetic to local character. ... there is a window on the side elevation of No 55 that would be the part of the neighbouring property that would be most affected. From the information provided, this window would appear to be secondary to the rooms that it serves. Therefore, I do not consider that any overshadowing arising from the appeal proposal would be materially harmful to the living conditions of the occupiers of No 55. However, I do consider that the scale, depth, bulk and mass of the appeal proposal would harm the outlook and enjoyment of No 55 from some of its external areas. ... In view of the harm I have identified to the outlook of No 55 by virtue of the bulk, scale, depth and mass of the side elevation, the appeal proposal conflicts with Policy 33 of the Local Plan ..."</p> |  |
|  |  |

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>23/00770/DOM</u></a>  |  |
| <p><b>Donnington Parish</b><br/> <b>Case Officer: Rebecca Perris</b><br/> <b>Fast Track Appeal</b></p>   | <p>Herongate 53 Grosvenor Road Donnington Chichester West Sussex PO19 8RT</p> <p>Demolition of existing garage and conservatory. New single storey rear extension. First floor extension and new roof.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |  |
| <p>"... the majority of roof types along the northern part of Grosvenor Road close to the appeal site have part gable and part hipped roofs; this includes the existing roof on the appeal property. The effect of having part hipped roofs helps to reduce the bulk of the first floors in a context where detached dwellings are interspersed with bungalows. ....I consider, therefore, that the proposal to extend the width of the property close to the boundary with No 55 in conjunction with the gable end roof would result in the first-floor element appearing overly large for its plot when viewed within the street scene. ... the plot is sufficiently large to accommodate the proposed width in principle; albeit due to the roof design not being acceptable in this case, the first floor would result in a dwelling that would appear as an over development of the site. ... for the reasons set out the appeal proposal by virtue of its roof design would result in a dwelling that would appear too large for its plot and harm the character and appearance of the street scene. I therefore conclude that the appeal proposal conflicts with Policies 2 and 33 of the Chichester Local Plan 2014-2029 ... The appeal proposal would also not be consistent with Section 12 of the National Planning Policy Framework (the Framework), ... I note from the information before me and from my site visit that there is a window on the side elevation of No 55, which would be the part of the neighbouring property that would be most affected. From the information provided, this window would appear to be secondary to the rooms that it serves. In view of this being a secondary window I do not consider that any overshadowing arising from the appeal proposal would be harmful to the living conditions of No 55. ... In summary, the appeal proposal would not materially harm the living conditions of neighbouring properties and accords with Local Plan Policy 33 ..."</p> |  |
|  |  |



| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">21/02428/FUL</a>   |  |
| <p><b>Linchmere Parish</b><br/> <b>Case Officer: Calum Thomas</b><br/> <b>Written Representation</b></p>   | <p>Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ</p> <p>9 no. new dwelling houses and 9 no. carports/studios with associated access, infrastructure, parking and landscaping.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>   |  |
| <p>"Appeal A - The development proposed is 9 dwellinghouses together with associated access, infrastructure, parking, and landscaping. Appeal B - The development proposed is a new bridge access. Appeal C - The development proposed is a new bridge access. Appeal A is dismissed. Appeal B is allowed. Appeal C is allowed. ... The main issues are:• whether the site is a suitable location for the proposed developments in relation to flood risk;• the effects of the proposed developments on biodiversity;• the effect of the proposed developments on the character and appearance of the area; and• whether the scheme subject of Appeal A would provide an appropriate mix of dwellings.</p> <p>... As set out in the PPG, even where a flood risk assessment shows that a development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. In its absence the appellant has failed to demonstrate that the site is a sequentially suitable location for the development subject of Appeal A. ... The proposed bridge would be a replacement of the existing ramshackle structure which provides access to the site. It would clearly form an integral part of the overall housing scheme. In this regard, as both are shown on the plans subject of Appeal A, my findings in relation to Appeal A above necessarily encompass the bridge. ... As a replacement of the structure providing sole means of access to the site, the proposed bridge could not be located elsewhere. ... Consequently, the proposed bridge has drawn no objection from either Council. I see no reason to reach a different view. ... I conclude that the appellant has failed to demonstrate that the site is a suitable location for the development subject of Appeal A on grounds of flood risk. The development would therefore conflict with Policy 42 of the Chichester Local Plan: Key Policies 2014-2029 (the CLP) which supports the application of national policy. ... Ecological Impact Assessment ... identified that the development would result in an overall loss of biodiversity, and that this would require off site mitigation. Insofar as further reference has been made to enhancement and 'net gain', this would also need to be delivered off site. A potential site has been identified for mitigation and enhancement. However, its use has not been secured, and the required measures have not been specified. Uncertainty thus exists over its future availability, whilst separate questions have been raised over its suitability. ... The PPG however states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. ... The scheme subject of Appeal A would therefore result in a net loss of biodiversity. ... However, insofar as Appeals B and C present the bridge in isolation, the 2022 report demonstrates that mitigation could be achieved on site. As proposed by CDC, conditions could additionally be applied in relation to potential pollution. ... I conclude that the development subject of Appeal A would have an adverse effect on biodiversity. It would therefore conflict with Policy 49 of the CLP, which, whilst providing scope for adverse effects on biodiversity to be outweighed by benefits, still requires mitigation; and Policy 52 of the CLP, which sets out the expectation that developments will protect and enhance existing green infrastructure and mitigate harm. ... The site otherwise falls within an area largely characterised by suburban housing, and its immediate setting includes housing, an elevated road and a pumping station. Though the site and some adjoining land is largely covered by trees, shrubs and other plants, there is</p> |  |

## Appeal Decision Continued

little sense that it occupies a countryside or rural location, or a site of transitional character. ... the provision of a cul-de-sac development accessed off an existing track would not be incongruous. Nor would the distinctive contemporary styling proposed. In this regard the various aspects of the proposed architectural design with which CDC has found fault are essentially stylistic. Similar is applicable to concerns expressed over scale, mass and bulk, which appear to be more directly related to the rectilinear flat roofed designs proposed than to the amount of built form. The development would otherwise be very well contained and not clearly visible within the broader street scene. ... The overall density of development would fall within the range which exists locally. ... The positioning of studios/garaging forward of the main frontage of some of the proposed dwellings represents an awkward feature of the design. However, this would cause no unacceptable harm. Considered within the context of the broader scheme subject of Appeal A, and given my findings above, the bridge would not appear in any way incongruous. This would be somewhat less true if the bridge was to be constructed in isolation. ... I conclude that the developments subject of Appeals A, B and C would have an acceptable effect on the character and appearance of the area. ... CDC partly refused planning permission on the basis that the housing mix would not be in line with the Chichester Housing and Economic Development Needs Assessment 2018 (HEDNA). The HEDNA does not however form part of the development plan, and indeed postdates adoption of the CLP. ... paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. However, I have not been directed to any adopted policy which directly addresses the matter. ... I conclude that the scheme subject of Appeal A would provide an appropriate mix of dwellings. ... Appeal A would conflict with the CDC's development plan taken as a whole. ... Even so, to the extent that the policies with which I have identified a conflict address flood risk and biodiversity, I am satisfied that they broadly reflect similar considerations set out within the Framework. ... The development would provide 9 open market dwellings and funding towards the provision of off-site affordable housing. ... Even if I was to attach significant weight to the related social and economic benefits, they would not outweigh the harm I have identified above. Allocation of the site for housing has been considered in the past. It remains the case however that it was not allocated, partly on account of unresolved issues in relation to flooding. This matter thus has little bearing on my findings in relation to Appeal A above. ... Most can be collectively addressed within the context of a single condition (3) requiring a Construction and Environmental Management Plan; the latter as understood in relation to BS 42020:2013, and in a format broadly as proposed by WDC. ... I have imposed a separate condition requiring implementation of proposed enhancement measures so as to ensure that such enhancement occurs. ... There is no need to impose suggested conditions requiring compliance with details shown on the plans as this is covered by the plans condition. In the same way, there is no need to restrict the addition of lighting as this is not shown, and I have not been directed to any relevant permitted development right. ... To the extent that conflict might nonetheless arise with Thames Water in relation to shared use of the private track providing access to the site and the adjacent water works, this matter would need to be separately addressed between those parties rather than by condition. ..."

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#">22/01593/FUL</a>   |  |
| <b>Linchmere Parish</b><br><b>Case Officer: Calum Thomas</b><br><b>Written Representation</b>  | Land North Of 1 To 16 Sturt Avenue Camelsdale Linchmere West Sussex GU27 3SJ<br><br>New bridge access. |
| <b>Appeal Decision: APPEAL ALLOWED</b>   |  |
| <p>"Appeal A - The development proposed is 9 dwellinghouses together with associated access, infrastructure, parking, and landscaping. Appeal B - The development proposed is a new bridge access. Appeal C - The development proposed is a new bridge access. Appeal A is dismissed. Appeal B is allowed. Appeal C is allowed. ... The main issues are:• whether the site is a suitable location for the proposed developments in relation to flood risk;• the effects of the proposed developments on biodiversity;• the effect of the proposed developments on the character and appearance of the area; and• whether the scheme subject of Appeal A would provide an appropriate mix of dwellings.</p> <p>... As set out in the PPG, even where a flood risk assessment shows that a development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. In its absence the appellant has failed to demonstrate that the site is a sequentially suitable location for the development subject of Appeal A. ... The proposed bridge would be a replacement of the existing ramshackle structure which provides access to the site. It would clearly form an integral part of the overall housing scheme. In this regard, as both are shown on the plans subject of Appeal A, my findings in relation to Appeal A above necessarily encompass the bridge. ... As a replacement of the structure providing sole means of access to the site, the proposed bridge could not be located elsewhere. ... Consequently, the proposed bridge has drawn no objection from either Council. I see no reason to reach a different view. ... I conclude that the appellant has failed to demonstrate that the site is a suitable location for the development subject of Appeal A on grounds of flood risk. The development would therefore conflict with Policy 42 of the Chichester Local Plan: Key Policies 2014-2029 (the CLP) which supports the application of national policy. ... Ecological Impact Assessment ... identified that the development would result in an overall loss of biodiversity, and that this would require off site mitigation. Insofar as further reference has been made to enhancement and 'net gain', this would also need to be delivered off site. A potential site has been identified for mitigation and enhancement. However, its use has not been secured, and the required measures have not been specified. Uncertainty thus exists over its future availability, whilst separate questions have been raised over its suitability. ... The PPG however states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. ... The scheme subject of Appeal A would therefore result in a net loss of biodiversity. ... However, insofar as Appeals B and C present the bridge in isolation, the 2022 report demonstrates that mitigation could be achieved on site. As proposed by CDC, conditions could additionally be applied in relation to potential pollution. ... I conclude that the development subject of Appeal A would have an adverse effect on biodiversity. It would therefore conflict with Policy 49 of the CLP, which, whilst providing scope for adverse effects on biodiversity to be outweighed by benefits, still requires mitigation; and Policy 52 of the CLP, which sets out the expectation that developments will protect and enhance existing green infrastructure and mitigate harm. ... The site otherwise falls within an area largely characterised by suburban housing, and its immediate setting includes housing, an elevated road and a pumping station. Though the site and some adjoining land is largely covered by trees, shrubs and other plants, there is</p> |  |

### Appeal Decision Continued

little sense that it occupies a countryside or rural location, or a site of transitional character. ... the provision of a cul-de-sac development accessed off an existing track would not be incongruous. Nor would the distinctive contemporary styling proposed. In this regard the various aspects of the proposed architectural design with which CDC has found fault are essentially stylistic. Similar is applicable to concerns expressed over scale, mass and bulk, which appear to be more directly related to the rectilinear flat roofed designs proposed than to the amount of built form. The development would otherwise be very well contained and not clearly visible within the broader street scene. ... The overall density of development would fall within the range which exists locally. ... The positioning of studios/garaging forward of the main frontage of some of the proposed dwellings represents an awkward feature of the design. However, this would cause no unacceptable harm. Considered within the context of the broader scheme subject of Appeal A, and given my findings above, the bridge would not appear in any way incongruous. This would be somewhat less true if the bridge was to be constructed in isolation. ... I conclude that the developments subject of Appeals A, B and C would have an acceptable effect on the character and appearance of the area. ... CDC partly refused planning permission on the basis that the housing mix would not be in line with the Chichester Housing and Economic Development Needs Assessment 2018 (HEDNA). The HEDNA does not however form part of the development plan, and indeed postdates adoption of the CLP. ... paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. However, I have not been directed to any adopted policy which directly addresses the matter. ... I conclude that the scheme subject of Appeal A would provide an appropriate mix of dwellings. ... Appeal A would conflict with the CDC's development plan taken as a whole. ... Even so, to the extent that the policies with which I have identified a conflict address flood risk and biodiversity, I am satisfied that they broadly reflect similar considerations set out within the Framework. ... The development would provide 9 open market dwellings and funding towards the provision of off-site affordable housing. ... Even if I was to attach significant weight to the related social and economic benefits, they would not outweigh the harm I have identified above. Allocation of the site for housing has been considered in the past. It remains the case however that it was not allocated, partly on account of unresolved issues in relation to flooding. This matter thus has little bearing on my findings in relation to Appeal A above. ... Most can be collectively addressed within the context of a single condition (3) requiring a Construction and Environmental Management Plan; the latter as understood in relation to BS 42020:2013, and in a format broadly as proposed by WDC. ... I have imposed a separate condition requiring implementation of proposed enhancement measures so as to ensure that such enhancement occurs. ... There is no need to impose suggested conditions requiring compliance with details shown on the plans as this is covered by the plans condition. In the same way, there is no need to restrict the addition of lighting as this is not shown, and I have not been directed to any relevant permitted development right. ... To the extent that conflict might nonetheless arise with Thames Water in relation to shared use of the private track providing access to the site and the adjacent water works, this matter would need to be separately addressed between those parties rather than by condition. ..."

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>21/00051/FUL</u></a>  |  |
| <p><b>Westbourne Parish</b><br/> <b>Case Officer: Calum Thomas</b><br/> <b>Written Representation</b></p>  | <p>The Stables Cemetery<br/> Lane Woodmancote Westbourne PO10 8QB</p> <p>Increase number of permitted caravans from 1 no. static and 1 no. tourer to 2 no. static and 2 no. tourers and retention of stable block.</p> |
| <b>Appeal Decision: APPEAL ALLOWED</b>   |  |
| <p>"The appeal is allowed, ... The planning application sought to introduce a second static caravan, and a tourer with the retention of the stable block built to the rear of the caravans. ... during the course of the appeal, the Council took the decision to withdraw both of these reasons, conceding in the Statement of Common Ground (SoCG), that there was no longer any sound reason why planning permission should not be granted, subject to appropriate conditions. ... Thus, given the Council's changed position, the main issue remaining for the decision maker, is the effect of the development on recreational disturbance, water and nitrates. ... The appellant has provided a signed unilateral undertaking dated 7 June 2023, to pay the sum of £870.00 as a financial contribution to the Bird Aware Solent Mitigation Scheme, ... I am satisfied that any adverse impact has been mitigated via the financial contribution to the Bird Aware Solent Mitigation Scheme, in accordance with Policy 50. ... The appellant submitted a Nitrate Mitigation Proposal with the application, which identified that 0,912 kg of nitrogen per year would need to be offset. This scheme proposed that an appropriate level of mitigation could be achieved by fencing and re-wilding some 0.114 hectare (ha) of land, that lies within the appellant's ownership. ... Natural England has confirmed that this satisfactorily demonstrates that the development can achieve nitrogen neutrality. ... the Council are now raising no concerns regarding the location of the development. They have found no harm to the character and appearance of the area, or the living conditions of the site occupiers, or other local residents. No highway, flooding or any other concerns were raised. ... I have no reason to take a different view and find the development accords with Policy 36. ... Whilst I acknowledge concerns regarding the number of pitches in the area, the proposed development has already been found to be acceptable in this regard, thus it does not alter my decision. ... The Council accept that they are unable to demonstrate a 5 year supply of pitches, so this additional pitch will contribute towards the Council's unmet need. ... In the interests of protecting the environment, a condition to ensure that the nitrate mitigation scheme is carried out in full, within a reasonable timeframe and then maintained and retained for the lifetime of the permission is necessary. ... There are no material considerations that indicate that the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be allowed, subject to the attached schedule of conditions."</p> |  |
|  |  |

### 3. IN PROGRESS

| Reference/Procedure  | Proposal  |
|--|---|
| <a href="#"><u>* 21/01830/OUT</u></a>  |   |
| <b>Birdham Parish</b><br><b>Case Officer: Andrew Robbins</b>   | Land Off Main Road Birdham Chichester West Sussex PO20 7HU<br><br>Outline planning application for up to 150 dwellings (including 30% affordable housing) with community park, public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.                           |
| <a href="#"><u>22/01164/FUL</u></a>  |   |
| <b>Birdham Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>                | Upper Creek End West lands Lane Birdham West Sussex PO20 7HH<br><br>Alterations to existing 2 no. flats to create 1 no. detached house and construction of 1 no. dwelling, detached garage and associated works   |
| <a href="#"><u>22/02502/FUL</u></a>  |   |
| <b>Bosham Parish</b><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>                 | Land North Of Southfield House Delling Lane Bosham West Sussex PO18 8NN<br><br>Change of use of poultry buildings to form 1 no. new dwelling, including partial demolition of existing garage, landscaping and associated works.  |
| <a href="#"><u>20/00040/CONENG</u></a>   |   |
| <b>Chichester Parish</b><br><b>Case Officer: Mr Michael Coates-Evans</b><br><b>Written Representation</b>  | Land North West Of Newbridge Farm Salthill Road Fishbourne West Sussex<br><br>Appeal against CC/154   |
| <a href="#"><u>* 21/02303/OUT</u></a>  |   |
| <b>Chidham &amp; Hambrook Parish</b><br><b>Case Officer: Calum Thomas</b><br><b>Written Representation</b> | Caravan And Camping Site Orchard Farm Drift Lane Bosham Chichester West Sussex PO18 8PP<br><br>Outline Application (with all matter 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. |



| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>22/02539/DOM</u></a>  |  |
| <b>Earnley Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>    | Earnley Place Clappers Lane Earnley West Sussex PO20 7JL<br><br>Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates. |
| <a href="#"><u>22/02540/LBC</u></a>  |  |
| <b>Earnley Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>    | Earnley Place Clappers Lane Earnley West Sussex PO20 7JL<br><br>Removal of existing single storey extension along east elevation. Construction of single storey extension on north elevation and 2 no. single storey lean-to extensions on east Elevation, replacement link, internal alterations and fenestration changes. Alteration and repairs to existing garden wall and painting of entrance gates. |
| <a href="#"><u>22/02662/FUL</u></a>  |  |
| <b>Earnley Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>    | Earnley Place Clappers Lane Earnley West Sussex PO20 7JL<br><br>Demolition of existing pavilion outbuilding and erection of 1 no. dwelling with basement, detached garage and swimming pool. New vehicular access and associated works.  |
| <a href="#"><u>22/02821/FUL</u></a>  |  |
| <b>Fishbourne Parish</b><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b> | 112 Fishbourne Road West Fishbourne West Sussex PO19 3JR<br><br>Demolishment of existing dwelling replaced with 5 no. apartments and change of use of existing outbuilding to create 1 no. two-bedroom dwelling with alterations to fenestration, 1 no. bike/bin store, alterations to access, parking, landscaping and associated works.  |
| <a href="#"><u>22/02398/DOM</u></a>  |  |
| <b>Hunston Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>    | Bremere House Selsey Road Hunston West Sussex PO20 1AU<br><br>Extension to existing double garage to form larger outbuilding with ancillary accommodation.   |

| Reference/Procedure   | Proposal  |
|---|---|
| <a href="#"><u>20/00005/CONMHC</u></a>  |   |
| <b>Hunston Parish</b><br><b>Case Officer: Sue Payne</b><br><b>Written Representation</b>    | Grist Farm Hunston Chichester West Sussex PO201JL<br><br>Appeal against HN/31   |
| <a href="#"><u>19/01400/FUL</u></a>   |   |
| <b>Loxwood Parish</b><br><b>Case Officer: Martin Mew</b><br><b>Written Representation</b>   | Moore's Cottage Loxwood Road Alfold Bars<br>Loxwood Billingshurst West Sussex RH14 0QS<br><br>Erection of a detached dwelling following demolition of free-standing garage.           |
| <a href="#"><u>* 21/02849/FUL</u></a>   |   |
| <b>Loxwood Parish</b><br><b>Case Officer: Calum Thomas</b><br><b>Written Representation</b> | Land South West Of Willets Way Willetts Way Loxwood<br>West Sussex<br><br>5 no. residential dwellings, vehicular and pedestrian access and hard and soft landscaping.                 |
| <a href="#"><u>22/00470/PA3Q</u></a>  |   |
| <b>Loxwood Parish</b><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b> | Mill House Farm Drungewick Lane Loxwood<br>Billingshurst West Sussex RH14 0RS<br><br>Proposed change of use from agricultural buildings to 4 dwellings - (C3 Use class); Class Q (a). |
| <a href="#"><u>22/00637/PA3Q</u></a>  |   |
| <b>Loxwood Parish</b><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b> | Mill House Farm Drungewick Lane Loxwood Billingshurst<br>West Sussex RH14 0RS<br><br>Proposed change of use from agricultural building to 1 dwelling - (C3 Use class).                |
| <a href="#"><u>22/01565/ELD</u></a>   |   |
| <b>Loxwood Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Informal Hearings</b>      | Loxwood Farm Brewhurst Lane Loxwood West Sussex<br>RH14 0RJ<br><br>Existing lawful development use of land as garden curtilage.   |



| Reference/Procedure   | Proposal   |
|---|--|
| <a href="#"><u>22/00185/CONENG</u></a>  |  |
| <b>North Mundham Parish</b><br><b>Case Officer: Sue Payne</b><br><b>Written Representation</b>  | Land Adjacent To The Spinney Pagham Road Runcton<br>West Sussex<br>Appeal against NM/30  |
| <a href="#"><u>22/01003/FUL</u></a>   |  |
| <b>Oving Parish</b><br><b>Case Officer: Joanne Prichard</b><br><b>Written Representation</b>  | Littlemead Business Centre, S & R Interiors Limited<br>Tangmere Road Tangmere West Sussex PO20<br>2EU<br><br>Two storey rear extension employing class uses E(g)(iii)<br>and B8 Ground Floor with ancillary offices on first floor<br>mezzanine E(g)(i) plus PV to roof. |
| <a href="#"><u>21/01697/PA3Q</u></a>  |  |
| <b>Plaistow And Ifold Parish</b><br><b>Case Officer: Rebecca Perris</b><br><b>Written Representation</b>  | Premier Treecare & Conservation Ltd Oxencroft Ifold<br>Bridge Lane Ifold Loxwood Billingshurst West Sussex<br>RH14 0UJ<br><br>Prior notification for the change of use of agricultural<br>buildings to 1 no. dwelling (C3 Use Class) with alterations                    |
| <a href="#"><u>20/00414/CONHH</u></a>   |  |
| <b>Plaistow And Ifold Parish</b><br><b>Case Officer: Sue Payne</b><br><b>Public Inquiry</b><br><b>19-Feb-2024</b><br><b>Chichester District Council</b><br><b>East Pallant House PO19</b><br><b>1TY</b> | Oxencroft Ifold Bridge Lane Ifold Loxwood<br>Sussex RH14 0UJ<br>Appeal against Enforcement Notice PS/71.   |
| <a href="#"><u>* 21/02895/FUL</u></a>   |  |
| <b>Selsey Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>  | The Boulevard 3 New Parade High<br>Street Selsey Chichester West Sussex PO20 0QA<br><br>Retention of canopy to shopfront.  |
| <a href="#"><u>22/01038/PA3Q</u></a>  |  |
| <b>Sidlesham Parish</b><br><b>Case Officer: Sascha Haigh</b><br><b>Written Representation</b>   | Butskiln Street End Road Sidlesham Chichester<br>West Sussex PO20 7QD<br>Change of use of agricultural building to form 1 no. dwelling<br>(Use Class C3) and associated operational development.   |

| Reference/Procedure  | Proposal   |
|--|--|
| <a href="#"><u>23/00431/FUL</u></a>  |  |
| <b>Sidlesham Parish</b><br><b>Case Officer: Freya Divey</b><br><b>Written Representation</b>               | Land At Oakview Fletchers Lane Sidlesham Chichester West Sussex PO20 7QG<br>Erection of L-shaped stable block.   |
| <a href="#"><u>20/02077/FUL</u></a>  |  |
| <b>Southbourne Parish</b><br><b>Case Officer: Martin Mew</b><br><b>Written Representation</b>              | Marina Farm Thorney Road Southbourne Emsworth Hampshire PO10 8BZ<br>Redevelopment of previously developed land. Removal of existing 5 no. buildings. Proposed 1 no. dwelling.                |
| <a href="#"><u>19/00103/CONCOU</u></a>   |  |
| <b>Southbourne Parish</b><br><b>Case Officer: Mr Michael Coates-Evans</b><br><b>Written Representation</b> | Thornham Marina Thornham Lane Southbourne Emsworth Hampshire PO10 8DD<br>Appeal against SB/124   |
| <a href="#"><u>22/02927/FUL</u></a>  |  |
| <b>West Itchenor Parish</b><br><b>Case Officer: Emma Kierans</b><br><b>Written Representation</b>          | Sanderlings Spinney Lane Itchenor West Sussex PO20 7DJ<br>Construction of tennis court (alternative to permission 21/03159/DOM).   |
| <a href="#"><u>20/01192/FUL</u></a>  |  |
| <b>West Wittering Parish</b><br><b>Case Officer: Martin Mew</b><br><b>Written Representation</b>           | Edelsten Cottage 2 Marine Drive West Wittering PO20 8HE<br>Demolition of single dwelling house and construction of development comprising 4 no.2 bed flats, new access and associated works. |
| <a href="#"><u>23/00076/CONCOU</u></a>   |  |
| <b>Westbourne Parish</b><br><b>Case Officer: Andrew George</b><br><b>Written Representation</b>            | Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ<br>Appeal against WE/60  |
| <a href="#"><u>23/00076/CONCOU</u></a>   |  |
| <b>Westbourne Parish</b><br><b>Case Officer: Andrew George</b><br><b>Written Representation</b>            | Southleigh Park Estate The Woodlands Marlpit Lane Hambrook Westbourne Emsworth West Sussex PO10 8EQ<br>Appeal against WE/61  |

#### 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                                  |
| Birdham, Birdham Road | Contempt of court for breach of Injunction made by The High Court | Final Hearing on 20 & 21 December 2023 |

| Prosecutions                              |                       |   |
|---|-----------------------|---|
| Site                                      | Breach                | Stage   |
| 82a Fletchers Lane, Sidlesham             | Of Enforcement Notice | Matter adjourned to 28 November for pleas to be entered.  |
| Land East of Farmfield Nurseries, Hunston | Of Enforcement Notice | Not guilty. Trial to be scheduled by the court in the new year. Awaiting date.                  |
| Crouchlands, Lagoon 3                     | Of Enforcement Notice | Not guilty plea. Trial on 25 January 2024.  |
| Land South of the Stables                 | Of Enforcement Notice | Matter adjourned pending planning application. Hearing for plea to be entered on 2 January 2024 |
| Copygrove Copse, Northchapel              | Of Enforcement Notice | First hearing on 16 January 2024  |

#### 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 18-10-2023 and 14-11-2023

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

|   |  |
|---|--|
| <p><a href="#">SDNP/22/05020/HOUS</a><br/>Funtington Parish Council<br/>Case Officer: Louise Kent<br/><br/><b>Householder Appeal</b></p>              | <p>6 Heather Close West Ashling West Sussex PO18 8DR - Proposed rear dormer with internal alterations.</p>   |
| <p><a href="#">SDNP/21/00526/GENER</a><br/>Lodsworth Parish Council<br/>Case Officer: Michael Coates-Evans<br/><br/><b>Written Representation</b></p> | <p>Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17</p>  |
| <p><a href="#">SDNP/22/04387/CND</a><br/>Fernhurst Parish Council<br/>Case Officer: Jenna Shore<br/><br/><b>Householder Appeal</b></p>                | <p>Copyhold Copyhold Lane Fernhurst West Sussex GU27 3DZ - Construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light).</p> |

## 2. DECIDED

|   |   |
|---|---|
| <p><a href="#">SDNP/22/02956/FUL</a><br/>Sutton &amp; Barlavington Parish Council</p> <p>Case Officer: Beverly Stubbington</p> <p><b>Written Representation</b></p>   | <p>Carriage House Burton Park Road Barlavington West Sussex GU28 0JS - Demolition of stables and pole barn. Construction of replacement building comprising a one- bedroom holiday let and vehicle store.</p> |
| <b>Appeal Decision: APPEAL DISMISSED</b>  |   |
| <p>Decision</p> <p>1. The appeal is dismissed.</p> <p>Main Issue</p> <p>2. The main issue is the effect of the development on the character and appearance of the landscape and the intrinsic qualities of the South Downs National Park.</p> <p>Reasons</p> <p>3. The stables and pole barn lie in a roughly L-shaped field that borders the domestic garden of Carriage House to the south. There is a large care home to the west and a loose line of dwellings, beyond an area of woodland, to the east. However, all of these buildings lie within a wide expanse of otherwise open countryside. The stables and pole barn are sited in the lowest part of the field, backed by the tall trees in the woodland. There is also substantial tree cover along the northern boundary so, together with the built development on the other two sides, the field is visually separated from the surrounding landscape. The buildings are set well back from Burton Park Road, and are accessed via a winding hedge-lined drive, so are not visible from the highway.</p> <p>4. The buildings are in a poor state of repair, but their low profile, rustic materials, and secluded location mean that, although they cannot be described as a positive feature, they have become assimilated into the landscape and do not detract from its rural character. The replacement building would be in a similar location, but it would be considerably wider and higher, with a metal-clad exterior. It would, therefore, be a much more strident feature, with domestic scale windows and doors, giving it a residential appearance that would be uncharacteristic of its rural surroundings. Furthermore, a considerable area of land in front of the building would be levelled and surfaced, with stone gabions installed to retain the sloping field beyond. The overall proposal would, therefore, have a much greater visual impact than the existing, rather unassuming buildings.</p> <p>5. The increased scale of the structure, the extensive excavations to provide the vehicle manoeuvring area, and the domestic appearance of the building, would result in the development being incongruous and harmful to the character of its rural surroundings. Notwithstanding this, the proposed building would be in the same location as the existing stables and pole barn, so would not intrude into the open gap between the site and the dwellings beyond the woodland. It would also be well-screened from most viewpoints by the adjacent woodland and boundary vegetation, and the existing buildings on two sides. Consequently, it would not be widely visible, so the harm to the landscape would be limited. Nevertheless, the development would not conserve and enhance landscape character, as required by Policy SD4 of the South Downs Local Plan (2014-33) (the Local Plan).</p> <p>6. I have a duty, under Section 62 of the Environment Act 1995, to have regard to the purposes for which National Parks are designated. One of these is to conserve and enhance their natural beauty, wildlife, and cultural heritage. Paragraph 176 of the National Planning Policy Framework (the Framework) also says great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues.</p> |   |

## Appeal Decision Continued

Policy SD1 of the Local Plan says that permission will be refused where development fails to conserve the National Park landscape, unless there are overriding benefits, or the proposal substantially complies with other relevant policies in the development plan. 7. Policy SD23 of the Local Plan specifically addresses proposals for visitor accommodation. It draws on evidence from the Authority's Visitor Accommodation Review (2015) and Sustainable Tourism Strategy 2015-20, which identified shortages of all types of holiday accommodation at peak times, a strong demand for high quality accommodation, and increasing demand for all types of accommodation in the future. Policy SD23 is positively worded, saying that proposals will be permitted where a range of criteria are satisfied. It does not require proposals to be located within settlement policy boundaries, but, where they are not, it requires that accommodation is closely associated with other attractions/established tourism uses, including the public rights of way (PROW) network. In this regard, the evidence indicates that the nearest PROW is within 400 metres, and the nearest long-distance PROW is within 800 metres.

8. However, outside settlement policy boundaries, Policy SD23 requires that proposals positively contribute to the natural beauty, wildlife, and cultural heritage of the National Park. I have already concluded above that the proposal would result in harm to the rural landscape. I acknowledge that there is some tension between Policy SD23 of the Local Plan, which encourages new visitor accommodation, and those policies that seek to conserve and enhance the landscape of the National Park, and that some balancing of these competing interests is necessary. Some limited landscape harm may be outweighed by the benefits of increased visitor accommodation. In this case, however, much of the landscape harm arises from the increased size of the building, and the enlarged hardstanding and manoeuvring area. These result mainly from the inclusion of the vehicle store, which would provide secure storage for the appellants' motorhome and other vehicles, rather than providing any tourism benefits. The landscape harm resulting from this element of the proposal cannot, therefore, be outweighed by any support derived from Policy SD23.

9. It has been suggested that the vehicle store is supported by Policy SD31 of the Local Plan. However, the policy is entitled Extensions to Existing Dwellings and Provision of Annexes and Outbuildings. As the appeal site lies in a field outside the residential curtilage of Carriage House, it would not derive support from this policy.

10. The proposed holiday let would result in some additional activity within the site and on the surrounding roads. However, its small scale means that the impact would be very limited. The largely concealed location of the building means that any additional on-site activity would not be readily evident. Furthermore, it would be located close to a cluster of buildings, including a large care complex, which already result in a degree of activity. Overall, the relative tranquillity of the locality would not be significantly affected, so I find no conflict with Policy SD7 of the Local Plan.

11. I have been provided with little evidence by either party regarding compliance with the level of lighting protection set out in the table in Policy SD8 of the Local Plan. However, no external lighting is proposed. The holiday let would have limited window openings, and any light spill would not be readily evident from any public viewpoints, due to the level of tree screening. Furthermore, it is likely that curtains within the accommodation would be drawn after dark. Consequently, there would be insignificant impact on dark night skies, and I therefore find no conflict with Policy SD8.

12. The Council's reason for refusal cites Policies SD9 and SD10 of the Local Plan, however, no evidence has been provided to demonstrate that there would be any harm to biodiversity or international wildlife sites as a result of the development. I therefore find no conflict with these policies. 13. In coming to my conclusion, I am mindful that paragraphs 84 and 85 of the Framework seek to support a prosperous rural economy, and advise that planning decisions should enable sustainable rural tourism. However, this is caveated by the need to respect the character of the countryside. I also acknowledge that one of the National Park purposes is to promote opportunities for the understanding and enjoyment of its special qualities by the public, and that, in pursuit of its purposes there is a duty to seek to foster the economic and social wellbeing of its local communities.

### **Appeal Decision Continued**

However, where there is a conflict between the National Park purposes, greater weight should be attached to the conservation purpose. 14. The proposal would result in harm to the character and appearance of the National Park landscape, which would not be outweighed by the benefits to the rural economy through increased visitor accommodation. Consequently, it would be contrary to Policies SD1, SD4, SD5 and SD23 of the Local Plan which, taken together, seek to conserve the natural beauty and landscape character of the National Park, whilst allowing for appropriately located and well-designed visitor accommodation.

#### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR



### 3. CURRENT APPEALS

|  |   |
|--|---|
| <p><a href="#">SDNP/22/01619/FUL</a><br/>Compton Parish Council<br/>Case Officer: Louise Kent</p> <p><b>Written Representation</b></p>                       | <p>Land East of Noredown Way West Marden West Sussex - Laying of permeable hardstanding to facilitate access, turning and parking associated with existing private stable building (retrospective).</p>   |
| <p><a href="#">SDNP/19/00375/BRECO</a><br/>Stedham With Iping Parish Council<br/>Case Officer: Michael Coates-Evans</p> <p><b>Written Representation</b></p> | <p>Wispers Titty Hill Milland Midhurst West Sussex GU29 0PL - Appeal against ML/26</p>  |
| <p><a href="#">SDNP/21/03679/FUL</a><br/>Compton Parish Council<br/>Case Officer: Derek Price</p> <p><b>Written Representation</b></p>                       | <p>Compton Farmhouse Church Lane Compton PO18 9HB - Retrospective installation of a single run of underground drainage piping.</p>  |
| <p><a href="#">SDNP/22/03718/CND</a><br/>Milland Parish Council<br/>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>                     | <p>Wardley Farm Cottage Wardley Lane Milland West Sussex GU30 7LX - Demolition of the existing residential dwelling and replacement with two storey three bedroom residential building - Variation of Condition 2 of Planning Permission SDNP/21/05788/FUL - addition of 1 no. dormer window on east elevation.</p> |
| <p><a href="#">SDNP/21/04688/FUL</a><br/>Bury Parish Council<br/>Case Officer: Beverly Stubbington</p> <p><b>Written Representation</b></p>                  | <p>Stane Lodge Bury Gate Bury RH20 1HA - Demolition of existing dwelling and garage and erection of replacement dwelling, garage with tennis court.</p>   |
| <p><a href="#">SDNP/22/03527/FUL</a><br/>Bury Parish Council<br/>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>                        | <p>Foxbury Farm West Burton Road West Burton Pulborough West Sussex RH20 1HD - Convert main barn into 4 no. bedroom dwelling. Convert secondary barn to offices/storage and change of use of smaller barn to storage. Alterations to vehicle access from West Burton Road and new landscaping.</p>                  |

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| <p><a href="#">SDNP/22/05020/HOUS</a><br/>Funtington Parish Council</p> <p>Case Officer: Louise Kent</p> <p><b>Householder Appeal</b></p>              | <p>6 Heather Close West Ashling West Sussex PO18 8DR - Proposed rear dormer with internal alterations.</p>   |
| <p><a href="#">SDNP/22/02936/HOUS</a><br/>Kirdford Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>          | <p>Scrubb House Farm Cottage Crimbourne Lane Kirdford West Sussex RH14 0HX - Construction of link to join house with annex.</p>  |
| <p><a href="#">SDNP/21/00526/GENER</a><br/>Lodsworth Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p><b>Written Representation</b></p> | <p>Erickers The Street Lodsworth Petworth West Sussex GU28 9BZ - Appeal against LD/17</p>  |
| <p><a href="#">SDNP/22/04387/CND</a><br/>Fernhurst Parish Council</p> <p>Case Officer: Jenna Shore</p> <p><b>Householder Appeal</b></p>                | <p>Copyhold Copyhold Lane Fernhurst West Sussex GU27 3DZ - Construction of extensions, following the partial demolition of detached dwelling. Construction of replacement annex. (Variation of condition 2 of permission SDNP/21/04805/HOUS - introduction of a solid roof lantern light).</p> |
| <p><a href="#">SDNP/23/00001/UNCM</a><br/>Bury Parish Council</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>                  | <p>Roman Mile Farm Bignor Park Road Bignor Pulborough West Sussex RH20 1HQ - Appeal against BG/6</p>   |
| <p><a href="#">SDNP/20/00622/GENER</a><br/>Stoughton Parish Council</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>            | <p>Green Lanes Farm Back Lane Forestside Stoughton West Sussex PO9 6EB - Appeal against SO/15</p>  |

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|---|--|
| <p><a href="#"><u>SDNP/21/00367/COU</u></a><br/>Compton Parish Council</p> <p>Case Officer: Michael Coates-Evans</p> <p><b>Written Representation</b></p> | <p>Land East of Noredown Way West Marden West Sussex - Appeal against CP/10</p>  |
| <p><a href="#"><u>SDNP/23/02896/LDE</u></a><br/>Bury Parish Council</p> <p>Case Officer: Derek Price</p> <p><b>Written Representation</b></p>             | <p>Roman Mile Farm (Plot 2) Bignor Park Road Bignor West Sussex RH20 1HQ - Existing lawful development certificate for the use of a caravan as a dwelling.</p>   |
| <p><a href="#"><u>SDNP/23/00540/LDE</u></a><br/>Lodsworth Parish Council</p> <p>Case Officer: Lauren Cripps</p> <p><b>Written Representation</b></p>      | <p>Land adjacent to Hazelnut Cottage The Street Lodsworth West Sussex GU28 9BZ - Existing lawful development certificate for the use of paddock north-east of Hazelnut Cottage as garden land in connection with Hazelnut Cottage for at least the past 10 years continuously.</p> |
| <p><a href="#"><u>SDNP/22/00156/GENER</u></a><br/>Duncton Parish Council</p> <p>Case Officer: Sue Payne</p> <p><b>Written Representation</b></p>          | <p>Rose Cottage High Street Duncton Petworth West Sussex GU28 0LB - Appeal against DN/6</p>  |

**4. VARIATIONS TO SECTION 106 AGREEMENTS**

**5. CALLED-IN APPLICATIONS**

| <b>Reference</b> | <b>Proposal</b> | <b>Stage</b> |
|------------------|-----------------|--------------|
|                  |                 |              |

**6. COURT AND OTHER MATTERS**

| <b>Injunctions</b> |               |              |
|--------------------|---------------|--------------|
| <b>Site</b>        | <b>Breach</b> | <b>Stage</b> |
|                    |               |              |

| <b>Court Hearings</b> |               |              |
|-----------------------|---------------|--------------|
| <b>Site</b>           | <b>Matter</b> | <b>Stage</b> |
|                       |               |              |

| <b>Prosecutions</b> |               |              |
|---------------------|---------------|--------------|
| <b>Site</b>         | <b>Breach</b> | <b>Stage</b> |
|                     |               |              |

**7. POLICY MATTERS**